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‘God and the Devil on an equal plane’: School Desegregation, Private Education and Engel vs. Vitale

Dr. Ansley L. Quiros

When Harry and Ann Entekin decided to leave the recently integrated local public school and send their sons to Southland Academy, a new all-white private school in Americus, Georgia, they unsurprisingly cited a recent Supreme Court decision as justification. But it wasn't *Brown v. Board*. It was *Engel v. Vitale*. This 1962 decision, colloquially referred to as the “school prayer decision,” banned prayer and other religious exercises in public schools. It also, in the struggle over school integration, offered segregationists religious rationalizations for abandoning integrated public schools. While the story of white flight from public institutions in the decades following the civil rights movement is well-documented, the reasoning behind such an exodus has not yet been fully explored.¹ Of course, it was about race. But, as

¹ See Kevin M. Kruse, *White Flight: Atlanta and the Making of Modern Conservatism* (Princeton: Princeton University Press, 2007). For other excellent works on conservatism in the South see: Joseph Crespino, *In Search of Another Country: Mississippi and the Conservative Counterrevolution* (Princeton: Princeton University Press), 2007; Jason Sokol, *There Goes My Everything: White Southerners in the Age of Civil Rights, 1945-1975* (New York: Vintage Books), 2007; *Rightward Bound: Making America Conservative in the 1970s* ed. by Bruce J. Schulman and Julian E. Zelizer (Cambridge: Harvard University Press, 2008); Matthew D. Lassiter, *The Silent Majority: Suburban Politics in the Sunbelt South* (Princeton: Princeton University Press, 2006).

Harry and Ann Entekin insisted, it was also about prayer, about the right to Christian education. In seeking to preserve segregated institutions, southern conservatives concocted a reified separateness based in evangelical Christianity. In turn, they not only avoided integrated education, they refashioned the issue of racial justice into one about religious liberty.

The invocation of *Engel* in the 1960s struggle over school integration reveals the often overlooked religious elements of the opposition to civil rights and hints at early connections between racial and evangelical conservatism. Historiographically, the racial conservatism of the 1960s and evangelical political conservatism of the 1970s and 1980s have traditionally been regarded as distinct: one the product of backwards, hateful racists, the other of saavy and/or sincere fundamentalist believers. But this bifurcation promotes a “flattened portrait” of conservatism and limits our historical understanding of both eras.² In recent years, scholars such as Joe Crespino, Jane Dailey, Charles Marsh, and Carolyn Renee Dupont have begun to explore the complexities within the larger story of Southern conservatism, particularly the vexing interplay between racial politics and religious devotion.³ Southern conservatives, these historians have found, often

² Joseph Crespino, *Strom Thurmond's America* (New York: Hill and Wang), 2012, 8-9. Too often, Crespino argues, historians “make facile distinctions between Sunbelt conservatives, who are figured as modern, principled and broadly ideological, and southern conservatives, who are figured chiefly as backward and racist.”

³ See: Joseph Crespino, *In Search of Another Country: Mississippi and the Conservative Counterrevolution* (Princeton: Princeton University Press), 2007; Jane Dailey, “Sex, Segregation, and the Sacred After *Brown*,” *Journal of American History*. 91, no. 1 (June 2004); 119-144; Jane Dailey, “The Theology of Massive Resistance: Sex, Segregation, and the Sacred after *Brown*” in *Massive Resistance*. ed. Clive Webb (New York: Oxford University Press, 2005); Charles Marsh, *God's*

invoked religion in making racial arguments, just as issues of race lurked beneath many religious issues. In that murky space between race and religion, between appeals to Constitutional liberty and theological orthodoxy, a politically viable conservatism emerged.

It is to that story, as it happened in a small town in Georgia, that we turn. By examining the integration of public schools and the subsequent establishment of a Christian private school in Americus, Georgia, certain links between racial separatism and religious liberty become evident, links that provide insight into the enduring power of Southern conservatism.

Many Georgians, including those in Americus, held out hope even after *Brown* that their public schools would never be integrated. They had good reason to. When Ernest Vandiver ran for Governor of Georgia in 1958, he ran under the campaign motto “no, not one!”⁴ Not one black child would enter a Georgia school on his watch, he thundered, a promise that got him elected but would prove difficult to keep. In 1959, U.S. District Judge Frank Hooper ruled in the case of *Calhoun vs. Latimer* that Atlanta’s segregated school system was unconstitutional, giving the state one year to either implement the *Brown* decision and integrate the schools or face penalties levied by the

Long Summer (Princeton: Princeton University Press, 1997), Carolyn Renee Dupont, *Mississippi Praying: Southern White Evangelicals and the Civil Rights Movement, 1945-1975* (New York: New York University Press, 2013).

⁴ His stump speech concluded, “We will not bow our heads in submission to naked force. We have no thought of surrender. We will not knuckle under. We will not capitulate. I make this solemn pledge...When I am your governor, neither my three children, nor any child of yours, will ever attend a racially mixed school in the state of Georgia. No, not one.” (Press release of speech, 9 August 1958, box 13, Vandiver Papers, as quoted in Jeff Roche, *Restructured Resistance: The Sibley Commission and the Politics of Desegregation in Georgia* (Athens: University of Georgia Press, 1998, 73.)

federal government. Governor Vandiver had a crisis on his hands. He could defy the court, which would halt funding to Atlanta's schools and effectively shut down the public school system in the state--fulfilling his campaign promise. Or, he could comply with the federal ruling and allow for the integration of Atlanta's schools, preserving public education but incurring the sure ire of his white electorate. The Governor was torn.

After convening with some political leaders in the state, Vandiver established the General Assembly Committee on Schools, better known as the Sibley Commission, named after its chair, Atlanta attorney John Sibley.⁵ The brainchild of Vandiver's chief of staff Griffin Bell, the Sibley Commission set out to gauge the "sentiment" in Georgia over school desegregation and make a recommendation to the state General Assembly about what to do before *Calhoun's* deadline. In Georgia, the vast majority of those who advocated compliance *and* those who advocated resistance were segregationists. That segregation was preferable was never really in question. As Atlanta journalist Ralph McGill explained, it "was never a question of being for integration or against it. It was, and is, a question of public schools or no schools."⁶ Ten meetings were held across the state to listen to residents, and, as Bell stated, to elect "whether to close the schools or integrate them."⁷ The first meeting was held on March 3, 1960, in Bell's hometown--

⁵ John Sibley was an attorney at King & Spalding, a businessman, and prominent University of Georgia alumnus. See: John Sibley Papers, Emory University, Atlanta GA.

⁶ Ralph McGill, "The Slow Mills of Law," in *A Church, A School*, (Nashville: Abingdon Press, 1959), 92.

⁷ Oral history interview with Judge Griffin Bell, 1997 September 24, Georgia's Political Heritage Program Oral History Interviews. Annie Belle Weaver Special Collections, Irvine Sullivan Ingram Library, University of West Georgia.

Americus, Georgia.

On an unusually icy day, the first meeting of the Sibley Commission rang into order. People filed into the Americus County Courthouse, some clad in coveralls and others in suits, many with prepared notes and speeches tucked into their pockets. The group assembled in Americus represented the twenty counties of Georgia's Third District, an area popularly known as the Black Belt. As predicted, these counties proved the most dedicated to complete segregation in schools, since all but six of them had a majority of black student enrollment. After John Sibley presented Georgia's options, he called witnesses, including W.C. Mundy, the superintendent of Americus schools, Charles Crisp, a prominent local businessman, Louise Hines of the Manhattan Shirt Company, George L. Mathews, chairman of the County Commissioners, and Marvin McNeill, a businessman and farmer. These individuals all insisted that the best tactic for the state was "segregation now, segregation forever, by any means necessary, and at all costs," as did forty-two of the additional fifty-one people who testified at the hearing.⁸

As the Commission continued its meetings throughout the state, from the Appalachian lakes in Rabun County to the Spanish moss covered oaks of the lowcountry, the message was largely the same as it

⁸ The Americus and Sumter County Movement Remembered. See also: Transcript, Georgia General Assembly Committee on Schools, Hearing, 3 March 1960, (Americus hearing transcript), Sibley Papers, Emory University, Atlanta, GA. This included the testimony of black residents. Black delegations from Sumter, Stewart and Chattahoochee counties all testified that they favored "continued segregation." (Roche, *Restructured Resistance*, 105). Of course, though there was some validity to the position that the black community would lose autonomous schools and that black teachers may be fired if schools were integrated, this testimony was also not entirely free, as black witnesses were coerced and threatened.

had been in Americus. Georgians listened to hearings on the radio and read reports in the morning news, many joking that they were keeping score.⁹ Sibley himself, though a segregationist, was surprised by the consistent willingness of most Georgians to sacrifice the public school systems rather than allow for even token integration. Altogether, an estimated sixty percent of Georgia residents reported that they favored closing the schools to integrating them.¹⁰ The Sibley Commission, searching for some way to stay on the right side of the law and placate the people, recommended complying with Judge Hooper's desegregation ruling nominally, while coming up with alternative measures to keep schools practically segregated. It was a compromise. Georgia's leaders certainly wanted to maintain white supremacy, but they also desperately sought to avoid the disgraceful racist spectacles produced by the states surrounding them.¹¹ So, when two black

⁹ Roche, *Restructured Resistance*, 107. Many Georgians joked that they were tallying up the score.

¹⁰ In some ways this number is lower than expected. Most likely, this is due to geographical splits. In addition to the outlier of Atlanta in the state, many of Georgia's northern districts voted for compliance. These areas, while still mostly segregationist, were not demographically threatened by integration. Though they may have preferred segregated education, they did not want to see the schools shut down when the decision to integrate would have little local effect. In places like Americus, as we've seen, the percentage of those in favor of massive resistance was much higher.

¹¹ Jeff Roche describes the story of the Sibley Commission as one of "how massive resistance ultimately failed in Georgia and why the Sibley Commission's restructured resistance succeeded." In avoiding dramatic displays of resistance, Georgia, under the direction of business and political elites like John Sibley and Griffin Bell, was able to attract commerce and stave off humiliation. They were also able to quietly preserve the racial status quo, and leave a legacy of inequality in education. Roche notes that the Commission created a "new form of segregation," one that he says "resembles the North's" and which was a "deliberate new form of defiance—a restructured resistance—rooted in

students sought entry to the University of Georgia in January of 1961, Governor Vandiver opted not to defy the court and to have them admitted. Because of Judge Bootle's rulings, the Sibley Commission's better judgment, and Governor Vandiver's prudence, Georgia, unlike its neighbors, did not undertake a campaign of massive resistance. In time, schools throughout the state integrated, while resistant Georgians were forced to find other ways to subvert federal rulings and preserve segregation in education.

In Americus, school desegregation came in response to the 1964 Civil Rights Act.¹² Part of the landmark 1964 legislation, Title VI, provided the federal government the authority to withhold funding from any institution, school, or organization that it deemed to be racially discriminatory. Then, with the 1965 Elementary and Secondary Education Act, Congress sweetened the deal by adding 590 million dollars to southern states for the 1966 fiscal year.¹³ Ten years after *Brown*, the federal government was putting its money where its mouth was, and it seemed like an offer public education in the South could hardly refuse. While a paltry one percent of black schoolchildren

contemporary practicality and corporate pragmatism.” (Roche, *Restructured Resistance*, xv-xvii).

¹² The integration of Americus High in 1964 is consistent with national trends regarding school integration. Marian Wright Edelman of the Children's Defense League estimated that in the ten years following *Brown*, 1954-1964, a meager 1% of black schoolchildren moved into previously all-white schools. Between 1964-1973 however, that number jumped to 46%. David Nevin and Robert E. Bills, *The Schools that Fear Built: Segregationist Academies in the South* (Washington, D.C.: Acropolis Books, 1976).

¹³ See Crespino, *In Search of Another Country*, 176; *United States vs. Jefferson County Board of Education*, 372 F.2d836 (1966), 856. Whether or not schools or institutions were in compliance with the Civil Rights Act was determined by the Department of Education, Health and Welfare.

enrolled in previously all-white public schools in the ten years following the initial *Brown* ruling, that number spiked to a respectable forty-six percent in the second decade after *Brown*.¹⁴ In order to comply with the *Brown* decision and the Civil Rights Act and receive federal funding, many southern school districts implemented “freedom of choice” plans, which, ostensibly, gave schoolchildren the ability to decide which school they wanted to attend.¹⁵ Under these freedom of choice plans, any child in a given school district could decide to attend any school in that district, with the provision that they could be rejected due to “overcrowding or some other extraordinary circumstance.”¹⁶ The U.S. Commission on Civil Rights noted that freedom of choice plans were “favored overwhelmingly” by the 1,787 southern school districts that had chosen to desegregate voluntarily, including eighty-three percent of such districts in Georgia.¹⁷ By giving families a decision over where their children would go to school, southern schools could comply with the Civil Rights Act, receive federal funding and yet, by “choice,” remain largely segregated. In some “mystifying” logic, Southern lawmakers, educators, and courts concluded that while

¹⁴ Marian Wright Edelman of the Children’s Defense League, David Nevin and Robert E. Bills, *The Schools that Fear Built: Segregationist Academies in the South* (Washington, D.C.: Acropolis Books, 1976), 9.

¹⁵ In order to receive federal funding, local school districts could submit a voluntary plan of desegregation--either a plan for designating school attendance by geographical area or by ‘freedom of choice,’ the choice of most southern school districts. These plans had to be approved by the Attorney General and the Department of Health, Education and Welfare.

¹⁶ Revised Statement of Policies for School Desegregation Plans under Title VI of the Civil Rights Act of 1964, 45.CRR, 181 (1966).

¹⁷ U.S. Commission on Civil Rights, Southern School Desegregation, 1966-1967, 45-46 (1967). Of school districts desegregating non-voluntarily (under court order), freedom of choice plans were also favored, with 129 of the 160 southern districts in this category implementing them.

Brown outlawed segregation, it did not require integration.¹⁸ As historian Joe Crespino put it, freedom of choice plans, despite the moniker, “had little do to with freedom or choice.”¹⁹

The Americus school board decided to implement a freedom of choice policy for the 1964-1965 school year. Though the integration effort was more symbolic than substantive, the adoption of a freedom of choice plan nevertheless indicated a sharp turn from the sentiment expressed during and since the 1960 Sibley Commission hearings.²⁰ In

¹⁸ There was great debate throughout the courts and public about what exactly was constitutionally mandated by *Brown*. Was the state required to “take affirmative action to remedy the inequality by mixing the races” or simply “precluded from requiring segregation but not forced to act affirmatively to achieve a certain degree of integration”? (Richard W. Brown, “Freedom of Choice in the South: A Constitutional Perspective,” *Louisiana Law Review*, Vol. 28, No. 3, April 1968; <http://digitalcommons.law.lsu.edu/larev/vol28/iss3/21>.) The story of federal funding and school desegregation is very complicated. See *Brown vs Board of Education* (1954), *Brown II* (1955), *Briggs vs. Elliot* (1955), *Goss vs. Board* (1963), *Bell vs. School Board, City of Gary* (1963), *US vs. Jefferson County* (1966), *US vs. Jefferson County II* (1967). See also: Crespino, *In Search of Another Country* 177-179.

¹⁹ Crespino, *In Search of Another Country*, 177.

²⁰ In May, the county Board of Education opted to forgo federal money rather than desegregate, a sum of 16,596.76, 2.1% of their operating budget. But it seems the Board reconsidered. In July, the Board decided to comply with state requests, adopting guidelines to integrate the schools in the Fall and sending a plan to Washington for federal approval. “Sumter School Board Set to Submit Plan,” *Americus Times-Recorder*, July 1, 1965; “Sumter School Officials Changed their minds and decided to submit a desegregation plan.” There is a difference between Americus High School (city schools) and Sumter County schools (county schools), though information about desegregation is often the same. By 1965, then, four black children had integrated Americus High School (Americus City System), but the county schools had not yet allowed black students. Sumter County was one of eight remaining counties that had not taken action to comply with the United

September of 1962, for instance, the “citizens of Americus, GA” sent a telegram of support to Mississippi Governor Ross Barnett and Lieutenant Governor Johnson in their effort to stave off integration at Ole Miss. “We stand four square behind you in your magnificent handling of the integration efforts at the University of Mississippi,” the Americus citizens wrote, “would that all state officials and citizens everywhere have the courage, as you have shown, to fight against this despicable movement which can only result in the downfall of the white race. God be with you.”²¹ These citizens were not pleased when, only two years later, the “despicable movement” for school integration came to Americus High School. The decision to implement a freedom of choice plan produced such anger that some decided they would rather see the school reduced to ashes than integrated, setting it ablaze in January of 1964.²²

Despite hostility from the local white community, four black students--David Bell, Robertiena Freeman, Dobbs Wiggins and Minnie Wise--opted to attend the previously all-white Americus High School under the freedom of choice provision. “I wanted to go,” Freeman recalled, “I thought white kids will be my friends...I thought it was

States Office of Education’s requirement that every county submit a desegregation plan. Georgia superintendents complained that the majority of plans had been rejected by the state and that they were sincerely trying to create plans for approval and could not figure out what was wrong with their plans. (“50 Desegregation Plans Rejected from Georgia,” *Americus Times Recorder*, June 8, 1965).

²¹ Western Union Telegram Collection (MUM0472), University of Mississippi, 3.13.14. TD. 28 September 1962. 10:35 A.M. Citizens of Americus, GA to Ross Barnett and Lt. Gov. Johnson. Re: Support and praise.

²² January 1961, Americus and Sumter County Timeline, 1915-1961, edited by Alan Anderson.

going to be wonderful...one big, rosy happy thing. I told Daddy, 'I want to go.'" The reality must have shocked the young student. When the students arrived on the first day, escorted by state troopers, angry mobs awaited them. People stood "as far as you could see," Freeman recalled, "I'd never seen so many white people in all my days." As they pulled close to the school's entrance, "bricks started hitting the car...I prayed, 'Lord...' then boom!"²³ Once inside the building, the students were predictably harassed and harangued, both by their classmates and occasionally by their teachers. Tensions were so high that the school's principal arranged for the black students to enter each classroom five minutes before or after the other students to avoid a hallway confrontation, and had them released from school an hour early. Even these precautionary measures were not enough to protect the students from ridicule and harassment. "I got pushed up against the wall, just slammed, people just spit on you," Freeman said, shrugging, "what are you going to do? I was 96 pounds at the time." Dobbs Wiggins, another one of the black students who elected to integrate Americus High School, recalled similar incidents of harassment. On one occasion, "three coke bottles hit me simultaneously," he stated.²⁴ Jewel Wise described how the students were "met with all kinds of atrocities, met with rocks," remarking, simply, "we went into the school and we tried to survive."²⁵ Integration would not come easily in Americus.²⁶

²³ Interview with Robertiena Freeman, SCOHP.

²⁴ Dobbs Wiggins in "The City Without Pity," 4:00.

²⁵ Interview with Jewel Wise Alaman. See United States Government Memorandum from Edward Beis to Southern School Project Files, "Field Investigation of Americus, Georgia," Dec 7, 1965. U.S. Commission for Civil Rights File, Stanford University, microfilm.

²⁶ Schools in Americus were not meaningfully integrated until 1970. On August 31, 1970, the school truly mixed racially, with an enrollment of 1,136 whites and 1,725 blacks. See Alan Anderson, Sumter County

But school hall skirmishes were not the primary obstacle to integrated education. Realizing that integration of public schools was becoming inevitable, white segregationists throughout the South began to focus their energies on the establishment of separate schools, dubbed by many “segregation academies.”²⁷ It is telling that the years from 1964-1973 marked not only an era of real integration efforts, but also of a sharp increase in the number of these private Christian schools. These schools, like Americus’s Southland Academy, both resisted integration rulings and promoted a particular theological vision for education, founded not only as an act of political opposition, but, according to the founders themselves, as one of religious devotion.

Almost immediately following the 1964 integration of Americus High School, white citizens in Americus began to research and discuss options for private education. In May 1966, these individuals held a public meeting to announce the establishment of a new, private school in Sumter County and to rally support. “If you are interested enough,” one founder announced to the hundred people gathered in the Americus County Courthouse, “we are prepared to start the school.”²⁸ The private school, to be called (rather transparently) Southland Academy, would be organized as a nonprofit.²⁹ Its stated mission and purpose was: “to offer an education equal to, and

History, Schools;

<http://www.sumtercountyhistory.com/history/AmSchHx.htm>

²⁷ The Lamar Society study estimates that as of the mid 1970s, 750,000 Southern students were being educated in such schools and that 3,000-4,000 of these institutions existed in the 13 southern states. (Nevin and Bills, *The Schools that Fear Built*, 9).

²⁸ *Americus Times Recorder*, “Private School Applications Set” (July 22, 1966).

²⁹ *Americus Times Recorder*, “Academy to Open in the Fall” (August 9, 1966); Interview with Ty Kinslow, March 2014.

preferably superior to [,] that offered in public schools... composed of local individuals with the belief that we are better qualified to know what is best for our own children than anyone else.”³⁰ Organizers of the school consistently emphasized its religious component. Southland Academy, the initial mission statement declared, “will be influenced by belief in God and that daily worship is desirable in the lives of our children.”³¹ Headmaster McManus likewise noted that “commitment to the Christian faith” was an objective of the school, elaborating that Southland’s founders began the school out of a desire to “provide a Christian environment.”³²

Private schools, like Southland Academy, were usually labeled as either segregationist or Christian. But, race and religion cannot be so easily untangled; the schools were segregationist *and* Christian. The theological element is often dismissed as outright subterfuge. But this is a mistake. As one commentator cautioned, to “reduce” the impetus behind Christian private schools to sheer racism is “to ignore two decades of social and cultural upheaval.”³³ “It is too simple to blame this movement entirely on racism and fear of integration,” one historian likewise claimed, arguing, “at a deeper level, it is evidence of a profound division beneath the surface of American society.”³⁴ This division was, in large part, theological. Many private schools, even those without official religious affiliations, possessed a values system

³⁰ *Americus Times Recorder*, “Private School for Americus Proposed,” May 1966.

³¹ *Ibid.*

³² *Americus Times-Recorder*, “Speaks to Rotary Club: McManus Outlines Plans for Southland Academy” by Rudy Hayes, August 16, 1967.

³³ Peter Skerry, *Public Interest*, as quoted in Crespino, *In Search of Another Country*, 249.

³⁴ Nevin and Bills, *The Schools that Fear Built*, 1.

rooted in Protestant Christianity and Christian theology. These underlying theological tenets included, according to a 1970 study, a “strict and literal reading of the Bible” as well as “aggressive preaching of the gospel...exhorting the young student to come forward and be saved by accepting Christ.”³⁵ For its part, Southland Academy not only promoted its identity as a Christian school but required “daily...Scripture and prayer” with “special programs at Christmas and Easter.”³⁶ Oversimplifying the rise of private Christian schools as merely segregationist academies obscures the deeper conflict over religion, intermingled so perplexingly with the more obvious racial politics.

Whether for racial or religious reasons, support for the school mounted in Americus, and in July of 1966, the Board of Trustees announced that it would begin accepting applications.³⁷ By July 1967, Southland Academy boasted an enrollment of 150 incoming students, a headmaster, seven teachers, and a newly purchased school building, formerly known as the Anthony School. It was all set to open its doors the next month.³⁸ But there was a problem. Southland had not yet received its nonprofit status.

School officials alleged that the U.S. Internal Revenue Service had “apparently engaged in a massive scheme to thwart the efforts of

³⁵ Nevin and Bills, *The Schools that Fear Built*, 37, 22-23.

³⁶ *Americus Times-Recorder*, “Speaks to Rotary Club: McManus Outlines Plans for Southland Academy” by Rudy Hayes, August 16, 1967.

³⁷ *Americus Times Recorder*, “Private School Meeting Friday” (July 20, 1966); *Americus Times Recorder*, “Private School Applications Set” (July 22, 1966). The Board of Trustees included Sumter residents: Harry Entekin (president), Tinley Anderson, Troy Morris, Henry Crisp, Pete Godwin, Ed Carson, Roger Pollock.

³⁸ *Americus Times-Recorder*, John Littlefield “Ready for Fall Opening: Many Improvements at Private School Site,” (July 7, 1967).

the local school group and other private school groups in the South” in their efforts to have private schools recognized as tax-exempt nonprofits.³⁹ Southland Board Chairman Harry Entrekin claimed that the school made its initial application for the nonprofit status through the Atlanta IRS office on Aug. 26, 1966, and had still not received “what should have been routine approval.”⁴⁰ Southland’s leaders were initially concerned when they had still failed to receive a ruling by the spring of 1967, over six months after the submitted application. “Various correspondence and telephone conversations,” they claimed, “have led to the conclusion that the IRS, in cooperation with the Justice Dept., has willfully declined to make a ruling on this tax exemption

³⁹ *Americus Times-Recorder*, “On Tax Exempt Delay: Academy Officials Claim Discrimination” (July 28, 1967). This seemed to come as a surprise. A week earlier, Board member Charles Crisp had confidently asserted, “We feel certain that a contribution to Southland Academy will be deductible for income tax purposes and expect a letter of confirmation from Internal Revenue Department soon.” (*Americus Times Recorder*, “Private School Applications Set” (July 22, 1966). Tax exempt status was “of great importance,” according to the Southland Board, “due to the fact that donations to the corporation would be deductible from the donors’ income in computing his income tax. In addition, it would enable the corporation to furnish its teachers with tax-sheltered retirement programs.” (*Americus Times-Recorder*, “On Tax Exempt Delay: Academy Officials Claim Discrimination,” July 28, 1967). The difficulties faced by Southland in 1967 emerged as hurdles that would face many private schools in the South in the late 1960s and into the 1970s. While the federal government sought to block the funding of private, segregated schools from re-inscribing separate and unequal educational systems in America, these schools countered that they were not primarily racial, but religious—a strong, historically unassailable argument. (See *Green vs. Connally* (1971), *Bob Jones University vs. United States* (1982); Randall Balmer, *Thy Kingdom Come* (New York: Basic Books, 2006).

⁴⁰ *Americus Times-Recorder*, “On Tax Exempt Delay: Academy Officials Claim Discrimination” (July 28, 1967).

application for the purpose of harassing the local group and bringing about an embarrassing financial situation.” The school contacted Georgia Senators Richard B. Russell and Herman Talmadge, along with Third District Rep. Jack Brinkley. They made inquiries of “personnel in the offices of our elected representatives in Washington” and confirmed that “high-placed officials in the IRS and the Justice Dept. have declared their intention to do everything possible to prevent the granting of the exemption.” The Georgia officials went on to say they could find nothing wrong with the application and predicted that the IRS would “have to grant the exemption eventually.”⁴¹ Finally, on August 4, 1967, Southland received its tax exemption.⁴²

After getting the news, Southland officials released a statement explaining what they saw as the reason for the delay in tax-exempt status, a statement which offers insight into the vexing relationship between race and religion in the formation of private education. The granting of tax-exempt status should have been simple; “the laws are specific,” they claimed, “either you qualify, or you don’t.” What should have been a “routine” approval, however, the government made arduous. But, why? According to Harry Entrekinn and the Board of Southland Academy, the government’s interest in undercutting white religious schools in the South stemmed from “a desire on the part of the Justice Department and the Internal Revenue

⁴¹ Ibid. Senator Talmadge even requested a hearing before the Senate Finance Committee in which Sheldon Cohen, Commissioner of Internal Revenue Service, “will be called to appear and show cause for the delay in making a ruling in this case.” The Southland board noted that private schools in South Carolina had been similarly afflicted but that, with the help of Strom Thurmond, they had all received their exemptions.

⁴² *Americus Times Recorder*, “Tax-Exempt Status Granted Southland Here” (August 4, 1967).

Service to impose their desires...rather than to administer the law as it is written.” “Since they could not legally refuse our exemption,” the statement alleged, “they chose, simply, to ignore our request.” This was “arbitrary government at its worst.” In concluding their statement, the representatives of Southland Academy expressed their “concern over the loss of local control over public schools, over the Supreme Court decision concerning prayer in schools, and over the use of schools as tools to bring about social revolution, rather than the purpose for which they were created--education.”⁴³ The statement itself reveals the layered reasoning for private Christian education in the South. The references to “loss of local control” and “social revolution” are clear enough, but what does that have to do with “prayer in schools”?

Much, as it turns out. Segregationist Christian academies in the 1960s frequently invoked the 1962 case *Engel v. Vitale* banning prayer in public schools, more than they did integration, and with greater effect. According to one legal scholar, the *Engel* decision was “greeted with more shock and criticism than *Dred Scott v. Sanford*, affected more school districts than *Brown v. Board of Education*, and brought together conservative Roman Catholics and fundamentalist Protestants in a common cause a decade before *Roe v. Wade*.”⁴⁴ The *Engel* case is usually linked historiographically (and in the American popular imagination) with *Roe vs. Wade* and the culture wars rather than the discussions of civil rights and school desegregation. But that is

⁴³ *Americus Times-Recorder*, “On Tax Exempt Delay: Academy Officials Claim Discrimination” (July 28, 1967); *Americus Times Recorder*, “Tax-Exempt Status Granted Southland Here” (August 4, 1967).

⁴⁴ Bruce J. Dierenfield, *The Battle over School Prayer: How Engel v. Vitale Changed America* (Lawrence: University of Kansas Press, 2007), vii.

a somewhat anachronistic designation, and one that obscures the significant link between racial prejudice and religious liberty in the construction of white religious private schools.

In 1962, five families from Nassau County, New York challenged the constitutionality of the brief, voluntary, nondenominational recitation of prayer in their children's school before the Supreme Court.⁴⁵ The Court ruled in their favor 6-1 on the basis of the establishment clause of the First Amendment, with two justices abstaining. The morning prayer, the ruling stated, "officially establishes... religious beliefs," and was thus in violation of the Establishment clause prohibiting the government from sanctioning any state religion. "It is neither sacrilegious nor anti-religious," Justice Hugo Black wrote, "to say that each separate government in this country should stay out of the business of writing or sanctioning official prayers and leave that purely religious function to the people themselves."⁴⁶

The reaction to the decision was vehement and immediate.⁴⁷ Schools that had once been founded to instruct citizens in Christianity were now expressly barred from doing so. To many Americans, including many in Americus, this seemed to portend utter disaster for students, teachers, communities, and the nation. Georgia Senator Herman Talmadge lambasted the decision as "outrageous," commenting that it would "do incalculable damage to the fundamental

⁴⁵ The prayer was: "Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our Country." Legal Information Institute, "Engel v. Vitale," Cornell Law School, Ithaca, NY; <http://www.law.cornell.edu/supremecourt/text/370/421>.

⁴⁶ Justice Hugo Black, *Engel v. Vitale* (1962).

⁴⁷ A Gallup poll indicated that a whopping 85% of Americans disagreed with the ruling. (Dierenfield 138).

faith in Almighty God which is the foundation upon which our civilization, our freedom and our form of government rest.”⁴⁸ Another Georgian, gubernatorial candidate (and later Governor) Carl Sanders, felt so strongly about the ruling that he pronounced that he would “not only go to jail but give up [his] life” to protect the right of Georgia students to pray in school.⁴⁹ Of course, arguments about the constitutionality of prayer are not only political disputes but theological ones. And with the *Engel* decision, the Supreme Court, many Southern Christians believed, found itself again on the side of heresy. “The Court,” Talmadge continued, “put God and the Devil on an equal plane.”⁵⁰

When the federal government would, only two years later, begin to enforce the *Brown* decision in public schools, segregationists felt they had ample grounds to object: not only had the overreaching federal government forcefully integrated schools, it had banned Christianity.⁵¹ As Alabama Congressman George Andrews succinctly stated: “they put the Negroes in the schools; now they put God out of the schools.”⁵² It amounted to, in the words of Mississippi Governor James Eastland, “judicial tyranny.” Many Southerners insisted they were left with no option but to start their own schools. And rather than having to do so solely on the basis of race, they could do so on the basis of religion. “We weren’t so upset about integration,” Harry Entrekin, the first board

⁴⁸ *Congressional Record*, June 26, 1962, p 11675.

⁴⁹ *Newsweek*, Vol. 60, 1962, p44.

⁵⁰ Talmadge as quoted in Dierenfield *The Battle over School Prayer*, 148.

⁵¹ Anthony Lewis of the *New York Times* harshly criticized Southerners for conflating the two issues. He wrote that crafty politicians were using the *Engel* decision disingenuously, “suggest[ing] that the prayer ruling only showed how equally wrong the Court had been to outlaw segregation.”(Lewis, *New York Times*, in Dierenfield 149).

⁵² 1963 TV Interview; Dierenfield *The Battle over School Prayer*, 147.

chairman of Southland, declared, “it was the government running schools and having no prayer.”⁵³ No doubt it was both. But Entrekin was articulating something powerful that was stirring in America. Soon, this line of thinking would be harnessed by a new generation of leaders who, like segregationists of the 1960s, submerged racial preference under appeals to religious freedom. Trent Lott put it bluntly: the establishment of tax-exempt private schools was “not a racial question, but a religious question.”⁵⁴ Jerry Falwell himself started a school which, according to his wife, was not founded “in response to desegregation” but “because God and prayer had been kicked out of the public school.”⁵⁵

The story of the integration of public schools and the founding of Southland Academy in Americus mirrors larger patterns. As the civil rights revolution swept across the South, white conservatives initially struggled over how to proceed. Most repudiated violence and the strategies of massive resistance yet refused to accept the reality of integrated education. The 1962 *Engel v Vitale* ruling provided these white conservatives a justification for separation more palatable than racism: religion. In founding private Christian schools, white conservatives successfully resisted integration on the basis of religious

⁵³ Interview with Mr. and Mrs. Harry Entrekin, August 6, 2012, Americus, GA. The Schools that Fear Built study likewise asserted that “Startling” percentages of those whose children attend private schools, “will say quite independent of one each other that public school problems really began when the Supreme Court outlawed prayer and Bible reading there.” (David Nevin and Robert E. Bills, *The Schools that Fear Built: Segregationist Academies in the South* (Washington, D.C.: Acropolis Books, 1976.)

⁵⁴ Trent Lott, *Southern Partisan* (Fall 1984), 47 as quoted in Dailey, “The Theology of Massive Resistance,” 171.

⁵⁵ Macel Falwell, *Jerry Falwell: His Life and Legacy*, (New York: Howard Books, 2008), 99.

freedom rather than racial exclusion. It was a theological, Constitutional separateness. This religious-political strategy would carry conservatism through the rest of the 20th century and produce both stunning political successes and tragic racial consequences. By masking their segregationism with evangelicalism, Southern conservatives in the 1960s created a powerful coalition, one that still haunts the American South with its befuddling mix of sincere religiosity and insidious racism.