

## The Iowa Supreme Court Rules on Equal Access to Schools and Common Carriers

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Alexander Clark was a man of many parts -- a political leader, an orator, a barber, an investor in Muscatine real estate, a conductor on the Underground Railroad, and a recruiter for the Union Army. Clark was also a father of three children and cared passionately about their education. In 1867 he wrote a letter to the *Muscatine Journal*: “[M]y personal object is that my children attend where they can receive the largest and best advantages of learning.”

Clark noted the contrasts between Muscatine’s segregated schools. The white schools were conveniently located in the city, while the black school was “nearly a mile from many of the small colored children, keeping more than a third of them from school.” The white schools had “globes and charts and competent teachers,” whose salaries ranged from \$700 to \$900 a year. The black school had none of these advantages, and its teacher was paid a yearly salary from \$150 to \$200. The white schools “have prepared and qualified pupils by the hundred for the high school; the colored school has never prepared or qualified one that could pass an examination for any class in the high school.”

On September 10th, 1867, Alexander Clark's 12-year-old daughter, Susan, presented herself at Muscatine’s white “Grammar School No. 2” And was refused entry. That same day, the principal of the school wrote to Alexander Clark: “I am authorized by the school board of this city to refuse your children admittance into Grammar School No. 2.”

Clark, as “next friend” of his daughter, filed a lawsuit in the Muscatine County District Court, asking for a writ of mandamus to compel the school board to admit Susan into Grammar School No. 2. The district court ordered the writ, and the board of directors appealed, claiming that it had the right to maintain a separate school for black children. In *Clark v. The Board of Directors, etc.*, the Iowa Supreme Court affirmed The District Court's decision, holding that children of color could not be refused admission to Iowa's district schools.

In its opinion, the court reviewed the history of Iowa's discriminatory school statutes, but noted that the Constitution of 1857 had created a statewide board of education, which was required to “provide for the education of *all the youths of the State*, through a system of common schools.” The court reasoned that this constitutional provision and subsequent legislation removed from the board of directors all discretion to decide “what *youths* shall be admitted.”

The court rejected the board's argument that because it maintained several schools within the district, it could decide which of the several schools a student could attend and, pursuant to this discussion, could require Susan Clark to attend the black school. If the board would require African American children to attend separate schools, it equally could require German, Irish, French, English, and children of other nationalities to attend separate schools. The court concluded: “[T]he board cannot, in their discretion...deny a youth admission to any particular school because of his or her nationality, religion, color, clothing or the like.”

In 1870, the Iowa legislature struck out the words “white male” from the statute concerning the qualifications to practice law. Now Alexander Clark could realize and even higher ambition for his children, and his son, Alexander Clark Jr., became the first African-American student to enroll in the State University's Law Department in Iowa City, receiving his law degree in 1879. Clark Sr. himself attended the law school in 1883 and graduated the following year.