Chase v. Stephenson step toward ending school segregation

Dement School as it appears in a scrapbook compiled by former McLean County Superintendent of Schools William Brigham. Located in northern Danvers Township about one-half mile from the Woodford County line, this 1871 schoolhouse underwent extensive remodeling in 1930. Dement School remained in operation until 1948 and consolidation with the Danvers district. Brigham's scrapbook is in the collections of the McLean County Museum of History.

African Americans faced a long struggle toward equal access to education, not only in the Deep South but right here in Central Illinois.

In early 1874, nearly a decade after the end of the Civil War, the Illinois Supreme Court heard arguments in James A. Chase et al. v. David Stephenson et al., a case involving the exclusion of four black children from the all-white Dement School in rural McLean County.

The case began two years earlier when four white taxpayers (including farmer David Stephenson) from the No. 6 school district, Danvers Township, filed a bill of complaint against the school directors, one of whom was James A. Chase (hence Chase v. Stephenson).

The complaint before Circuit Court Judge Thomas F. Tipton of Bloomington stated that in December 1871, four black students faced considerable resistance, including threats of

violence, upon attempting to attend the local schoolhouse. The school directors then organized a referendum in which a majority of district voters favored building a second schoolhouse for black children.

Stephenson and his fellow complainants maintained that the erection of a second school for the express purpose of housing a few black children represented a misappropriation of public funds, given that the existing three-year-old schoolhouse was large enough to accommodate all the district's students, black and white.

In the decades after the Civil War and into the 20th century, rural McLean County was home to a small but not-insignificant number of African Americans. Some served as tenant farmers or farm laborers, while others as small town barbers earning a living cutting white hair. There was also a black-owned and operated farm in Normal Township.

That said, the names of the African-American families at the center of this legal dispute remain unknown, since they are not mentioned by name in the court opinions or available supporting material. There are a few tantalizing clues though, such as the 1870 U.S. Census for Danvers Township that lists Wilson Diggs, age 19, as an African-American farmhand of Samuel Johnson. The record further states that Diggs was born in Louisiana (and thus into slavery) and had attended school within the previous year.

Judge Tipton's decision in May 1873 prohibited the supervisors from operating a "school for colored children exclusively at the expense of said district." Although a victory for Stephenson (and by extension the black residents of the district), Tipton did not provide any legal justification for his opinion.

Upon appeal the case was heard by the Illinois Supreme Court in its January 1874 term. Representing the school district were William Gapen and Henry Ewing of Bloomington. In their brief to the court they argued that separate schools "preserved order and decorum, and prevented contacts and collisions in the school arising from well known repugnances."

Representing Stephenson and the other taxpayers were two more Bloomingtonians, John M. Hamilton (a future Illinois governor) and Jonathan Rowell. "It is useless to contend that a scholar has equal opportunities with another when he is told that he is not good enough to sit in the same room," they argued, noting that the black "school" was a mere 12 by 14 feet in size. "It isn't equal opportunity," they continued, "and no amount of protestation will make it so."

Hamilton and Rowell also based their case on the "large and unnecessary expense" shouldered by district taxpayers in the operation of two schools when one would do, and it was this argument that won the day. The Illinois Supreme Court affirmed Tipton's decree on the basis of the misuse of public funds. The erection of a schoolhouse "solely to instruct three or four colored children of the district," concluded Justice Alfred M. Craig, "can only be regarded as a fraud upon the taxpayers of the district."

At the same time, Justice Craig was not adverse to the idea of establishing "separate but equal" schools, though only if there were enough black children to justify a second school building. "Had the district contained colored children sufficient for one school, and white children, for another," he said, "that would have presented a question not raised by this record and upon which we express no opinion."

To his credit Craig peppered his majority opinion with a forceful moral tone. "While the [school] directors, very properly, have large and discretionary powers," he wrote, "they have no power to make class distinctions, neither can they discriminate between scholars on account of their color, race or social position." It's because of language like this that the case, despite its limitations, is popularly remembered as a clear victory for school integration in Illinois.

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