

A Stony Road

Black Education in Iowa, 1838-1860

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EDUCATION in antebellum Iowa, according to Vernon Carstensen, requires historical consideration "in terms of a fluid society, frontier conditions, rapid and materialistic building, and of all other concomitants to the rapid settlement of a new country." Yet, Carstensen neglected the matter of race. Other historians, when they have referred to education in Iowa in the two decades before the Civil War, have acknowledged the persistence of racism among Iowa's founders. Carter Woodson believed that racism in the Midwest impeded what would otherwise have been natural educational progress for blacks. He contended that only "the most ambitious and enlightened" blacks fled to free territory, and fugitive slaves had already acquired "the rudiments of education or developed sufficient skill to outwit the most determined pursuers." The successful black fugitive, therefore, recognized the value of education and quested for more learning. Yet midwestern whites' contempt for black resolve caused them to deny blacks educational privileges. Joel Silbey described Iowa from 1838 to 1858 as "Southern in outlook and action" and a "contradictory entity during the antebellum period. . . . located in the North and subjected to Northern influence. . . . Yet [with] a strong attachment to the South that [it] refused to give up." That attachment included antiblack feelings. V. Jacque Voegeli branded the antebellum Midwest as the region "most firmly committed to white supremacy" with the exception of the South. Morton M. Rosenberg concluded that antebellum Iowa "refused to permit the Negro to share the rights and privileges accorded to the white settler." Thus the historical consensus has been that,

in antebellum Iowa and the Midwest, blacks suffered general suppression.¹

Although black people have never been numerically significant in the state's population totals, they were the focus of much political controversy in mid-nineteenth-century Iowa. Just as a knowledge of their political position in the state contributes to an understanding of both their midwestern lives and the political realities of their times, awareness of the educational opportunities and limitations they found in Iowa from 1838 to 1860 contributes to a complete picture of the state's cultural priorities. By analyzing specific school legislation which affected blacks, and by using the original federal population censuses for 1840, 1850, and 1860, one can locate detailed information about race and schooling and place it in the larger context of one midwestern state's attitudes toward its black minority and toward education.

When Governor Robert Lucas addressed the First Territorial Assembly of Iowa on November 12, 1838, he declared "there is no object to which I wish to call your attention more emphatically than to the subject of establishing at the commencement of our political existence a well digested system of common schools." The legislature, composed of thirty-nine members, twenty of whom were from the South, followed the governor's advice and enacted a general school law on January 1, 1839. This act established a "common school or schools, in each of the counties of this Territory, which shall be opened and free for every class of white citizens between the ages of five and twenty-one years." Counties could create school districts and boards of trustees "to superintend the schools within their respective districts." These boards would "examine and employ" teachers and collect and disburse taxes which the people voted for school purposes. The total assessment for the support of schools could

¹Vernon Carstensen, "The University as Head of the Iowa School System," *Patterns and Perspectives in Iowa History*, Dorothy Schweider, ed. (Ames, 1973), 335; Carter Woodson, *The Education of the Negro Prior to 1861* (Washington, D.C., 1919; reprint ed., New York, 1968), 241, 243; Joel H. Silbey, "Proslavery Sentiment In Iowa, 1838-1861," *Iowa Journal of History* 55 (October 1957), 292, 318; V. Jacque Voegeli, *Free but Not Equal: The Midwest and the Negro during the Civil War* (Chicago, 1967), 1; Morton M. Rosenberg, *Iowa On The Eve of the Civil War: A Decade of Frontier Politics* (Norman, 1972), 15.

not exceed ten dollars per year for each taxpayer, who could pay it in cash or "good merchantable produce at cash price."²

This initial "for-whites-only" provision for public education began a series of antiblack laws that made Iowa seem like a southern state. The legislature, on January 21, 1839, passed "an act to regulate Blacks and Mulattoes" that carefully regulated the immigration of free blacks into Iowa. After April 1, 1839, no black or mulatto could settle in the territory without a "certificate of freedom" sealed by a judge or justice of the peace. Each black had to pay a bond of five hundred dollars as a guarantee against becoming a public charge. Conviction "of any crime or misdemeanor against the penal laws of this Territory" required forfeiture of the bond. County commissioners could hire out any black person who failed to follow this procedure for six months at "the best price in cash that could be had." Anyone who engaged, hired, or harbored a black not in compliance with the law faced a fine of "not less than five, nor more than one hundred dollars." Travelers' rights to bring their slaves with them into Iowa were "declared and secured." The law also guaranteed the arrest and return of fugitive slaves upon "satisfactory proof of ownership."³

A year later, on January 6, 1840, the second territorial assembly passed "An Act Regulating Marriages." Section thirteen of this law stipulated that "all marriages of white persons with Negroes and mulattoes [were] declared to be illegal and void." A judge or minister who married a couple "contrary to the true intent and meaning of this act" faced a fine of up to five hundred dollars. The midwestern states of Ohio, Michigan, Indiana, and Illinois had also banned interracial marriages. Ten days after the marriage law, Iowa's legislators passed a second general school law which they adopted section by section from the Michigan school law of 1838. The establishment of school districts and all the details of school organization became a township function via the office of a township school inspector. The voters of each school district within a township would elect three school

²Benjamin F. Shambaugh, ed., *The Messages and Proclamations of the Governors of Iowa*, 7 vols. (Iowa City, 1903), 78; *Laws of the Territory of Iowa, 1838-1839*, 191-192, 194.

³Silbey, "Proslavery Sentiment," 294; *Laws of the Territory of Iowa, 1838-1839*, 69-70.

officers: a "moderator," a clerk, and an assessor. The law also provided a "superintendent of public instruction" to receive local annual school reports. The voters (and taxpayers) who would elect school district officers, however, included "every white male inhabitant of the age of twenty-one years, residing in such district, [and] liable to pay a school district tax." Thus, the Territory of Iowa entered the 1840s with legislation that provided for white education but excluded black residents from marrying or attending school among the whites.⁴

The first federal census of the Iowa Territory, completed by November 1, 1840, revealed a population of 43,112, including 172 "free colored" people and sixteen slaves, despite the Missouri Compromise of 1820 which barred slavery from the area. Blacks lived in thirteen of eighteen counties with Dubuque and Muscatine counties containing 43 percent of the black population. With the exceptions of Henry, Van Buren, Johnson, and Linn counties, blacks resided in counties which directly bordered on the Mississippi River. The census listed 20 percent of the free black population as under ten years old and 41 percent as from ten to twenty-four years old. Unfortunately, the 1840 census did not reveal more specific information about the ages of black residents. Since the "whites only" school laws of 1839 and 1840 covered ages five to twenty-one, it is not possible to derive the exact number of blacks affected by these laws.⁵

The census listed sixty-three primary and common schools in eleven counties of Iowa. Forty-one black males and forty-five black females under the age of twenty-four lived in eight of these counties where thirty-five such schools existed. Because the census data is imprecise, it is not possible to determine how many of these eighty-six blacks fell within the legal school age of five to twenty-one. Nevertheless, there is no record that any of the blacks went to school in 1840. White literacy levels formed a stark contrast to black, of course. While 15,006 whites could

⁴*Laws of Iowa, 1840*, 39-42, 129; Voegeli, *Free but Not Equal*, 2. See Clarence Ray Aurner, *History of Education in Iowa*, 5 vols. (Iowa City, 1914), 359-383 for a comparison of the Michigan law of 1838 and the Iowa law of 1840.

⁵U.S. Bureau of the Census, *Population Schedules of the Sixth Census of the United States: Iowa, 1840*, National Archives, Microfilm Reels 101 and 102 (hereafter *Census, 1840*). See also Winifred M. Howard, "The Census of 1840," *Palimpsest* 21 (June 1949), 165, 169.

have attended school, only 1,500 enrolled. White persons over the age of twenty who could not read and write numbered 1,118 or 8 percent of the white adult population. In neighboring Wisconsin Territory, 14.5 percent of the white adults could not read and write. The 1840 census did not provide literacy figures for the black population, but as statehood beckoned, 92 percent of Iowa's white adults had at least a fundamental literacy.⁶

Seventy-two men assembled in Iowa City between October 17 and November 1, 1844, to draft a constitution for the proposed state of Iowa. Twenty-six of these delegates (36 percent) claimed a southern nativity and forty-three came from the Northeast and Midwest. One delegate each came from Scotland, Ireland, and Germany. The delegates' median age was thirty-eight. Farmers were 56 percent (44) of the delegates. No bankers, teachers, or ministers attended the constitutional convention. The Democratic party outnumbered the Whigs in the gathering fifty-one to twenty-one and politically controlled Iowa Territory. Thus white men with southern, Democrat, and conservative sympathies had opportunities to dominate the convention. The first significant advance from territory to statehood provided numerous occasions on which they could express antiblack sentiments.⁷

Five days after the session began, George Hobson of Henry County, a thirty-year-old Whig from North Carolina, introduced a far-sighted petition signed by over sixty Henry County citizens which asked that the new constitution "secure to the blacks resident in Iowa, all the rights and privileges of citizenship." Enoch Ross of Washington County, a thirty-six-year-old Whig from Pennsylvania, presented a similar petition twelve days later but the convention quickly tabled this effort without referral. The next day, Francis Gehon of Dubuque County, a Democrat born in Tennessee, offered a resolution that the "legislature shall never entertain petitions to allow negroes the right of suffrage." Gehon "did not want the state he lived in agitated with petitions to give negroes the right of voting." The delegates also tabled Gehon's proposal. Not only did the delegates debate

⁶Census, 1840, reels 101 and 102, 467, 462-463; 456.

⁷Benjamin F. Shambaugh, ed. *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846* (Iowa City, 1900, Appendix A and B contain data on each delegate.

black suffrage, but several wanted to bar blacks from Iowa entirely. Edward Langworthy, a thirty-six-year-old Democrat from New York State and a miner in Dubuque County, explained that his constituents instructed him "to get something put into the Constitution by which negroes might be excluded from the State. They said—slave, or no Negro." Langworthy feared Iowa's proximity to Missouri would result in "all the broken-down negroes of Missouri overrunning us." Gideon Bailey of Van Buren County, a fellow Democrat and a Kentuckian by birth, also noted that the "people of Iowa did not want negroes swarming among them."⁸

The convention adopted, at first, Langworthy's proposal that the new state constitution require the legislature to exclude from the state all blacks and mulattoes. The committee on revision, however, recommended dropping the provision. Several delegates feared that Iowa would not attain statehood with such an antiblack constitutional provision. Joseph Grant of Scott County, a thirty-one-year-old Democrat and lawyer from North Carolina, claimed that "the spirit was abroad to keep out negroes, and the Legislature would undoubtedly take measures to that effect," but he had no doubt that such a provision "would endanger our admission into the Union." Political expedience prevailed and the delegates voted to strike out the section on black immigration.⁹

A dispute in Congress over the boundaries of Iowa caused the Iowa electorate to reject the constitution of 1844 and another constitutional convention met in May 1846. Delegates drew up a second constitution which retained all of the restrictive clauses of the 1844 model. The politicians in Washington settled the boundary question, the voters accepted the new constitution, and Iowa became a state on December 28, 1846. Article ten, "Education and School Lands," of the 1846 constitution directed the General Assembly "to provide for a system of common schools . . . at least three months in every year." A school district that failed to meet this requirement would "be deprived of its propor-

⁸Shambaugh, *Fragments*, 42, 123, 155, 220-221.

⁹Shambaugh *Fragments*, 156. For other revealing sources on the 1844 convention as well as national politics, see J.A. Swisher's *Palimpsest* articles: "Constitution Making in 1844," 25 (October 1944), 311-320; "Politics in 1844," 25 (August 1944), 249-256; "Iowa in 1844," 25 (May 1944), 141-155.

tion of the interest of the public fund during such neglect." The constitution also provided for a popularly elected superintendent of public instruction. The constitutional provision for education did not mention race but other sections did. Article two, the "Bill of Rights," asserted that "all men are by nature free and independent," but article three limited suffrage to "every white male citizen" at least twenty-one years old. Only able-bodied white males between the ages of eighteen and forty-five years composed the state militia. The constitution, however, banned slavery and involuntary servitude "unless for the punishment of crimes."¹⁰

The new state required subsequent educational legislation. Fifty-eight men convened as the First General Assembly of the State of Iowa in Iowa City between November 30, 1846, and February 25, 1847. The state assembly had twenty Whigs and nineteen Democrats and the Senate had twelve Democrats and seven Whigs. For eighty-eight days these Whigs and Democrats determined the direction of the new state. A general school law passed the Iowa legislature on January 24, 1847 and superceded the law of 1840. Schools would be "open and free alike to all white persons in the school district between the ages of five and twenty-one years." An elected township director would divide his township "into suitable districts for school." The act vested authority for each school district in three elected directors. These officials employed teachers, provided a "suitable school house . . . well supplied with books, fuel, and stationery" and handled "all other matters which might strike them as relevant." There was no mention of blacks, of course. Four days earlier, on January 20, the legislature had required each county assessor to enumerate only "the white inhabitants of all ages" in their respective counties. Since citizenship and educational opportunities belonged to whites only, little reason existed to count black residents.¹¹

Two years later, on January 15, 1849, the second legislative

¹⁰See article X, Sections 1-5, Constitution of 1846, in Benjamin F. Shambaugh, *Documentary Material Relating to the History of Iowa*, 3 vols. (Iowa City, 1897), 1:191, 194, 204-207.

¹¹J. A. Swisher, "The First General Assembly of Iowa," *Iowa Journal of History and Politics* 45 (January 1947), 62-84; *Laws of Iowa, 1846-1847*, 110-111. See also Aurner, *History of Education*, 1:17.

assembly enacted a new school law. A county school-fund commissioner replaced the township inspector. The law required the secretary of each school district board "to take and keep on record a list of the names of all the white persons in the district between the ages of five and twenty-one years" and "to deliver a copy of the same to the principal teacher of each school in the district." This law also exempted "all real and personal property of blacks and mulattoes in this State from taxation for school purposes." As Iowa prepared for the new decade, blacks had no role in the public school system. In December 1850, Governor Ansel Briggs described for the legislature an Iowa that had "steadily increased in population and wealth," a new state where "energies have been strengthened" and "resources . . . constantly developed." Briggs predicted an "onward and upward" future for Iowa. The black residents of this state, however, seemed to have little share in its bounty.¹²

IOWA had a population of 192,214 in 1850, which included 265 "free colored" residents, a gain of ninety-three blacks from 1840 despite the 1839 restriction on black immigration. Blacks lived in twenty-two of forty-nine counties; almost all of these counties bordered or were in close proximity to the Mississippi River. Of the entire black population, 70 percent lived in six counties: Muscatine (58), Lee (31), Marion (28), Dubuque (25), Johnson (22), and Des Moines (21). The 1850 census revealed that black males were 54 percent of the black population just as they had been a decade earlier. The census also provided far more detail about the specific ages of blacks than had the census of 1840. In 1850, 122 blacks (55 males and 67 females) were of legal school age, five to twenty-one years old. Despite the laws which had barred black students from public schools, the census listed seventeen of the 122 young blacks as "attending school as reported by their families." These seventeen blacks (twelve males and five females) who attended school were 13.9 percent of the black school-age population in 1850. By contrast, neighboring Wisconsin

¹²*Laws of Iowa, 1846-1853, 380-390; Shambaugh, Messages and Proclamations, 1:395-396.*

listed sixty-seven of its 198 school-age blacks (or 37.6 percent of the black population) as attending school in 1850.¹³

Six Iowa counties—Jackson, Johnson, Linn, Louisa, Marion, and Muscatine—accounted for the seventeen black students in 1850. The two counties of the six that had the greatest number of school-age blacks (Marion and Muscatine) had fewer actually attending school than did Jackson, Johnson, Linn, and Louisa counties. The Mississippi River counties of Lee, Dubuque, and Des Moines, each with more significant numbers of black residents than the six with blacks in school, had no black students listed in their public schools. One can speculate that perhaps the presence of fewer blacks in an area made it easier for eligible black children to attend school than it was for those who lived where blacks formed a more noticeable minority group. Perhaps local opinion which supported or turned a blind eye to black school attendance made it possible regardless of state law. There are too many unknowns in this situation, however, including the thorny questions of motivation, parental interest, and economic ability, to allow for accurate guessing as to why these few blacks were able to attend school.¹⁴

Black school attendance in Iowa was so low that comparison of its percentages with those of white school attendance is minimally revealing. Of the school-age whites in the six counties where blacks attended school, 35 percent attended in Marion County, 45 percent in Johnson, 49.4 percent in Jackson, 55 percent in Muscatine, 61 percent in Louisa, and 98 percent in Linn County. The black school attendance in Jackson and Linn counties compared favorably with white attendance there, but only

¹³U. S. Bureau of the Census, Population Schedules of the Seventh Census of the United States: Iowa, 1850, National Archives, Microfilm Reels (hereafter Census, 1850), 184-189. The 1850 Census provided age distributions: Under 1, 1-4, 5-9, 10-14, 15-21, 22-30, 31-40, 41-50, 51-60, 61-70, 71-80, 81-99, 100+. See also J. D. B. DeBow (superintendent, U.S. Census), *the Seventh Census of the United States: 1850* (Washington, D.C., 1853), 915-926, 928. Since Wisconsin, of all the midwestern states, had a black population close to the figures for Iowa, information from this one midwestern state is helpful. Other states, such as Michigan and Indiana, had much larger black populations and comparisons could be misleading.

¹⁴Census, 1850, reels 184, 187. The seventeen black schoolchildren in the six counties were three of five eligible in Jackson, four of eleven in Johnson, one of one in Linn, two of eight in Louisa, two of fifteen in Marion, and five of twenty-two in Muscatine.

because three of the five school-age blacks in Jackson attended, as did the one and only school-age black in Linn County. Racial disparities in school attendance in Iowa counties were otherwise vivid and unmistakable. The census of 1850 also disclosed a dramatic increase in school enrollment of white children since 1840. In 1850, 39 percent of the white school-age population attended school while only 10 percent had done so a decade earlier. The school legislation of the 1840s and the massive migration of whites into the state could have encouraged this increased enrollment. Black school attendance, however, hovered at a bleak 13.9 percent.¹⁵

The figures for black adult illiteracy also revealed this gap. Of a total of 107 blacks over the age of twenty-one, thirty-three (fifteen males and eighteen females) could neither read nor write. This meant that 31 percent of the black adult population was illiterate compared to 10 percent of the white adult population. In comparison, Wisconsin, which had a black adult population of 243 in 1850, had a black illiteracy rate of 37.9 percent. An interesting twist to the Iowa rates was that women constituted 64 percent of Iowa's white illiteracy, but only 55 percent of its black illiteracy. This may suggest variations in gender roles and educational opportunities between the two races, or may relate to the relative presence of black or white women in the frontier state.¹⁶

As the 1850s commenced, Iowa did not escape the national turmoil over the race issue. The third General Assembly, on January 23, 1851, passed a resolution that supported the Compromise of 1850 with its provision for the recapture of fugitive slaves. Reflecting an anxiety over black migration into Iowa, the legislature also passed an "Act to prohibit the immigration of free Negroes into this state" on February 5, 1851. The new act stipulated that "no free negro or mulatto, shall be permitted to settle in this state." Free blacks who lived in Iowa could remain and "enjoy such property as they may now possess." Township and

¹⁵DeBow, *Seventh Census*, 938-939, 953. Of a white school-age population of 76,363, a total of 29,616 attended school. The census category for schooling was "Attending School During The Year As Returned By Families" for blacks and whites.

¹⁶DeBow, *Seventh Census*, 929, 938-940, 951, 954. In a white adult population of 81,119, a total of 8,120 (5,192 females and 2,928 males) could not read and write.

county officers had to notify all free blacks who immigrated to the state "to leave the same within three days from the time of notice." Free blacks who refused to leave faced arrest and a fine of two dollars for each day they remained in Iowa. Other mid-western states did not welcome blacks either. The legislatures of Indiana and Illinois, in 1852 and 1853 respectively, made it a crime for blacks to settle in their states.¹⁷

Attention to education in Iowa did not languish in the 1850s. Governor Stephen Hempstead discerned an intimate association between schooling and citizenship when, in an address to the legislature on December 7, 1852, he advocated schools "within the reach of every child in the state" because "the opportunity of acquiring those indispensable elements of education . . . will fit him for the enlightened discharge of civil and social duties to which he may be called." Of course, "every child in the state" did not include most black children, if any at all. Sometimes a black person rebelled against this exclusiveness of Iowa's educational system. For example, in December 1855, a black woman in Iowa City refused to pay her school tax because of her "disbarment" from the benefits of the local schools. The city marshall requested advice from the city council which referred the matter to a committee on finance. The case disappeared from the records without further detail.¹⁸

The first Whig governor of Iowa, James Wilson Grimes, ushered in the "first Iowa educational renaissance." Born in New Hampshire in 1816, Grimes came to Iowa at age eighteen, studied law, and served in Iowa Territory's first legislative assembly. Elected governor of the state in 1854, he expressed in his inaugural address to a Whig-controlled legislature the hope that "the elements of education" would be "above, around, and beneath all." Grimes claimed education prevented "pauperism and crime" and he termed schooling the "great equalizer of human conditions. It placed the poor on an equality with the rich." When no legislative action immediately occurred, Grimes

¹⁷Silbey, "Proslavery Sentiment," 301, maintained that "most Iowans seemed willing to accept the Compromise [of 1850]." See also *Laws of Iowa, 1846-1853*, 601-602; Voegeli, *Free but Not Equal*, 5.

¹⁸Shambaugh, *Messages and Proclamations*, 1:431; Charles Ray Aurner, *Leading Events in Johnson County, Iowa, History* 2 vols. (Cedar Rapids, 1912-1913), 252.

recommended in 1856 that three "competent persons" revise "all the laws on the subject of education." Less than two weeks later an act authorized the appointments of Horace Mann, president of Antioch College in Ohio; Amos Dean, president of the State University of Iowa and a resident of New York State at that time; and F.E. Bissell, a teacher and lawyer from Dubuque, as what became known as the Mann Commission. The governor sent the commission's report to the legislature on December 12, 1856, and claimed that it contained "the wisdom and experience of the best educationists of this country."¹⁹

The Mann Report represented the work of men without first-hand knowledge of local conditions. Bissell could not serve, and both Mann and Dean regretted his absence because they had been "relying upon him to furnish them with that local knowledge so essential to all just and wise legislation." The Mann Report also reflected the philosophy that the "common school crusaders" had expounded since the mid-1830s. Mann and Dean described previous education law in Iowa as "fragmentary in . . . character, lacking in general aims, and entirely wanting in unity or completeness." Iowa, a "great State, situated in the centre of a mighty Union . . . demand[ed] a system of public instruction adequate to the full development of its great physical resources, and of the intellect and moral power of its people." Four principles distinguished the Mann Report's platform. First, "every youth in Iowa was entitled to receive an education in the elements of knowledge." Second, education "must become a distinct and separate pursuit and business, having its own laws and principles; its own means and agencies; its own pervading spirit." Third, a state should provide material resources necessary for the development of "intellect and moral power." Fourth, a "perfect system of education" required three elements: "the organizing, the financial, and the educational."²⁰

Mann and Dean recommended a unified educational system

¹⁹Irving H. Hart, "The Governors of Iowa As Educational Leaders, 1838-1949," *Iowa Journal of History and Politics* 54 (July 1956), 236; Shambaugh, *Messages and Proclamations*, 2:7, 20, 36, 97. See pages 3-4 for a brief biographical sketch of Grimes. Aurner, in *History of Education in Iowa*, 1:31, called the Mann Report an "epoch in the legislative history of education in Iowa."

²⁰"Report of the Commissioners of Revision of the School Laws" *Iowa Legislative Documents*, 1856, Appendix, 191-200; Erwin V. Johanningmeier, *Americans and Their Schools* (Chicago, 1980), 134.

from free elementary schools through a state university. Civil townships would become school districts to reduce the number of small local school districts. A county superintendent rather than a superintendent of public instruction would attend to "all the school lands in his county" and consequently secure "a greater degree of attention, and less liability to loss." State supervision of the entire system would occur through a state board of education. The report also endorsed a "liberal provision for Teachers Institutes" and teacher salaries "corresponding with the real importance of the services rendered." Mann and Dean wanted to "dispatch into every family of Iowa now, and through all future time, a spirit-stirring impulse, an animating principle, which shall penetrate the depths of every young heart, and arouse the latent energies of every young spirit, and thus carry forward the common school system into the fullest and completest realization of its glorious mission." Mann and Dean received fifty dollars each for their services.²¹

The legislature read the Mann Report and referred it to the committee on schools a month later, but deferred further action. Politicians disagreed over the reasons why they had not adopted the report's recommendations into law immediately. Here the issue of race reared its head. During the debates of the constitutional convention of 1857 one delegate asserted that the legislature "had not absolutely the time to" legislate based on the Mann Report, but another charged that the General Assembly had split "because the Report did not discriminate between white and colored youth." Indeed, the Mann Report advocated education for "every youth in Iowa" without racial distinction. The meeting of the 1857 constitutional convention during the legislative session may also have distracted the lawmakers' attention.²²

Iowans had voted in 1856 to call this convention and thirty-six delegates, half the number of participants in the 1844 convention, assembled in Iowa City for thirty-nine days from January to March of 1857. The new Republican party outnumbered the Democrats twenty-two to fourteen. Only ten delegates had southern origins. The median age was forty.

²¹"Report of the Commissioners of Revision," 194, 196-197, 199.

²²Iowa General Assembly, *Senate Journal*, 6th Sess., 1856-1857, 91, 229;

The issues of suffrage and education for blacks sparked the most heated debate. The delegates referred a Republican petition—to amend the Constitution of 1846 and grant black suffrage—to a select committee of three Republicans and two Democrats. Debate followed on the proposition to remove the word “white” from any constitutional provision for suffrage. Rather than grant the vote to blacks in the new constitution, the convention accepted a committee recommendation that the people of Iowa, when they ratified the constitution, also should cast a separate ballot to decide whether to strike the word “white” from the suffrage article. Iowa voters approved the new constitution in August 1857, but refused black suffrage by a seven to one margin. Traditional antiblack sentiments seemed to prevail in the Midwest; voters in Michigan (1850) and Wisconsin (1857) also decisively rejected referenda which would have granted the vote to blacks.²³

Predictably, negrophobia also dominated debates about educational opportunities for black people. On January 28, 1857, the five members (three Republicans and two Democrats) of the Committee on Education and Public Lands recommended that a state board of education provide a “system of common schools” for at least three months of the year. A month later, A. H. Marvin, a Republican farmer from Jones County and a native of New York State, offered a motion that schools be “free of charge and equally open to all.” George Gillapsy, a Republican farmer from Wapello County and a native of Kentucky, quickly opposed his fellow Republican. He objected to “lugging in the ‘nigger’ question.” Blacks were “not by nature equal to the whites, and their children cannot be equal to my children,” he said. In thunderous tones he shouted, “I trust in God, that I will never see the day, when I shall, by any act of mine, do anything that may, and will ultimately in my judgment, lead to the amalgamation of the black and white races of this country.” Marvin retorted with a

The Debates of the Constitutional Convention of 1857 (Davenport, 1857), 2:749, 729.

²³Benjamin F. Shambaugh, *The Constitutions of Iowa* (Iowa City, 1934), 217-218; 244, 342; Erik M. Eriksson, “The Farmers of the Constitution of 1857,” *Iowa Journal of History and Politics* 22 (January 1924), 52-88; *Debates of the Constitutional Convention of 1857*, 2: 681-683; Voegeli, *Free but Not Equal*, 21; Richard Lee Doak, “Free Men, Free Labor: Iowa and the Kansas-Nebraska Act” (M. S. thesis, Iowa State University, 1964), 145.

plea to "let us educate every human being within our reach. Let us prepare them all to become citizens."²⁴

William Penn Clarke, a Johnson County Republican lawyer and native Marylander, argued that he "recogniz[ed] the negro as a part of the human family." The delegates had a duty "to provide for the education of all classes of people in the State" and Clarke supported "some provision by which [blacks] shall have [a] common share of education." Echoing the Mann Report, Clarke remarked that education promoted the "moral and intellectual welfare" of a people and good citizenship resulted. Lest anyone mistake him for an abolitionist, however, Clarke quickly asserted that education would not alter the social position of blacks "a single iota." "Like a great charity, open to all," education did not mean "amalgamation."²⁵

When the Democratic delegate Jonathan V. Hall, a New Yorker of Des Moines County, insisted that any explicit support for the education of blacks jeopardized popular acceptance of the constitution, Marvin responded that education uplifted the community and stemmed "the degradation of the uneducated." The uneducated were "degraded in their intellectual powers, degraded morally, physically, and in every way" and were therefore "dangerous to your interests." The uneducated "may strike a fatal blow at midnight" and "may rob you of your treasures and your life," Marvin argued, but education taught principles "calculated to elevate man into the position which God . . . intended him to fill." A coalition of Democrats and Republicans, however, sustained a motion to table Marvin's proposal for free and equal schools.²⁶

Gillapsy then proposed that the board of education provide "for the education of all the white children" of the state through a "system of common schools." James Wilson, a Republican lawyer from Jefferson County and a native Ohioan, objected that Gillapsy went too far. After all, Wilson said, "an intelligent negro [was] certainly preferable to an ignorant one." Gillapsy still feared that education would lead to amalgamation and he pledged to prevent racial mixing. Blacks, bellowed Gillapsy, "shall not be educated under the same roof, side by side, with my

²⁴*Debates of the Constitutional Convention of 1857*, 2:825, 826, 828.

²⁵*Ibid.*, 826.

²⁶*Ibid.*, 827-828.

children, or with the other white children of this State." John Edwards, a Republican delegate from Lucas County and a native of Kentucky, noted the small number of blacks in the state and ridiculed the fear that blacks in Iowa would "take possession of the State and demolish it at once." Gillapsy's amendment, supported only by Democrats, lost by a margin of twenty-two votes to ten.²⁷

The bitter debate over education ended on February 27, five days before the convention adjourned. Republicans defeated a proposal of Daniel Solomon, a Virginia-born Democrat from Mills County, that the "property of colored persons shall not be taxes" for school purposes. Solomon wanted no "connection with [blacks] one way or the other." He sought a new constitution that reflected "a State for white men," a place where the "privileges established here are for white men," and where "we do not intend to have any . . . support . . . come from black men." Finally, George Ells, a Connecticut-born Republican bookseller from Scott County, gained majority acceptance for a proposal that provided education for "all the youth of the state" but without reference to schools "equally open to all." Ells's plan made possible the separate education of blacks and whites. Thus Article IX of the Constitution of 1857 established a popularly elected state board of education authorized to provide "for the education of all the youths of the State, through a system of common schools" which "shall be organized and kept in each school district at least three months in each year." The new state board had "full power and authority" to "make all needful rules and regulations in relation to Common Schools" but the General Assembly could "alter, amend, or repeal" regulations of the board. School appropriations also came from the General Assembly. Thus Iowa's educational system appeared to have a basis of equality, but remained under the influence of a divided legislature.²⁸

BLACKS did make some gains in the Constitution of 1857. Article I, Section VI, of the "Bill of Rights," provided that the "General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities, which, upon the same terms shall not

²⁷Ibid., 832, 835.

²⁸Ibid., 841, See Article IX of the Constitution of 1857 in Shambaugh, ed., *Documentary Materials*, 1: 245-249.

equally belong to all citizens." Section nine guaranteed that "no person shall be deprived of life, liberty, or property, without due process of law." Since the right to a trial by jury applied to criminal prosecutions and to cases "involving the life, or liberty of an individual," the constitution nullified the force of the Fugitive Slave Law of 1850. Yet, as stated in the Constitution of 1846, in 1857 only "white male citizens" could vote and serve in the state militia. Only a "free white male" could serve in the Iowa House or Senate. The new constitution even limited the state census to an enumeration of "all the white inhabitants of the State." Iowans ratified this constitution in August 1857.²⁹

The seventh General Assembly promptly translated the educational provisions of the new constitution into a law for the "Public Instruction of the State of Iowa" on March 12, 1858. This act, based on the Mann Report of 1856, provided for elementary schools to instruct students between the ages of five and twenty-one at least sixteen weeks a year; created county high schools; planned for the examination of teachers; and strengthened the governance of the state university. The civil township became the basic unit of school district organization. The new law also permitted school privileges for blacks in separate schools. District school boards were to "provide for the education of the colored youth, in separate schools, except in cases where by the unanimous consent of the persons sending to the school in the sub-district, [blacks] may be permitted to attend with the white youth." An amendment to strike out the word "unanimous" and insert after the word "consent" the phrase "of a majority of resident tax-payers" failed. Legislators realized that few, if any, communities would unanimously extend integrated schooling privileges to black students. Thus the 1858 school law reflected the ambivalent racial views of the new constitution's framers. The ideology of segregated schooling tinted the mandate to educate "all the youths of the State." Nine years earlier, in *Roberts v. City of Boston*, the Massachusetts Supreme Court had ruled that Boston had the right to maintain "separate but equal" school facilities for black children. Iowa accepted this principle.³⁰

²⁹Shambaugh, ed. *Documentary Materials*, 1: 224-229, 234, 241. For the opposing reaction of Democrat newspapers to the Constitution of 1857 see Leola N. Bergmann, *The Negro In Iowa* (Iowa City, 1969), 21-22.

³⁰Aurner, *History of Education*, 1:49-54; *Laws of Iowa*, 1858, Ch. 52, Sec. 30;

The fate of black education in Iowa was by no means clearly sealed. In Iowa City, the local school board voted on May 7, 1858, to take measures "as soon as possible to establish a school for the colored youth of the city." The school board postponed these plans, however, and a month later adopted a resolution in which "the colored children were instructed to attend the schools of their respective districts until objections be urged by the white families sending to said schools." Eight months later Iowa's supreme court held the entire 1858 school law unconstitutional because the Constitution of 1857 had authorized the state board of education and not the legislature to provide for a system of education. Nevertheless, the state board of education convened that same month and subsequently passed the same school law. A generation later, a superintendent of public instruction characterized the school law of 1858 as a "grand impetus to the cause of popular education."³¹

As a new decade opened, the United States census of 1860 revealed the status of blacks, including their education, in Iowa. The state had not rigorously enforced the law of 1851 that prohibited free black migration into Iowa, since the number of blacks in the state increased from 265 in 1850 to 944 in 1860. In 1860 blacks lived in thirty-nine of ninety-seven Iowa counties with a discernable concentration in counties bordering the Mississippi River. The six river counties of Des Moines, Dubuque, Lee, Louisa, Muscatine, and Scott accounted for 47 percent of the entire black population. The pattern of black settlement in Iowa from 1840 to 1860 was clear: black people lived predominately in the agricultural counties on the state's southern border and in the Mississippi River counties. They had apparently arrived by way of the Mississippi River, and to a much lesser extent, the Missouri. The predominance of certain black age groups had shifted since 1850. While black males still constituted 54 percent of the black population, the school-age population decreased from 46 percent in 1850 to 40 percent in 1860. The number of black children of ages one

J.A. Swisher, "A Century of School Legislation in Iowa," *Iowa Journal of History and Politics* 44 (April 1946), 174-205; Iowa General Assembly, *Senate Journal*, 7th Sess., 1858, 296.

³¹Aurner, *Leading Events*, 252-254; "Report of the Superintendent of Instruction," *Iowa Legislative Documents*, 1876, 32.

through four increased from 14 percent in 1850 to 19 percent in 1860. The black adult population, however, increased only 1 percent in ten years.³²

The 1860 census also reveals that 31.2 percent of the black school-age population in Iowa, 118 of 378, attended school. Black school attendance in 1850 had been 13.9 of the black school-age population. As in the past, some communities had apparently abrogated the state's restrictive schooling laws and permitted black children to go to school. Perhaps the increase in black migration to the state during the 1850s stimulated black school attendance in communities that willingly accepted black students. There is not enough evidence to attribute black school attendance in 1860 to the sanction which separate-but-equal schools for blacks had received in the school law of 1858. The reports of the superintendent of schools to the state legislatures in the 1850s made no mention of any community building schools just for blacks. Further research in local school records might yield more information about the effects of the 1858 school law on black schooling.³³

Black school attendance in 1860 reveals some interesting changes from the previous decade. The 118 black students who attended school in 1860 did so in fourteen of the thirty-nine counties where black people lived. Black females accounted for 44.7 percent (53 of 118) of the attendance compared to 29 percent (5 of 17) in 1850. On the very local level, fluctuations in attendance seemed related to general and black population growth rather than to policy. Black school attendance decreased in Jackson County from 3 out of 5 potential students in 1850 to 1 out of 4 in 1860. Johnson County, which had 4 of 11 school-age blacks in school in 1850 did not enroll any blacks in 1860. Linn County, which enrolled a solitary black student in 1850, did not enroll either of its two eligible black children in 1860. Black residents in both Johnson and Jackson counties decreased in number from 1850

³²U.S. Bureau of the Census, Population Schedules of the Eighth Census of the United States: Iowa, 1860, National Archives, Microfilm Reels 310-345 (hereafter Census, 1860).

³³Census, 1860.

to 1860, while Linn county gained only eight more black residents during the 1850s.³⁴

Schools in Louisa County had 28.5 percent of its black school-age population in attendance in 1860 compared to 25 percent in 1850. Marion County had 50 percent of its twenty school-age blacks attending, compared to 2 of 15 in 1850. Muscatine County had 53 percent (20 of 38) in school compared to 23 percent (5 of 22) a decade earlier. Lee County, which had no black school attendance in 1850, had 41 percent of its eligible black population in school ten years later. Scott County had no black students in 1850 but did have 6 of 16 potential black students in school in 1860. Fayette County, which had no black residents in 1850, had twenty-three of its thirty school-age blacks in school in 1860. These figures would seem to indicate a trend toward greater inclusion of blacks in school systems where greater numbers of blacks settled. Yet there were counties with significant black populations that recorded no black students in school at all. Dubuque and Des Moines counties never listed any black students from 1840 to 1860. Wapello County listed no black students in 1860 but did have a black population that ranked sixth among all Iowa counties with black residents. In 1860, black schooling in some Iowa counties obviously reflected that school attendance was a local issue, rather than one solely dependent on state edicts. Its absence in other counties may suggest interesting variations in local racial attitudes.³⁵

The census of 1860 also reveals the status of black adult illiteracy. In 1860, 144 of 391 black adults in Iowa (36.8 percent) could neither read nor write. The figure had been 31 percent in 1850. Black females accounted for 48 percent of the black illiterate population in 1860 compared to 55 percent in 1850. For the first time in Iowa, more black men than black women were basically illiterate. The six river counties of Des Moines, Dubuque, Lee, Louisa, Muscatine, and Scott, which had 47 percent of the entire black population in Iowa in 1860, accounted for 67 percent of the 144 black adults who could not read and write. In compari-

³⁴*The Eighth Census of the United States, 1860*, Washington, D.C., 507; Census, 1860, reels 310, 312, 316, 318, 322, 326, 328, 330, 331, 334, 335, 337, 340, 344. For comparison, of Wisconsin's 393 school-age blacks in 1860, 112 or 28.5 percent attended school.

³⁵*Ibid.*

son, ninety-eight of 587 black adults (16.7 percent) were illiterate in Wisconsin in 1860. By contrast, illiteracy among white adult Iowans declined from 10 percent in 1850 to 6 percent in 1860. More white adult women, unlike their black counterparts, were illiterate in 1860; they accounted for 61 percent of the white adults unable to read and write. Possibly these discrepancies in literacy rates reflect the backgrounds of the more recent migrants, both white and black, to Iowa during the decade. The scanty evidence does not allow connection of black illiteracy rates to the restrictive legislation of the 1850s.³⁶

The disparity between white and black schooling widened considerably during the 1850s. The percentage of white children who attended school increased from 39 percent to 67 percent in ten years. Historian Lawrence Cremin termed this increase in public schooling for whites from 1840 to 1860 "spectacular" in the Midwest. The national school enrollment rate for whites between the ages of five and twenty-one "rose from 38.4 percent in 1840, to 50.04 percent in 1850, to 57.7 percent in 1860." Iowa experienced more significant gains with its rise in white schooling from 10 percent in 1840 to 39 percent in 1850 to 67 percent in 1860. After a decade and a half of statehood, Iowa schools enrolled two-thirds of the eligible white population, and 94 percent of the white adults in the state could read and write.³⁷

For blacks in Iowa, legal proscriptions of educational opportunities started in 1839 and continued throughout the 1840s and 1850s. State legislators encouraged perpetuation of the historical disparities between black and white educational attainments. Yet, the willingness of some communities to ignore the racism which the legislature expressed, and enroll some of their black children in white schools, may have indicated a human tendency to accept change on a case-by-case basis when first-hand familiarity softened decisionmaking. Certainly it revealed

³⁶Census, 1860, reels 319, 320, 330, 331, 337, 340; *Eighth Census of the United States*, 506, 508; A.T. Hull (secretary of state), *Iowa Historical and Comparative Census, 1836-1880* (Des Moines, 1883), 177; Census of 1860, 1: 135-137. A total of 19,782 white adults were illiterate in 1860 and 11,976 were white women. There were 301,900 white adults in Iowa in 1860.

³⁷Lawrence Cremin, *American Education: The National Experience, 1783-1876* (New York, 1980), 178, 180.

that state legislation does not necessarily define local behavior. Regardless of such inroads, however, the path toward equal educational opportunity for blacks in Iowa, from the years of territory to statehood to the brink of the Civil War, was a long and stony road.

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