

## Comment by the Editor

### FREE SOIL

“In all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the State contemplated by this act [Missouri], slavery shall be, and is hereby, forever prohibited.” So declared the famous Missouri Compromise; and thus the future Iowa became free soil. Before 1820 there had been no legal restraint upon the ownership of slaves anywhere in the whole region west of the Mississippi River from the Gulf of Mexico to British America.

Later, when the Black Hawk Purchase was opened for settlement and made a part of Michigan Territory, the slavery prohibition of the Ordinance of 1787 was extended across the Mississippi. Within a year after the Territory of Iowa was established, the Territorial Supreme Court decided that slavery had been entirely and finally prohibited north of Missouri and west of the Mississippi both by the Missouri Compromise and the Northwest Ordinance, that slave property could not exist where slavery was forbidden, and that no permanent resident of Iowa could be a slave. Finally, Iowa was admitted

to the Union in 1846 as the first free State in the Louisiana Purchase.

“ALL MEN ARE CREATED EQUAL”

While the blight of negro slavery never blemished the political annals of this Commonwealth, the race problem was not so happily escaped. In the very first session of the Territorial legislature, a law was passed which was calculated to discourage immigration of “blacks and mulattoes”. Before entering the Territory of Iowa they had to show a certificate of freedom and give a bond of five hundred dollars to ensure good behavior.

The framers of the first State constitution recognized that “all men are created equal,” but they regarded that dogma of the Declaration of Independence as “a mere abstract proposition” strictly true only when applied to man in a state of nature. Certainly they could “never consent to open the doors of our beautiful State and invite” the negro “to settle our lands”, because the policy of other States “would drive the whole black population of the Union upon us.” Although the Constitutional Convention of 1844 was convinced that the two races could not live together in political and social equality without degradation and discord, persons of color were not specifically excluded from the State. The founders of the Commonwealth believed that all men were entitled to freedom, but more than a score of years elapsed before negroes were given a

status of complete political and civil equality in Iowa.

#### THE INALIENABLE RIGHT OF EDUCATION

For more than a decade after Iowa became a State, negro children had no legal right to attend a public school. A few, no doubt, were admitted, and separate schools were maintained for colored children in some places. As a measure of fairness, during this period of exclusion, the property of blacks and mulattoes was exempt from taxation for school purposes. In 1857, however, the new Constitution reversed conditions by requiring that schools should be maintained for "all the youths of the State". Thereafter no legislative discrimination was ever made with regard to color. But the question of whether a local school board could exclude negro children from a particular public school remained unsolved.

On the tenth of September, 1867, Susan B. Clark, a twelve-year-old daughter of Alexander Clark who was a prominent citizen and later United States minister to Liberia, was denied admission to a Muscatine grammar school which she was qualified to attend. Thereupon she appealed to the law, and the Supreme Court of Iowa decided that a pupil could not be excluded from any common school on account of race, nationality, religion, dress, or any other distinction which would deny equality of educational opportunity.

Seven years later, when Geroid Smith, a grandson of Charlotta Pyles, entered Keokuk High School he was expelled because citizens objected to mixed schools and also on the ground that the admission of colored pupils would "destroy the harmony and impair the usefulness of the high school." Equivalent instruction was offered in another school for negroes. The Supreme Court declared, however, that this was essentially the same as the Clark case and again ruled that a pupil could "not be excluded from the schools because of his color, or required to attend a separate school for colored children." Thus complete equality of all children was established in the schools of Iowa, without regard to race or class or creed. Perhaps Iowa leadership in literacy may be traced to that enlightened policy.

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