

Sandwiching in History
Lake Nixon
18500 Cooper Orbit Road, Little Rock
May 4, 2018
By Travis Ratermann



Intro:

Good afternoon, my name is Travis Ratermann, and I am the Survey Historian at the Arkansas Historic Preservation Program. Thank you for coming, and welcome to the “Sandwiching in History” tour of Lake Nixon. I’d like to thank the staff of Lake Nixon and the Second Baptist Church Downtown for allowing us to tour their facility today! This tour is worth one hour of HSW continuing education credit through the American Institute of Architects. Please see me after the tour if you’re interested.

You are standing on and around a beautiful 34-acre lake built within the rolling hills and native trees, roughly thirteen miles from downtown Little Rock, Arkansas. Though the site has a lot of history for dances, swimming, and the infamous jukebox, the site also offers a remarkable contrast to these wonderful times through a very dark time in 1966 that brought about an era of change to the site. Lake Nixon offers a great contrast from other Civil Rights or desegregation sites found in Little Rock, due to its rural setting and influence the court case had on the United States. The site has 15 contributing and 10 non-contributing resources located throughout, but the most significant aspect of the site are not the buildings or the playground; the significance of the site revolves around the use of the lake and Lake Nixon itself.

The lake is named after Oscar Shull Nixon who hand dug the lake for his own personal enjoyment between 1946 and 1951. However, as the pond was stocked with fish, other locals continued to ask about fishing or swimming in the pond, to which Mr. Nixon eventually found permissible. The lake was opened for public swimming in the summer of 1951, which was an extremely mild summer with the high temperature being 93 degrees in August. At this time Oscar decided to open the pond as an active swimming hole with ice cold beverages and music from the infamous jukebox, and ended up having hundreds of people show up each weekend to swim. Only a year later, in 1952, Mr. Nixon was advertising and congratulating the local high school seniors in their high school yearbooks. When talking with anyone that has spent time at Lake Nixon over the years, everybody talks about the great dancefloor, the Jukebox, the first dates, learning to swim, and the overall great experiences that they had while growing up and talking part in the fun activities that happened on this site and that includes the Nixon's party barge named "Tiki". It is stated by members of the Nixon family that they too loved being part of

the fun out here at the lake. Some of these events included the family making bets about skiing and trying not to get business suits wet.

(Time given to discuss memories from the crowd)

Oscar S. Nixon and his family would continue to operate Lake Nixon and a small log grocery store out near Ferndale until 1962 when due to health issues, he sold the property to Euell Paul, Jr. Euell Paul, Jr. was born and raised in California, where he met his first wife Irene, though her family was from the Little Rock area. By 1961 or 1962 they decided to move to Little Rock to be closer to Irene's family. Upon moving to Little Rock, the couple purchased Lake Nixon from Oscar S. Nixon.

But not everyone was able to have the same fun experiences other were able to take in over the years. The summer of 1966 was extremely hot, with 21 straight days above 100 degrees in Oklahoma City, Oklahoma, and over six straight days over 100 degrees in Memphis, causing the public to gather at cool locations including swimming pools and lakes.

The significance of the property, from a National Register standpoint, began on July 10, 1966, when two African-American girls, "Mrs. Doris Daniel and Miss Rosalyn Kyles said they tried to swim at Lake Nixon and Spring Lake... but were told they were private clubs, the memberships were full and no new members were being admitted."¹ With their entrance denied at both of the lakes and feeling discriminated against, both women brought suit against both lakes.

¹ "Arkansas Briefs," *El Dorado Times*, 30 July 1966, 6. ; A third member of the denied group was a male friend of Doris and Rosalyn.(Federal Reporter 2d series, volume 395, page 121.)

The lawsuit alleged that the Lake Nixon and Spring Lake Clubs were operating in violation of the four types of public accommodations covered under the Civil Rights Act of 1964. During testimony Euell Paul, Jr., stated through his attorney that they excluded Negroes because “they would lose most of their white customers if they did not.”² Paul also stated that Lake Nixon was made a private club in 1964 to exclude undesirables such as drunks and disorderly white patrons. During testimony by J.A. Culberson, he too stated that he would lose much if not all of his white customers, but did state that “a day would come when an integrated facility could be operated at a profit.”³ However, while cross examined by Attorney John Walker, Mrs. Irene Paul stated that she did not know how many member the club had, but that the Club had nearly 100,000 admissions, while Culberson stated the Spring Lake Club had nearly 4,000 members. It is at this time that they were asked to present a list of their members, but neither club was able to present such paperwork, while also not being able to show that the clubs had regular meetings.⁴

Upon getting to his thoughts on the case, and after reflecting on the arguments presented, Judge Hensley stated that he did not believe the claims that Lake Nixon was a private club. He notes that each club had “loose membership policies and extensive advertising.”⁵ He also stated that the lakes were not within “the terms of any rational definition of a private club which might be formulated in the context of an exemption from the coverage of the Civil Right Act of 1964.”⁶ However, after making the statement that neither of the Lakes/Clubs were actually functioning as “private clubs,” Hensley went on to state that even with the lack of the clubs acting as private clubs, that the “lakes [were] free to bar negroes because they [were] not included among the

² Owners of Lakes Upheld in Refusal To Admit Negroes,” *Arkansas Gazette*, 14 February 1967.

³ *Ibid.*

⁴ *Ibid.*

⁵ *Ibid.*

⁶ *Ibid.*

businesses covered by the Act's ban on discrimination.”⁷

Walker went on to appeal the ruling to the Eight Circuit Court of Appeals in St. Louis, Missouri, while dropping Spring Lake and its owner, J.A. Culberson, from the lawsuit, as the Interstate Commerce clause was already being stretched and Walker did not want to push limit. Walker also felt that Spring Lake was willing to reexamine their policies and allow African Americans to Spring Lake to swim. The appeal by Walker was later accepted by the Eight Circuit Court of Appeals and was finally heard in St. Louis on May 3, 1968. Many of the arguments made in the District Court trial were brought back up in the Court of Appeals trial.

Upon hearing the case, the judges associated with the Eight Circuit Court of Appeals (Chief Judge Van Oosterhout, Circuit Judge Mehaffy, and Circuit Judge Heaney) affirmed the District Court ruling. The only dissenting opinion was written by Circuit Court Judge Heaney who wrote that “in my view, the judgement of the district Court cannot be upheld.”⁸

Following the decision by the Eight Circuit Court of Appeals in St. Louis, an appeal was made to the US Supreme Court. While waiting to hear if the US Supreme court would hear the case, it is stated that Mr. Euell Paul, Jr., began feeling that the case may not favor him if the case was accepted by the US Supreme Court.

At the same time that the court case was circulating through the US court system, the Second Baptist Church of Little Rock, led by Pastor Dale Cowling, was beginning to look at locations to hold a day camp provided by the Second Baptist Church of Little Rock. Dr. Cowling believed that “one of the greatest needs ...was a place for children of working mothers to have a safe, fun

⁷ *Ibid.*

⁸ *Ibid*, 129.

place to spend their summers.”⁹ The church began actively looking for a location in or near central Arkansas, for working mothers needing a safe place for their young children to stay while they worked.¹⁰

It was widely known at the time and throughout Little Rock that the best place to congregate was Lake Nixon. However, acquiring Lake Nixon would probably be outside the realm of possibility because of cost and the size of the lake. Yet, it was also widely known that the owners of Lake Nixon were under pressure to sell Lake Nixon following the ongoing lawsuit. Upon sitting down with Mr. and Mrs. Euell Paul, Dr. Cowling shared his vision of what he was looking for in a location for children and families to partake in swimming and outdoor recreation. It was at this time Dr. Cowling simply asked what price the Paul’s wanted for the site, to which Euell stated \$210, 000.¹¹

According to church history, Dr. Cowling responded by saying...

Euell, we will pay the \$210,000 with these terms: 1) \$10,000 per year for 21 years; 2) first payment will be after we have operated the facility for one season; 3) No interest for the first 10 years.¹²

⁹ Second Baptist Church, “Second Baptist’s Acquisition of Lake Nixon,” Arkansas Historic Preservation Program, National Register and Survey Files, Lake Nixon File.

¹⁰ In 1955 alone, 45.6% of working age women (15-64) were in the labor market creating a gap in child care that needed to be filled and Second Baptist church helped fulfill this need with their kindergarten program. (Striking Women, “Post World War II: 1946-1970, Striking Women: Women and Work, <http://www.striking-women.org/module/women-and-work/post-world-war-ii-1946-1970> (accessed 1 November 2016).)

¹¹ Second Baptist Church, “Second Baptist’s Acquisition of Lake Nixon,” Arkansas Historic Preservation Program, National Register and Survey Files, Lake Nixon File.

¹² The exact terms of the sale are still undecided because the Warranty Deed contradicts this proposal and acceptance. The Warranty Deed states that the sale was for \$210,000, paid and to be paid by Lake Nixon Inc. in ten (10) annual installments of ten thousand dollars (\$10,000), beginning October 1, 1969 and the balance due on or before October 1, 1979. It is believed in reading the warranty deed that close to 110,000 was put down at the time of the sale.

To which Euell Paul responded, “Preacher, that is the craziest deal I have ever heard!”¹³

After stating that they would accept the deal with certain conditions, Dr. Cowling told Euell Paul to sleep and pray on it and call him by 5:00 pm the next day. It is stated that no call came by 5:00 pm, but that Euell called Dr. Cowling and other members of the church at 5:30pm. Still, how would the church pay for this vast expenditure? Dr. Cowling put together ten men who would co-sign a note taking responsibility for \$20,000 each.

In the meantime, the case did get a boost once the Justice Department “enter[ed] the case as a friend of the court”¹⁴ on behalf of Doris Daniel and Rosalyn Kyles. Like the previous arguments made in the earlier trials in the case, the Justice Department took up the argument that the importing of juke boxes, records, and paddle boats from out of state, while also serving out of state travelers at a snack bar, forbid them from discriminating based on the Civil Rights Act of 1964. But they also spurred a new argument based on allowing African Americans to make contracts. This then prompted a new argument that stated “that by paying 25 cents, white members of the general public were allowed to make contracts giving them the right to enter and use Lake Nixon’s facilities. Since Negroes are denied that right ...the (1866 Civil Rights Act) law was violated.”¹⁵

With the arguments made March 24-25, 1969, the Supreme Court finally gave its opinion on June 2, 1969. By a ruling of seven to one, the United States Supreme Court ruled that “privately owned recreation areas that offer swimming, picnicking and similar facilities for white members

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¹⁴ “Justice Dept. To Aid Supreme Court In Civil Rights Case,” *The Camden News*, 15 February 1969, 1.

¹⁵ *Ibid.*

cannot exclude Negroes.”¹⁶ The decision was handed down by Justice William J. Brennan, Jr., with Justice Hugo J. Black as the only dissenter. As part of the ruling, the Justices felt that Lake Nixon was in fact a “public accommodation” subject to Title II of the 1964 law based on several grounds that were argued including the snack bar offering services to interstate travelers, the fact that the club sought “broad-based patronage” through advertising, and that it was a place of entertainment.

Following the outcome of the Daniel v Paul case, both the Second Baptist and the outreach ministry arm known as Lake Nixon, set out on a path of inclusion for the newly formed day camp which would provide a ministry through public family and group recreation at the site. The day camp opened in the summer of 1969 with 89 enrollees and has continued to grow. Today, the Lake Nixon Day Camp enrolls children between the grades of kindergarten to 6th grade. The Lake Nixon Outdoor Center welcomes students of all ages to the site.

Today, feel free to explore the ground and the lake and take in the beautiful scenery. Thank you again for coming, and please join us for our next Sandwiching in History Tour at the Maumelle Ordnance Works Bunker #4 at 4 Willastein Drive in Maumelle on Friday, June 1st. Also, please join us this Saturday May 12th at 11:00 a.m. for our Walks Through History Tour in Downtown Beebe. Thank you again for coming and have a great weekend.

¹⁶ “Privately Owned Recreation Areas Cannot Exclude Negroes,” *The Camden News*, 2 June 1969, 1.