

The Events and Circumstances
Leading to the Establishment of the Constitutional Board of Trustees
by
Dr. David Sansing
September 2008

When the University of Mississippi, which was closed during the Civil War, reopened in 1865 one faction in the legislature demanded the admission of black students. Prompted by the fury of racial politics, another faction declared they would close the University to prevent the admission of black students. A third faction resolved the impasse by establishing Alcorn State University. The state's second public institution of higher learning was governed by a board of trustees separate and independent from the board that governed the university.

In 1872 when the University of Mississippi opened a College of Agriculture funded by a federal land grant, "Redneck" politicians railed against the old aristocratic University and demanded the establishment of Mississippi A&M, with its own separate governing board.

Even though Ole Miss admitted women students, the legislature yielded to public pressure orchestrated by a powerful pre-feminist movement in Mississippi, and established Mississippi University for Women in 1884. The women's college was governed by an independent board of trustees comprised entirely of men.

A fifth public institution of higher learning, a coeducational teachers college for blacks, was established at Holly Springs in the mid-1880s. One governor praised the State Normal School as one of Mississippi's best investments in education. Another governor elected by a different political faction, vetoed its appropriation and closed the school in 1904.

Each of Mississippi's five public institutions of higher learning was governed by an autonomous board of trustees. The governor appointed the members of all five boards and as ex officio chairman of each board, he was the only link between them. The college board members were not only political appointees, many of them were politicians and the institutions they governed felt the fury of factional politics.

The history of higher education in Mississippi in the late nineteenth century was shaped by the dynamics between a social order in transition and a power structure resistant to change. On the eve of the new century of progress, Mississippi politicians circled the wagons and tightened their control on public institutions of higher education.

The president of the State Normal School was fired because some politicians believed he encouraged his black students to be uppity and ambitious. The president of the woman's college at Columbus was accused of teaching his women students "to demand the rights of men [and] invade the sphere of men" and was eventually dismissed. A powerful legislator's criticism of Mississippi A&M's "imported scholars" was followed by a reduction in their salaries and led to an "epidemic of resignations." In 1889, after requiring the University faculty to sign a statement acknowledging that they served at the "will" of the board, the trustees fired five of the University's eight professors and allowed two others to resign. In 1896 the new president of Alcorn A & M did not have a college degree and was not well-received by his faculty. Alcorn's board of trustees was so angered by their reaction to its authority that it dismissed virtually the entire Alcorn faculty.

The five college boards were not the least reluctant to exercise their prerogative and often became involved in the daily operations of the institutions they governed even to the extent of intervening in student discipline.

This continued political mischief aroused so much public opposition by 1910 that the several boards of trustees were replaced by one board with authority over the four existing institutions. The law creating this consolidated board removed the governor as ex officio president and prohibited elected officials from serving on the new board of trustees. But after some powerful politicians objected to this provision, the legislature reinstated the governor as ex officio president and authorized the appointment of elected officials to the board. The elected state superintendent of education was also an ex officio member of the board of trustees.

In addition to the consolidated board of trustees, the legislature established two additional independent and separate boards for Mississippi Southern College and Delta State Teachers College.

Although structurally this was an improvement, the conceptual framework of governance was not significantly different. In 1912 the consolidated board announced that all faculty members at the four institutions it governed were subject to immediate dismissal by the board rather than by administrative heads of the institutions.

Political interference in the operation of the University by the board of trustees led Chancellor Andrew Kincannon to resign in 1914 because, as he stated, "I was unwilling for the school to become a political chattel." The new chancellor was a member of the board of trustees that elected him.

When Earl Russell, a powerful member of the legislature ran for governor in 1919, he sought but did not receive the support of Henry Whitfield, president of Mississippi State College for Women. Russell vowed to fire Whitfield if he were elected. Russell was elected and Whitfield was fired in August 1920.

Whitfield ran for governor and was elected in 1923. As ex officio president of the University's board, Whitfield dismissed his old political enemy, Chancellor Joseph Neeley Powers.

Job security at Mississippi's institutions of higher learning became increasingly political and by the late 1920s "Presidents, deans, and instructors [were being] hired and fired . . . like section hands on a railroad crew."

In 1928 when Governor Theodore Bilbo gained control of the board that governed Mississippi Southern he dismissed the president. When he gained control of the consolidated board of trustees in 1930 he dismissed the Chancellor of the University, and the presidents of

Mississippi State and Mississippi State College for Women. He tried but failed to remove the president of Delta State.

The replacement of the presidents alone may not have provoked such a great outcry from the public, but the new presidents also made extensive changes in the faculty and staff at each school. Following these dismissals the Southern Association of Colleges and Schools revoked its accreditation and suspended Mississippi's institutions of higher learning.

This was a crippling blow to students at the state's colleges because their degrees would not be accredited and their employment opportunities would be drastically limited.

During the gubernatorial canvass of 1931 the issue of college and university governance was a major issue. Martin Sennett Conner campaigned on a promise to completely reorganize the college boards and place them beyond the reach of factional politics.

After Conner's election the legislature, with broad popular support, dissolved the three existing boards and created one nine member board of trustees with staggered, twelve year terms. The governor would continue as an ex officio member and president of the new board. After certain reforms were implemented by the new board, the Southern Association readmitted Mississippi's institutions of higher learning and reinstated their accreditation.

However, the advocates and supporters of the new board of trustees were soon disabused of their belief that they had placed the colleges beyond the reach of politics.

In the very next governor's race several college officials and two members of the new board of trustees were actively involved in the campaign against Hugh White. After he was elected Governor White publicly declared his intention to dismiss those college officials who had opposed him. But, to gain control of the board Governor White would need to enlarge the board from nine to twelve members. White's allies in the legislature introduced a bill to add three members.

At a press conference on February 21, 1936 Governor White indicated that what he actually wanted was control of the Board of Trustees and that if the two trustees who had opposed him would resign he would have his allies withdraw their bill. The board members did not resign and the bill giving Governor White control was passed. Several personnel changes occurred at various institutions but not to the extent that some had feared.

For those remaining few who believed that the creation of the new consolidated board of trustees had finally removed politics from the governance of higher education, they were again dismayed by the political machinations following the election of Governor Paul B. Johnson, Sr. A bill was introduced to enlarge the board from twelve to fourteen members with the expressed purpose of giving Governor Johnson control of the college board. Supporters of the bill argued that it was merely a “political courtesy” to the new governor to give him control over the college board.

After a “shake up” of the faculty and staff at Mississippi Southern College, in Governor Johnson’s home town, the Southern Association of Colleges placed Mississippi Southern on probation and warned that further action may be taken. The threat of such possible action revitalized the effort to establish a structural and conceptual framework for the governance of higher education that would, if not eliminate political intrusions, at least contain such intrusion to a tolerable level.

The most feasible alternative to continued political interference was the establishment of a constitutionally protected board of trustees that would not be subject to the revenge of a capricious governor or the mischief of factional politics.

Consequently, in the 1942 legislative session an amendment was introduced to add Section 213-A to the State Constitution. This amendment created a twelve member governing board consisting of “men and women . . . uninfluenced by any political considerations”

Throughout its sixty-six year history the constitutional board of trustees, if not having measured up to the full expectations of its architects, has established a framework in which political interference has been the rare exception rather than the rule.

During the early 1960s the controversy over the admission of James Meredith to Ole Miss prompted the Southern Association to issue a stern warning against the political interference with the university's admission policy. The college board may have bent but it did not break under the enormous political pressure to defy the United States Supreme Court. In the late 1970s the public discussions of closing or consolidating various institutions tested the board's resolve to remain beyond the reach of politics.

The attainment of a state educational system utterly devoid of politics is an unrealistic objective. As Hilton Waits said in 1936, "All institutions supported by public funds must be subjected to the will of the people." Public universities cannot expect to operate beyond the reach of public policy. But they must, if they are to flourish as institutions of learning, be above factional politics. The most critical factor in the governance of public universities is the independence and integrity of the governing authority.

Before 1942, the statutory board was overtly a political instrument with little or no independence from either the executive or legislative branches of state government. The board's checkered record compromised its integrity and undermined its credibility with the people. Since 1942 the college board, with its independence and integrity protected by constitutional autonomy, has functioned as a public rather than a political instrument.