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## **“Leaning on the Everlasting Arms”: Virgil Darnell Hawkins’s Early Life and Entry into the Civil Rights Struggle**

By Larry O. Rivers

**B**y 1987, Florida civil rights hero Virgil Hawkins’s earthly journey neared its end. At 80 years of age, the sunset of his life had given him many signs that relief and rest lay just on the horizon: grayer hair, slower reflexes, sharper aches, and ailing health. But still, even in these waning years, peace eluded him. The painful, ongoing irony and contradiction in his life appeared as clear as the black-haired, white female newspaper reporter sitting in his living room, carefully scratching out notes as he shared a story that he had repeated so many times.<sup>1</sup>

Hawkins looked deeply into the past as he recounted to the journalist how, in 1976, he had attained his dream—the Florida Bar license and the painted office window that read: “Virgil Hawkins, attorney-at-law”—only to have both stripped from him nine years later. He spoke of endeavoring, at his personal financial expense, to represent so many poor clients and of being arrested and taken to jail for allegedly stealing from two of their trust

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Larry O. Rivers is a Ph.D. candidate in history at Vanderbilt University. The author wishes to acknowledge the support of Dr. Dennis C. Dickerson, Vanderbilt; Dr. Canter Brown, Jr., Fort Valley State University; Dr. E. Murell Dawson, Southeastern Regional Black Archives, Research Center and Museum, Florida A&M University; Gloria Barton, niece of Virgil D. Hawkins; and the staff of the Florida State Archives. Funding for this research was provided in part by the Vanderbilt Department of History through its Herbert and Blanche Henry Weaver Fellowship in History.

1. Barbara Stewart, “The Law and Virgil Hawkins,” *Orlando Sentinel* [Florida Magazine], 8 March 1987.

funds. He described the experience of serving as a symbol of legal justice while relegated permanently to the sidelines of the legal profession after pleading no contest and receiving probation for grand theft charges—all the while being ridiculed by state officials (whom his friends accused of unfairly targeting him and then publicly exploiting his mistakes in a scheme to mar his legacy). And lastly, he shared the frustration of being the namesake of the state legislature's annual \$100,000 legal education scholarship fund for black students, yet being forgotten by the younger generation of blacks who had reaped the benefits of his sacrifice. Many recipients actually thought their Virgil Hawkins Fellowships carried the name of a wealthy patron. "They don't understand how much we did for them," he lamented. "They think it was always like it is now. They say, 'What was the problem? Why couldn't you just go to school like I do?' They don't know the story of their people."<sup>2</sup>

The words brought a sour strain to Hawkins's face as he uttered them. But, finally reclining back in his worn armchair, the irritated scowl melted away as he shifted through folders of yellowed newspaper clippings and gradually turned his thoughts toward a plan to solve this ordeal—writing a book on his life. Shutting his eyes, he imagined the pages in his autobiography; it would highlight his triumph over Jim Crow not the efforts to disbar him and discredit his legacy. "I know what I did," he said in a firm voice. "I integrated schools in Florida. No one can take that away from me." The pages of his book would preserve this for years to come.<sup>3</sup>

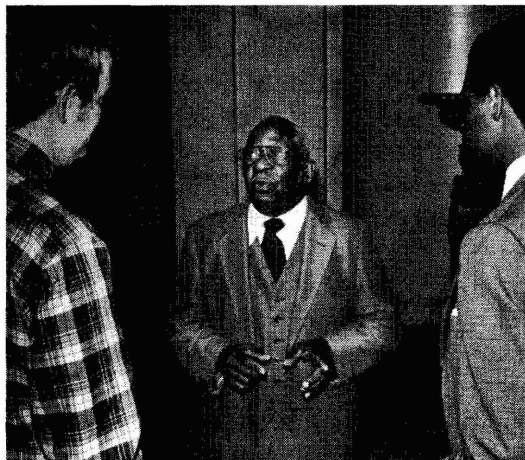
The words came to the paper slowly. He worked on it here and there, and, gradually, it expanded from just a few paragraphs to four or five pages that gave a glimpse of his early life and what inspired him to become an attorney. However, on February 11, 1988, nine months after a stroke paralyzed him, he finally reached the end of his earthly journey. The project that brought him so much joy during his last months of life now silently collected dust.<sup>4</sup>

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2. Ibid.

3. Ibid.

4. Harley S. Herman, "A Tribute to an Invincible Civil Rights Pioneer," *The Crisis*, July 1994, 42; Harley S. Herman, "A Tribute to an Invincible Civil Rights Pioneer (Part II)," *The Crisis*, August/September 1994, 24.



Virgil D. Hawkins, age 76, during a recess of his 1983 Florida Bar disciplinary case before the Florida Supreme Court in which he represented himself. *Image and caption courtesy of Florida Photographic Collection. Florida State Archives.*

Today, scholarships, statues, plaques, and award names commemorate Hawkins's crusade. In addition, several learned articles cover his long struggle to desegregate Florida's public university system. Still, the existing published accounts provide few details on his early years and how they shaped his evolution into an indomitable civil rights pioneer. This essay explores the story Virgil Hawkins began to share in the introductory chapter of his autobiographical manuscript—focusing on his first forty-three years and the key personalities, experiences, and institutions that influenced his tenacious commitment to fighting segregation.<sup>5</sup>

Hawkins's story opened in a land haunted by a long heritage of brutal racial conflict, dating all the way back to the Seminole Wars and beyond. Five years after Chief Bowlegs's band of Seminoles and maroons used Lake Harris's marshy wilderness to elude Major General Andrew Jackson, the 1823 Treaty of Moultrie transformed this area of refuge into a zone of confinement. With the enactment of the pact, the tribe's twenty-four million acres of prime north Florida planting land disappeared from under its feet.

5. For examples see: Algia R. Cooper, "Brown V. Board of Education and Virgil Darnell Hawkins Twenty-Eight Years and Six Petitions to Justice," *The Journal of Negro History* 64 (Winter 1979); Lawrence A. Dubin, "Virgil Hawkins: A One Man Civil Rights Movement," *Florida Law Review* 51 (December 1999).

In its place, the Seminoles and their black allies received an undesirable reserve of thick, impenetrable flatwoods and deep bogs that even William P. DuVal, Jackson's successor as Florida governor, described as wasteland "in the most miserable region I ever beheld." Confined here as a precursor to United States plans to drive the Seminoles west and return the runaways to shackles, the inhabitants struggled through years of droughts, poor harvests and near starvation.<sup>6</sup>

Nearly three generations afterward, Virgil Darnell Hawkins entered the world on November 28, 1906 in Lake County, a rural, backwoods, central Florida region that stretched across Lake Harris and the very heart of the one-time Seminole and maroon reserve. Generations before the small, dark-skinned baby's birth, black tribesmen on this land had resisted the treaty boundaries enforced by federal troops. Now, decades after blacks had brandished spears in these skirmishes, shot arrows in a third Seminole War, blasted canons in a Civil War, and emptied pistols against night riders during a tumultuous Reconstruction, the blacks of Lake County, as was true of their counterparts in most of the South, remained far from free. While the reservation and its deadly barrier of bayoneted rifles had disappeared, Hawkins and every other black in this region remained caged, surrounded at birth by the iron bars of legal restrictions and violent oppression.<sup>7</sup>

Even in the age of transatlantic radio signals, the Wright Flyer, and Albert Einstein's theory of relativity, the early twentieth century Florida of Hawkins's birth bore a striking resemblance to the Old West portrayed in the country's popular black-and-white silent picture shows. A steadily growing cattle industry ran from the Atlantic to the Gulf coasts, with mounted, lasso-wielding cowhunters performing roundup, roping, branding, and trail drives across the open range. With just 528,542 residents in 1900, the smallest population of any state in the South, the twenty-seventh state remained very much a pioneer country. Its people lived

6. George Klos, "Blacks and the Seminole Removal Debate, 1821-1835" in David R. Colburn and Jane Landers, eds., *The African American Heritage of Florida* (Gainesville: University Press of Florida, 1995), 128-56. See also: John K. Mahon and Brent R. Weisman, "Florida's Seminole and Miccosukee Peoples" 183-206 and Daniel L. Schafer, "U.S. Territory and State" 207-230 both in Michael Gannon, ed., *The New History of Florida* (Gainesville: University Press of Florida, 1996).

7. Lerone Bennett, Jr., "The South's Most Patient Man," *Ebony Magazine*, October 1958, 50.

on rural homesteads scattered from the Panhandle's old plantation belt all the way through the north and central farming and mining sections that, during the Civil War, had supplied Confederate soldiers with food staples, naval stores, livestock, and salt. Here, modern dwellers built quaint, wood-framed cottages, shotgun homes, and cabins along with the requisite family barns and outhouses. Travelers moved along narrow and dusty dirt roads, reaching their destinations by riding horseback or sitting atop high-wheeled ox and mule-drawn wagons and buggies. The enormous seaboard and lengthy rivers also left Florida heavily dependent upon the steam-powered boats and ships that coasted up and down its waterways.<sup>8</sup>

This sparsely populated backcountry in which Hawkins was born—vilified by tales of mucky swamps, blistering heat, torrential hurricanes, hungry mosquitoes and lowly “clay-eating crackers”—seemed hardly the place for an overnight development boom. Nonetheless, along the peninsular coastlines and central region, another Florida was taking form. Spurred by generous state land grants offered in the 1880s and 1890s, rival entrepreneurs Henry Bradley Plant and Henry Morrison Flagler had sown the seeds of a vibrant vacation community for affluent Yankees by building palatial resorts that they connected to the North with new multimillion-dollar railroads and steamship lines. Wealthy northerners paid enormous sums to be pampered in grandiose hotels and played in spas, casinos, yachts, polo clubs, barrooms, golf courses, and tennis courts. In addition to revolutionizing Sunshine State tourism and transportation, Plant and Flagler opened Florida to the rest of the country and built entire municipalities to support their rail systems, complete with paved streets, schools, hospitals, electric companies, waterworks, sewer systems, fire stations, police stations, city halls, and courthouses.<sup>9</sup>

Hence, two Floridas had begun to emerge during Hawkins's formative years: the first, a cosmopolitan and rapidly urbanizing hub for investment and industry and, in its shadow, an agrarian, Deep South cracker country. The schism ran all the way to the statehouse. While virtually all Floridians welcomed the new railroads, farmers and small businessmen feared that the state's elite

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8. Edward A. Fernald and Elizabeth D. Putnam, eds., *Atlas of Florida* (Gainesville: University Press of Florida, 1996), 96-104, 127.

9. Samuel Proctor, “Prelude to the New Florida, 1877-1919,” in Gannon, 266-86.

classes and Yankee-controlled trusts were usurping control of the government and prime public lands. During Democratic primaries, the only real election in the one-party state, Progressive-Populist “wool hats” squared off against “silk hat” corporate-railroad barons, developers, and other assorted high society interests for command of Florida’s commercial future. In 1904, the “wool hatters” succeeded in narrowly electing the Progressive, anti-corporation activist Napoleon Bonaparte Broward to the governorship. Broward, who won on promises to drain the Everglades for agricultural development, appeared as a welcome champion to farmers, especially those in Lake County, who turned out in great droves to support him.<sup>10</sup>

With an economy almost entirely dependent upon its natural resources, Hawkins’s white Lake County neighbors enthusiastically embraced Broward’s appeals to “little man” planters. Rich with orange, grapefruit and tangerine groves, Lake had numbered as one of Florida’s three largest citrus producing counties in 1900. Farms resting atop muck lands produced generous corn, natal hay, and watermelon harvests. Saw mills, kaolin plants, cotton gins, turpentine stills, and packing houses changed the bountiful yields of nature into transferable forms that were then shipped by train to all areas of the country. In all stages of these planting, mining, harvesting, and packing processes, black workers provided critical manual labor.<sup>11</sup>

As young Hawkins soon learned, his father counted among those blacks who worked from sunup to sundown every day in the thinly populated county. During the 1890s Georgia-native Virgil William Hawkins had come to Lake County in search of work. He found a job in a clay mine. Like many other early black settlers in the area, Virgil Hawkins’s father had arrived with the goal of earning enough money to eventually purchase a homestead. Landownership, he and similarly-minded blacks believed, was the high ground they needed to reach if they hoped to avoid the rising waters of debt, poverty, hunger, and economic exploitation that had engulfed many black southerners during the post-

10. Samuel Proctor, *Napoleon Bonaparte Broward: Florida’s Fighting Democrat* (Gainesville: University Press of Florida, 1993), 191-205.

11. Fernald and Putnam, 100; Lake County (Fla.) Chamber of Commerce, *Lake County: The Favored Land with 1400 Lakes and Towering Hills* (Eustis, Fla.: Lake Region Printing Co., 1922), 20-7.

Reconstruction years. Furthermore, black landowners, whether in Florida or elsewhere in the segregated South, possessed standing and influence among blacks and drew grudging respect from whites.<sup>12</sup>

The turbulent political, commercial, and social climate of Redemption Era Florida gave blacks like Hawkins's father good reason to set economic self-sufficiency through property ownership as their principal aim. By 1885, former Confederates had regained firm control of the state government. They quickly rewrote the constitution and statutes to restrict blacks when it came to holding public office or voting. Rigid segregation also began to emerge in public and private facilities. Economic woes added to the distress in the black community. The economic depression known as the Panic of 1893 devastated many businesses and banks on which blacks depended. A decline in the world phosphate market hurt one of the state's most lucrative industries; many blacks lost their mining jobs. Furthermore, Florida's Great Freeze of 1895 destroyed citrus groves and croplands on which many blacks worked and grew food. Increased racial violence offered perhaps the most painful indicator of this new, tumultuous period for black Floridians. During the years 1900 and 1917, the Sunshine State witnessed approximately ninety lynchings and led the nation in that crime when calculated on a per capita basis.<sup>13</sup>

Despite the surging racial oppression and economic devastation around him, the elder Hawkins persevered. After several years of taxing work and thrifty saving, he finally had enough money to make the investment he hoped would secure a financially stable future for him and his future family. On November 5, 1895, Hawkins's father purchased a ten-acre homestead in the Okahumpka vicinity for two hundred dollars. He built a small wood-framed house on the land. Two years later, he married Josephine Arbelle Brown, a Florida native and daughter of an African Methodist Episcopal (AME) minister. The couple had six

12. U.S. Bureau of the Census, *Twelfth Census of the United States, 1900* [microfilm] T623, 172, Page 8A (Washington, DC: National Archives and Records Administration, 1978); August Meier, *Negro Thought in America, 1880-1915: Racial Ideologies in the Age of Booker T. Washington* (Ann Arbor: University of Michigan Press, 1971), 16, 42.

13. Larry Eugene Rivers and Canter Brown, Jr., *Laborers in the Vineyard of the Lord: The Beginnings of the AME Church in Florida, 1865-1895* (Gainesville: University Press of Florida, 2001), 142, 180-98; Maxine D. Jones, "The African-American Experience in Twentieth Century Florida," 373-76 in Gannon.



sons and two daughters. They were: Alphonso; Melvin; RosaLee; Chester; Virgil; Wilbur; Arbrey and Hallie.<sup>14</sup>

The elder Hawkins, in marrying Josephine, joined a family that showed tenacious dedication to using the AME Church as a vehicle for black uplift. The institution's roots dated back to 1787, when Richard Allen and other black Philadelphians protested racial discrimination in the Methodist Episcopal Church by creating the Free African Society. The society evolved into the AME Church, the first religious denomination organized and incorporated by black Americans. In 1865, the church entered Florida and quickly emerged as what historians Larry Eugene Rivers and Canter Brown, Jr. argued was "the single most effective organizational force for Florida's black residents." The church established a college, launched the careers of numerous black state and local officials who vigorously backed radical Reconstruction, and also fought tirelessly against all forms of racial oppression.<sup>15</sup>

Josephine's father Alfred Brown stood out as a legendary figure within the Florida AME Church's ranks. Born in 1833 in Georgia, Brown joined the AME Church thirty-three years later and quickly rose through the hierarchy as a deacon, lay preacher, ordained pastor, and ultimately a presiding elder. Early Florida conference historical records counted him as one of the organization's Reconstruction Era "pioneer workmen" who, along with prominent churchmen such as Charles H. Pearce and Robert Meacham, incorporated the education of freedmen as a critical part of their ministries. His work eventually took him to Hernando

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14. Warranty Deed between Winnie Wyse and Virgil Hawkins, Lake County Deed Records, 5 November 1895, L 290, 3.4.4, Reel 13, Florida State Archives (hereinafter FSA); Marriage Certificate of Virgil Hawkins and Josephine Brown, 30 October 1897, Lake County, County Judge, Marriage Records, 1887-1928, L 155, 3.4.2, Reel 3, FSA; U.S. Bureau of the Census, *Twelfth Census of the United States, 1900* [microfilm] T623, 172, Page 8A (Washington, DC: National Archives and Records Administration, 1978); U.S. Bureau of the Census, *Thirteenth Census of the United States, 1910* [microfilm] T624, 163, Page 14A (Washington, DC: National Archives and Records Administration, 1978); U.S. Bureau of the Census, *Fourteenth Census of the United States, 1920* [microfilm] T625, 224, Page 2A (Washington, DC: National Archives and Records Administration, 2000); "Case Rests for Virgil Hawkins," [Virgil Darnell Hawkins Funeral Program], 20 February 1988 (copy in possession of author); Gloria Barton, Virgil Hawkins's niece, interview by author, 5 June 2004.
  15. For background on the AME Church's origins, see: Dennis C. Dickerson, *A Liberated Past: Explorations in AME Church History* (Nashville: AMEC Sunday School Church Union, 2003), 17-34. For Florida's AME history, see also: Rivers and Brown, xv, 1-2. 43-100.

County where his efforts to build schools for former slaves provoked violent reprisals from local whites. Brown's willingness to risk his life to teach basic reading, math, and writing to newly emancipated men and women won him a glowing tribute from AME minister and historian J. Sawyer, who wrote that "[Brown] has steadily manifested a disposition to advance the education of our people at what ever cost."<sup>16</sup>

Brown's passion for creating schooling opportunities for blacks clearly lived on in his daughter who, in turn, inspired the same commitment level within her husband. As a landowning family, the Hawkinses were in a much better position to give their children a quality grade school education than many of their tenant-farming neighbors. This was true even though black parents, unable to depend on the state for any substantive appropriations, often privately funded black schools. Generally, black families wanting to educate their children paid tuition and book expenses on their own. This required disposable income, something almost nonexistent among households with sharecropping obligations or large outstanding crop-lien balances.<sup>17</sup>

Owning their land permitted Hawkins's father and mother numerous options for saving and earning extra money for educational expenses. The family farm provided a critical measure of self-sufficiency since the Hawkinses could directly consume their crop and livestock yields rather than applying them toward debts. Surpluses either could be stored for poor harvest years or sold for profit. As independent farmers, the Hawkins parents also could choose less dangerous supplemental jobs that would not jeopardize their ability to remain breadwinners. For example, Hawkins's father quit his mining job shortly after he purchased the homestead, leaving behind the daily risks of being caught in a black powder explosion or other industry-related catastrophe. Instead, he created his own business by opening a small store across from the

16. Charles Sumner Long, ed., *History of the A.M.E. Church in Florida* (Philadelphia: A.M.E. Book Concern—Printers, 1939), 195-200. On Robert Meacham, see: Canter Brown, Jr., "'Where are Now the Hopes I Cherished?' The Life and Times of Robert Meacham," 69 *Florida Historical Quarterly* (July 1990): 1-36.

17. For comparative examples of how landownership aided post-Reconstruction black households in providing education for their children, see: Mark R. Schultz, "The Dream Realized? African American Landownership in Central Georgia Between Reconstruction and World War Two," 72 *Agricultural History* (Spring 1998): 306-11.

family's home. For additional funds, he took seasonal jobs picking oranges in nearby groves and skinning pine trees for turpentine. His wife worked at home washing and ironing clothes for Okahumpka's white families. Through these jobs, she avoided entering domestic service, a field in which many black women faced regular physical and even sexual abuse. And perhaps most importantly, the Hawkins household's financial self-reliance and ability to generate extra income meant it could afford to forego the children's labor during the school months.<sup>18</sup>

Booker T. Washington, the country's most influential black leader in the early twentieth century, opened the way for the Hawkins parents to secure convenient elementary education for their sons and daughters without the need for a long commute. Having risen from his humble beginnings as a Virginia-born slave to become principal of Alabama's Tuskegee Normal and Industrial Institute, Washington soared to prominence as the leading black spokesman for the "New South" movement — a public campaign calling for expanded industrialization, urbanization, and education to tap the war-devastated former Confederacy's potential to become a premier economic engine. He asked whites to invest in black grade school and vocational instruction as a way to generate much-needed manpower for the South's new industries. His message moved many powerful whites to action, including Julius Rosenwald, president of Sears, Roebuck, and Company. At Washington's request, Rosenwald's charitable foundation established a national school building program for blacks in 1917. In order to qualify for school construction funds, black communities had to raise \$300 (an amount then matched by the foundation) and agree build the educational facilities according to specifications set by Rosenwald's trust.<sup>19</sup>

The Hawkins family and several neighbors moved quickly to raise the funds required for the matching grant, as shown by the Okahumpka Rosenwald School's opening in 1917, the program's first year. Located only a few yards from the Hawkins home, the small schoolhouse consisted of two classrooms, a small stage, and

18. Ibid.; Interview with Gloria Barton; Dubin, 914.

19. Lewis V. Baldwin, ed., *The Legacy of Martin Luther King, Jr.: The Boundaries of Law, Politics, and Religion* (Notre Dame, Indiana: University of Notre Dame Press, 2002), 2-3, 6-7; Meier, 25, 117; J. Irving E. Scott, *The Education of Black People in Florida* (Philadelphia: Dorrance & Company, 1974), 27-28.

a storage room later turned into a kitchen. A single teacher, Eliza McKee, instructed the pupils. The Hawkins parents's ability to contribute to the school's construction and operation served as yet another indicator of how the money they made and saved as a result of being landowners helped to provide young Virgil and his siblings with an educational foundation that could open future possibilities for them.<sup>20</sup>

In addition to urging her husband to make the children's education a top financial priority, Josephine strongly influenced another important choice in her spouse's life that directly affected young Virgil. With Josephine's encouragement, the elder Hawkins decided become a clergyman. Beginning in either the late 1910s or 1920s, he started serving on the deacon board at Okahumpka's Bethel AME Church. By 1932, he had attained the status of an ordained minister. Few surviving records detail his subsequent tenure as a reverend. Family accounts reveal that he possessed no formal training in ministry. In fact, with his meek temperament and soft voice, he was considered an unlikely candidate for the pulpit. His wife, who played the piano for worship services, clearly acted as the primary catalyst who led him to follow in his father-in-law's footsteps. Having developed a fervent passion for the church's work, he began grooming his well-spoken son Virgil to become a preacher and, hence, continue the family tradition of clerical leadership.<sup>21</sup>

The elder Hawkins had many reasons to see a life in AME ministry as a desirable career choice for his son. Strong-willed, talented young men were in heavy demand within the church to push the organization's agenda of black spiritual, intellectual, and social uplift. A charismatic, popular preacher could amass a large follow-

20. Lake County Retired Teachers Association, *Through Schoolhouse Doors: A History of Lake County Schools* (Yahala, Fla.: Lake County Retired Teachers Association, 1982), 191.

21. *Official Journal of Proceedings and Year Book of the Tenth Annual Session of the Middle South Florida Conference of the African Methodist Episcopal Church held in Ebenezer A.M.E. Church, Live Oak, Fla., January 27-31, 1926* (n.p., 1926), 6; *Official Journal of Proceedings and Year Book of the Twelfth Annual Session of the Middle South Florida Conference of the African Methodist Episcopal Church held in New Bethel AME Church Live Oak, Florida January 25-29, 1928* (Jacksonville: Edward Waters College Print, 1928), 6; *Journal of Proceedings of and Year Book of the Seventeenth Annual Session of the Middle South Florida Conference of the African Methodist Episcopal Church held in Bethel A.M.E. Church Gainesville, Florida, November 23th to 27th, 1932* (Nashville: A.M.E. Sunday School Union, 1932), 7; Interview with Gloria Barton.

ing or achieve an appointment to lead an already sizable congregation, meaning that he could pastor full-time without the necessity to supplement his income with the types of backbreaking farm work or unskilled labor jobs that Hawkins's father did each year. Heading a big church with a large membership roll also gave a pastor clout with local businessmen and politicians (in areas that permitted blacks to vote), making him a powerful figure. Moreover, ambitious, savvy ministers could ascend to the top position of bishop and join the ranks of legendary churchmen such as Georgia's Henry McNeal Turner and Florida's Abram Grant who managed hundreds of thousands of dollars, traveled the world, and met with United States presidents. Indeed, Hawkins's father had good cause to view the AME ministry as a pathway to a better life for his son.<sup>22</sup>

Despite his father's attempts to steer him toward the pulpit, several experiences during young Virgil's childhood in Lake County led him to pursue a different direction. Early in life, he became conscious of the brutality endured by the local black community and resolved to fight back. Few residents of black households understood the agonizing torment of racial violence better than did the Hawkins family; they knew two victims of such assaults personally. As a child young Virgil had learned that one of his uncles had been accosted and murdered by a white neighbor over a dispute involving a farm animal. Another uncle, he knew, had been forced to watch as a white mob noosed his son (Virgil's cousin) from a tree and then shot his body.<sup>23</sup>

Sometimes in rural Florida a prominent white man might come to personify such racial violence. For example, black Lake County residents such as the Hawkinses, to whom the threat of racial brutality appeared so immediately, feared the very sight of Sheriff Henry E. Murrhee. They, and even many white residents, lived wary of the lawman's itchy trigger finger during the twentieth century's early years. As local historian Bernard A. Jordan explained:

In making an arrest he was simple and direct. He would approach the offender with a warrant and say, "Howdy, neighbor, yuh be a-reading' this while Ah be arrestin'

22. Dickerson, 35-67.

23. Jones, 379; Dubin, 913-14.

yuh!” And out came his pistol. Then the story continues, the prisoner was either shot, handcuffed to the axle of the sheriff’s buckboard and transported to jail or the matter was resolved and he was released.<sup>24</sup>

Despite his shiny badge and oath to uphold the law, Sheriff Murrhee sometimes took matters into his own hands when dealing with alleged black offenders. In one instance, authorities investigated him for abusing his young black house servant Ethel Spicer and then imprisoning her without a warrant. As Spicer described the events to a special agent dispatched to the scene by Governor Broward:

I was working for Sheriff Murphee [sic] and was working for a long time and got no money for my work. I wanted to go to see my mama and I knew I had to slip away. Mr. Murphee owed me for two months work and would not pay me. I did take the ten dollars out of the trunk and went to my mama’s house. The sheriff came after me and cursed me for everything and took me in a buggy—just before we got to [Tavares] he taken me out of the buggy and whipped me until I could not walk. I think one my ribs are broken. The sheriff use to come in my room at night at his house and stay for a long time in my bed with me. I am very sick now and sore and the sheriff won’t let me have a doctor.”<sup>25</sup>

The investigator, Charles F. Eaton, further detailed Spicer’s condition in his March 1, 1908 report to the governor. Eaton noted, “I made the girl take off her clothes so I could see the bruises on her and they are very brutal and inhuman.” He continued, “In several places the blood was beat out of her and very large whips are now on her body and on her side it appears as one of her ribs are either broke or dislocated. She can hardly walk now and this has been done 4 weeks ago.” The special agent added that the sheriff “admits that he did whip her and openly admits it to everyone who may ask him.” Eaton concluded his report with a list of white citizens outraged by the incident as well as an observation

24. Bernard A. Jordan, ed., *A History of Altoona And Its Surrounding Area* (Altoona: Altoona Centennial Committee, 1987), 16.

25. Statement of Effie Spicer in Napoleon Bonaparte Broward, Florida Governor’s Correspondence, Series 664, Carton 5 (hereinafter Broward Papers), FSA.

that John Reed, another “very sick” black prisoner, was being held without a formal charge.<sup>26</sup>

Subsequent events reinforced fears in the local black community not only of the failure of law enforcement but also of the sentiments of the white community generally. First, Governor Broward suspended Murrhee on March 5, 1908. A subsequent investigation ordered by the governor then downplayed the severity of the beating, labeled the sexual abuse allegations as unsubstantiated, claimed the sheriff acted properly in detaining Reed, and asserted that all prisoners had received proper medical attention. Still, Broward steadfastly refused to reinstate Murrhee. Nonetheless, as soon as Broward left the governor’s chair in 1909, it became evident that Eaton’s list of outraged citizens did not represent the majority of white Lake County voters. Shortly after Broward’s departure, the embattled former sheriff ran for his old position and won another term. While white residents celebrated their lawman’s return, blacks remained haunted by images of his torturous jailhouse and heavy bullwhip.<sup>27</sup>

Incidents of racial violence and of law enforcement malfeasance often reached the Hawkins household even when family members or friends were not involved. Upon learning that a family member had been handcuffed to Murrhee’s buggy and carted away to jail, black residents understandably and frequently panicked. Sometimes they rushed to Deacon Hawkins’s house and asked his help in pleading for God’s mercy. Virgil remembered, as a boy, crouching in a kitchen corner one day and listening as his father attempted to console a group of distressed women from the congregation. The women shrieked and cried for their husbands, locked in jail for weeks and awaiting trial for betting in a ten-cent game of dice. Overdue bills, hungry families, and children whining for daddy complicated an already terrible ordeal for wives left alone to deal with crisis that could not be resolved. Deacon Hawkins told them that the battle was in God’s hands. “Trust in the Lord,” he asserted. “Don’t waste money on a cheating lawyer,” he continued. Hawkins added with an underscore of urgency, “Pray.”<sup>28</sup>

26. Charles F. Eaton to Napoleon Bonaparte Broward, 1 March 1908 in Broward Papers.

27. Suspension Order Against Henry E. Murrhee, Sheriff of Lake County, 5 March 1908 and W.B. Sadler to Napoleon Bonaparte Broward, 18 March 1908, both in Broward Papers. See also: William Warren Rogers and James M. Denham, *Florida Sheriffs: A History, 1821-1945* (Tallahassee, Fla.: Sentry Press, 2001), 297.

28. Stewart, “The Law and Virgil Hawkins.”

Court House TAVARES, Fla.



Lake County Courthouse, Tavares, Florida, 1918. *Image courtesy of Florida Photographic Collection. Florida State Archives.*

Though one incident should not be exaggerated as irrevocably changing the course of Virgil Hawkins's life, his observation over time of his father's response to racially tinged crises influenced the young man significantly. Deacon Hawkins's teachings about God might be described as compensatory. He asserted that God would soon free the oppressed. But until that time had come, blacks needed to keep their hands to the plow and endure captivity. He fought against Jim Crow with prayers for divine intervention. Yet, as the deacon's eldest son soon realized, prayers were not always enough—especially in the criminal justice system.<sup>29</sup>

The incident, although occurring so early in Virgil's life, remained vivid in his mind. Sitting beside his father in the Lake County courthouse, Virgil watched as deputies marched the

29. *Ibid.* See also: Benjamin E. Mays, *The Negro's God: As Reflected in His Literature* (Boston: Mount Vernon Press, 1938), 14-18, 246.



alleged dice-tossing congregants before the judge. Their disheveled looks reflected the horrors of Murrhee's jail. When asked for their pleas, guilty or not guilty, the terrified defendants peered back at the magistrate in confusion—expressing that they did not know how to answer because they did not understand the terms. Shortly afterward, the gavel rapped and the men were hauled back into the sheriff's custody, sentenced to five-to-six months for the offense.<sup>30</sup>

In certain respects it can be argued that the courtroom sight did change the direction of young Virgil's life. As an older man he recounted, "I had never seen a lawyer to know it, and certainly no black lawyer." He continued, "At that tender age, I didn't know what a lawyer did, but I knew I had to do something."<sup>31</sup>

This was the first of several similar scenes that remained clear as the boy evolved into a man. "When I was in high school, I would sit in court whenever possible to observe the proceedings," he later explained. "Time and time again, I saw Negroes who did not know any better take the advice of their court-appointed counsel and plead guilty, hoping to get a lighter sentence," he continued. "Very seldom did counsel make any sincere effort to defend the Negro."<sup>32</sup>

Those images led Hawkins to reject the belief that prayerful patience and otherworldly visions comprised his only weapons against racial brutality. He reasoned that God must have another path to freedom: one that existed not in the unforeseeable future or afterlife but in the present day. Soon young Virgil made a pact with the Lord that remained unbroken for the rest of his life. "I promised God," he remembered, "to defend those who don't even know what the word 'guilty' means." He added: "I thought God needed someone in that courtroom just as he needs a man in the pulpit to save men's souls."<sup>33</sup>

The young boy dared not share this dream with his father. He knew that blacks who pursued law faced many of the very financial

30. Dudley Clendinen, "Is victory in sight for Virgil Hawkins?" *St. Petersburg Times* [Floridian], 21 March 1976; Herman, "A Tribute to an Invincible Civil Rights Pioneer," 42.

31. Herman, "A Tribute to an Invincible Civil Rights Pioneer," 42.

32. "Boston University," *Negro History Bulletin* (January 1960), 80.

33. Marjorie Menzel, "Virgil Hawkins: Fighting for justice with boundless optimism," *Florida Flambeau*, 14 February 1983. Robert Kapler, "He Had a Dream," *Daytona Beach News-Journal* 20 October 1991.

frustrations and safety risks from which the elder Hawkins wished to protect him. With America's first recorded black attorney having only emerged in 1844, and Florida's first in 1869, black lawyers were a relatively new professional class within their community. Unlike black preachers, who worked within a well-established cultural institution of millions, black lawyers had to begin building their own constituency. In the early twentieth century South, it was especially difficult for them to develop such a clientele in a manner that provided a sufficient living. Most whites avoided black lawyers and black business owners generally preferred experienced white attorneys, rather than black newcomers, to handle their civil matters. This left black lawyers with criminal and capital cases, in which they were often the only option for poor blacks. In addition to receiving little or no money for their work, black lawyers who challenged the testimonies of white citizens and lawmen in the courtroom frequently faced economic and violent repercussions. Faced with such steep obstacles, many black attorneys simply gave up and pursued different careers. For black fathers like the elder Hawkins, who had sacrificed and saved to give their children more upward mobility, the idea of a son or daughter entering the legal profession seemed reckless and counterproductive.<sup>34</sup>

Thus, in the presence of the elder Hawkins, Virgil dutifully pretended to be interested in pursuing the pulpit. His mother, though, saw through her son's feigning and encouraged him to follow his heart. Whenever a legal question arose within the household, she would say: "Go get Virgil. He'll know what to do. He's going to be a lawyer." With the aid of his mother's encouragement, Virgil eventually worked up the nerve to share his dream with his father. One day, while he was helping to pick oranges in a small grove behind the house, the elder Hawkins asked the boy what wanted he wanted to be when he grew up. When he heard his son's response, he immediately called for Josephine to come outside. "What is it?" she asked as she wiped her hands. "This child is going to hell for lying!" he exclaimed. "Says he's going to be a lawyer!" The two parents laughed. The mother and father who had taught their children to cope with Jim Crow by awaiting divine intervention or entry to heaven had been changed. Now, they were encour-

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34. J. Clay Smith, Jr., *Emancipation: The Making of the Black Lawyer, 1844-1944* (Philadelphia: University of Pennsylvania Press, 1993), 4, 12-3, 275.

aging a son who believed God wanted him to fight for social change in this lifetime. Soon, the father who distrusted attorneys began calling his son "My little lawyer."<sup>35</sup>

The Hawkins parents' desire to see their son achieve his dream soon led to a painful departure in the mid-1920s. Since blacks in Lake County enjoyed no public schooling after the tenth grade, young Virgil's mother and father decided to send him to the AME-operated Edward Waters College in Jacksonville for his high school education. Still working hard to feed and clothe their seven remaining children, they sent him on his two hundred mile journey with as much as they could give him: two shirts, a pair of pants, and a cap. To help pay his tuition, Virgil worked in a kitchen throughout his stay at the institution.<sup>36</sup>

Edward Waters College provided Virgil with an enriching educational and social experience that heightened his desire to pursue law. Chartered in 1872, the co-educational missionary institution encouraged students to view black uplift as a spiritual obligation and steered them toward careers working against societal ailments that hindered black progress such as poverty, illiteracy, sickness, and injustice. With a curriculum rich in Biblically-based moral instruction and the liberal arts, the college aimed to produce principled race leaders who were independent thinkers. As the Harlem Renaissance flourished during the 1920s, Edward Waters mirrored the movement's themes of racial solidarity, black pride, and self-definition. Campus plays, concerts, and arts festivals complemented the academic program by offering a rich aesthetic environment to inspire cultural appreciation and creative thinking among students such as Virgil. In 1926, the year the Washington, D.C.-based Association for the Study of Negro Life and History established "Negro History Week," Edward Waters purchased a life membership in the organization. One year later the college hosted the association's annual conference, an event that brought scholars such as Carter G. Woodson, Charles H. Wesley, and E. Franklin Frazier to campus to present research and interact with students. Moreover, many college officials stressed civil rights activism. One was AME Bishop John Hurst, a founding

35. Bennett, 50; Interview with Gloria Barton; Robert Kapler, "He Had a Dream;" *A Lawyer Made in Heaven: The Virgil Hawkins Story*, produced by Larry Dubin, 57 min., Weil Productions, 1993, videocassette.

36. Dubin, 915.

member of the National Association for the Advancement of Colored People (NAACP) and chairman of Edward Waters's board of trustees, who had an office on campus. The college's nurturing, vibrant, religiously-centered intellectual climate strengthened Virgil's sense of self-worth and enhanced his commitment to serving the black community.<sup>37</sup>

Outside the campus, Virgil discovered Jacksonville's thriving black business district, an area unlike anything he had seen in Lake County. For the first time he could dine, shop, and watch movies in a large downtown gathering place. These new freedoms further distanced him from the fear-filled behavioral patterns he had learned and adopted in his home county. But, perhaps the most exciting part of Jacksonville life involved, for him, the presence of accomplished black role models in the legal profession. In 1873, Joseph E. Lee earned bar admission and became Jacksonville's first black lawyer. He was followed by many others, including James Weldon Johnson, who passed the bar examination in 1898 and opened a law firm in the city. Simuel Decatur McGill, an Edward Waters alumnus who had clerked for Johnson, continued to operate a successful civil rights practice in Jacksonville while Virgil attended high school. McGill, in particular, whose career stretched into the 1940s, proved that blacks could indeed make a viable living in the legal profession. He owed his longevity, in large part, to his success in retaining black corporate clients for civil cases, an achievement that set the stage for diversified practice (rather than strictly low-paying criminal case-work) among the state's black attorneys.<sup>38</sup>

37. On "noblesse oblige" at black missionary institutions, see: Dennis C. Dickerson, "George E. Cannon: Black Churchman, Physician, and Republican Politician," *Journal of Presbyterian History* 4 (Winter 1973): 415-16, footnote 22. For Edward Waters College's history, see: *Journal for the Twenty-Eighth Quadrennial Session, General Conference of the A.M.E. Church, Chicago, Illinois, May 7-23, 1928* (Nashville: A.M.E. Sunday School Union, 1928), 335-37; Samuel J. Tucker, *Phoenix from the Ashes: EWC's Past, Present, and Future* (Jacksonville: Convention Press, 1976), 11-5; Scott, 49-52; David Henry Sims, "Religious Education in Negro Colleges and Universities," *Journal of Negro History* 5 (April 1920): 191-94. On the college's activities in the Association for the Study of Negro Life and History, see: Carter G. Woodson, "The Annual Report of the Director," *Journal of Negro History* 4 (October 1926): 550-51; No author, "Proceedings of the Spring Conference of the Association for the Study of Negro Life and History, Held in Jacksonville, Florida, March 29, 30, and 31, 1927," *Journal of Negro History* 3 (July 1927): 359-364. On Bishop John Hurst see: Kenneth R. Janken, "Walter F. White, Bishop John Hurst, and the Election of 1928," *AME Church Review* 117 (July-September 2001), 32.

38. Smith, 276-81.



Simuel Decatur McGill. *Image courtesy of the Florida Photographic Collection Florida State Archives.*

After earning his diploma from Edward Waters, Virgil headed in 1930 to Pennsylvania's Lincoln University to earn his baccalaureate degree. However, limited funds forced him to return to his home state after one year. Finding work in Florida proved difficult. While many scholars trace the start of the Great Depression to the stock market crash in October 1929, the "bust" started much earlier in the Sunshine State. As historian William W. Rogers observed, "In 1925 and 1926 numerous Floridians went from riches to rags, and sometimes not even rags were left." Distress of "Old Testament proportions" swept through the state in the forms of citrus-ravaging Mediterranean fruit flies and a series of fearsome hurricanes that left thousands homeless, injured or dead. Countless newcomers—including many prominent realtors, developers and business leaders—scrambled to withdraw their money from banks so that they could flee the state. In 1927 financial panic spread like wildfire as news of bank failures inundated daily headlines.<sup>39</sup>

39. Dubin, 915; William W. Rogers, "The Great Depression" in Gannon, 294-98.

Despite having returned to a state in which disappearing jobs, financial instability, and stagnant segregation had prompted many blacks to flee north, Hawkins decided to remain. A key reason was his desire to court Ida Frazier, an Ocoee schoolteacher whom he eventually married during the 1930s. With the support of his new wife, Hawkins searched for permanent employment. After briefly selling insurance for the Jacksonville-based Afro-American Life Insurance Company, he landed a position back in his home county as a teacher and principal at the black elementary school in Groveland.<sup>40</sup>

Happy to have a steady income during the tough period, Hawkins found himself nonetheless disgusted by the pervasive inequality in Florida's public education system. Daily Hawkins watched his students struggle within the disparities typical of "separate-but-equal" grade schools—run down facilities, broken furniture, and deficient learning materials and supplies. To make matters worst for him, even as a principal Hawkins took home a paltry salary. The meager wages paid to most black teachers in Florida barely satisfied basic costs of living. A 1935 study underscored the severity of the situation by emphasizing that white teacher salaries ran so low these men and women could only afford life's "barest necessities." Since black teachers received half of what white teachers earned, it was evident that black teachers' salaries hovered below the subsistence level in some cases.<sup>41</sup>

If only he were an attorney, Hawkins would think to himself, he could battle this and other legalized injustices. Sometimes, even while teaching his fifth grade math class, he found himself drifting back into his boyhood daydream. He saw himself in front of the court, defending a poor neighbor jailed on a false charge of stealing oranges. However, a sharp, sad reality always snapped him out of his dream and brought him back to real world. Florida's lone public law school was operated by the University of Florida, a whites-only institution. The origins of this situation resulted from Florida's 1905 Buckman Act that had created the first university

40. Stewart, "The Law and Virgil Hawkins;" Dubin, 915.

41. Robert Saunders, *Bridging the Gap: Continuing the Florida NAACP Legacy of Harry T. Moore* (Tampa: University of Tampa Press, 2000), 112. "A Study of White Teacher's Salaries in Florida," Records of the Florida Education Association, M86-022, Box 2, FSA; Gilbert Porter and Leedell Neyland, *History of the Florida Teachers Association*, (Washington, D.C.: National Education Association, 1977), 64.

system in the state. It consolidated the scattered, inadequately supported public colleges into three principal institutions. Florida Female College for white women (later Florida State University) and the Colored Normal School (later Florida Agricultural and Mechanical University) were established in Tallahassee while the University of Florida in Gainesville was designated for white men. The act also created a Board of Control to manage the institutions, with final authority resting with the State Board of Education, a body comprised of the governor and members of the cabinet. The legislature exercised control over funding, buildings, personnel salaries, and academic program expansion.<sup>42</sup>

As the state university built exclusively for white males, UF naturally received the most generous educational appropriations and possessed the most desirable set of academic programs. Sons of Florida's wealthiest white families trekked to Gainesville to study fields such as agriculture, engineering, medicine, and especially law. Quickly, UF gained a reputation as a direct pathway into political prominence within the Sunshine State. By 1949, UF boasted alumni such as Governor Fuller Warren, U.S. Senator Spessard Holland, Chief Justice Alto Adams, and dozens of state senators and representatives. To many white Floridians the thought of a black man claiming the same alma mater as such revered figures was unconscionable.<sup>43</sup>

Hawkins initially accepted his lot, shook off his courtroom thoughts, and went back to teaching children. There was no escaping reality; and the truth was in the mirror. A middle-aged man standing on the wrong side of the color line, time and circumstance did not favor his lifelong dream. Yet, even as the situation began to look even more hopeless, a new opportunity suddenly arose that forever would change the direction of Hawkins's life and the entire State of Florida.<sup>44</sup>

The opportunity involved a job switch. At age forty-three, Hawkins started a new career that ended up changing more than

42. Stewart, "The Law and Virgil Hawkins;" Joni E. Finney, *State Structures for the Governance of Higher Education: Florida Case Study* (San Jose: California Higher Education Policy Center, 1997), 17-8.

43. For the prominence of University of Florida alumni in state politics, see: David R. Colburn and Lance DeHaven Smith, *Government in the Sunshine State: Florida Since Statehood* (Gainesville: University Press of Florida, 1999); Samuel Proctor and Wright Langley, *Gator History: A Pictorial History of the University of Florida* (Jacksonville: South Star Publishing Company, 1986).

44. Stewart, "The Law and Virgil Hawkins."



Mary McLeod Bethune, founder of Bethune-Cookman College and personal friend of Virgil D. Hawkins, 1951. *Image courtesy of Florida Photographic Collection. Florida State Archives.*

simply his job description; it rekindled his legal hopes and thrust him headfirst into the budding Civil Rights Movement. In 1949, he became director of public relations at Bethune-Cookman College (B-CC) in Daytona Beach, Florida. Nurtured by educator Mary McLeod Bethune, the private, Methodist-associated institution boasted a long history of activism in causes such as anti-lynching, black voting rights, equal employment opportunities, and gender equality. The thriving community of black students, scholars, professionals, and freedom fighters encouraged everyone at the college to become active in the fight against social injustice.<sup>45</sup>

Hawkins felt as alive and spirited as any young student at B-CC. By day he led campus tours, wrote press releases, served as an aide to the college president, and attended classes for his baccalaureate

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45. *Ibid.* On Mary McLeod Bethune's work in Daytona, see: Joyce A. Hanson, *Mary McLeod Bethune & Black Women's Political Activism* (Columbia, MO: University of Missouri Press, 2003).



degree. At night he badgered his friends to come to his home, where he served them coffee to keep them talking into the wee hours of the morning. The subject of the friendly but intense “bull sessions” ran the same each evening. Images of courtroom battles, black worker rallies, and violent clashes swept through the house as the group shared news and opinions on the budding crusade for social change.<sup>46</sup>

There was much to discuss in the post-World War II years. Hawkins and his friends keenly observed that they lived in a time of increased hope and optimism for the cause of racial equality. As John Egerton noted in a perceptive 1994 study, “The years between the beginning of the New Deal [in 1933] and [1954’s] *Brown vs. Board of Education* decision were when the South left Yesterday and entered Tomorrow, and the day the war ended in 1945 may have been the invisible hinge, the imperceptible moment of turning from the one to the other.”<sup>47</sup>

Indeed, as the U.S. entry into World War II loomed closer, blacks had listened with intense interest for the White House’s response to demands for an immediate end to discriminatory practices in the armed forces. Black Floridians particularly listened because the leading organizations demanding change either were led by or previously had been led by Florida natives; in the case of the Brotherhood of Sleeping Car Porters this meant A. Philip Randolph and in, the case of the NAACP it meant James Weldon Johnson. Finally, President Franklin D. Roosevelt, in the face of calls for a march of thousands of blacks upon nation’s capital, signed a 1941 executive order that banned racially discriminatory practices in defense industry contracting and hiring, opening the door for blacks to take advantage of the millions of new war-time jobs. At the war’s end many black veterans also had returned home with great expectations about change and little patience for second-class citizenship. One year after Jackie Robinson’s historic integration of major league baseball in 1947, the civil rights cause became a nationally articulated issue when President Harry S. Truman officially prohibited racial discrimination in the military, asked Congress for legislation to protect minority group rights,

46. Stewart, “The Law and Virgil Hawkins;” Kapler, “He Had a Dream.”

47. John Egerton, *Speak Now Against the Day* (Chapel Hill: University of North Carolina Press, 1994), 8. See also: Patricia Sullivan, *Days of Hope* (Chapel Hill: University of North Carolina Press, 1996), 9.

and adopted civil rights reform issues as a part of his reelection campaign platform. These actions accelerated hope that national policies upholding discrimination truly were entering their sunset.<sup>48</sup>

However, proponents of the crusade for social change were not the only ones adopting new approaches for the changing times. While the civil rights cause pursued its sophisticated line of attack in the nation's capital, white southern resistance took a similarly strategic approach in statehouses and local governments. From 1930 to 1940, lynching numbers in the South sharply decreased and remained low thereafter. More and more, Jim Crow's supporters were as seen shunning their bloodstained Ku Klux Klan hoods in favor of a sheriff's uniform, prosecutor's suit, or judge's gown. The primary responsibility for hanging blacks accused of crimes against whites went from angry outdoor mobs to the indoor criminal justice system, in which coerced confessions, hasty trials, and exclusion of blacks from juries emerged as the nooses of choice. Additionally, familiar devices such as poll taxes, literacy tests, whites-only primaries, and violent intimidation continued to prevent most blacks from accessing the election system to battle such systemic oppression and disenfranchisement.<sup>49</sup>

Nonetheless, there was still hope for the fledgling civil rights struggle. Beginning in the mid-1930s the Thurgood Marshall-led NAACP Legal Defense and Educational Fund won a series of groundbreaking U.S. Supreme Court cases that chipped away at the legal foundation of racial segregation. The Court mandated salary equalization for black and white teachers, denounced forced confessions, outlawed the Democratic Party's "white primary," and barred racially restrictive covenants in private housing. Many blacks looked at these developments with heightened anticipation that their ultimate day of delivery from Jim Crow's bondage awaited just on the horizon.<sup>50</sup>

The 1938 *Gaines v. Canada* case was of particular interest to Hawkins and other blacks interested in graduate and professional education in the South. In *Gaines*, the Court ruled that states with

48. See Larry J. Griffin and Don H. Doyle, ed., *The South as an American Problem* (Athens: University of Georgia Press, 1995), 133-36.

49. *Ibid.*, 134-5; William J. Cooper, Jr. and Thomas E. Terrill, *The American South: A History* (New York: Alfred A. Knopf, 1990), 688-89.

50. Griffin and Doyle, 134-35.

public law schools for whites could not satisfy the “separate-but-equal” doctrine by paying for black students to study at a law program outside of the state. Instead, the Court declared that the blacks must have the same opportunity as whites to receive legal education within the state’s borders. As a result of *Gaines*, Missouri, North Carolina, South Carolina, Texas and Louisiana all established law schools for blacks.<sup>51</sup>

Riding on the momentum of *Gaines*, Marshall targeted the Deep South for a new series of test cases in the area of public higher education. Florida, which had not budged since the historic ruling, appeared perfect for such a test. As late as a decade after *Gaines*, Florida still gave most of its black citizens who desired graduate education only one option: an out-of-state scholarship to a black institution. With the *Gaines* precedent, the stage was set to challenge this discriminatory practice. However, as Horace Hill, an NAACP attorney in Daytona Beach recalled, one important factor remained missing. “We needed a plaintiff,” as he remembered.<sup>52</sup>

Hawkins finally saw his opportunity to fulfill his lifelong dream. He would become a lawyer, he thought to himself, and do it in his home state. Hawkins had spoken with many attorneys who had left their families to attend a black law school away from home, principally Howard University in Washington, D.C. Many shared tales filled with images of freezing cold days, dreary inner-city housing, dwindling personal funds, and intense homesickness. Hawkins would have none of it. “I couldn’t afford Washington,” he recalled. “And my wife—she’d never live so far from her family. And I didn’t want *Howard*. I wanted *Florida*. My granddaddy felled trees here and my daddy paid taxes here.”<sup>53</sup>

Hill remembered that Hawkins offered him the perfect plaintiff: college-educated, employed, active in the community, no serious run-ins with the law, and happily married to very supportive spouse. Also, Virgil and Ida had no children who could be targeted for retaliation. Most importantly, Hawkins was a stubborn indi-

51. *Missouri ex rel. Gaines v. Canada*, 305 U.S. 337 (1938); Cooper, 15, endnote 16.

52. Stewart, “The Law and Virgil Hawkins” and Harley Herman “Anatomy of a Bar Resignation: The Virgil Hawkins Story,” *Florida Coastal Law Journal* 2 (Spring 2000): 2.

53. Stewart, “The Law and Virgil Hawkins.”

vidual who would not give up for anything in the world. "Virgil roots in," Hill said of the aspiring law student. "He's got a grip like a pit bull."<sup>54</sup>

So Hawkins applied to the UF College of Law in 1949, assuring the NAACP that he would serve as a test case plaintiff if necessary. William T. Lewis, Oliver Moxey, Benjamin Finley, and Rose Boyd also joined the effort, seeking admission to UF's law, pharmacy, agriculture, and engineering programs. Finally, the NAACP had a set of petitioners ready in the Sunshine State. The assault against Florida's segregated university system had begun.<sup>55</sup>

Resistance accompanied Hawkins's every step as he sought entry into UF. It commenced with the Florida Board of Control's offer to pay his costs at an out-of-state law school. When he refused the money and sued the board, it shifted its focus to the establishment of a college of law for him at the state-operated black university: Florida A&M. Then, as Hawkins pursued his lawsuit and eventually won in the U.S. Supreme Court, the litigation produced extralegal reprisals and intimidation. These factors swept through his hometown when banks and stores suddenly recalled his loans and denied him and his relatives any credit. They invaded his workplace through repeated attempts to bribe or extort B-CC's administration to fire him. They entered into his marriage, when threats against his wife's life forced the couple to feign marital separation and live over fifty miles apart. They found their way into the newspapers that he read through articles relaying allegations representing him as everything from a reckless debtor to a child abuser. They arrived at the door of a hometown church sanctuary when sheriff's deputies barged into a worship service and arrested his nephew on a trumped-up rape charge. They even crept into his house through poison pen letters and harassing midnight phone calls that often made him sleep under his bed and, sometimes under his home.<sup>56</sup>

54. Ibid.

55. *Hawkins v. Board of Control* 47 So.2d 608 (1950).

56. Herman, "A Tribute to an Invincible Civil Rights Pioneer," 42-3; Herman, "A Tribute to an Invincible Civil Rights Pioneer (Part II)," 22-4; Larry O. Rivers, *Florida Agricultural and Mechanical University College of Law, 1949-2000* (Tallahassee: FAMU Foundation, 2000), 15-22; Interview with Gloria Barton; Saunders, 156.

Hawkins's friends and family watched the circumstances take a grave toll on his health. At one point, his hair turned white seemingly overnight. His elder brothers once teased him: "Now, we're older than you. Why is your hair whiter than ours?" He responded: "While you're in your beds sleeping at night, I'm running, ducking, dodging and hiding under houses."<sup>57</sup>

The burden increased in weight, he felt nearly every day. It nearly broke him time and time and again, including one day at work. "I sat here in my office," he remembered. "I went through everything: how lots of my friends were doing fine, how they weren't fighting, how they were at home enjoying life with their families and I thought how they were buying homes and how I didn't have anything and I asked myself, 'Why me? What are you fighting for? You've never had any money. You've never made any. You struggled all your life. Surely you're entitled to some rest now...Wouldn't your wife shout for joy if you go back and say, Honey, I've given it up.'"<sup>58</sup>

Still, at his lowest moments, he continued to find strength from the lyrics of a hymn that he had learned in church as a child: "Leaning on the Everlasting Arms:"

What have I to dread, what have I to fear, leaning on the everlasting arms? I have peace complete with my Lord so dear, leaning on the everlasting arms. Leaning, leaning, safe and secure from all alarms; leaning, leaning, leaning on the everlasting arms.

The reassuring words quieted the fear in his heart. Pain and uncertainty gave way to thoughts that reaffirmed his mission.<sup>59</sup>

Scripture comforted Hawkins as well. "I remembered in the Bible," he recalled. "When Mordecai appealed to Esther and how he told her, 'Who knoweth but what thou art come to the kingdom for just such a time as this.' Maybe, I thought, maybe this is what God has me here for."<sup>60</sup>

More encouragement came from Mary McLeod Bethune, whom Hawkins counted as a personal friend. "I remember Mrs.

57. Robert Kapler, "Family, Friends Felt Heat of Young Man's Crusade," *Daytona Beach News-Journal*, October 20, 1991.

58. Bennett, 54.

59. Kapler, "He Had a Dream;" Walter Hines Sims, ed. *Baptist Hymnal* (Nashville: Convention Press, 1956), 371.

60. Bennett, 54.

Bethune used to say to me," Hawkins reminisced, "I want you to fight until its over. Never stop." She would add, "If you stop now, it might be a generation before somebody else comes along to take up the fight. Why not this generation?"<sup>61</sup>

And with that, he continued his struggle—pushing himself through another pretrial hearing, another discovery period, another ruling, another appeal—until the sacrifice finally reached its pinnacle in 1958. That year, in a Jacksonville federal court room, he paid the last cost to lay his burden down. In exchange for dropping his personal claim for admittance to the state's law school, he secured an order barring all racial segregation in Florida's public universities.<sup>62</sup>

Hawkins finally achieved his boyhood dream of becoming an attorney in 1976 but only after attending law school in Boston and fighting yet another court battle to enter the Florida Bar. At age seventy, he opened a law practice in his home county. There, he defended poor clients at his personal expense, helping the types of persons whose lives had been destroyed by the Jim Crow courts of his childhood. Despite aiding over a thousand clients, his legal inexperience and poor accounting decisions eventually resulted in a criminal conviction and his forced resignation from the bar. Nonetheless, eight months after his death in 1988, Hawkins won his last battle when the Florida Supreme Court posthumously restored his bar membership.<sup>63</sup>

Subsequent years brought apologies and honors. In 1989 a legislative act named UF's civil law clinic after Hawkins. Ten years later, the Florida Supreme Court sat in a special session to recognize Hawkins's legacy. Surviving Hawkins family members and friends attended. At the proceeding the Court formally apologized for barring Hawkins's application to UF's law school. Justice Harry Anstead remarked: "This is really the first time the court did what the court should have done years ago and really acknowledged a great mistake and blemish in this court's history." And

61. *Ibid.*, 50.

62. *Hawkins v. Board of Control*, 162 F.Supp. 851 (1958); *Hawkins v. Board of Control*, 253 F.2d 753 (1958). See also: Herman, "A Tribute to an Invincible Civil Rights Pioneer (Part II)," 22.

63. Menzel, "Virgil Hawkins: Fighting for Justice with Boundless Optimism;" Harley Herman, "Anatomy of a Bar Resignation: The Virgil Hawkins Story," *Florida Coastal Law Journal* 2 (Spring 2000), 77-111.

finally, in 2001, UF awarded a Juris Doctorate to Hawkins. It was the first time the university had bestowed a posthumous degree.<sup>64</sup>

As a child, Virgil Darnell Hawkins dreamed of entering the legal profession in order to fight Jim Crow. The foundation set by two previous, postbellum black generations that had struggled for educational opportunities in Florida helped place that lofty career goal within his reach. Early Sunshine State African Methodist Episcopal Church pioneers such as his grandfather had believed that God wanted them to uplift the race by building schools. This legacy lived on in Hawkins's father and mother, whose success in achieving economic self-sufficiency through landownership had enabled them to help establish a local elementary school for their children. Hawkins's access to education through the tenth grade had qualified him to attend Edward Waters College, an institution that further urged him to dedicate his life to challenging the societal obstacles that hindered black progress. Life in Jacksonville also gave him social freedoms and role models that strengthened his conviction that blacks should and could battle the humiliation and inequity of segregation through the courts. Bethune-Cookman College placed Hawkins in an activist, academic community that made it possible for him to finish the baccalaureate degree he needed to qualify for law school and enjoy a steady income throughout his subsequent, costly legal battle. The NAACP's step-case strategy against segregation in public law schools created a need for a plaintiff against the University of Florida in the mid-twentieth century, a duty Hawkins eagerly accepted. Indeed, Hawkins's experiences leading up to his desegregation lawsuit underscore how the agency that black Floridians acquired through purchasing homesteads and establishing their own schools in the late nineteenth century helped launch the legal campaign that opened Florida's public universities to men and women of all races.

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64. Wesley Loy, "UF Civil Law Clinic Named for Hawkins" *Orlando Sentinel* 17 June 1989; Jo Becker, "State Court Honors Civil Rights Pioneer," *St. Petersburg Times*, 26 May 1999; Ramsey Campbell, "Hawkins' Degree Comes Through After Decades of Debate It Will be More Than 50 Years After His Battle to be Admitted to the Then All-White University," *Orlando Sentinel* 5 May 2001.