

United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

Name of Property

County and State

Section number _____ Page _____

Name of multiple property listing (if applicable)

SUPPLEMENTARY LISTING RECORD

NRIS Reference Number: 100001013

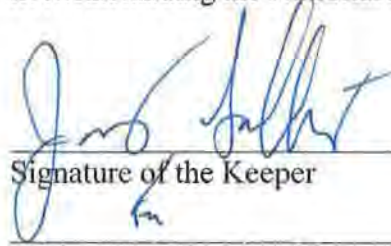
Date Listed: 6/5/2017

Property Name: Lake Nixon

County: Pulaski

State: AR

This property is listed in the National Register of Historic Places in accordance with the attached nomination documentation subject to the following exceptions, exclusions, or amendments, notwithstanding the National Park Service certification included in the nomination documentation.



Signature of the Keeper

6-5-2017

Date of Action

Amended Items in Nomination:

Section 8: Areas of Significance

Entertainment/Recreation is hereby deleted as an area of significance. While the Supreme Court case that is associated with this property hinges on the "entertainment" aspect of the venue, the *significance* of the site itself is covered in Politics/Government and the eventual effect on the Black population.

The Arkansas State Historic Preservation Office was notified of this amendment.

DISTRIBUTION:

National Register property file

Nominating Authority (without nomination attachment)

United States Department of the Interior
National Park Service

SG-1013

National Register of Historic Places Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in National Register Bulletin, *How to Complete the National Register of Historic Places Registration Form*. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions.



1. Name of Property

Historic name: Lake Nixon
Other names/site number: PU10111
Name of related multiple property listing:

(Enter "N/A" if property is not part of a multiple property listing)

2. Location

Street & number: 18500 Cooper Orbit Road
City or town: Little Rock State: Arkansas County: Pulaski
Not For Publication: Vicinity:

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended, I hereby certify that this X nomination ___ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60.

In my opinion, the property X meets ___ does not meet the National Register Criteria. I recommend that this property be considered significant at the following level(s) of significance:

X national ___ statewide ___ local

Applicable National Register Criteria:

X A ___ B ___ C ___ D

 Signature of certifying official/Title: <u>Director/SHPO</u>	<u>4-7-17</u> Date
State or Federal agency/bureau or Tribal Government	
<p>In my opinion, the property <u>X</u> meets ___ does not meet the National Register criteria.</p> <p>_____ Signature of commenting official: Date</p> <p>Title : _____ State or Federal agency/bureau or Tribal Government</p>	

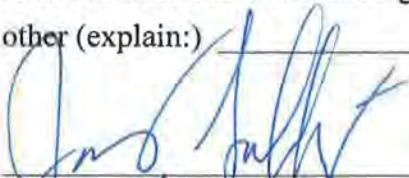
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4. National Park Service Certification

I hereby certify that this property is:

- entered in the National Register
- determined eligible for the National Register
- determined not eligible for the National Register
- removed from the National Register
- other (explain:)


Signature of the Keeper

6-5-2017
Date of Action

5. Classification

Ownership of Property

(Check as many boxes as apply.)

- Private:
- Public – Local
- Public – State
- Public – Federal

Category of Property

(Check only one box.)

- Building(s)
- District
- Site
- Structure
- Object

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Number of Resources within Property

(Do not include previously listed resources in the count)

Contributing	Noncontributing	
<u>1</u>	<u>8</u>	buildings
<u>2</u>	<u>1</u>	sites
<u>1</u>	<u> </u>	structures
<u>11</u>	<u>1</u>	objects
<u>15</u>	<u>10</u>	Total

Number of contributing resources previously listed in the National Register

6. Function or Use

Historic Functions

(Enter categories from instructions.)

SOCIAL: clubhouse

LANDSCAPE: natural feature

Current Functions

(Enter categories from instructions.)

LANDSCAPE: natural feature

RECREATION AND CULTURE: outdoor recreation

7. Description

Architectural Classification

(Enter categories from instructions.)

No Style

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Materials: (enter categories from instructions.)

Principal exterior materials of the property: Stone, Wood, Metal, _____

Narrative Description

(Describe the historic and current physical appearance and condition of the property. Describe contributing and noncontributing resources if applicable. Begin with a **summary paragraph** that briefly describes the general characteristics of the property, such as its location, type, style, method of construction, setting, size, and significant features. Indicate whether the property has historic integrity.)

Summary Paragraph

Lake Nixon is an excellent example of a Civil Rights-era swimming establishment, which is central to a Supreme Court ruling in 1969. Lake Nixon is located along Cooper Orbit Road in the southwestern region of Little Rock, and is a beautiful 34-acre lake built on the rolling hills and native trees southwest of Little Rock.

Yet, on June 10, 1966, this beautiful location, along with Spring Lake, became shrouded in negative publicity following the denial of two women admission into the lakes, on the basis that both Lake Nixon and Spring Lake were "Private Clubs" and that membership was \$0.25 but that the club was not taking new members at the time. The two women would later sue in a Little Rock Court alleging that any white person would be admitted by paying an entry fee but that negroes were being excluded in violation of the 1964 Civil Rights Act. The case would eventually be heard by the United States Supreme Court with a ruling in the case being heard on June 2, 1969.

The site on which Lake Nixon is located is generally set on the rolling hills and native trees southwest of Little Rock, roughly thirteen miles from downtown Little Rock. Surrounding Lake Nixon on the north side is a small grouping of buildings associated with Lake Nixon and a few individually owned properties, though it is largely a hilly wooded area to the north before reentering Little Rock proper. Located to the east is a single residence owned by the former owner of Lake Nixon prior to the selling of the property to the Second Baptist Church of Little Rock, otherwise the property to the east is also largely wooded. To the south of the lake is a large grove of trees that extends all the way from the lake to Colonel Glenn Road. To the west of Lake Nixon is more of the roughly 200 acres of heavily wooded area owned by the Second Baptist Church. Lake Nixon offers a remarkable contrast to the other Civil Rights or desegregation sites found in Little Rock or the rest of Arkansas, due to its rural setting and influence the court case had on the United States. This site is only second to the Central High School integration case, with regard to the amount of national attention paid to the outcome of the Supreme Court Case settled in June 1969.

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(Lake) Lake Nixon and Marte Brake Bill Beach (Contributing)

Lake Nixon is a 34- acre lake named after Oscar Shull Nixon. A small island roughly separates the east and west sides of the lake with the east side currently and historically being an area for swimming, while the west side of the lake is a more natural setting. The beach is located between a stone bridge and the south elevation of the lodge building and extends roughly 180 feet. There are numerous features built within the swimming area, but they will be described in a later section.

Swimming Area features (11 Contributing)

There are eight objects and three structures located within the swimming area which is sectioned off into two sections. The section closest to the beach is shallower while the one farthest from the beach is deeper. Of those eight objects, six of them consist of metal tubing welded together to create small water spouts within the lake. These metal water spouts consist of varying heights with two small pipes and four taller pipes that extend out of the water. Of the six metal spouts, all but one are located within the shallow end of the swimming area, while one is located in the deeper section. Also located within the shallow swimming area, there are two slides, one tall and one short, which are original to the lake from the 1960s. The taller slide is centrally located in the lake and can only be accessed by climbing the ladder from within the water, while the smaller slide is accessed via land before sliding down and landing within the lake. Located with the deeper swimming area are three floating platforms with wood railings and wood decking. These three floating platforms are said to have been original to the lake from the 1960s, though the wooden railing and decking has probably been replaced over time. Located along both beaches, one on the main portion of the land, as well as the beach on the island, there is a poured-concrete retaining wall low to the ground in order to retain sand found on the beach.

Island (Bridge – Contributing, Boathouse- Non-contributing, Praying hands- Non-Contributing)

Located within the island in Lake Nixon there are a few permanent features including a bridge, boat house, and a praying hands statue. The island is separated from land on the northern shore by a small twenty-five feet wide channel that is spanned by a twenty-five feet long, stone bridge, with two stone arches, to allow water to pass beneath. Located to the north of the bridge is another thirty-five foot long concrete path, with small concrete-block retaining walls on either side of the path. Located on the east side of the path is a small sloped access ramp that provides access to and from the beach onto the pathway. Two poured-concrete abutments anchor the pathway to the adjacent stone bridge. A similar roughly twenty-two foot long path is located to the south of the stone bridge that also is constructed of a concrete path with concrete-block retaining walls. Like the north pathway, the southern path also includes two poured-concrete abutments anchoring the pathway to the adjacent stone bridge. Though the bridge was probably built before the 1960s, the concrete pathway and retaining walls date to around the period of significance.

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Located feet from the southern end of the concrete pathway, there is a praying hands sculpture which was carved out of a former tree stump. The sculpture was created by 2012.

Located at the southern end of the island is a concrete-block boathouse that was built sometime between 1981- 1994. The rectangular concrete-block building consists of only a single door with a gable roof. The building contains no additional fenestration or ornamentation.

Lodge (Non- Contributing)

The “T”-shaped Lodge Building is supported by a stone pier foundation under the original portion of the building, while the addition is supported by a concrete slab. The roof is hipped in all directions over the “T”-shaped building. The Lodge has been clad in vinyl siding and has had replacement windows installed at some period of time.

Northeast Quadrant Elevation

The Northeast Quadrant elevation is shaped like an “L” with the front door located along the inner corner of the “L”. Located to the left of the front door, are three evenly-spaced window units along this section of the building. The first window unit to the left of the door is actually two, one-over-one, double-hung, adjacent windows in one casement. The muntins within the window are false muntins located between the window panes. Located to the left of these windows is a small, single, one-over-one, double-hung, window with faux muntins. To the left of the small centrally located window is another single, one-over-one, double-hung, window with faux muntins before terminating the elevation at the northeast corner. From the corner containing the front entrance, the unornamented elevation extends to the north before tapering at a 45-degree angle. The 45-degree angle of the tapered corner flattens out before tapering at a 45-degree angle back where it intersects with the west elevation. There is a gable roof with wide overhanging eaves and a large triangular gable vent. There is no ornamentation found along this fenestration except of the overhanging eaves which allows for a covered walkway to the front entrance and the six inverted king post supports which provide support for the overhanging eaves producing the covered walkway.

Southeast Quadrant Elevation

The southeast quadrant of the lodge consists of two evenly-spaced one-over-one, double-hung, windows with faux muntins. An electric power box is mounted between the two windows. Like the gable previously mentioned, the gable-end contains a large triangular gable vent. Upon turning the corner and heading back to the west, the elevation consists of two sets of windows evenly spaced along this section of elevation. The first window located farthest to the right (east) is a single, one-over-one, double-hung, window with faux muntins. The second window unit is a window unit that contains two, one-over-one, double-hung, adjacent windows in one casement. To the left of the paired windows is a small unornamented section of elevation before terminating into a corner. This section of the lodge is original and contains the stone foundation, however upon turning to the south, this section is an addition to the original building and is supported by the concrete slab. Located back in the corner is a small unornamented elevation

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space before coming to a large sliding-glass door with a large transom located above. To the west in another unornamented area before coming to a second large sliding-glass door with a large transom located above before the elevation terminates in the corner.

Southwest Quadrant Elevation

The southwest quadrant starts out with the south elevation which contains two sets of double doors. The double doors are located on opposite ends of the elevation and are covered by an extension of the gable roof over the doors creating a porch area. Like the large sliding doors found within the addition, the double doors on this elevation also contain a large transom window above the doors. The porch is supported by two inverted king posts and two corner inverted king posts. Located within the gable of this end is another triangular gable vent. Turning the corner there are two large sliding-glass doors with a large transoms located above similar to the opposite side of the addition and terminates where the addition and the original building meet. The elevation then turns to the west, but is unornamented.

Northwest Quadrant Elevation

The northwest quadrant starts with the southwest corner of the original building. This section of the building is covered by a north-south running gable, which is different from the rest of the building. This section of the lodge only contains two, one-over-one, double-hung, adjacent windows in one casement. The stone foundation is visible along this section of the building. Upon terminating the west side of the northwest quadrant the building turns and heads back to the east. Located along the north facing exterior wall are two, centrally-located, one-over-one, double-hung, adjacent windows in one casement. There is an unornamented section of exterior wall before terminating into another corner. The wall then turns back toward the north and contains no ornamentation, but extends all the way back to the north elevation described previously.

Metal Pavilions (2 Non-Contributing)

Located to the west of the Lodge, there are two adjacent metal framed open-air pavilions. Both pavilions have metal gable roofs that run east and west and are supported by large metal rafters with concrete floors. The rafters are supported by twelve metal poles on the south pavilion and six metal poles on the north pavilion.

Ticket Booth (Contributing)

The ticket booth is a small square building with tapered sides that angle outward and is wider near the top than at the base. The building is covered by a gable roof that runs north and south, while the wall material consists of plywood on the upper-half and T-111 on the lower half of the building. The south elevation of the ticket booth consists of only an entrance door and a round gable vent located above the door. The entrance door is accessed via two small wooden steps. The west elevation contains a single small service window that is located at the corner of the west and north elevations. The north elevation contains a large awning-style service window and

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a rectangular gable vent centrally located above the service window. The east elevation contains no ornamentation or fenestration.

Office (Non-Contributing)

The office building, like the lodge building, has been clad in vinyl siding, is supported by a stone foundation and is covered by either intersecting gables or shed roofs. The vinyl siding is obscuring much of the original detail found on the building. Like the other buildings, the gable ends also all have gable vents located below the eaves.

South Elevation

The south elevation is the main elevation for the building and is "L" shaped. The front entrance is located along the protruding section of the "L" which is located on the left side of this elevation, as the second portion is set back and to the right. Within this section of the elevation is a centrally located entranceway, with a wooden door with a diamond-pane window. Located on either side of the front entrance is a single, one-over-one, single-hung window. A shed roof covered the front entrance and the two windows. The porch is supported by three wooden posts set on round piers. The rest of the elevation is set back and to the right of the main portion of the elevation and contains a single, one-over-one, single-hung window which is along the elevation that faces east and runs north and south. The elevation then turns the corner and runs east and west and contains a long screened-in window area.

West Elevation

Working right to left along the west elevation there is a pair of one-over-one, single-hung windows within one casement that is off-set to the right of center. At the far end of the west elevation is a single laminated wooden door before terminating into the corner with the north elevation.

North Elevation

The north elevation contains no ornamentation except for a portion of the north elevation that extends farther to the north than the rest of the elevation. The extension starts at a centrally located point beneath the gable and extends to the left before stepping back to the original exterior wall elevation. This extension or jut-out is covered by a shed roof also. Upon getting back to the original elevation this section also contains no ornamentation.

East Elevation

Upon turning the corner from the north elevation to the east elevation, and working right to left across the elevation, there are two evenly-spaced entrances located on either side of the center ridgeline. To the left of the left-most entrance door, there is a small screened-in window before the elevation terminates into the south elevation.

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Basketball Court (Non- Contributing)

A concrete basketball court is located to the west of the office and is constructed of a poured-concrete slab that measures roughly 60' x 40'. Located at either end of the court is a basketball pole, backboard and rim.

Snack-Bar (Non-Contributing)

The snack-bar is a mostly metal-framed open-air pavilion with four rows of concrete-block and the rest of the elevation clad in wooden siding. The concession stand section of the snack-bar was built underneath the metal roof. The Snack-Bar pavilion has a metal gable roof that runs north and south and is supported by large metal rafters with concrete floor. The rafters are supported by six metal frame columns, with three frame columns on either side. The front half of the snack-bar is allocated for seating and is covered by the metal pavilion roof, while the back half is allocated to the concession stand and cooking area.

South Elevation

Working right to left across the south elevation of the concession stand there are three, two-over-two, single-hung, extruded-aluminum windows set just above the concrete-block portion of the wall. To the left of the three windows, is a metal-framed storm door. There is no ornamentation centrally located within this elevation, however there are two more two-over-two, single-hung, extruded-aluminum windows. Again, located to the left of the two windows, is another metal framed storm door before the elevation terminates at the corner. Located near the ridgeline of the south elevation is a single, round gable vent.

West Elevation

The west elevation of the concession stand portion of the Snack-Bar consists of four, two-over-two, single-hung, extruded-aluminum windows set above the concrete-blocks. To the left of the four windows is a single entranceway into the concession stand cooking area. Wooden horizontal siding is located above the windows and door on this elevation.

North Elevation

The north elevation is symmetrical with three, two-over-two, single-hung, extruded-aluminum windows at opposite ends of the elevation with a single concrete-block mass centrally located on this elevation where the electric conduit is all connected. Located midway between the floor and the roofline are two exterior light fixtures that date from the 1960s. Located near the roofline is a single, round gable vent.

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East Elevation

Moving right to left across the east elevation there is a metal storm door located near the right corner, before coming to an unornamented space. Following the unornamented space there are three, two-over-two, single-hung, extruded aluminum windows set above the concrete-blocks.

Basket House/Locker Rooms (Non-Contributing)

The Basket House/Locker Room is a mostly metal-framed open-air pavilion with four rows of large concrete-blocks and the rest of the elevation clad in smaller square concrete-blocks on three of the four elevations. The Basket House/Locker Rooms were built underneath the metal roof. The Basket House/Locker Room pavilion has a metal gable roof that runs north and south and is supported by large metal rafters with a concrete floor. The rafters are supported by six metal-frame columns, with three frame columns on either side. The front half of the pavilion roof is allocated for seating and is covered by the metal pavilion roof, while the back half is allocated for the Basket House and Locker Rooms.

South Elevation

The south elevation is symmetrical and consists of three bays. The middle bay is the largest and contains a large service window that is flanked by two 1960s-era outdoor lights. Located above both the service window and lights are three evenly-spaced large, rectangular, louvered vents. Located above the three vents is a circular, louvered, attic vent that is located near the gable. The two outside bays are smaller and set back and are identical. On the portion that steps back but faces either west or east, depending on which side one is looking, is a large entranceway that is without a door that allows access in to the basket holding area. Located above the large entranceway that allow access to the basket holding area is a single large, rectangular, louvered vent similar to those found above the service window. The elevation then turns back and faces south again on both sides of this elevation where there is a single entranceway that allows access into either the men's or women's locker room/dressing room. Located above each of these entranceways, are identical 1960s-era light fixtures that are identical to the others found on this building.

West/East Elevation

The west and east elevations are identical and each contain two bays and both lack ornamentation. The larger bay only contains a single, large, rectangular, louvered vent to allow moisture to escape the locker room. The building then steps out and contains a single entranceway that allows for another access point into either of the locker/dressing rooms. The west and east elevation that front the corresponding direction again contains no ornamentation before it finally terminates into the north elevation.

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North Elevation

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The north elevation, like the East and West elevations, lacks ornamentation due to the utilitarian nature of the building. As previously noted, the base contains four rows of concrete-blocks, followed by seven rows of small square concrete-blocks, before transitioning to wooden horizontal siding. It is at this transition, and centrally located that another 1960s era light fixture is located. On either side of the light fixture but slightly above the fixture is another large, rectangular, louvered vent to allow moisture to escape the locker room. A smaller louvered vent is located above each of the large vents.

Pavilion- West of Baskethouse (Non-Contributing)

Located to the west of the Baskethouse, there is another metal-framed open-air pavilion. The pavilion has a metal gable roof that runs east and west and is supported by large metal rafters with a concrete floor. The rafters are supported by six metal frame columns, with three frame columns on either side.

Playground Area (Contributing)

The playground area contains three, small, metal pavilions with one located at the southwest, northwest, and northeast corners of this area. Also located within this area are swings, a jungle gym, and slides. All but one piece of equipment looks to be original.

INTEGRITY

The Lake Nixon site just outside of Little Rock has undergone changes over its lifetime. An addition and siding have been added to the lodge, while new pavilions have also been added to the site. However, the significant aspect of the site is not the buildings or the playground, the significance of the site revolves around the use of the lake and Lake Nixon itself. The main water features that were denied use by the two African-American women in 1966 still remain as they were in 1966. The slides and water fountains found throughout the swimming area are still as they were in the girls were denied access.

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8. Statement of Significance

Applicable National Register Criteria

(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing.)

- A. Property is associated with events that have made a significant contribution to the broad patterns of our history.
- B. Property is associated with the lives of persons significant in our past.
- C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- D. Property has yielded, or is likely to yield, information important in prehistory or history.

Criteria Considerations

(Mark "x" in all the boxes that apply.)

- A. Owned by a religious institution or used for religious purposes
- B. Removed from its original location
- C. A birthplace or grave
- D. A cemetery
- E. A reconstructed building, object, or structure
- F. A commemorative property
- G. Less than 50 years old or achieving significance within the past 50 years

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Areas of Significance
(Enter categories from instructions.)

Politics/Government
Entertainment/Recreation
Ethnic Heritage:Black

Period of Significance
1966-1969

Significant Dates
1966, 1969

Significant Person
(Complete only if Criterion B is marked above.)

Cultural Affiliation

Architect/Builder

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Statement of Significance Summary Paragraph (Provide a summary paragraph that includes level of significance, applicable criteria, justification for the period of significance, and any applicable criteria considerations.)

Lake Nixon near Little Rock, Arkansas, is being nominated to the National Register of Historic Places with **national significance** under **Criterion A** for its significance in the areas of Politics/Government and Entertainment/Recreation. Lake Nixon is a preserved example of a site associated with a national level desegregation case, brought to the United States Supreme Court, that inevitably set the precedent for entertainment and recreation establishments to not be able to discriminate based on race, and were found to be subject to Title II of the 1964 Civil Rights Act. The continued fight over desegregation at Lake Nixon continued to show how civil rights were being infringed upon in the Little Rock area, even after landmark decisions like the integration of Little Rock Central High School in 1957. This case continued the struggle that the City of Little Rock and the citizens, both white and black, continued to experience during this time period.

Narrative Statement of Significance (Provide at least **one** paragraph for each area of significance.)

“The legal battle against segregation is won, but the community battle goes on.”¹

The words written above were exactly what the State of Arkansas and to a greater extent Little Rock was experiencing following the integration of Little Rock Central High School in 1957 and later following the passage of the 1964 Civil Rights Act. Though the segregation of one of the most recognizable schools in the Arkansas was integrated in 1957, the battle to integrate into the community and other gathering locations, continued on through the early 1970s. These triumphs, in the wake of litigation or legislative measures, cleared a legal path, to not just be appeased or settle for a compromise, but to try to continue to “pressure to bring an end to discrimination altogether.”²

Starting as early as 1919 in Arkansas, the wheels of change began to move in the direction of anti-discrimination, though early-on, it was on the backs and with the blood of African Americans throughout the state in what was known across the nation as “red summers”. In 1919, a race riot erupted in Elaine, Arkansas, in Phillips County, through the demands of African American sharecroppers who wanted to join an organization known as the “Progressive Farmers and Household Union of America,” which was organized largely in the Arkansas Delta region and had local chapters around Elaine, Arkansas, by 1919. The sharecroppers hoped by being part of the Union that they would be able to receive their share of wages owed to them. After several days of conflict and shots fired, 25 African Americans and 5 Whites were killed. It was not until the United States military was called upon to put down the riot that a sense of normality began to take hold in the small town of Elaine and Phillips County. Though nothing was largely gained physically, a sense of motivation and militancy began to take hold in the African American community, as they began to fight for equal rights in their communities.

Other small advancements began to be made starting with Scipio Jones joining the Arkansas Republican

¹ Dorothy Day, “Fall Appeal 1956,” *The Catholic Worker* (November 1956): 2.

² John Kirk, “The Little Rock Crisis and Postwar Black Activism in Arkansas,” *The Arkansas Historical Quarterly* 66.2, *The 1957 Little Rock Crisis: A Fiftieth Anniversary Retrospective* (Summer 2007): 232.

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Party after fighting to gain acceptance around 1928. There is also the Little Rock City Teachers Association fighting and winning the right to be paid as much as white teachers within the City of Little Rock. Sit-ins were staged at lunch counters and stores throughout Little Rock that actively discriminated against African Americans in the 1960s.³ Yet other small advancements included admittance to the Little Rock Zoo or city parks which were previously segregated, but integrated by late 1963. Though these circumstances are small in comparison to the integration of Little Rock Central High School, it was social groups and organizations that continued to push forward in the search for an end to discrimination in Little Rock and the State of Arkansas.

Yet, even with the large amount of media attention shown in 1957 to the Little Rock Central High School integration crisis, it was only nine years later that two African-American girls were turned away from a local swimming establishment on a hot 1966 day. Like other discrimination cases, the turning away of the girls quietly began under the radar, but quickly escalated to national attention by June 1969 when the case was settled. That act of discrimination quickly went through the United State Court System, before finally being settled by the United States Supreme Court, in a case known as Daniel v. Paul.

The Daniel v. Paul case was centered around the Lake Nixon Swimming amusement area in the summer of 1966. 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, Tennessee. Though the heat wave began in June of 1966, it peaked between July 10 and 16, 1966, when more than two-thirds of the United States was above 100 degrees, with new record highs set during this time period. Throughout Arkansas during this time the temperature was roughly four degrees higher than the previous three summers.⁴ At the same time as the high heat, there was also a severe drought raging throughout most of the Mississippi and Ohio River Valleys,⁵ causing the public to gather at cool locations including swimming pools and lakes.

The significance of the property 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."⁶ With their entrance denied at both of the lakes and feeling discriminated about based solely on race, both women brought suit against both Lake Nixon, owned by Euell Paul, Jr., and Spring Lake, owned by J.A. Culberson. Mrs. Doris Daniel and Miss Rosalyn Kyles were being represented by Attorney John W. Walker of Little Rock, while Euell Paul, Jr., was represented by Sam Robinson, a former associate Justice of the state Supreme Court, while J.A. Culberson was represented by Philip Carroll. The suit filed in U.S. District Court Eastern District of Arkansas, Western Division in Little Rock, Arkansas, "alleged that any white person would be admitted by paying an entry fee,"⁷ but also stated that "Negroes were being excluded in violation of the 1964 Civil Rights Act."⁸ The lawsuit alleged that the Lake

³ "Boycott Asked By Negroes," *The Camden News*, 19 December 1960, 1. ; "With An Assist From the Sit-Ins: Convicts And Bond Issue Top State News," *Northwest Arkansas Times*, 19 December 1964, 7.

⁴ Julian W. Posey, "The Weather And Circulation Of July 1966: A Month With An Extensive Heat Wave," *Monthly Weather Review* 94.10 (October 1966), 619.

⁵ *Ibid.*

⁶ "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.)

⁷ *Ibid.*

⁸ *Ibid.*

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Nixon and Spring Lake Clubs were operating in violation of the four types of public accommodations covered under the Civil Rights Act of 1964, which are...

- (1) any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;
- (2) any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment; or any gasoline station;
- (3) any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment; and
- (4) any establishment (A)(i) which is physically located within the premises of any establishment otherwise covered by this subsection, or (ii) within the premises of which is physically located any such covered establishment, and (B) which holds itself out as serving patrons of such covered establishment.

The original court case in the US District Court Eastern District of Arkansas, Western Division in Little Rock, Arkansas, was heard by Federal Judge Jesse Smith Henley. 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.”⁹ 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.”¹⁰ 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.¹¹ It is also during this time that Attorney John Walker pressed both owners about the food concessions on their sites trying to make the argument that they were violating the Civil Rights Act of 1964 through the interstate commerce aspect of the law.

Upon final arguments Henley made his decision and gave his opinion filed on February 1, 1967, and it was reported on in the *Arkansas Gazette*, on February 14, 1967.¹² As part of the ruling Judge Henley reiterated the cause of the lawsuit being that the operators of the two lakes excluded negroes in violation of the Civil Rights Act of 1964, but also stated the defense’s argument that the “Civil Rights Act exempts private clubs that are ‘in fact not open to the public from its provisions requiring desegregation

⁹ Owners of Lakes Upheld in Refusal To Admit Negroes,” *Arkansas Gazette*, 14 February 1967.

¹⁰ *Ibid.*

¹¹ *Ibid.*

¹² *Ibid.*

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of public accommodations.”¹³ Upon getting to his thoughts on the case, and after reflecting on the arguments presented, Henley 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.”¹⁴ 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 Act (Civil Right Act of 1964).”¹⁵

However, after making the statement that neither of the Lakes/Clubs were actually functioning as “private clubs,” Henley 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 businesses covered by the Act’s ban on discrimination.”¹⁶ The business types Henley was referring to are listed above, but Henley made the argument that the only category that the Lakes/Club/Swimming holes would fall under would be the third category, but that the Lakes/Clubs could not be brought under the catchall phrase “other place of exhibition or entertainment” because “entertainment and recreation were not synonymous or interchangeable terms.”¹⁷

As part of the opinion, Henley goes on to state...

Even if the lakes were “places of entertainment,”...they still do not have an effect on interstate commerce of the sort the Act requires.

The Act says a “place of entertainment” is covered if “it customarily presents films, performances, athletic teams, exhibitions, or other sources of entertainment which move in commerce.

There is a distinct difference between a person or thing which moves in interstate commerce and a person or thing which simply has moved in interstate commerce.

The juke boxes and records used at the lakes may have been brought into Arkansas from other states,... and so have moved in interstate commerce at one time, but they aren’t continuously moving from state to state, and this is what the law requires.

Though the opinion was made by the US District Court in Little Rock, it would not stop Attorney John Walker and his clients from stopping their pursuit of what they felt like was justice for this act of discrimination. Therefore, Walker went on to appeal the ruling of the US District Court, Eastern District of Arkansas, Western Division, to the Eight Circuit Court of Appeals in St. Louis, Missouri, while dropping Spring Lake and its owner, J.A. Culberson, from the lawsuit. The appeal by Walker was 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. The main argument that was presented to the Appeals Court was again that Doris Daniel and Rosalyn Kyles were denied access to the Lake Nixon Club, “a recreational facility located in a rural area

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ *Ibid.*

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of Pulaski County and owned and operated by the defendant-appellee Euell Paul, Jr., and his wife Oneta Irene Paul.”¹⁸ The lawsuit was brought as a class action suit under Title II of the Civil Rights Act of 1964. 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 that stated that...

A recreational facility for swimming, boating, miniature golf, or dancing was not a covered establishment under the Civil Rights Act, where facility was located on a country road and was not close to any state or federal highway, operations did not affect commerce, no interstate traveler ever patronized facility it did not offer to serve interstate travelers, no portion of food service in snack bar moved in commerce, and no exhibits or other sources of entertainment moved in or affected commerce.¹⁹

Circuit Court Judge Heaney wrote a dissenting opinion stating that “in my view, the judgement of the district Court cannot be upheld.” He would go on to say that...

The majority opinion of the Court does not base its decision on the rationale of the District Court that Lake Nixon is not a covered establishment.... It relies instead on an alternative ground, namely that even if it is otherwise covered, ‘There is a total lack of proof that Lake Nixon Club served interstate traveler or that a substantial portion of the food served moved in interstate commerce.’...²⁰

He then goes on to state the parts of the argument that solidify his opinion that the criteria were met, including that in District Court, it found that “it is probably true that some out-of-state people spending time in or around Little Rock have utilized [Lake Nixon Club facilities].”²¹ He also stated that the Club advertised on the radio station KALO and put advertisements in monthly magazines and a monthly newspaper published at the Little Rock Air Force Base, noting that in his view this constitutes a finding that the Club served interstate travelers and in and of itself satisfied the commerce requirement for the Civil Rights Act.²²

Following the decision by the Eight Circuit Court of Appeals in St. Louis, the attorneys for both the plaintiffs and the defendants both began preparing their arguments knowing that the case would again be escalated and appealed to the US Supreme Court in the forthcoming year. This was done with the hope that the US Supreme Court would accept the case and have it heard by the US Supreme Court Justices. While waiting to hear if the US Supreme court would hear the case, it is stated by those with direct knowledge of the case that Mr. Euell Paul, Jr., began feeling that the case may not favor him if the case was accepted by the US Supreme Court.²³

Second Baptist Church Little Rock

¹⁸ United States, “Daniel v. Paul,” *Federal Reporter, 2nd Series*, 385 (1968): 119.

¹⁹ *Ibid.*

²⁰ *Ibid*, 129.

²¹ *Ibid.* 129-130.

²² *Ibid*, 130.

²³ Jim Maloch, email message to Travis Ratermann, November 4, 2016, Arkansas Historic Preservation Program, National Register and Survey Files, Lake Nixon File.

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However, 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. Dale Cowling was welcomed as the 11th Pastor of Second Baptist Church Little Rock in 1952.²⁴ Dr. Cowling believed that “one of the greatest needs ... was a place for children of working mothers to have a safe, fun place to spend their summers.”²⁵ The church began actively looking for a location in or near central Arkansas, to accompany one of the first accredited church kindergarten programs in the area in 1955²⁶, for working mothers needing a safe place for their young children to stay while they worked. ²⁷It is stated that Dr. Dale Cowling (Pastor) and Bill Lively (Children’s Minister) became...

More and more serious about finding a spot for an expanded ministry to families and children in particular. Several trips were made around central Arkansas looking at possible sites... where children could be outside and enjoy God’s creation. Some sites looked promising and some were available but were not exactly what was desired.²⁸

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 being bigger than what was originally wanted when looking for a site. Yet, it was also widely known that the owners of Lake Nixon were under pressure to sell Lake Nixon following the ongoing lawsuit, which was waiting to be heard by the United States Supreme Court, for the Clubs exclusion of African Americans to the site in July 1966. By October 11, 1968, discussions between the administration of Second Baptist Church and Euell Paul had already been ongoing.²⁹ 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 the Paul’s said \$210,000.³⁰

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

²⁴ Second Baptist Church, “History of Second Baptist Church,” Arkansas Historic Preservation Program, National Register and Survey Files, Lake Nixon File.

²⁵ Second Baptist Church, “Second Baptist’s Acquisition of Lake Nixon,” Arkansas Historic Preservation Program, National Register and Survey Files, Lake Nixon File.

²⁶ Second Baptist Church, “History of Second Baptist Church,” Arkansas Historic Preservation Program, National Register and Survey Files, Lake Nixon File.

²⁷ 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).)

²⁸ Second Baptist Church, “Second Baptist’s Acquisition of Lake Nixon,” Arkansas Historic Preservation Program, National Register and Survey Files, Lake Nixon File.

²⁹ The article states that the purchase price for the 35 acres lake and the rest of the 174 acres was set at \$190,000, but the warranty and other church documents state the purchase price at \$210,000. (“Church Buys Lake,” *Northwest Arkansas Time*, 11 October 1968, 11.; “Warranty Deed With Lien and Relinquishment of Dower,” Arkansas Historic Preservation Program, National Register and Survey Files, Lake Nixon File.

³⁰ Second Baptist Church, “Second Baptist’s Acquisition of Lake Nixon,” Arkansas Historic Preservation Program, National Register and Survey Files, Lake Nixon File.

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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.³¹

To which Euell Paul responded, “Preacher, that is the craziest deal I have ever heard!”³²

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 that had gathered nearby to formally accept the terms put in place by Dr. Cowling 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. Those ten men³³ would become the board members for a Not-for-profit corporation of Baptist men of the Second Baptist Church who would work for the benefit and ministry of the Second Baptist Church.³⁴

On October 16, 1968, the Second Baptist Church Board of Deacons presented to the church with a recommendation of approval, for a resolution to help sponsor and provide a spiritual ministry through the facilities of the Lake Nixon, Inc.³⁵

Lake Nixon Inc. and the Continuation of the Lawsuit on the Property.

With the property sold from the Paul family to Lake Nixon, Inc., the lawsuit was still pending in the US Supreme Court System. By December 10, 1968, but before the hearing began on the Supreme Court case, a newspaper article came out in the *Hope Star* where Euell Paul reiterated that if he was forced to admit negroes, “he would lose the business of white people and would have to close up... [because] this would be a destruction of the value of his property and a deprivation of his constitutional right.”³⁶ In the same article Dr. Cowling stated that the “property would be used as a family and youth camp, among other things.”³⁷

³¹ 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.

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³³ Bill Lively, Dale Cowling, Carl Rosenbaum, Nelson Tull, Billy K. Cooper, Wallace Dellinger, Ward Newkirk, Joe Buffalo, J.V. McKinney and Harold Hutson. (Second Baptist Church, “Second Baptist’s Acquisition of Lake Nixon,” Arkansas Historic Preservation Program, National Register and Survey Files, Lake Nixon File.)

³⁴ Second Baptist Church, “Second Baptist’s Acquisition of Lake Nixon,” Arkansas Historic Preservation Program, National Register and Survey Files, Lake Nixon File.

³⁵ Lake Nixon Inc. is the Not-for-Profit Corporation developed by the ten members that co-sign a note taking responsibility for the payment of the property. As part of the resolution, Lake Nixon Inc. would provide the church under their charter, the entire property to Second Baptist Church debt free when it is totally paid off. (Second Baptist Church, “Church Action on Lake Nixon Ministry,” Arkansas Historic Preservation Program, National Register and Survey Files, Lake Nixon File.)

³⁶ “Private Club Case Before U.S. Court,” *Hope Star*, 10 December 1968.

³⁷ *Ibid.*

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Attorney John Walker stated in the article that he was going to continue the appeal to the Supreme Court even though the property was sold “since it might result in a precedent.”³⁸ He also stated that if the Supreme Court favored the case of the two women, that the case could be remanded back to the lower court to decide whether the new owners might be subject to the dictates of the decision.³⁹

Though the case was not remanded back to a lower court, the case did get a boost once it was accepted by the Supreme Court for review, by the Justice Department. Only a month before the case was to be argued in the Supreme Court, the Justice Department “enter[ed] the case as a friend of the court”⁴⁰ 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 forbids them from discriminating based on the Civil Rights Act of 1964. They went on to state that “two civil rights laws almost a hundred years apart guarantee Negroes the right to buy admission to privately owned places of amusement that are operated as clubs but are, in effect open to almost any white while being closed to Negroes.”⁴¹ Those two civil rights cases include the 1866 Civil Rights Act, which was passed to prohibit racial discrimination in private housing and sales and rentals, but contains a section that allows Negroes the right “to make and enforce contracts.”⁴² 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 law is violated.”⁴³

Still by late March 1969, the case was about to go before the panel of Judges on March 24-25. However, a day before the case was to be heard, the Supreme Court was told that the Lake Nixon Club had been sold. Little did the court know, but the property was sold back in September and October 1968. The news was even surprising to the NAACP Legal Defense Fund Attorney, Conrad Harper. In selling the property, the owners of the Lake Nixon Club essentially “pulled out of the Civil Rights Case.”⁴⁴ Even with the Paul’s pulling out of the case, Civil Rights lawyer for President Nixon’s Administration urged the “high tribunal to settle the question of the admission of Negroes to privately operated organizations for recreation which are open to the white public.”⁴⁵ He also asked the Supreme Court to hand down an opinion so that “we will have some guidance on future actions.”⁴⁶

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 cannot exclude Negroes.”⁴⁷ 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

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ “Justice Dept. To Aid Supreme Court In Civil Rights Case,” *The Camden News*, 15 February 1969, 1.

⁴¹ “By Justice Department: Recreation Club Integration Asked,” *Northwest Arkansas Times*, 15 February 1969, 2.

⁴² *Ibid.*

⁴³ *Ibid.*

⁴⁴ “Supreme Court is Told Couple Sold Lake Nixon Club,” *The Camden News*, 23 March 1969, 3.

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*

⁴⁷ “Privately Owned Recreation Areas Cannot Exclude Negroes,” *The Camden News*, 2 June 1969, 1.

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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. He also spoke to the fact that the court’s opinion was that Lake Nixon was not a “private club,” but was simply a for-profit business with “none of the attributes of self-government and membership-ownership traditionally associated with private clubs.”⁴⁸

Yet, it is Judge Black’s dissent that helps put the entire case and the ever-lasting imprint that the case would have on the interstate commerce clause. Judge Black’s dissent states...

I could and would agree with the Court's holding in this case had Congress in the 1964 Civil Rights Act based its power to bar racial discrimination at places of public accommodations upon 5 of the Fourteenth Amendment. But Congress in enacting this legislation did not choose to invoke this broad Fourteenth Amendment power to protect against racial discrimination; instead it tied the Act and limited its protection to congressional power to regulate commerce among the States. Both courts below found that respondent's swimming and recreational place is covered by the Act if its operations "affect commerce" within the meaning of 201 (c) of the Act. The Act itself, in 201 (c), provides the test for determining whether this respondent's recreational operations adversely affect interstate commerce. That test is to determine from evidence whether the operation of an establishment like respondent's (a) "serves or offers to serve interstate travelers" or (b) "a substantial portion of the food which it serves, or gasoline or other products which it sells, has moved in commerce" In order, therefore, for the Act to be held to apply the test must be shown to be met by evidence and judicial findings, not by guesswork, or assumptions, or "judicial knowledge" of crucially relevant facts, or by unproved probabilities or possibilities. My trouble with the Court's holding is that it runs roughshod over District Court findings supported by the record and emphatically affirmed by the Court of Appeals. Let us briefly review the facts and findings on the foregoing two separate conditions of the Act's applicability.

(A) Did Lake Nixon serve or offer to serve interstate travelers? There is not a word of evidence showing that such an interstate traveler was ever there or ever invited there or ever dreamed of going there. Nixon Lake can be reached only by country roads. The record fails to show whether these country roads are passable in all kinds of weather. They seem to be at least six to eight miles off the state or interstate roads over which interstate travelers are accustomed to travel. Petitioners did not offer evidence to show whether Lake Nixon is a natural lake, or whether it is simply a small body of water obtained by building a dam across a little creek in a narrow hollow between the hills. The District Court made findings about Lake Nixon and Spring Lake as follows:

"Both are accessible by country roads; neither is located on or near a State or federal highway. There is no evidence that either facility has ever tried to attract interstate travelers as such, and the location of the facilities is such that it would be in the highest degree unlikely that an interstate traveler would break his trip for the purpose of utilizing either establishment."

⁴⁸ *Ibid.*

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The foregoing finding is not impaired by this additional statement of the District Judge: "Of course, it is probably true that some out-of-State people spending time in or around Little Rock have utilized one or both facilities."

In the first place the court's statement that "it is probably true" takes this out of the category of a finding of fact; and secondly, "out-of-State people spending time in or around Little Rock" who happened to visit Lake Nixon would certainly not be the kind of "interstate travelers" doing the kind of interstate traveling that would "affect" interstate commerce.

The Court of Appeals, affirming the findings of the District Court, said:

"There is no evidence that any interstate traveler ever patronized this facility, or that it offered to serve interstate travelers"

This Court rejects these joint findings of the two courts below in this way. Referring to advertisements of Lake Nixon in a monthly magazine distributed at Little Rock hotels, motels, and restaurants, to radio announcements, and to advertisements in the "Little Rock Air Force Base," this Court says:

"Thus, the Lake Nixon Club unquestionably offered to serve out-of-state visitors to the Little Rock area. And it would be unrealistic to assume that none of the 100,000 patrons actually served by the Club each season was an interstate traveler."

In the above statement this Court jumps from the fact that there were an estimated number of admissions onto the club premises during a season to the conclusion that some one or more of these was an "interstate traveler" and that the owners of the premises, Mr. and Mrs. Paul, were bound to know that there were interstate travelers present. That conclusion is far too speculative to be used as a means of rejecting the solemn findings of the two courts below. If the facts here are to be left to such "iffy" conjectures, one familiar with country life and traveling would, it seems to me, far more likely conclude that travelers on interstate journeys would stick to their interstate highways, and not go miles off them by way of what, for all this record shows, may well be dusty, unpaved, "country" roads to go to a purely local swimming hole where the only food they could buy was hamburgers, hot dogs, milk, and soft drinks (but not beer). This is certainly not the pattern of interstate movements I would expect interstate travelers in search of tourist attractions to follow.

(B) The second prong of the test to determine applicability of the Act to Lake Nixon is whether a "substantial portion" of the hamburgers, milk, and soda pop sold there had previously moved in interstate commerce. The Court's opinion generously concedes that the record is "not as complete on this point as might be desired" This is certainly no exaggeration. In fact, I would go further and agree with the two courts below that the record is totally devoid of evidence to show that a "substantial portion" of the small amount of food sold had previously moved in interstate commerce. The District Court found as follows on this point:

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"Food and soft drinks are purchased locally by both establishments. The record before the Court does not disclose where or how the local suppliers obtained the products which they sold to the establishments. The meat products sold by defendants may or may not have come from animals raised, slaughtered, and processed in Arkansas. The bread used by defendants was baked and packaged locally, but judicial notice may be taken of the fact that the principal ingredients going into the bread were produced and processed in other States. The soft drinks were bottled locally, but certain ingredients were probably obtained by the bottlers from out-of-State sources."

Fact-findings on serious problems like this one, which involves marking the jurisdictional authority of State and Nation, should not be made on the basis of "judicial notice" and on probabilities not based on evidence. The Court of Appeals approved this finding of the District Court that a substantial part of the food served at Lake Nixon had not previously moved in interstate commerce. The Court of Appeals said:

"With regard to whether a substantial portion of the food which Lake Nixon serves has moved in commerce, the trial court found that food and soft drinks were purchased locally by the Club but noted that the record before the court did not disclose where or how the local suppliers obtained the products. The court further observed that the meat products sold by the defendants may or may not have come from animals raised, slaughtered, and processed in Arkansas. It also made an observation that the bread used in the sandwiches was baked and packaged locally but took judicial notice that the principal ingredients going into the bread were produced and processed in other states. This observation on the part of the court, however, was entirely voluntary, and the ingredients in the bread would not constitute a substantial part of the food served. We might add that it is a matter of common knowledge that Borden's of Arkansas, which the record shows supplied the milk, obtains the unprocessed milk for its local plant from Arkansas dairy farmers."

Finally, the Court mentions, almost as an afterthought, Lake Nixon's 15 paddle boats leased from an Oklahoma company on a royalty basis. As to these paddle boats the Court of Appeals said: "It is common knowledge that annually thousands of this type boat are manufactured locally in Arkansas, and there is no evidence whatsoever that any of the equipment moved in interstate commerce."

The Court's opinion also mentions a juke box leased by Lake Nixon from the juke box's local owner. The Court apparently refers to this juke box on the premise that playing music and dancing makes an establishment the kind of place of "entertainment" that is covered by 201 (b) (3) of the Act. The Court of Appeals pointed out that Senator Magnuson, floor manager of this part of the Act, said that dance studios would be exempt under the Act. 110 Cong. Rec. 7406. Also, Senator Humphrey, a leading proponent of the measure, said:

"The deletion of the coverage of retail establishments generally is illustrative of the moderate nature of this bill and of its intent to deal only with the problems which urgently require solution."

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It seems clear to me that neither the paddle boats nor the locally leased juke box is sufficient to justify a holding that the operation of Lake Nixon affects interstate commerce within the meaning of the Act. While it is the duty of courts to enforce this important Act, we are not called on to hold nor should we hold subject to that Act this country people's recreation center, lying in what may be, so far as we know, a little "sleepy hollow" between Arkansas hills miles away from any interstate highway. This would be stretching the Commerce Clause so as to give the Federal Government complete control over every little remote country place of recreation in every nook and cranny of every precinct and county in every one of the 50 States. This goes too far for me. I would affirm the judgments of the two courts....

[Judge Black goes on to state...]In my opinion in *Atlanta Motel v. United States*, which also applies to *Katzenbach v. McClung*, concurring in the Court's decision upholding the application of this Act to an Atlanta, Georgia, motel and a Birmingham, Alabama, restaurant, I said:

"I recognize that every remote, possible, speculative effect on commerce should not be accepted as an adequate constitutional ground to uproot and throw into the discard all our traditional distinctions between what is purely local, and therefore controlled by state laws, and what affects the national interest and is therefore subject to control by federal laws. I recognize too that some isolated and remote lunchroom which sells only to local people and buys almost all its supplies in the locality may possibly be beyond the reach of the power of Congress to regulate commerce, just as such an establishment is not covered by the present Act."⁴⁹

Once the opinion was handed down by the Court, newspapers from around the United States including Arkansas, Illinois and Wisconsin picked up the news story in their daily papers. Yet, the implications of the trial were still being felt in other cases through the court system. One such case, *Sullivan v Little Hunting Park* (1969), which was taken up by the Supreme Court in April of 1969, was eagerly waiting to hear the decision handed down in *Daniel v Paul*. Where the case of *Daniel v Paul* resolved the issue of discrimination in cases involving pseudo-private clubs, the *Sullivan v Little Hunting Park*⁵⁰ went right at discrimination involving private membership clubs whether used for recreation or for general social activities.

However, through the outcome of the Court Case of *Daniel v Paul*, the Supreme Court began to crumble the last great citadel of discrimination, private clubs. With the ruling handed down by the Supreme Court on June 2, 1969, the court paved the way to opening private clubs to all colors, creeds and nationalities. This court case would be one of the last great civil rights cases of the 1960s. The *Sullivan v Little Hunting Club* sided with the Hunting club because the Plaintiff no longer lived in the area, and was only able to receive damages, but it also found that the Little Hunting club was in fact a Private Social Club. The *Daniel v Paul* case can also be found in the National Park Service's publication *Civil Rights in America: Racial Desegregation of Public Accommodations* on page 174. This court case, while being local in its impact for Doris Daniel, Rosalyn Kyles and the property associated with Lake Nixon,

⁴⁹ *Daniel v. Paul* (June 02, 1969) ([Http://caselaw.findlaw.com/us-supreme-court/395/298.html](http://caselaw.findlaw.com/us-supreme-court/395/298.html), Dist. file).

⁵⁰ The Little Hunting Park Swim and Tennis Club is located in Fairfax County, Virginia.

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segregation was a national problem that took several years and multiple individuals, organizations, and communities to break down. These interesting movements and court cases that sprung up throughout 1960s and early 1970s, demonstrates that racial segregation influenced the lives of many people across Arkansas and across the United States.

Yet, even though the court case had wide reaching implications on the desegregation of places of entertainment, it also created wide reaching consequences for all places of business and entertainment as seen through the remarks made by Judge Black in his dissention. Judge Black's dissention noted that the court's majority decision, in siding with Doris Daniels and Roselyn Kyles, might have actually overreached in its ruling thus requiring all businesses and entertainment locations to be subject to the ruling, which may not have been the original intent of the initial law. The true impact of this decision was foreshadowed by this dissention. The majority ruling in the case meant that even small towns and "a sleepy little hollow" in rural Arkansas was not immune from the power of the federal government in enforcing the new equal protections as afforded by the civil rights case law that had already been established by congress and the courts.

Following the outcome of the Daniel v Paul case, both the Second Baptist Church in Downtown Little Rock and the outreach ministry arm known as Lake Nixon⁵¹, set out on a path of inclusion for the newly formed day camp which would provide a ministry through public family recreation and group recreation at the site. The day camp opened in the summer of 1969 with 89 enrollees. By 1975, enrollment reached 400 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 engage in conversations around civil rights history, contemporary race relations, homelessness, and poverty.

Therefore, Lake Nixon, near Little Rock, Arkansas, is being nominated to the National Register of Historic Places with **national significance** under **Criterion A** for its association of Politics/Government and Entertainment/Recreation. The period of significance extends to 1969, due to the length of the initial court case which extended from 1966 to 1969. Lake Nixon is a preserved example of a site associated with a national-level desegregation case, brought to the United States Supreme Court, that inevitably set the precedent for entertainment and recreation establishments to not be able to discriminate based on race, and were found to be subject to Title II of the 1964 Civil Rights Act.

⁵¹ Within the last year 2015-2016, the Lake Nixon Ministry arm of the Second Baptist Church, has since rebranded itself as Lake Nixon Outdoor Center.

Lake Nixon
Name of Property

Pulaski County, Arkansas
County and State

9. Major Bibliographical References

Bibliography (Cite the books, articles, and other sources used in preparing this form.)

“Arkansas Briefs,” *El Dorado Times*, 30 July 1966.

“Boycott Asked By Negroes,” *The Camden News*, 19 December 1960.

“By Justice Department: Recreation Club Integration Asked,” *Northwest Arkansas Times*, February 15, 1969.

“Church Buys Lake,” *Northwest Arkansas Time*, 11 October 1968.

Day, Dorothy. “Fall Appeal 1956,” *The Catholic Worker* (November 1956): 2.

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

Kirk, John. “The Little Rock Crisis and Postwar Black Activism in Arkansas,” *The Arkansas Historical Quarterly* 66.2, *The 1957 Little Rock Crisis: A Fiftieth Anniversary Retrospective* (Summer 2007): 224-242.

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

Posey, Julian W. “The Weather And Circulation Of July 1966: A Month With An Extensive Heat Wave,” *Monthly Weather Review* 94.10 (October 1966), 619-626.

“Private Club Case Before U.S. Court,” *Hope Star*, 10 December 1968.

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

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

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

“Supreme Court is Told Couple Sold Lake Nixon Club,” *The Camden News*, 23 March 1969.

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).

Lake Nixon
Name of Property

Pulaski County, Arkansas
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“Warranty Deed With Lien and Relinquishment of Dower,” Arkansas Historic Preservation Program, National Register and Survey Files, Lake Nixon File.

“With An Assist From the Sit-Ins: Convicts And Bond Issue Top State News,” *Northwest Arkansas Times*, 19 December 1964.

United States, “Daniel v. Paul,” *Federal Reporter, 2nd Series*, 385 (1968): 119-131.

United States Supreme Court, “Daniel v. Paul” (June 02, 1969) <http://caselaw.findlaw.com/us-supreme-court/395/298.html>.

Previous documentation on file (NPS):

- preliminary determination of individual listing (36 CFR 67) has been requested
- previously listed in the National Register
- previously determined eligible by the National Register
- designated a National Historic Landmark
- recorded by Historic American Buildings Survey # _____
- recorded by Historic American Engineering Record # _____
- recorded by Historic American Landscape Survey # _____

Primary location of additional data:

- State Historic Preservation Office
- Other State agency
- Federal agency
- Local government
- University
- Other
- Name of repository: _____

Historic Resources Survey Number (if assigned): PU10111

Lake Nixon
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Pulaski County, Arkansas
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10. Geographical Data

Acreage of Property 185.42

Use either the UTM system or latitude/longitude coordinates

Latitude/Longitude Coordinates

Datum if other than WGS84: _____
(enter coordinates to 6 decimal places)

- 1. Latitude: _____ Longitude: _____
- 2. Latitude: _____ Longitude: _____
- 3. Latitude: _____ Longitude: _____
- 4. Latitude: _____ Longitude: _____

Or
UTM References

Datum (indicated on USGS map):

NAD 1927 or NAD 1983

- 1. Zone: 15 Easting: 551305 Northing: 3842267
- 2. Zone: 15 Easting: 551925 Northing: 3841947
- 3. Zone: 15 Easting: 552087 Northing: 3841563
- 4. Zone: 15 Easting: 551524 Northing: 3841630

Verbal Boundary Description (Describe the boundaries of the property.)

Starting at UTM 15 S 551305 E 3842267 go east, following Cooper Orbit Road to UTM 15 S 551925 E 3841947, then go south following Cooper Orbit Road to UTM 15 S 552087 E 3841563, then go west to UTM 15 S 551524 E 3841630, then go back to the original UTM point.

Boundary Justification (Explain why the boundaries were selected.)

The boundary contains the resources that are historically associated with the Lake Nixon Club.

Lake Nixon
Name of Property

Pulaski County, Arkansas
County and State

11. Form Prepared By

name/title: Travis Ratermann (Survey Historian)
organization: Arkansas Historic Preservation Program
street & number: _____
city or town: Little Rock state: Arkansas zip code: 72201
e-mail Travis@arkansasheritage.org
telephone: 501-324-9874
date: April 16, 2018

Additional Documentation

Submit the following items with the completed form:

- **Maps:** A **USGS map** or equivalent (7.5 or 15 minute series) indicating the property's location.
- **Sketch map** for historic districts and properties having large acreage or numerous resources. Key all photographs to this map.
- **Additional items:** (Check with the SHPO, TPO, or FPO for any additional items.)

Photographs

Submit clear and descriptive photographs. The size of each image must be 1600x1200 pixels (minimum), 3000x2000 preferred, at 300 ppi (pixels per inch) or larger. Key all photographs to the sketch map. Each photograph must be numbered and that number must correspond to the photograph number on the photo log. For simplicity, the name of the photographer, photo date, etc. may be listed once on the photograph log and doesn't need to be labeled on every photograph.

Photo Log

Name of Property: Lake Nixon

City or Vicinity: Little Rock

County: Pulaski

State: Arkansas

Photographer: Travis Ratermann

Lake Nixon

Name of Property

Pulaski County, Arkansas

County and State

Date Photographed: 11/16/2015

Description of Photograph(s) and number, include description of view indicating direction of camera:

Photo #1 (AR_Pulaski County_Lake Nixon_0001)

Perspective of the Northwest corner of the Lake Nixon Lodge building. Camera facing Southeast.

Photo #2 (AR_Pulaski County_Lake Nixon_0002)

Photo of the Southeast corner of the Lodge building showing the south addition. Camera facing Northwest.

Photo #3 (AR_Pulaski County_Lake Nixon_0003)

Photo of the swimming hole/swimming area, as well as the water features within that area. Camera facing Southwest.

Photo #4 (AR_Pulaski County_Lake Nixon_0004)

Photo of the beach and the small native stone bridge with concrete abutments. Camera facing southwest.

Photo #5 (AR_Pulaski County_Lake Nixon_0005)

Photo of the two metal pavilions as well as the small ticket shack. Camera facing Northeast.

Photo #6 (AR_Pulaski County_Lake Nixon_0006)

Photo of the ticket shack. Camera facing North.

Photo #7 (AR_Pulaski County_Lake Nixon_0007)

Photo of the Southeast corner of the Lake Nixon Office. Camera facing North.

Photo #8 (AR_Pulaski County_Lake Nixon_0008)

Photo of the Lake Nixon basketball court. Camera facing Southwest.

Photo #9 (AR_Pulaski County_Lake Nixon_0009)

Photo of the Snack Bar and baskethouse. Camera facing Northwest.

Photo #10 (AR_Pulaski County_Lake Nixon_0010)

Photo of the baskethouse. Camera facing Northeast.

Photo #11 (AR_Pulaski County_Lake Nixon_0011)

Photo of Lake Nixon and paddle-boat dock.

Photo #12 (AR_Pulaski County_Lake Nixon_0012)

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Pulaski County, Arkansas
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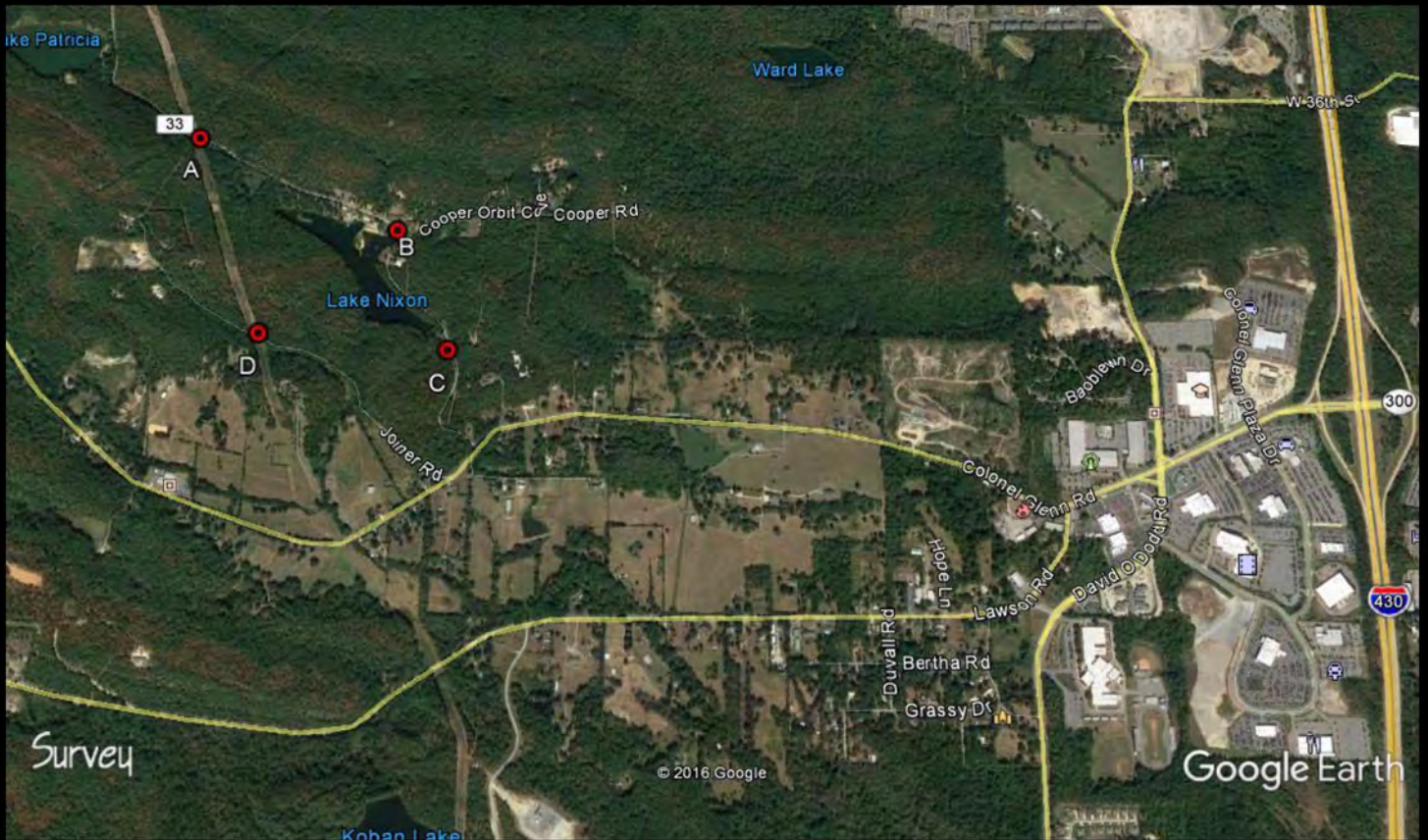
Photo of the playground equipment from the 1960s era. Camera facing Northwest.

Photo #13 (AR_Pulaski County_Lake Nixon_0013)

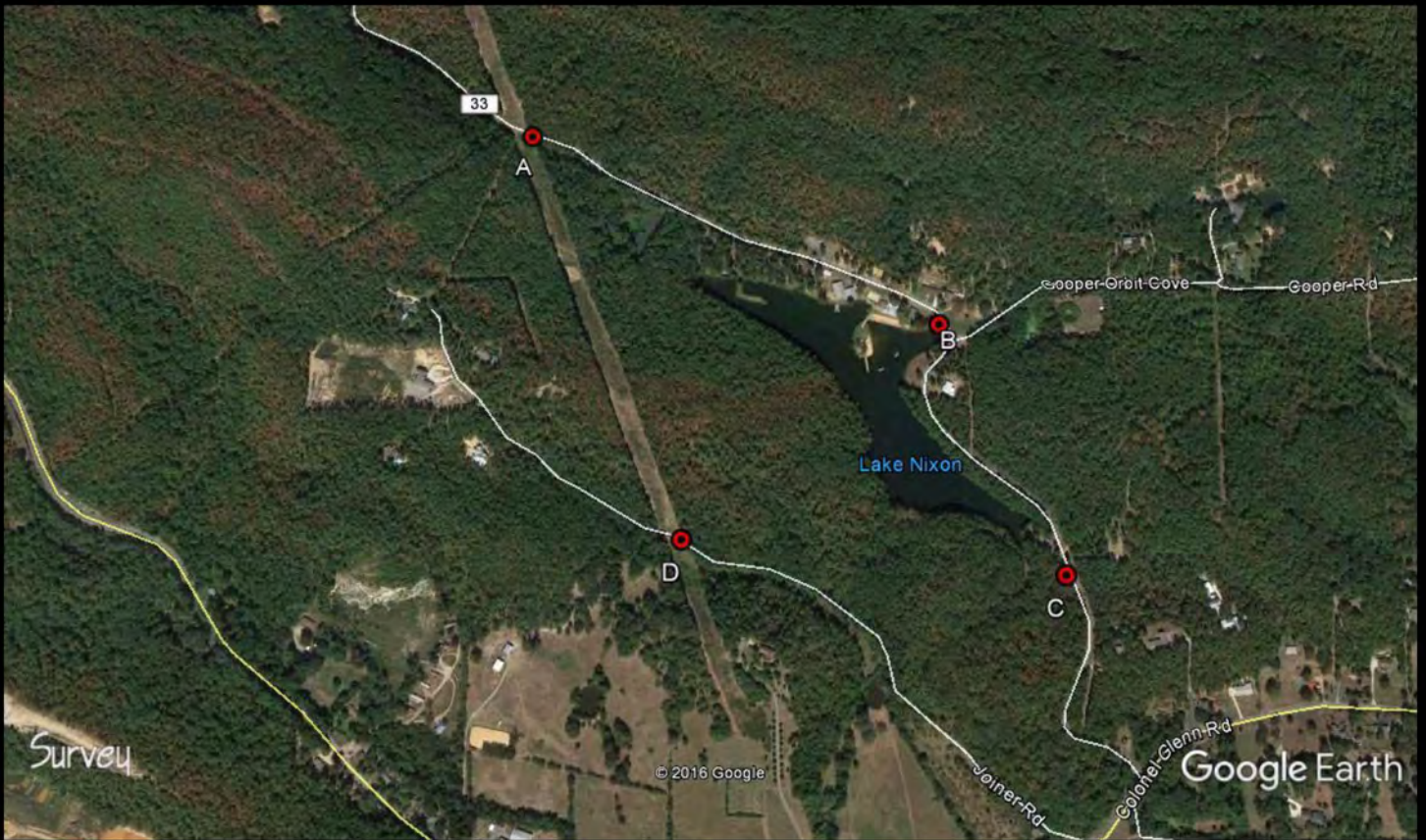
Photo of the concrete coping around the lake which is holding back erosion of the beach sand. Camera facing north.

Paperwork Reduction Act Statement: This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C.460 et seq.).

Estimated Burden Statement: Public reporting burden for this form is estimated to average 100 hours per response including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Office of Planning and Performance Management, U.S. Dept. of the Interior, 1849 C. Street, NW, Washington, DC.



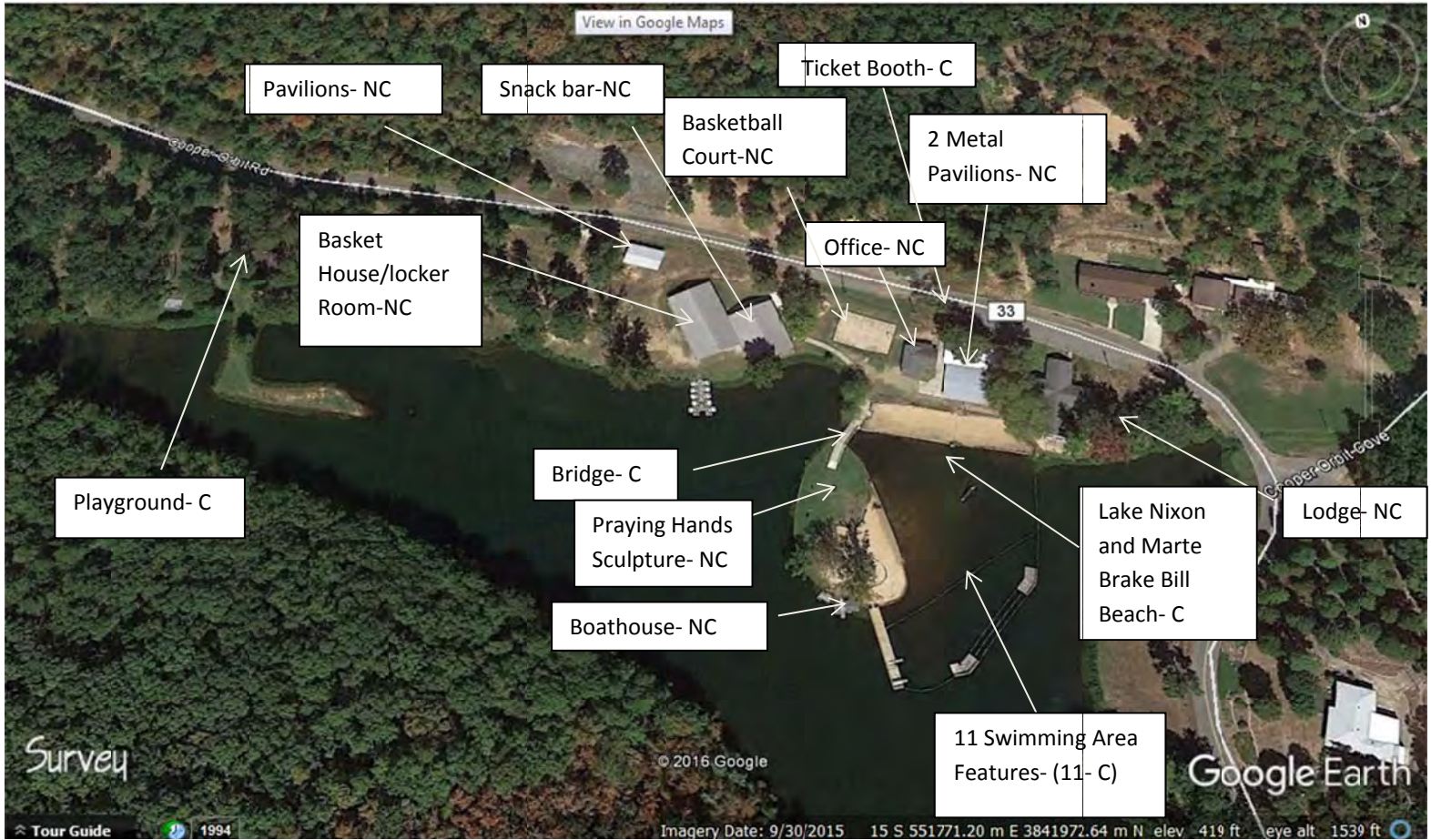
Google Earth



Google Earth

Lake Nixon-

Contributing and Non-Contributing Map, Little Rock, Pulaski County, Arkansas



Lake Nixon-

Photo Location Map, Little Rock, Pulaski County, Arkansas





Lake Nixon
Country Club







SWIMMING
ALLOWED
ONLY WHEN
CERTIFIED
LIFEGUARDS













Table and bench

Table and bench

Table and bench

Table and bench

Table and bench

Table and bench

Table and bench

GENTLEMEN

STAFF USE ONLY

SHANNON ERIN DUVAHUE FAMILY BASKET HOUSE

NOT RESPONSIBLE FOR ACCIDENTS

NO SMOKING





REBECCA CHAVERS
LAKE VIEW PLAZA





UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES
EVALUATION/RETURN SHEET

Requested Action: Nomination

Property Name: Lake Nixon

Multiple Name:

State & County: ARKANSAS, Pulaski

Date Received: 4/21/2017 Date of Pending List: Date of 16th Day: Date of 45th Day: 6/5/2017 Date of Weekly List:

Reference number: SG100001013

Nominator: State

Reason For Review:

- | | | |
|---------------------------------------|----------------------------------------------|---------------------------------------------|
| <input type="checkbox"/> Appeal | <input type="checkbox"/> PDIL | <input type="checkbox"/> Text/Data Issue |
| <input type="checkbox"/> SHPO Request | <input type="checkbox"/> Landscape | <input type="checkbox"/> Photo |
| <input type="checkbox"/> Waiver | <input checked="" type="checkbox"/> National | <input type="checkbox"/> Map/Boundary |
| <input type="checkbox"/> Resubmission | <input type="checkbox"/> Mobile Resource | <input type="checkbox"/> Period |
| <input type="checkbox"/> Other | <input type="checkbox"/> TCP | <input type="checkbox"/> Less than 50 years |
| | <input type="checkbox"/> CLG | |

Accept Return Reject 6/5/2017 Date

Abstract/Summary Comments: The exclusion of two black girls from this facility culminated in a Supreme Court decision that applied Brown to private social settings. This case opened the door to other discrimination suits at the national level.

Recommendation/ Criteria: Accept / A

Reviewer Jim Gabbert

Discipline Historian

Telephone (202)354-2275

Date _____

DOCUMENTATION: see attached comments : No see attached SLR : **Yes**

If a nomination is returned to the nomination authority, the nomination is no longer under consideration by the National Park Service.



DEPARTMENT OF PLANNING AND DEVELOPMENT

723 West Markham Street
Little Rock, Arkansas 72201-1334
Phone: (501) 371-4790 Fax: (501) 399-3435
www.littlerock.gov

CERTIFIED LOCAL GOVERNMENT NATIONAL REGISTER NOMINATION REVIEW

Name and Address of property:

Lake Nixon, 18500 Cooper Orbit Road, Little Rock, AR 72210

Name of Owner:

Trustees of the Second Baptist Church

Project Sponsor:

Travis Ratermann, National Register & Survey Coordinator, AHPP

CLG Name:

City of Little Rock, Arkansas

Date of Public Hearing by CLG:

March 13, 2017

Applicable Criteria:

Criterion A (Historic Events)

Criterion B (Important Person)

Criterion C (Architecture)

Criterion D (Archaeological)

The Little Rock Historic District Commission hereby recommends the above stated property for nomination.

Attest:

Richard A. Kelley
Chair

Ben Myron
Secretary/Staff

3-14-17
Date

3-13-2017
Date



THE DEPARTMENT OF ARKANSAS
HERITAGE

Asa Hutchinson
Governor

Stacy Hurst
Director

April 5, 2017



J. Paul Loether, Deputy Keeper and Chief
National Register and National Historic Landmark Programs
National Register of Historic Places
1201 Eye St. NW, 8th Fl.
Washington D.C. 20005

Arkansas Arts Council

Arkansas Natural
Heritage Commission

Arkansas State Archives

Delta Cultural Center

Historic Arkansas Museum

Mosaic Templars
Cultural Center

Old State House Museum

RE: Lake Nixon–Little Rock, Pulaski County, Arkansas

Dear Mr. Loether:

We are enclosing for your review the above-referenced nomination. The enclosed disk contains the true and correct copy of the documentation for Lake Nixon. The Arkansas Historic Preservation Program has complied with all applicable nominating procedures and notification requirements in the nomination process.

If you need further information, please call Travis Ratermann of my staff at (501) 324-9874. Thank you for your cooperation in this matter.

Sincerely,

Stacy Hurst
State Historic Preservation Officer

SH:clw

Enclosures



ARKANSAS HISTORIC
PRESERVATION PROGRAM



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