

# From High School to the High Court

## 40th Michigan Legal Milestone Highlights the Kalamazoo School Case

By Tom Dietz

In a year in which presidential candidates debate free college for all, it may seem odd that less than 150 years ago the question of a public high school was a matter of controversy in Michigan. Even more curious is that the debate played out in the city where, for the last decade, the Kalamazoo Promise has provided free college tuition for its public school graduates.

The resolution of the issue, however, established a legal precedent that shaped public education not just for Michigan, but also for other school districts across the country.

The so-called Kalamazoo School Case—*Stuart v School District No. 1 of Kalamazoo*<sup>1</sup>—arose 15 years after the district had built the Union School, which combined several district schools to provide a public high school for the first time. Construction of the Union School, a three-story building near what was then the southwestern village limit, had been a source of public debate over location, cost, and the like. Nevertheless, the project was completed in late 1858 and dedicated in January 1859. The matter appeared to have been settled.

In 1873, three prominent citizens sued to halt the village clerk from collecting the portion of the school district property taxes that were allocated to the operation of the

high school, arguing that the school had been inaugurated before the district had a legal right to do so and that subsequent state legislation authorizing school districts to create high schools required a separate vote of the district residents. Such an election had never been held.

The complainants were former U.S. Senator Charles E. Stuart, a local attorney; and Theodore P. Sheldon and Henry C. Brees, partners in the private bank of T. P. Sheldon and Company. Stuart and Sheldon both had platted residential additions to the village and were thus substantial property owners. Both had political influence. Stuart had been a major ally of presidential candidate Stephen Douglas in 1860 while Sheldon had married Cornelia Stockbridge, whose brother, Francis, was a Michigan lumber baron and later a key partner in the development of the Grand Hotel on Mackinac Island. (As an aside, Francis Stockbridge was married to Betsy Arnold, whose family played a role in starting the Arnold Ferry line at Mackinac Island.)

The Kalamazoo School Case was initially assigned to Circuit Court Judge Charles R. Brown, who examined the principal claims of the complainants: there was no legal basis for the high school; Michigan law provided

for public support of only an “English” or common-school education; Kalamazoo had not complied with state legislation permitting funding of high schools; and Michigan law did not permit school districts to employ a high school superintendent.

In a decision rendered on February 9, 1874, Judge Brown rejected the claims of Stuart and his associates. He found that the Kalamazoo School District had not violated the state constitution or legislation by establishing and funding a high school. At the time, the *Kalamazoo Gazette* reported that the case would proceed to the Michigan Supreme Court; it was perceived merely as a test case to demonstrate that the school district was operating with legal authority.

The case reached the Michigan Supreme Court in the summer of 1874. Supreme Court Associate Justice Thomas M. Cooley wrote the majority opinion, which concluded, in part, that the complainants had shown no legal grounds to argue that the public schools could offer only a common-school education. Rather, he believed, a broader liberal education including instruction in higher math, the classics, natural philosophy (science), and foreign languages ought to be available to all, not merely those who could afford it.



Charles E. Stuart

Justice Cooley had already established a regional, if not national, reputation as an important jurist. As similar cases challenging public high schools advanced in other states, courts in Illinois, Ohio, and elsewhere turned to Cooley's opinion to reject such challenges. It should be noted that in the latter decades of the nineteenth century, high school education was beginning to be seen as critical to an individual's economic prospects as college is today. Thus, the importance of this case went well beyond the challenge raised by Stuart.

One might have thought that the court ruling would have extinguished the debate over a publicly funded high school in Kalamazoo. Stuart, however, was nothing if not persistent. In 1880, six years after the Supreme Court had affirmed the right of the Kalamazoo School District to maintain the high school, the question of expansion came before the school board.

At a public meeting to discuss the issue in August 1880, Stuart confessed that he had been ruminating on the subject of a public high school for some 15 years. Rather than expand the high school, he concluded, the school district should dissolve it. In response to what he felt was an unfair and inaccurate editorial in the August 13, 1880, *Kalamazoo Telegraph*, Stuart offered a lengthy rebuttal.

While he began with the somewhat predictable charge that taxes were excessively high and exceeded those of comparable communities, he turned to what he believed were the limits of the community's legal and moral obligations to educate its youth. Simply put, this was known as a common-school education stressing the basics of reading, writing, arithmetic, and some American history and geography.

Stuart argued that this was all the education he had received and all he had needed. He had met with presidents and other great leaders and never felt any educational shortcomings even as they discussed national affairs. He insisted that he was not opposed to higher education, but families who wanted their children to have high school educations should pay for it.

The editorial with which Stuart took umbrage implied that he did not want lower-class children to have the opportunity to attend high school. Stuart countered that since

**Although Stuart and his allies sought to eliminate a publicly funded high school in Kalamazoo, their opposition led to a legal case that encouraged and permitted such education not only in Michigan but throughout the region.**



Union School classroom

most lower-class families relied on the income that working teenage children provided, they had to pay taxes to support a high school their children didn't attend.

The former senator also proved to be a poor prognosticator of Kalamazoo's growth. The *Telegraph* editorial argued that a city which was likely to have a population of 40,000 within a generation needed a public high school. Using his common-school arithmetic, Stuart claimed he could only foresee a city of 25,000 by 1930 based on its rate of population increase. Kalamazoo incorporated as a city in 1884 and had a population of 40,000 in 1910.

Kalamazoo residents chose to ignore Stuart's advice and proceeded to expand and modernize its high school several times over the succeeding century, and today is home to two public high schools. Although Stuart and his allies sought to eliminate a publicly funded high school in Kalamazoo, their opposition led to a legal case that encouraged and permitted such education not only in Michigan but throughout the region.

Today, when people enter the old Kalamazoo Central High School built between 1912 and 1924 in approximately the same spot where the contested Union School stood, they may pay little attention to the

Michigan Historic Site marker on the corner of the school lawn commemorating the Kalamazoo School Case. Those who pause to read it on their way to a concert in the beautiful Chenery Auditorium may not recognize the significance of the event it commemorates. But as the Kalamazoo Promise program demonstrates, the city continues its longstanding commitment to providing educational opportunities that allow its youth to succeed. ■



*Tom Dietz is the retired local history curator at the Kalamazoo Valley Museum, where he worked for 22 years. He has an MA in American history from Wayne State University.*

*He previously worked as the curator of urban history at the Detroit Historical Museum before coming to Kalamazoo. In retirement, he continues to pursue his interest in Kalamazoo history and teaches an American history class at Western Michigan University.*

## ENDNOTE

1. *Stuart v School District No. 1 of Kalamazoo*, 30 Mich 69 (1874).