

Jerry McKelvy's
WAY BACK WHEN
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COMPULSORY SCHOOL ATTENDANCE LAW

Nevada County, Arkansas is mostly a rural county. The largest town is Prescott. About a hundred years ago, the population of the county was about twice what it is today and farming was the main occupation in the rural areas. Families were large in those days and children of school age helped with the planting and harvesting of the crops. The schools at that time were mainly held in the summer months after the crops had been "laid by" and in the winter months. Educational opportunities were limited for many children. In 1900, Arkansas ranked near the bottom in school attendance, length of the school term, per pupil expenditures, teacher-pupil ratio, and the educational level of teachers. Schools in the rural areas were mainly one or two room schoolhouses. Schools were usually located about three miles apart since most students had to walk to school.

A compulsory attendance law went into effect in the fall of 1909, but for some reason, it only applied to 30 counties in Arkansas. In our part of the state, Nevada and Union counties were on the list. This law required all children between the ages of 8 and 16 to attend school. There were some exceptions:

1. Cases of extreme destitution
2. Children whose parents could not provide proper clothing
3. Children who were mentally or physically unable to attend school
4. Children who lived more than 2 ½ miles from the nearest school house
5. When a child was absolutely needed at home to help support the family

Parents were required to obtain a certificate stating the reason why their children were exempt from the attendance requirements under this law.

This was at a time when many children were employed in factories and mines to do manual labor mainly because the employers could pay them less than adult workers. Under this compulsory attendance law, children must not be employed in factories or mines during the school term unless a certificate was granted authorizing the exemption. Employers could be fined \$10 to \$30 per day and parents could be fined \$10 to \$25 per day if they violated the law. Each school district had to have an attendance officer to enforce the law. Cities with over 10,000 population were required to have a truancy school for children who habitually loitered, incorrigibles, and those with vicious dispositions. These type students were required to attend the truancy school.

Compulsory attendance laws have continued in Arkansas and all other states and have been changed over the years. Arkansas law now requires students from age 5 to 17 to attend school. There are some exceptions, but parents found violating the compulsory attendance laws can be fined \$25 to \$100 per day.

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Cude vs. State of Arkansas

An interesting case involving school attendance reached the Arkansas Supreme Court in 1964. Archie Cude and his family had moved in 1948 from the Houston, Texas area to a small town near Mena, Arkansas. He refused to send three of his children to school claiming God was opposed to the smallpox vaccination that was required for all children attending the public schools of Arkansas. Mr. and Mrs. Cude had eleven children. Some of the older children had already quit school and some were not yet old enough for school.

For three years in a row, Mr. Cude was fined for not enrolling his children in school. Finally, the county threatened to take custody of the children. Mr. Cude said he would not take the children back if they were vaccinated unless “the state dumps them like a passle of dogs on the farm”. He said vaccinating them made them spiritually unclean.

The court in 1963 awarded custody of the three children (age 12, 10, and 8) to the state welfare system to get their vaccinations and attend school. The court also asked the welfare department to find a suitable guardian or adoptive parents for the children if Mr. Cude refused to take the children back. Mr. Cude and his lawyers appealed the case to the Arkansas Supreme Court.

Sheriff Bruce Scoggins of Polk County had the sad duty of taking the three children from their home after the court order. When he arrived, the two young girls ran into the woods and would not come out. The older boy was with his father working at a neighbor’s house. The sheriff went there and persuaded Mr. Cude to give up his children. He said he would have the children ready by 1 p.m. When the sheriff arrived back at the farm, he found all three children dressed in nice clothes along with one suitcase. The sheriff told Mr. and Mrs. Cude he was only doing his duty. The sheriff took the children to his home that night before the trip to Little Rock the next day.

As the sheriff was on his way to deliver the children to the state welfare department in Little Rock, Gov. Orval Faubus had them diverted to the governor’s mansion where the children stayed for three days to keep them out of the welfare system. Faubus was running for reelection that year and he used this case trying to show that he was the champion of the little guy. Front page newspaper articles showed the governor and his wife posed on the front lawn of the governor’s mansion with the three children. While there, they were served good meals and slept in the bedroom where Texas Gov. John Connally had slept when he visited the governor’s mansion. Mrs. Faubus took the children on a tour of McArthur Park and they were taken to the Ice Capades show. An agreement was reached between the governor and the welfare department to return the children to their home for 90 days pending the appeal to the Arkansas supreme court. This case received much national attention.

The Arkansas Supreme Court dismissed Mr. Cude’s claim that vaccinating his children violated his right to worship as he pleased. Justice Sam Robinson wrote for the majority of the court—“The foregoing provision of the Constitution means that anyone has the right to worship God in the manner of his own choice, but it does not mean he can engage in

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religious practices inconsistent with the peace, safety, and health of the inhabitants of the State, and it does not mean that parents, on religious grounds, have the right to deny their children an education". Only one justice dissented from the majority opinion of the court.

After five years of legal battles, Mr. Cude's children were taken to a doctor's office in Polk County, and while kicking and screaming, they were finally vaccinated and enrolled in school in the fall of 1964. The two younger children had never been to school before. The story did not end there. Mr. Cude had instructed the children to not study or cooperate with the teachers. They refused to use paper and pencils, refused to say the Pledge of Allegiance, and walked out of the room during the school prayer. The children were disruptive in class and after several weeks they were suspended for misconduct. A hearing was held and the chancery judge, on the recommendation of two Mena physicians, instructed the sheriff to take Mr. Cude to the state hospital in Benton for a mental evaluation. Tests there showed him to be sane.

The next year, Mr. Cude was again charged with violating the school attendance law. He said that even though the children were living with him, the state now had custody of them and he was not obligated to send them to school. Faced with daily fines for violating the law, he finally allowed the children to attend school and there were fewer discipline problems after that. The children did well in their class work. The oldest boy dropped out of school when he reached age 16. Mr. and Mrs. Cude were expecting another child in 1967 which Mr. Cude said he planned to deliver himself as he had the last four children. He announced that he intended to buy a farm in Kansas where the laws were more liberal regarding vaccinations. His family ended up on a farm in Sallisaw, Oklahoma where he died in 1993.

Some states allow exemptions from vaccinations if the parents are members of an organized religious group. Mr. Cude did not belong to an organized religious group, but to get around this requirement, he organized a group which he called the Church of Truth and was allowed an exemption from vaccinating his other children on religious grounds. Mr. Cude said in 1967 that he had spent over \$4000 since 1959 on legal fees trying to prevent his children from being vaccinated. It was reported in 1967 that the Cudes had eleven children ranging in age from 3 to 28 with eight still living at home.

The case of Cude vs. Arkansas has been cited in various other legal cases across the country involving government mandates to require vaccinations or masking during public health emergencies. There are similar legal cases in other states. Vaccination mandates and masking mandates were in the news again during the recent Covid pandemic. History sometimes repeats itself.

Some information for this article came from:
Nevada County Picayune (June 3, 1909 issue)
Encyclopedia of Arkansas
Various newspaper articles about the Cude vs. Arkansas legal case

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LITTLE PRESCOTT LAWS

In many issues of The Prescott Daily News, they published a little column called “Little Prescott Laws”. Each article contained one law that had been passed by the city council. Here are just a few of them from the year 1907.

Disorderly Conduct—Any person conducting him or herself in a vicious or disorderly manner, or who resists an officer in discharging of his duties, or shall openly use profane or indecent language, or indecently exposes him or herself, or commits any nuisance on any street, alley, or public place on the town shall be liable to a fine of not less than ten nor more than twenty-five dollars.

Sunday Blue Law—Whoever plays on Sunday at billiards, ten pins, or other games, or shall sell any goods, wares, or merchandise, or keep open any dram shop, store, or any store except drug stores, bread stores, and livery stables, shall upon conviction, by guilty of a misdemeanor and fined not exceeding the sum of ten dollars.

Vagrants—Every able-bodied person found loitering or rambling within the town limits not having visible means of maintaining himself, or who does not seek employment to procure a livelihood, and all able-bodied persons found begging upon the streets when employment can be obtained, or those who quit their wives and children without subsistence shall be deemed and treated as vagrants, and upon conviction, shall be fined not less than one dollar or more than twenty-five dollars.

Street Duty—All male persons between the ages of eighteen and forty-five years residing within the town limits shall be subject to work on the streets, alleys, sidewalks, or public grounds except those who are not residents of the town who are boarding in town and those attending a school who have a certificate signed by the principal are exempt from street duty.

Curfew—It shall be unlawful for any person or persons under the age of eighteen years to remain on the streets, alleys, or commons of the town later than 7:30 p.m. in the months of November, December, January, February, and March and not later than 8:30 p.m. in the months of April, May, June, July, August, September, and October without written permission from or in the company of their parents or guardian, and upon conviction, shall be fined a sum not exceeding ten dollars.

Disturbing Worship—Any person who shall disquiet or disturb any congregation or assembly met for religious or any purpose under the control of any religious society, or makes a noise, or by rude and indecent behavior within the place of worship, or so near the same as to disturb the order and solemnity of the meeting shall be subject to a fine not exceeding five dollars.

Riding Bicycles on Sidewalks—It shall be unlawful for any person to ride a bicycle on any of the sidewalks of this town. Fine for violating this ordinance shall not exceed five dollars.

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Burials at DeAnne—Any party or parties who wish to make interment in DeAnne Cemetery shall be required to obtain a written permit from the Recorder, and the same shall be under the supervision of the Sexton. The permit shall state the name of the deceased to be interred, where interred, and shall be entered in the Cemetery Record. Those violating this ordinance shall be fined not less than ten dollars.

Ball Games—It shall be unlawful for any person or persons within the limits of this town to play at or be engaged in any game or exercise with a baseball or any other ball for any purpose whatever without permission from the Mayor... Any violation of this ordinance will subject the party to a fine of not less than one dollar or more than five dollars.

Bad Company—Any male person over the age of fourteen years who shall be seen riding or walking in the daytime or at night within the town limits with any woman known or generally reported to be a prostitute or lewd woman, shall upon conviction, be fined in any sum not less than five dollars.

Water Use—No person shall be permitted to use water for any other purpose or in any other building, office, or store than that stated in the written application for the same. A violation of this section shall subject the party to forfeiture of any rents thereon, and his permit to use water.

THE LITTLE GRAND CANYON

I decided to take advantage of the nice fall weather and take a stroll to the Little Grand Canyon. Some people living nearby have never visited this spot even though it is easy to find. Judging from the number of footprints I saw in the sand, many people have been there recently.

The Little Grand Canyon is located between Chidester and Bluff City. Turn on the road leading to the dam on White Oak Lake, cross the dam, and continue to the end of the road where you can park. Then follow the trail about the distance of two football fields to see the canyon. Don't get too close to the edge. There is one spot where you can get down close to get a better view, but this might be difficult for older people without assistance especially if you have shoes with slick soles. Here are a few pictures I took.



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Poetry to Commemorate Veterans Day as Day of the Dead – by Don Mathis

Children become soldiers; there are a thousand reasons why.
Some will die in combat, others will survive.
I won't forget their sacrifices, their families who had to wait,
and their careers they put on hold. So, if it's not too late,
I want to thank the veteran. What he had to do, he did.
Soldiers grow old too fast. It seems yesterday he was just a kid.
We can flower and flag the cemetery. We can shed a little tear.
We can offer our thanks to the living veterans who are still here.
Remember November 11 (Don Mathis)

Many people in San Antonio visit cemeteries on Dia de los Muertos. They decorate the graves of their loved ones in artistic and memorial ways. In this city (to paraphrase Bessie Smith's comment about New Orleans), whatever Mexican-Americans do, the white folks do it too. Because so many of my friends and family are buried at Fort Sam Houston National Cemetery, I combined my observation of Day of the Dead with Veterans Day. Flags, incense, poetry, flowers, and smiles were my tribute at various markers on my trail.

Day is done, gone the sun,
From the lake, from the hills, from the sky;
All is well, safely rest, God is nigh.
Taps (traditional)

Before he died in 2012, I sat at the bedside during the last days of [Pierre Tisdale](#), the father of my friend Ellen. In his lucid moments, he regaled me with stories of his service during WWII, Korea, and the Vietnam War. At times, his voice was so soft; it was almost like talking to a ghost. Conversations with spirits are so otherworldly. Their memory works in different patterns as do the living. They seem not to hear when you speak. This time, it was me that did all the talking.

Fading light, dims the sight,
And a star gems the sky, gleaming bright.
From afar, drawing nigh, falls the night.
Taps (traditional)

[Alton Thurmond](#) was the father of my brother's wife. He came of age during the Great Depression and found a rewarding career in the military. His experiences influenced his outlook on life and the values he instilled in his descendants. His tales were of a time far away and his perspective was of another era. I miss the men of his generation.

Thanks and praise, for our days,
'Neath the sun, 'neath the stars, neath the sky;
As we go, this we know, God is nigh.
Taps (traditional)

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[Harold H. Walker](#) called himself ‘Hoss’ but he was always Uncle Hollis to me. As a kid, he would give me a kind word and a silver dollar every time he visited. He was older than most (born 1909) when he joined the military in WWII. He could tell you when the first car came through his little town in Arkansas and what the Beatles sang on Ed Sullivan. Hoss was a well-rounded individual – lovable and jovial They don’t make ‘em like that anymore.

Sun has set, shadows come,
Time has fled, Scouts must go to their beds
Always true to the promise that they made.
Taps (traditional)

[Daniel Mathis](#) is my dad. Like a million other men, he spent the Christmas after Pearl Harbor with his family before enlisting in January 1942. He left the Navy after WWII but the job market was so tight, he enlisted in the Army – and found himself in Korea during that war. The passing of the Greatest Generation is as tragic and monumental as the sinking of the Titanic. Dad, thanks for the seat on the lifeboat.

While the light fades from sight,
And the stars gleaming rays softly send,
To thy hands we our souls, Lord, commend.
Taps (traditional)

[David Bernhardt](#) became my friend when I got out of the Army in 1973. We shared many experiences for a while and then he joined the Navy. His military occupational specialty was to put out fires whenever a jet crashed on his aircraft carrier. He used to joke, “I’ve been in the Navy 10 years, and I’ve never had to do my job.” Fortunately for him, no planes crashed on his watch. Unfortunately, he died in 1996. I walked away humming a tune that was popular during our friendship.

And he’s talkin’ with Davy, who’s still in the Navy
And probably will be for life – *Piano Man (by Billy Joel)*

After my brother died, I was able to secure a vacant plot right next to Mom and Dad. When [Jeff Mathis](#) and I were kids, we’d ride our bikes on nearby Winans Road to the swimming pool at Fort Sam. He was drafted in 1969, two years before I was, and Mom prayed her boys would not be sent to Vietnam. I guess her prayers were answered because we were both assigned duty in Germany. Auf wiederstein, Jeff.

I’ve always looked up to my big brother.
But now, I’m looking down at his grave.
Then again, I take a look at the sky
and feel his spirit floating by.
I’ve always looked up to my big brother.
Eulogy (Don Mathis)

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[Pete McKinnon](#) was a proud father and a well-known poet around San Antonio. He served during the Persian Gulf War in the Air Force but spoke out for peace and justice at every opportunity. Pete left this world doing one of the things he loved most, riding his motorcycle with the wind blowing in his face. I'll let his poem speak for him.

When I Die (P.C. McKinnon)

I.

I want it to be late fall
after Thanksgiving perhaps
yes, after one last big gathering
a feast of family and friends
I want the sky to be overcast
a blanket of oddly shaped, rippling clouds
like a down comforter sewn
with the white light of a backstage sun
I want to be outside
so I can watch the cool, dry air tease
the last few leaves from the branches
its lingerie slowly slipping off atop the brown grass
I want it to be 55 degrees
so I can wear sweats and
have to cover my bare feet with
a small blanket of lasting memories
I want it to be at the edge of noon
with a cup of coffee whispering
its last confession from the wooden table
I made years ago for a family of six

II.

The birds call to me
chattering an armful of flashbacks
flitting around one-by-one
decades pass in the waning minutes
I listen as French, Italian and Portuguese
mix in a dance of the present past
I hear the ocean of summer vacations
and taste the saltiness of boardwalk kisses
I see the collage of New England's foliage
smell the dampness of a mildew forest and
feel the sunrays beaming their spotlights
through the years' fading canopy
Lost loves and soft touches
line up to bid a final farewell
kissing me from head to toe
reminding me of life's long foreplay
Regrets show up one last time
like MIAs and POWs

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ensuring they were not forgotten
like some needed junky-fix of despair
Dirty rice and gumbo went down like sexy thoughts
beer, nuts and bubblegum were my grandpa's favorite too
red wine dinners were often my blankets
as I dreamt upon cognac and espresso pillows
III.

I want to close my eyes with nature in my face
opening its arms of pure unconditional love
to embrace my life in its final episode
the good and bad of the past, quite simply, no longer matter
I want to leave *Coq au vin* simmering
inside the home I shall never again enter
so that I know I have left the warm comfort
of a wine's incense to capture my memory
when I die
the coffee will cease to whisper
and so too shall my lips
both will be peacefully chilled
like late fall