



racial violence
and law enforcement

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racial violence and law enforcement By **GEORGE McMILLAN**
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Foreword

LAW ENFORCEMENT is, as Mr. McMillan states early in his report, an essential factor in the progress of race relations. In the continuing racial crisis of the South, the police have two basic responsibilities: to enforce the laws with absolute impartiality; and, secondly, to maintain a climate of public order in which constitutional liberties can be freely exercised, by white men or Negroes, by integrationists or segregationists.

The recent sit-in demonstrations have shown that professional standards of police work are practiced in many cities of the region. The police in a number of Southern towns and cities, though certainly not all, have handled these difficult situations with skill, and have earned the gratitude of all. Good police work, however, requires more than professional training. The basic necessity is the support of elected officials and community leadership, expressing a clear-cut community respect for law and order. For too many years in the South the police were assumed to be an arm of the white race to keep the Negroes in their place. Where this attitude lingers there is scant chance for the orderly resolution of racial controversy.

This pamphlet is concerned with one problem of law enforcement, its most serious testing: riot prevention and control. Three actual episodes are described. Each represents a type of situation which can occur in any Southern locality. One is an example of a riot almost by accident which, though it reached dangerous proportions, was primarily a task of clearing the streets and allowing tempers to cool and good sense to prevail. The second is a case where the police, in the name of preventing "trouble" and acting their traditional role of guardians of a segregated society, crushed a Negro demonstration, in effect doing the bidding of the white mob. The third is a story of police resistance to a planned effort by a mob to supersede the law.

What has happened more recently in Jacksonville, Florida, has had elements of all three of these situations. To prepare for riots—as Jacksonville did not—even to discuss the possibility, is distasteful. Yet not to do so is unrealistic. Segregationists, of course, have

always warned that the reform of racial practices would cause "trouble"; that the violence and disorder we have had has been of their own doing makes the warning a prophecy of the way the prophets and their followers will act. More than a year ago, the Southern Regional Council joined with the National Council of Churches and the American Friends Service Committee to publish a record of violence and intimidation in the South from 1954 through 1958. This unwholesome account revealed again that Southern resistance to racial equality too frequently degenerates into lurid lawlessness.

The Council has on many occasions since 1945 stressed the need for trained, expert police forces in the South. Now, the publication of this study of riot control is a restatement of our conviction that the tensions of race relations in the South require that law enforcement be firm, skilled, and above all impartial. Mr. McMillan's narrative of events in three cities can be of value to municipal officials as illustrations of police problems and tactics. Civic discords can be made to yield to fair solutions, but only if civic peace and order are meanwhile preserved.

George McMillan is well qualified to interpret these issues. A Tennessean by birth and rearing and a South Carolinian by residence, he writes frequently on Southern topics for national magazines. He is the author of *The Old Breed*, a history of the First Marine Division during World War II.

Harold C. Fleming
Executive Director
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Introduction

THIS is a study of Southern law enforcement.

The Southern racial crisis is deepening into a new and potentially more dangerous stage. There is no doubt but that a strong current of dissatisfaction is running through the Southern Negro community. A young and more aggressive generation of Negroes is coming of age while the racial attitudes of many white Southerners remain largely unchanged.

The situation is reaching an impasse out of which one of the alternatives is clearly violence.

Thus one of the most important questions in the South today is this:

What is the region's capacity for preserving law and order in the foreboding months that lie ahead?

This study is an attempt to answer that question fairly and objectively, without seeing ghosts, and without retreading old notions and stereotypes.

This is an examination of three turbulent episodes that grew out of racial disputes. They happened several months ago. But they cast their shadow over the region's presently unsettled issues of law and order. Between the time this study was researched and the time it was written, ugly riots occurred in Jacksonville. As this goes to press the problems there are still unsolved. What's more, there lie still ahead the potential risks to public peace involved in desegregation of schools in the Deep South.

Unpleasant as it may be to say so, the nation and the South must realize that law enforcement and riot prevention are essential factors in race relations.

This is NOT a statistical study of the size and scope of Southern law enforcement agencies—of state highway patrols, of county sheriff staffs, or of city police departments.

The problems of Southern law enforcement are too complex and too subtle to be approached that way.

Nor is this an attempt to decide whether the Negroes are "right" or those whites who oppose them are "right." It is not an attempt, either, to judge the actions of any single police officer or any group of police officers or public officials.

This study is based on specific and actual events and episodes because that has seemed the best way to approach a subject which is beset with intangibles of culture and attitude, a subject in which image and reality are easily and often confused.

Each of the episodes chosen for this study involved a racial dispute. Each involved one or more agencies of Southern law enforcement.

And each shows what is probably a characteristic Southern posture or reflex to racial disorder. Together, they may very well illustrate the three alternatives that are open to Southern communities in the months ahead.

The first episode covers several days' rioting in Chattanooga, Tennessee, which followed the sit downs there in February, 1960.

The second episode covers the near-riot in March, 1960, in Montgomery, Alabama.

The third episode covers the incident that grew out of the second attempt to desegregate the schools of Little Rock, Arkansas, in August, 1959.

Chattanooga:

Drift and Disaster

THE MOST IMPORTANT thing that happened in Chattanooga when young Negroes tried to sit down at variety store lunch counters there was—what didn't happen.

The *Chattanooga Times* described the climax as "the most massive racial clash in the history of Chattanooga."

But it promised to be one of the worst racial disasters in American history, as well as Chattanooga's.

At the height of the clash—it was the end of five days of rioting and public disorder—platoons of angry Negroes and whites were running, walking, now pushing against each other, coursing through the heart of Chattanooga's downtown shopping district.

Some of the crowd were armed. Others, just how many nobody was ever to know, "came to fight." Nobody can say, in fact, just how many of the several thousand people there on the afternoon of February 23, 1960, would not have joined in if the imbroglio had spread. When a crowd becomes a mob, nobody is a bystander, nobody is neutral.

Fortunately, nobody was killed nor even seriously injured in Chattanooga that afternoon. That isn't an answer, however, to the question of why the police let the rioting continue, and mount in intensity, day after day. What happened to law enforcement in Chattanooga, a prosperous and relatively cosmopolitan Southern city of more than 100,000 people?

These questions are especially valid because what happened that climactic Wednesday was, really, only a direct result of what had happened before. Almost any trained law enforcement official could have predicted the near-catastrophe; the event had a logical inevitability.

Or, is this only hindsight?

What happened the first afternoon, Friday, February 19, was, when seen as a problem in law enforcement, fairly simple after all.

"Just 15 or 20 kids from Howard High went into a dime-store and staged a good-natured sit down," is the way one city official described that first episode.

Howard High is a modern, million-dollar Negro high school. At least 300 of its students ride tax-supported means of transportation into the main downtown shopping district of Chattanooga every afternoon of the school week. They get off, either to walk to their homes or to transfer to other buses, at an intersection (9th and Market) only a block or two from the main downtown variety stores. Many of them walked down the street to visit the stores as a matter of custom and habit in the afternoon, to buy candy, school supplies, or notions.

This gives credence to the claim by Principal C. C. Bond of Howard High that the first sit down was spontaneous, or at least "they did it without their teachers knowing about it," as Mr. Bond said. "That first group was made up almost entirely of our honor students."

What's more, they were *high school* students. "This made the mayor and the police take the thing less seriously," a Chattanooga newspaper man has remarked. "The other sit downs had been led by college students, presumably an older and more determined group."

Anyway, nothing happened that first day. The students sat down. The store managers closed the counter. The students left. All of this took place under the watchful eyes of police who had been called to the scene by somebody.

The next day was Saturday, February 20, and nothing really did happen that day, nor the next, Sunday, February 21.

On Monday, February 22, however, the Negro students appeared again in the dime stores in the afternoon after school—this time some 200 of them. There was besides a sprinkling of adult Negroes. One group went to the stools at one variety store lunch counter and sat down. Some of them ate soda crackers which they had brought with them. Others quietly opened school books and either studied or made a pretense of concentration.

At another store, however, there was a little to-do. Some white

students had decided to come downtown, too, and they got there ahead of the Negroes. It is a fact of economic life that many white students had their own and faster transportation, and were able to rush ahead for the lunch counter seats.

For a moment, there was a jam in the aisle, some brief physical contact.

The police were there as they had been on Friday. They ordered both groups to clear the aisle. This apparently was considered to be enough. They "had no orders except to prevent any outbreak of violence," said the newspaper account.

Anyway, "both Negro and white customers were shopping throughout the sit-down activity," the newspaper said. Business, in other words, went on as usual.

Monday seems to have been the best moment of opportunity for preventing what followed on Tuesday and Wednesday. What happened later raises the question of whether the police were right simply to await overt physical conflict.

"If the police had been firm Monday, shown the crowd that they were not going to tolerate any nonsense, there would have been no Tuesday and Wednesday," one Chattanooga observer said.

Having, however, committed themselves to a policy of waiting for violence, the police got it on Tuesday. Police officials themselves do not admit that the crowd ever got out of hand on any one of the four days there were demonstrations in Chattanooga. The mayor believes today that "we handled things pretty well as they came up." But, speaking about this particular moment in the span of tension, he said: "On Monday, everybody sort of laughed about it. We didn't know they were coming down there on Tuesday, on both sides."

But both sides did. The young whites got there first again. By 3:30 Tuesday, February 23, an estimated 300 of them were already downtown, gathered in the 700 block of Market around two of the dime stores, waiting. Nor were all of them high school students. "A goodly percentage," says a newspaper account, "were over high school age, and many had the appearance of 'young toughs.'"

For some unexplained reason, the whites gathered in a dime store

that was *across* the street from the side (two blocks away) where the Howard High students were debarked. They were in Woolworth's. They filled every seat at its lunch counter. Outside the store the crowd gathered, more young whites, more adults of both races. The sidewalk outside Woolworth's became crowded, overflowed into the gutter.

But the dime store nearest the Negro bus stop was Kress's.

"Shortly before 4 o'clock," according to the newspaper account, "the white boys spotted the Negro students from Howard approaching. They rushed headlong across Market Street, interrupting motor vehicle traffic. The two groups reached the Kress store about the same time. The white boys entered through a door nearer the lunch counter than the Negro forces and beat them to some of the seats."

The Negro youths got to others. The contest for seats became a melee. The store manager rang the closing bell, then cut off the lights. The police ordered everybody to leave the store. The Negroes started out the rear entrance.

"Most of the outnumbered Negroes hastened out the doors and followed policemen's directions away from the scene," the newspaper says. "Some fought back and joined in throwing things, mostly flower pots."

At least one white youth got to a Negro. He was a repeat juvenile offender who had been in and out of "homes" and jails since he was 13. He had come downtown armed, and he had used his weapon—proudly.

"We bullwhipped him," he told police.

At this point the police converted a fact of racial geography into a tactical advantage.

Like many Southern cities, Chattanooga has a black ghetto and like many of them (Atlanta, Knoxville are examples), its ghetto lies hard against the main downtown shopping center. In Chattanooga, the main thoroughfare of the Negro district is East Ninth Street, and the point at which East Ninth ceases to be exclusively a Negro street is at its western junction with Lindsay Street. This is only a few doors from the office of the *Chattanooga Times*, only something more than a block from city hall and the police station. In other

words, there is no tapering off from black to white: 9th Street east of Lindsay is solid black, and west of that intersection it is solid white. It is, of course, no accident that the dime variety stores, depending heavily on Negro trade, are located at the end of Chattanooga's main shopping street (Market Street) *nearest* this junction of Lindsay and East Ninth—nearest their Negro customers.

Urged on by the police, taunted and threatened by the white youths, the Negroes now retreated, back the block and a half to the intersection of Ninth and Lindsay, to the racial boundary.

The streets that led into that intersection, the area around it, including a small public park, became a no-man's land with whites and Negroes jeering back and forth at each other, hurling stones. Finally, the police had enough of it, and forced the white youths back.

Now the police, perhaps unwittingly, certainly not realizing the consequences of their act, or their failure to act, let the whites convert the situation into a moral victory. The police had attempted to arrest everyone who was fighting, black and white impartially, but they had ended up by putting the Negroes in their place.

And, now, what was worse, they allowed the white youths to run amuck through downtown Chattanooga, back over what was nothing more nor less than the battlefield, for what could only be considered a victory celebration.

"After the riot had subsided," the newspaper says, "gangs of white boys visited the Woolworth, Grant and McClellan stores . . . going through the aisles jeering at Negro customers. Some of the white boys noticed a group of Negro boys moving south on Broad Street [one block away] . . . and rushed across to give them chase . . ." They chased them back to East Ninth.

If the whites were triumphant when it was all over on Tuesday, the Negroes "were utterly leaderless, frustrated, unhappy and for the first time surly, ugly in their mood," remarks a Chattanooga newspaperman. "Up to this time they had been passive."

Thus Tuesday paved the way for Wednesday as Monday had paved the way for Tuesday. The issue of the Negroes' right to sit down with whites at lunch counters was lost in direct conflict between the two non-mobilized groups. The police had attempted to be impartial, to

keep the two races apart, "to keep 'em moving." In this they had finally succeeded, but what they had not done was establish an atmosphere in which law and order clearly prevailed, and of which they were the acknowledged agents.

What happened Wednesday (February 24) proved this.

In the first place the nature of the crowd was different. Those honor students at Howard High stayed home. Older—and tougher—Negro youths appeared. Many Negro adults turned up. Many in both groups were armed. The composition of the white group took a decided turn for the worse. The country whites came to town.

"They poured in from Soddy-Daisy and Sand Mountain," said a Chattanooga who is familiar with these rural precincts, "looking for a Negro head to bust."

Others, many others, according to a newspaper account, came to town "just to see." Considering the circumstances, this was a very dangerous form of spectator sport. In fact, the act of coming to see a race riot is probably in most cases in itself a form of commitment, an inarticulated partisanship that will be articulated if the riot spreads—when the crowd becomes a mob.

What is in a sense more frightening is that some uncounted number of people actually came downtown to shop, unaware that there was any danger in doing so. Not until Chattanooga's racial crisis had passed was a serious attempt made to keep shoppers and people going about routine business out of the area that had—certainly by Wednesday, the fourth day—become a clearly-defined and well-marked battlefield.

Nor, for that matter, did anyone do anything on the fourth day to stop a situation that had obviously gathered momentum, that was ominous and threatening. The buses brought the Howard students downtown as usual, and dumped them, as usual, on the battlefield; and, as usual, the white youths (and adults) were already there, ready for action.

It was only a matter of minutes before the mobs had taken over. The sidewalks of Market Street were packed (the crowd was estimated at 3,000), and through these throngs tore platoons of Negroes and whites, now running, now walking, now threading through

packed sidewalks of "disinterested bystanders," now pushing against each other. For more than an hour (between 4 p.m. and 5 p.m.) they coursed and revolved through an eight-block area, orbiting around the two-block cluster of variety stores on Market Street.

The mayor and Safety Commissioner Herbert Dunlap stationed themselves on a concrete traffic island in the middle of Market Street, in the heart of the demonstrating throngs. They soon attracted to themselves the radio, TV, and press corps, causing Dunlap to comment later: "You would have thought it was the Kentucky Derby the way the radio people handled it. They eavesdropped on everything we said." Mayor Olgiati said: "Wednesday the whole thing was on the air and a lot of people came to town."

As for police doctrine, it was what it had been on Friday, on Monday, and on Tuesday—to keep 'em moving. The difference on Wednesday was that there were more police—75 according to Commissioner Dunlap—and that they were willing and equipped to reinforce their doctrine with fire hoses.

When, about 5 o'clock, the sidewalks became clotted, and the crowds grew threatening, the firemen turned on the water.

"The crowd eddied and surged forward again," said a *Chattanooga Times* account, "and the water was turned on the sidewalks where there were the thickest crowds and guilty and innocent alike were doused and turned to run and trample on others crowded thickly against plate glass windows and walls. And they screamed."

But, fortuitously, nobody was hurt.

Meanwhile, police set up and held a blockade at that critical Ninth and Lindsay intersection. It did two jobs. In the first place, it was a plug that prevented Negroes from coming out of the Negro district and moving into the downtown shopping area a few blocks away. For more than two hours, police fought off attempts of Negroes— young and old—to get out. In fact, some of the estimated 1,100 nearly broke out twice, down side streets, but alert policemen outflanked them, and turned them back. In the second place, the barricade served as a wall of containment behind which to push the Negroes who were being more or less herded there from downtown,

herded in some cases with fire hoses. In fact, fire hoses were brought to that point and used there, finally.

That worked, and Wednesday's riot ended there.

From any of a dozen things that happened in the 24 hours that followed the Wednesday afternoon riot, it is apparent that almost everybody in a responsible public and private position in Chattanooga was shocked, and finally moved to take some action.

The police doubled their strength (by using firemen as auxiliaries). Where there had been a force of 75 on Wednesday, 150 patrolled the downtown area Thursday. Some were even issued new, unpainted billies. Appeal for a restoration of law and order came from many civic clubs, including the Chamber of Commerce. There was some evidence, besides, that the most influential economic forces in the community brought their weight to bear on public officeholders.

The superintendent of schools (then John W. Letson) called a meeting of his principals Thursday morning and handed them a document which said:

"Courts have clearly established the schools' authority in directing pupils' activities from the time they leave home in the morning until the time they return home in the afternoon. In keeping with this authority, I am requesting all principals to take whatever measures are required to see that pupils go directly home upon dismissal from school."

This statement was read at the high schools. At Howard, those honor students who had led the first sit down demonstration got up and appealed to all students not to go to the downtown area Thursday afternoon. Furthermore, Principal C. C. Bond sent his men teachers downtown before school was out, and promised to administer exact "stern discipline" to any students who disobeyed. What is perhaps even more important, he ordered that the school buses be rerouted. "I arranged for the buses to carry the students on through the downtown area," Principal Bond said. The white high schools took similar measures.

When a few hoodlums did turn up downtown Thursday, the police quickly frisked and arrested them—six Negroes and three whites.

The streets grew quiet, then, and they have remained so ever since.

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The biggest trouble with the situation at Chattanooga was that, for some reason, the people responsible for preserving law and order there always—at every stage of its development—underestimated the gravity of their problem.

The police seemed always to be doing things one day too late,

They should have done Monday what they did Tuesday; they should have done Tuesday what they did Wednesday; and they most certainly should have done Wednesday that whole assortment of things they finally did Thursday to break the riot.

The reason they didn't lies in an attitude, a characteristically Southern attitude, one that has affected, and may very well continue to affect the quality of law enforcement in other Southern cities when they come face-to-face with new racial disputes.

A Chattanooga newspaperman and longtime resident of the city put it this way:

"It is evident that Chattanooga underestimated the lack of satisfaction with the state of segregation."

Police Commissioner Dunlap expressed it this way:

"We were suddenly confronted with a situation without any real warning that such conditions were going to exist."

Mayor Olgiati put it like this:

"We haven't had any racial trouble here before."

Principal Bond of Howard High said:

"The whole thing was completely a surprise to me."

A whole host of peculiarly regional attitudes comes into play in any Southern racial dispute. One of these explains the failure of Chattanooga officials to act more promptly and decisively in the city's crisis.

When the Negro asserts himself he is doing something more than merely creating a new problem in law enforcement: he is challenging a fundamental tenet in the South's "case." It is an essential part of the South's rationale that the Negro Southerner is happy and contented with his lot. One of the troubles in the South, one of the troubles in Chattanooga, is that many white men have been saying this so long that they believe it. They are genuinely surprised at the

sit down, and their first reaction is to take them as representing a small, irresponsible (and manageable) group.

That is why it is extremely difficult for Southern public officials to come face-to-face with the fact that the Negro is in earnest, that he is serious, and that he is willing to risk violence to himself to achieve gains he is convinced are his due.

That is why it is difficult for white Southerners to realize that the initiative and the discretion in the racial situation are no longer wholly theirs.

A Southern public official who is insisting publicly that the Southern Negro is happy is not likely to be making plans for Negro demonstrations, non-violent or not.

This attitude—these attitudes—explain the lack of advance planning in Chattanooga. And, the lack of advance planning allows other attitudes, traditions, stereotypes, assumptions to enter in, and to affect law enforcement. The traditional, the unspoken rule of Southern law enforcement is, when in doubt, to enforce and uphold segregation—which is, indeed, the law in many Southern states and municipalities.

The Chattanooga police department made obvious attempts to be fair, to arrest trouble makers from both sides. No one from either side charged the police with "brutality." It probably never occurred to the policemen themselves or to police officials or other city officials that there was anything unfair or discriminatory in forcing the Negroes back of East Ninth Street, into the Negro section.

To have put the Negroes back into their ghetto was one thing, perhaps an almost excusable tactical improvisation. But to have let the whites stage what amounted to a victory celebration afterwards was quite another—a far less innocent omission.

One of the most important—often the most important—problem in law enforcement in racial disputes is the problem of dealing with lawless whites.

This is not a problem of numbers. It is even more profoundly a problem of Southern attitudes and Southern social history.

Certainly since Reconstruction, perhaps even before that, there has been a strong and active tradition in the South that some forms

of racial problems might acceptably be handled outside the law. The Ku Klux Klan is only the most blatant form of this kind of extra-legality; lynching was the most dramatic.

At almost every point when some change in the Negro's status in the South has been proposed, the reply of Southern officials has been that the change would bring on "trouble."

And "trouble" everyone understood, or was supposed to understand, meant that a certain group or class of Southern whites would rise up and take the law in its own hands and punish the Negro. The difficulty with this argument was that it was an acknowledgment that Southern law enforcement agencies were incapable of maintaining law and order. For officials to keep acknowledging it was, in practical effect, to encourage the lawless whites to take the law in their own hands whenever they chose.

This they have done time and time again. There were "530 specific instances of intimidation, reprisal, and violence in the 11 Southern states during the four-year period from January 1, 1955 to January 1, 1959," according to a recent study. And this period, notably, does not cover the period of the student sit downs.

Thus, the threat of "trouble" has often become an invitation to the most violent elements in the South.

And thus it is that the first thing the Southern police must do in a racial dispute, like the sit downs, is deal, in one way or another, with the lawless white group that has appeared in every open racial conflict in the past decade—wherever there has been a sit down, wherever a school was being integrated—at Clinton, at Little Rock, at Jacksonville, as well as at Chattanooga.

The police can either let this group of whites "help" them put the Negro "in his place" (their mere presence on the scene is a form of intimidation), or the police can assert themselves as the true guardians of law and order.

This is a lesson the Chattanooga police learned by doing, learned in action, learned on the battlefield. "They seemed to get a little more sure of themselves every day," a police reporter said. And the more steps the police took to get in control of the crisis, the more support they and city officials received. After Thursday, when the growing

tension came to such an abrupt halt, "I received about 25 calls from prominent people praising the police," said Mayor Olgiati. "I was surprised at the resoluteness of the chief of police when he realized somebody was behind him," added the reporter.

In fact, there is evidence that the riots did for the morale of the police force what battle experience does for combat troops. "We were all down there on the street together, the chief among the men," said Commissioner Dunlap later. "There is no question that the morale of our force is higher than it has ever been. We were all very proud of the fact that the people of Chattanooga believed we enforced law and order fairly. After the disturbance, I sent out a questionnaire to our men, asking them to rate morale. Two said it was Very Good. Twenty said it was either High, or Very High. Only one man who answered said it was Low."

"I think the police did an excellent job," said Principal Bond of Howard High. "I was down there every day, and I think they were fair. They actually ended up arresting more whites than Negroes. I also think that this experience has alerted the community to what can happen. In the future, the police will be more sensitive to these situations.

"The trouble always is that most white people don't understand how Negroes feel," he continued. "Nor, for that matter, do the Negroes understand how the whites feel. The whites assume only bad Negroes want trouble. The Negroes assume only bad whites want to deprive them of their rights."

Montgomery:

The Big Stick

THE OUTBREAK in Chattanooga was a riot-by-accident. Nobody there—the Negroes, the police, the city administration, not even the young white participants—had given it any forethought. No Negro organization was behind what happened and neither was any white organization. The police did not anticipate the riots and they certainly did nothing to provoke them.

The difference between Chattanooga and Montgomery is that in Chattanooga nobody except a few racial extremists wants violence, while in Montgomery everybody seems to expect it, to take it for granted as part of the process of racial relations.

The sit down protest movement first reached Montgomery on Thursday, February 25, 1960, when a group of students from Alabama State College, a Negro school in Montgomery, took seats in the lunch room of the Montgomery County Courthouse. The shop closed immediately. The sheriff soon arrived with a club in hand and ordered the Negroes to line up in single file. While deputies patrolled the halls outside the basement shop, state highway patrolmen lined the Negroes up against the wall and took pictures of them. Governor Patterson asked for an investigation; he insisted that the students be expelled.

This was followed the next day (Friday) by an order from the Governor to the President of Alabama State to expel any student involved in the sit down. The reaction of the Negroes to this was to hold a campus rally at which they discussed entering mass applications at the state's white institutions of higher learning.

On Saturday, February 27, an estimated 25 white men moved as a group through Montgomery's downtown streets, swinging "toy" baseball bats, something that as a weapon was considerably larger and potentially more dangerous than a blackjack. They ended up by making an unprovoked attack on a middle-aged Negro woman by-

stander. The police made no arrests, although a news photograph of the episode, and the bat-swinging man, was taken.

On Monday, February 29, Governor Patterson issued this statement:

"There are not enough police officers in the United States to prevent riots and protect everybody if they [the Negroes] continue to provoke [the whites] on that matter."

That night, nevertheless, a group of 800 Negroes held a rally (addressed by the Rev. Martin Luther King, Jr.) to make plans for a second demonstration the next day.

The second protest went off quietly, if dramatically. On Tuesday, March 1, between 1,000 and 1,200 Negroes marched in orderly pairs from the campus of Alabama State College to the state capitol, assembled quietly on the steps where Jefferson Davis was inaugurated, said the Lord's prayer together, sang the "Star Spangled Banner," and marched quietly back to their campus. "We now know where the student body of Alabama State is" on the question of the student sit down movement, one of their leaders told them as they were dismissed.

Several high state officials watched the ceremony in front of the capitol, and one of them was widely reported in the newspapers to have said:

"Can't we do anything to get rid of those black b——s?"

Negro leaders announced a prayer meeting for Sunday, March 6, at 2 p.m. on the capitol steps.

When this plan was announced Montgomery Public Affairs Commissioner L. B. Sullivan said that, if the Negroes attempted to meet again there, his forces and those of the state and of Montgomery County would disperse them.

"Apparently it is the desire and purpose of the Negro trouble-makers to further incite the tense situation that exists in Montgomery," Commissioner Sullivan is quoted as having said.

At noon on Sunday the crowd began to gather. As in Chattanooga, the "curious" had decided to come, too. "Some onlookers brought their wives and children," said one press account. "Others, in rough

country dress, discussed loudly what they would do if the Negroes appeared."

About 1 p.m. high city, county, and state officials began arriving. Fifty highway patrolmen were stationed on the sidewalk around the capitol and city policemen lined the sidewalks along Dexter Avenue, the broad promenade that leads from the downtown plaza in Montgomery up to the capitol which overlooks the town.

A small church, the Dexter Avenue Baptist, is the last building on Dexter where the street dead ends into the capitol grounds. The Negroes began to gather at the church, as the crowd grew on the capitol lawn across the street.

While the Negroes stood there uncertain, a "police captain," (according to the *New York Times*) shouted tauntingly toward the church:

"Can't you tell the time? It's 2 o'clock. Somebody loan 'em a watch."

Then some of the Negroes did come down the steep steps of the church, down to the sidewalk. They were led by the Rev. Ralph D. Abernathy, president of the Montgomery Improvement Association.

Some in the crowd of whites, estimated to have risen by then to 5,000, yelled "Let them come! Let them come!"

But the police (including a mounted patrol) held the Negroes back at the curb, across Bainbridge Street.

Some whites rushed at the Negroes. The Negro leaders held their ground for a moment. Then, behind them, some of their followers fled back to the church, back up the steps.

Some who didn't flee at once were struck by whites. Then it became a rout, with some Negroes falling on their knees, some stumbling, in their headlong flight.

Two fire trucks drove up to the church, firemen connected hoses, and pointed them toward the Negroes. The whites shouted, "Pour it on 'em!"

Then the police encircled the leading ministers and led them back, through the white throng, to the church. Twenty mounted deputies held the crowd until the Negroes were in, and then the police dis-

persed the whites. Later the Negroes emerged from the church and went home.

A photographer was picked up, but no arrests were made.

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In the midst of Montgomery's difficulties, the local ministerial association issued a statement. Among other things, it asked:

"Let us continue to depend upon law and order administered with a concern for all citizens to stabilize our society."

It is not clear whether the ministers meant to describe the way they thought law and order was in fact being administered in Montgomery, or whether they were simply expressing a prayerful hope.

If Chattanooga illustrates how a type of Southern city can *drift* into chaos, Montgomery illustrates the type of Southern city that is openly, candidly, and consciously willing to risk chaos—to preserve the racial status quo.

The situation, then, in cities whose outlook is that of Montgomery is something like this, as regards law enforcement:

Faced with increasing demands from their Negro citizens (often supported by national legal, social, political, and religious institutions) no other course is open to the police, and to the forces of law and order, but one of *continuous coercion*.

The evidence of police intimidation in the sit-down episodes at Montgomery is present everywhere. Governor Patterson's announcement amounted almost to an invitation to violence; the lining up and photographing of Negroes was clearly an act of intimidation and not of enforcement; the jeers by a police officer, amounting to a taunt to the Negroes to come out and face the white throng, had self-evident implications; the threat of expulsion from a state tax-supported institution was punitive; the failure to arrest the white youth who assaulted a Negro woman with a bat was a promise of prejudiced enforcement. The country people had not only not been told that their help was not needed, they had been deputized and formed into mounted posses on horseback.

Thus, whereas in Chattanooga everyone was *surprised* by the violent turn events took, in Montgomery almost everyone—except perhaps the ministerial association—*expects* violence.

"The real difficulty in preserving law and order here," a veteran Montgomery newspaperman said, "is that the whole public attitude is that nothing will stop these troubles but violence. Most of our law enforcement officers don't really want to stop the mob, and the public attitude doesn't do much to change their outlook."

In fact, as the dynamics of the riot were handled, the event became an act of coercion in itself. The white crowd was *used* to intimidate the Negroes. It was not until the whites had met the Negroes at arms' length, fought with them, and turned them back, that the police turned the whites back.

Thus, the classic threat to Negro safety was enacted.

For this time, at least, it seems to have "worked." But, only for this time. No one who understands the determination of the young Negroes (nor the degree of support which they are receiving from their elders) believes that this will be the last time Montgomery will hear from its united Negro population.

"I don't mind going to jail because I suppose that will be the only way we will ever get our rights," a young Negro college girl told an interviewer from *U. S. News and World Report*.

The kind of civic leadership that usually reinforces law enforcement has stood aside, like civilians when war is declared. "The organizations leading the Negroes today have discouraged white people who would like to help," is the comment of the Rev. Arch L. McNair of Montgomery's Memorial Presbyterian Church.

Public policy toward racial disturbances thus remains the same, and as adamant. "The Negroes will be dispersed every time they try to have a mass public demonstration," says Montgomery City Attorney Calvin M. Whitesell.

This kind of stalemate creates an agonizing dilemma for the law enforcement officer. Some of these problems came to light when Montgomery Public Affairs Commissioner L. B. Sullivan, head of the police and fire departments, was interviewed.

Sullivan sits in a paneled office on the second floor of the Montgomery city hall, a round-faced, stocky, quiet-spoken man.

"I might as well tell you right off that I believe in total segregation," he began. "From here on out, we don't intend to allow any demon-

strations on the part of either Negroes or whites. I feel we are justified in saying that publicly, as we have been saying it. After all, I'm sure in my own mind that Montgomery Negroes would be content with local conditions if it weren't for agitators.

"I want a force of men, however, who will be fair, firm, and impartial. I don't want a bunch of men who think the law is at the end of a night stick. Now, I tried to locate that boy who swung the baseball bat. That's assault and battery. But, we couldn't find him or the woman, although I asked some of the Negro leaders to help me.

"I like to believe that I've done a good deal to improve our police force. Every man on the force has now had some training. Today, we have one man in school at the Southern Police Institute, one at the Bureau of Narcotics. I think our biggest problem is turnover and that is pretty much the result of low salaries. We have a minimum of \$276 and a maximum of \$330.

"I think we proved a big point that day up at the capitol. The people who might be inclined to take things in their own hands *have let us know they now believe we can handle matters.**

"You know our present administration was elected on a platform of bringing new business to Montgomery. We honestly believed that was the way to improve the standard of living for both white and colored. We got a New York firm to come down here and make a development study.

"But things haven't been normal here since the bus boycott in 1956. I feel business doesn't like all this turbulence. I'm sure this new outbreak has jeopardized our program."

Such are the diverse and conflicting ideas that probably cross the minds of many Southern law enforcement officials, especially in those communities like Montgomery which are caught in a stalemate between the conflicting claims of race, of culture, and of the political and economic structures through which these forces interplay.

The question in Montgomery is whether the end of the night stick is going to be used to lengthen the hold of the past or to clear the way for the future.

*Italics supplied.

Little Rock:

A Lesson Learned

ON ITS FACE, the statement *sounded* tough:

"The Board of Directors of Little Rock has instructed the Police Department to deal firmly and quickly in protection of life and property should the need arise."

The trouble was, there had been statements before, plenty of them, back in 1957, when the first attempt was made to integrate Little Rock's schools. And, what had happened then? The whole world knew the answer.

Besides, this one was issued only by an Organization Man, a newcomer to Little Rock nobody had ever heard of before, a fellow named Dauley, hired for a new post in Little Rock. He was the city manager, and who was going to pay any attention to him?

It was true that earlier some citizens had formed an organization called STOP—a committee to "stop this outrageous purge" of a group of local school teachers who had been dismissed in one of the many side controversies that had grown out of the attempt to desegregate the Little Rock schools. It was also true that 179 professional and business leaders of Little Rock joined this group—and told newspapermen defiantly that they would "gladly give their names to the press." Also, in July, 1959, a month before the second attempt was to be made to integrate the schools, a somewhat similar group of people, perhaps even more "respectable"—or powerful in Little Rock civic affairs—formed the Committee for Peaceful Operation of Free Public Schools.

But when the chips were down and the stuff was flying what would groups like these do, or matter? Wouldn't they be the first to fly before the wrath of Governor Faubus and his hundreds, if not thousands, of racially-extremist confederates and supporters?

In the last weeks before the second try, as the whole world focused its eyes again on Little Rock, the only speculation outside Little Rock was over Governor Faubus and what move *he* would

make this time, and whether it would provoke President Eisenhower into sending troops again. The governor was reputed to be a "wily dog," fearless, with the battle stripes of a man who has proven he could hold the world at arm's length.

Nevertheless, the counterpoint of anti-disorder, anti-Faubus comment continued. A "prominent business leader" of Little Rock told a reporter who had come from the *Atlanta Constitution* that "the city police are not going to stand for any foolishness this time. They are just going to cart those people off to jail. We've changed to the city manager form of government and we've got a new police chief."

But, if Governor Faubus could hold off the President of the United States he could certainly ignore the city manager or any other municipal official, including police chief, of the city of Little Rock.

Then, another newspaper reported that the Little Rock city police "were charting semi-secret strategy to stamp out any spark of crowd lawlessness."

This got under the skin of at least one segregationist. He was the Rev. Wesley Pruden and he called on the city manager to say publicly whether or not "the police were going to try to prohibit peaceful assembly of persons at the high school."

Pruden and his friends, Governor Faubus and his following, pretty much the same group, went on with plans for that kind of "peaceful assembly" the Reverend referred to.

The drill for these irregular troops was to be this: they were to meet on the lawn of the state capitol at 9 on the morning that the Negro children were to enter the schools. When they had assembled, the governor would address them, and then, with his message under their belts, they were to march in a body to the scene of integration.

Hints, reports, rumors were circulated, according to a local newspaper, "that caravans from east Arkansas will converge on the state capitol."

On August 11, 1959, on the eve of integration, Governor Faubus appeared—on only an hour's notice—on a Little Rock television station. Although he said he saw "nothing to be gained tomorrow by disorder and violence," he insisted that integration was being forced on the people of Little Rock.

"If local authorities, school boards and police would not relieve federal authorities of the unpleasant task of forcing integration, then the federals would soon withdraw."

He focused his attack on Police Chief Eugene Smith. "The city police force is in charge of one who will make every effort tomorrow to apply the force necessary to forcibly integrate the schools. He and his associates will call it law and order. That's the same term used by the Hungarian puppet and his Russian masters."

As if having staked out for advance attack the man who would be his most formidable opponent, Governor Faubus earlier that day said of the new police chief:

"The general consensus around town is that Gene Smith has been bought and paid for to see that integration is effected."

Smith himself had been busy during the day with a press conference. More than 100 newspapermen, from all parts of the world, assembled to hear him offer them "the hospitality of our city." Anybody who wanted to cover the events of the next day would need a press card, Smith said. To get the cards, newsmen had to sign an agreement:

1. That they would not go on school property;
2. That they would not "set up" poses for pictures;
3. That they would not interview students within two blocks of school property;
4. That radio and television men would not bring their sound broadcasting and telecasting trucks within two blocks of school property;
5. That any newsman who violated these provisions would have his special press card withdrawn without notice.

Smith also told the newsmen to be on the scene at least an hour before school opening time and that they would then be told "where they could stand."

There were many omens of the trouble almost everybody seemed to expect the next day.

The chief of Little Rock's uniformed division, Captain W. H.

Maack, serving under Chief Smith, ordered all of his men to duty the next day.

Attorneys for the segregationist groups announced that they would defend anybody arrested during the expected demonstration, while attorneys for STOP said for their part they would seek court injunctions against "persons who attempt to prevent or interfere" with reopening of the schools.

In the eyes of those who knew the South, one of the most ominous and foreboding signs of what might be coming the next day was the presence of two policemen sent from Birmingham, Alabama, by the famed Public Safety Director of that city, Eugene "Bull" Connor. They were there, said Connor, so that some Birmingham "public safety career officers" could be fully aware of all contingencies.

The stage was set for what could be the worst race riot in American history.

And the next day the segregationists did come in from miles around, they did hold their rally on the steps of the state capitol, Mr. Faubus did come out and address them, they did "march" from the capitol *toward* the schools that were being integrated that day.

But they never got there.

"Smith and his men blocked the path of the demonstrators and firmly ordered them to disperse," said a newspaper account which quickly summarized the well-known sequence of events. "When some defied law and order, the police cracked a few heads, arrested 24 persons—including women and children—and routed the disorderly crowd with streams of water from fire hoses.

"The determination of the police kept the crowds away from the schools, which went peacefully about the business of starting a new term.

"Little Rock demonstrated that mobs cannot operate in the face of police firmness. Had the police acted two years ago as they did Wednesday, federal troops need never have been called on to preserve order, and a disgraceful chapter in our history need never have been written."

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The explanation for this almost wholly unexpected turn of events is simple.

Little Rock had learned its lesson. It had learned the hard way the economic cost of chaos.

Despite the impression of Little Rock that may have grown up out of the trouble there, that it must be a backward, benighted place, the town actually is open, bright, cheerful, and progressive-looking. In fact, its downtown area looks a little more Western (or Southwestern) than it does deep Southern. As a town that suffered miserably from The Depression Years, it is a town that was all the more grateful for the post World War II years of prosperity—grateful *and* proud and hopeful of the future.

That pride diminished, that hope faded, that prosperity ground to an abrupt halt in 1957 with the disastrous rioting that year.

From September, 1957, until September, 1959, not a single new industry had located in Little Rock.

"We were really going great guns when this thing hit us," said Everett Tucker, Jr., secretary and executive director of the Little Rock Industrial Development company. "Now we hardly even get any inquiries."

This led to some hard thinking in Little Rock's business community. One local businessman expressed his feelings this way to a reporter from the *Nashville Tennessean*:

"Little Rock is being taken for a ride on school desegregation. The rest of the South tells us: 'Fight to the last ditch. We know we can count on you. Don't be traitors.' But their high schools are not closed. And meanwhile cities like Nashville and Charlotte and Greensboro are making minimum adjustments to the situation and getting by. Nobody calls them traitors, and I say the hell with it! Why should Little Rock bleed and die for Memphis and Vicksburg and Montgomery."

And thinking like this led to action at city hall.

The result was that Little Rock's law enforcement facilities, indeed the structure of city government, were keel-hauled. The counterplay of stimulus and reaction in bringing this about is too complex a subject for this study—except to say that everyone in Little Rock

seems to agree that, in the end, it was the economic and business leaders of the community who played the leading part, helped by many civic and religious leaders. It was a determined consensus of Little Rock "power structure" opinion that brought about the change.

"There's no doubt at all but that Faubus simply stepped into a vacuum in 1957," said one of these Little Rock leaders. "Our mayor was discredited and our aldermanic government was on its last legs."

The spectre of Governor Faubus, and 1957, seems to have hung heavy over the heads of Little Rock's civic reformers, for not all that they did between 1957 and 1959 seems to have been made public—even up through the second integration attempt, or until today, for that matter. It even appears that there may have been an attempt to lull Governor Faubus and his associates into thinking the city was still as weak as it had been in 1957.

However that may be, almost everything in the book was done to improve the police department and sharpen police technique and method.

Until now, much of *this* story has never been told.

To begin with, Dauley and the city fathers brought in Donald S. Leonard, former police commissioner of Detroit, to make an exhaustive *Survey of the Little Rock Police Department*, the title of a 314-page report Leonard handed in. Almost every imaginable aspect of police administration was reviewed in this unvarnished study.

"Perhaps the greatest single weakness of the Little Rock Police Department is the complete lack of recruit training and department operated in-service training schools," the survey said in one of its many comments.

The result was that in 24 months, "every man on the force got at least 300 hours training," according to Dauley. Seven went to the F.B.I. Academy in Washington, three went to a community relations school conducted by Texas A & M University, four went to the Traffic Institute at Northwestern University, and many others got forms of specialized training. Detectives were sent two at a time to homicide and pathology schools. In addition, the police department set up its own school where, for example, it conducted intermittent

8-week cadet schools whose students grind out an 8-hour day for a total of 384 hours of work. Many veteran officers were brought back in to headquarters and put through school.

No less importantly, pay increases were spread through the department so that in the two-year period they averaged at least \$100 a month per man.

"Whatever Smith, or anyone else on the force may have thought about the Negroes or school integration didn't matter so much as what was getting to be their pride in the force," said an observer of some of the changes. "In fact, the vast majority of them were ardent segregationists."

Using his newly-trained experts as a staff, Chief Smith began detailed planning for the problems that would arise in the second school integration "months before it took place," according to an authoritative source. It was as secretly done as the planning of a military operation.

They wrote down possibilities of things that might happen. It is presumed that they had information about the habitat and identity of some of the leaders of the 1957 movement.

Smith, with his traffic men, made, to take one example, a detailed study of 40 critical street intersections in Little Rock at which he anticipated trouble.

He had aerial photos taken, especially of the areas where he thought crowds might gather.

With the help of newly-trained communications men, Smith set up a communications plan by which he was to maintain control of his forces throughout the intersections where they were to be stationed. To prevent crowd excitement, he created a code so that no bystanders would know what the police were saying to each other.

"In short," said Dauley not long ago, "we had a detailed tactical plan, with all our men and equipment pre-assigned. We thought we were just about ready for anything that might happen, and the events proved us right."

It would have perhaps been too much to expect that all of Little Rock's troubles would have ended at the barricades in one day.

There were bombings later. But there has never again been a mass demonstration, or any threat of a race riot.

In August, 1959, Little Rock faced open defiance of its laws and of its municipal government. The Little Rock riot was not an accidental riot, like the one in Chattanooga. In Little Rock, the mob came to test the strength of the city's will and its law enforcement arm. Because of good police morale and professional organization, Little Rock withstood this test. The seeming ease with which it was done ought not to hide the seriousness of the threat of a deliberate, planned challenge to public order—in Little Rock or in other Southern cities to come. Against such challenges, the police are the final defense.

Summary

THE PROBLEM of law enforcement in the South in 1960 and beyond is not simply a problem of angry mobs nor of brutish, bigoted policemen.

Fundamentally, it is a question of public policy. In the South today law enforcement is like war was in old Clausewitz' definition, an extension of politics.

The point must be stressed: the South is not an anarchy. It is not a region where government is weak. It is not a region where the lines of political and economic power are loosely held. The breakdowns in law and order in the South are an outcome of public policy—no less because it is sometimes oral and traditional rather than written in statutes and police manuals.

This makes it a community problem.

If the lessons of Little Rock, Chattanooga and Montgomery are to be learned, then each community must reappraise its public policy in racial disputes. It must decide for itself what it is going to do, and what it wants its public servants to do, in racial disputes.

For, three points are obvious.

1. Negroes in the South are prepared to take overt steps to change their status, even at the risk of personal safety.

2. Negroes may demonstrate in any Southern town. None can now count on immunity.

3. Existing, traditional, Southern police attitudes and training are not likely to be adequate for dealing impartially with the young generation of Negroes, committed to the method of non-violence. They have forced a reversal of roles on the Southern police officer—now he must protect the non-violent Negroes from the whites. And, he must do it quickly.

Because there is no greater danger to law and order in the South today than a Southern public official, police officer or not, caught offguard when trouble comes, and trying to meet the new problems with old, unassessed ideas.