

A FOLLOW-UP REPORT ON THE STUDENT PROTEST MOVEMENT  
AFTER TWO MONTHS

The student protest movement which began in the South on February 1, 1960 had by the end of its second month spread to at least 65 Southern cities. (A list is at the conclusion of this report.) There are as yet no conclusive signs that momentum has weakened.

In its original and still most characteristic aspect the movement represents an effort to induce those private businesses that solicit Negro trade to extend all their services and courtesies to Negroes. The demands dramatized by the "sit-ins" are an issue among citizens, a protest of community practices requiring a re-examination of community social patterns. The numerous arrests on trespass charges, when state or city laws were clearly violated, does not alter the essential nature of the "sit-ins" as an appeal of one segment of the citizenry to another.

The movement acquired a second aspect, however, in those localities where the number of arrests and the tactics of the state and local law enforcement authorities showed an obvious intent to place the power of the state against the right of the Negroes to express dissent. There is a very clear distinction between the obligatory action of police in quietly enforcing laws (as, e. g., in Richmond or Atlanta), and the heavy-handed imposition of force to suppress and punish dissent which has been evident in all too many places. Where this has happened, the issue now is no longer between citizens, but has become a struggle between Negro citizens and state power.

The movement took on a third aspect in late March when the National Association for the Advancement of Colored People decided to undertake a systematic program of legal defense of the demonstrators. If carried

through, this will mean not only a claim before the courts that civil liberties have been infringed, but will also seek a re-definition of the legal duties and rights of property owners in the conduct of their business.

Thus what began as an issue of community relations may well end as a question of legal rights and privileges. This was probably inevitable, given the inability of local leadership, except in San Antonio,\* to resolve decisively the problems thrust onto the South's load of troubles by the first important American instance of student direct action for social reform. In San Antonio, "sit-in" demonstrations were avoided by a businessmen's decision, reached through the mediation of the city's Council of Churches, to abandon segregated lunch counters.

That other cities have not yet succeeded in resolving the dilemma is not surprising when it is recognized that the initial call for leadership was directed at merchants, a group sensitive to so many pressures as to be peculiarly unprepared for the role of leading social change. Unless they--both local proprietors and large chains--can be supported and, in fact, led by persons or groups of acknowledged civic prestige, it is fruitless to expect merchants to decide what shall be the social practices of the community. There is realistic value, therefore, in the work of established or specially created citizens' committees which in several cities are attempting to end the dispute (e. g., Greensboro, Durham, Raleigh, and Salisbury, N. C.; Nashville and Knoxville, Tennessee; Miami, Fla.). In several other cities, informal unpublicized committees are in operation. A state-wide committee has been formed in Florida by the governor and several localities have, at his urging, set up their own committees.

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\* Also in Jefferson City (Mo.), a series of bi-racial meetings of civic, business, and church leaders led to a decision to end segregation in downtown eating places on March 28.

Such groups as these, plus the good offices of the churches, are the only realistic hope for a settlement outside the courtroom. They are capable of breathing into the settlements what is urgently necessary: the spirit and the temper of the many and differing communities which make up the South. On March 17, the Winston-Salem Sentinel said, in an editorial headlined "When Lunch Counters Reopen, They Should Serve All Customers":

Negroes who seek service without discrimination at lunch counters in Winston-Salem variety stores now have the backing of two substantial groups in the community. Last week a majority of members present at a meeting of the Forsyth Ministers Fellowship expressed "sympathy and admiration" for the lunch counter protest. On Tuesday, 60 members of the Wake Forest College faculty, speaking as "private citizens," asked the managers of five stores to open their lunch counters to all customers, regardless of race.

Winston Salem's experience in the field of race relations tends to support the belief of the Wake Forest faculty members that the community would accept the change rather quickly, once it is put into effect. This community, moreover, has avoided the disorder that has accompanied the lunch counter protest in other Southern cities. One reason we have not had serious trouble here is that the store managers have had the good judgment to keep the lunch counters closed most of the time since the protest started, rather than to try to operate them on a segregated basis.

It may be wise to keep the lunch counters closed here for the time being. But it is logical to suggest that when they are opened again that they be opened on a desegregated basis.

Such action will not solve all of Winston-Salem's race problems. They cannot be solved here or anywhere else by a single stroke. But such a move would tell the Negro citizens that the white community is receptive to reasonable requests for removing racial discrimination. That in itself could advance the cause of good race relations in the community.

A private business, of course, has the legal right to serve or to refuse to serve any customer. Unwanted customers can be arrested for trespass if they disobey an order to leave the premises. But arrests for trespass are not the answer to the lunch counter protest.

The current protests are directed at business establishments that cater, in all departments except one, to customers without regard to race or color. The Negroes thus can logically complain of unfair discrimination when they are segregated or denied service at the lunch counter.



Winston-Salem has already moved away from enforced segregation in its public school system, on city buses, on its public golf courses and in Memorial Coliseum. Desegregation in these areas has been accomplished with little or no fanfare. It is an accomplished and accepted fact. We could reasonably expect a similar result if lunch counters were added to the list.

The last paragraph of the editorial points out the paradoxical inconsistencies in Southern racial practices. In a report prepared for the Nashville Community Relations Conference, Wallace Westfeldt illustrates the same puzzling pattern:

In Nashville Negro and white children attend class together in public schools and parochial schools and in the city's major colleges and universities. In Nashville there are two Negro city councilmen, Negro policemen (one now in the process of being upgraded from enlisted to detective rank), and Negro members of the board of education, transit and hospital authorities. In Nashville, for years, Negroes have attended lunch dinner meetings of various social, religious civic and professional groups with interracial memberships in downtown hotels. Among such meetings have been those of the United Givers Fund, the League of Women Voters and the United Church Women. In Nashville, Negro and white commuters ride the city busses in smooth, non-segregated style. In Nashville also, Negroes are welcomed as customers in the downtown stores where they spend an estimated \$7,500,000 a year. In two department stores, for example, they are politely fitted for clothes from head to foot--and from skinside out. In downtown Nashville, however, Negroes have no adequate facilities for eating. Welcomed as customers for merchandise, they are refused service as customers for food.

The recent spectacles in Orangeburg (S.C.), Tallahassee (Fla.), Montgomery (Ala.), Petersburg (Va.), and a half-dozen or so other places drive a barbed wedge of hostility between the South's peoples, and obliterate that confidence in each others' motives which makes possible meaningful community discussion. The press reports and photographs concerning these mis-directed cities underline the justice of the comment of the Union of South Africa's Ambassador, in objecting to the United States protest of the Bantu killings by police of that country:

I emphasized to Mr. Herter that by calling such a U. N. meeting... a precedent will undoubtedly be created which would enable the Security Council to discuss racial and other disturbances in any other country.

With all respect, the situations are more than "a local matter for local authorities" as President Eisenhower described them. This is not to suggest that federal action is required, or even necessarily that federal rights are involved. But these situations, which put on exhibition before the world the American potential for police state methods, do raise far beyond their local settings the question of the recourse of a minority group when state or local governments are hostile toward it, rather than the impartial agents of all citizens.

The legal status of the demonstrators is no clearer than it was in February. Through March 31, nearly 1,300 arrests have been made, and the overwhelming bulk of these were of Negroes; there were nearly 400 arrests in Orangeburg, nearly 150 in Nashville, about 45 each in Tallahassee and Florence, S. C., about 80 in Atlanta, about 65 in Memphis, nearly 85 in Marshall, Tex. Trials are proceeding methodically, and there have so far been approximately 250 convictions.

Mississippi, apparently convinced that every fortress can be made a little tighter, enacted in March additional laws to forestall demonstrations. A bill to make "sit-ins" a trespass and a misdemeanor is still before the South Carolina legislature. Of great, but not immediate, importance was the action of the Supreme Court in late February, agreeing to review a trespass conviction of a Negro interstate bus passenger, refused service at a privately leased bus terminal restaurant in Richmond.

The demonstrations in Atlanta on March 8 were designed to raise with particular sharpness questions of discrimination in bus and train depots and in public buildings. In so doing, legal problems basically different from those arising from service in dime, drug, and department stores were put to the fore. One interesting twist of the Atlanta "sit-ins" was the

selection of cafeterias in two office buildings of which the federal government is sole tenant.

During the whole critical period since 1954, the South has suffered acutely from lack of leaders. As in the great crisis of 1860, the South's political leadership has been almost entirely composed of nay-sayers. One of the more heartening occurrences of these past two months has been the temperate and affirmative stand of a number of Southern mayors, as well as the many informed and wise statements from church and private organizations. All these were joined on March 20 by Governor Collins of Florida in a radio - TV address:

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Now, under our free enterprise system and under our laws, a merchant has the legal right to select the patrons he serves. And certainly he is going to be protected in that legal right.

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The customer, of course, has the legal right to trade or not to trade with any man he wants to--and, of course, there is the right to demonstrate, and the people should be protected in that right, too.

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But, actually, we are foolish if we just think about resolving this thing on a legal basis. In the first place, our merchants have too much involved so far as their business prosperity is concerned to have racial tensions of this order.

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But, aside from that, we've got the moral rights and we've got the principles of brotherhood that are involved in these issues...

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And, so far as I'm personally concerned, I don't mind saying that I think that, if a man has a department store and he invites the public generally to come into his department store and trade, then it is unfair and morally wrong to single out one department and say he does not want or will not allow Negroes to patronize that one department.

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We have got mobs beginning to form now in this nation, in this Southland and in this State. The time requires intelligent, careful, thorough study of big problems and the reaching of solutions that are going to be reasonable and sound and make good sense.

We cannot let this matter and these issues be decided by the mobs, whether they are made up of white people or whether they are made up of colored people.

(This is the second revision of the Council's special report; the earlier discussions, with but small changes, follow.)