

## CIVIL RIGHTS ACT OF 1960

The Civil Rights Act of 1960, a weak measure supposed "to enforce constitutional rights and for other purposes," was passed by Congress and signed by President Eisenhower, May 6, 1960. Designed principally to extend federal protection of Negro voting rights in the South, the Act has been attacked as failing even in that limited purpose.

The measure provides a new device for "voting referees" supposedly to help Negroes to register in southern areas where they have been excluded from voting. When he has trouble in registering, the Negro may go to the referee and then if he can show that he meets the state's qualifications, he may be registered.

This roundabout referee provision makes it harder not easier for Negroes to vote, the National Association for the Advancement of Colored People charged. It calls the Act a "fraud," and its attorney, Thurgood Marshall, states, "It would take two or three years for a good lawyer to get someone registered under this bill." (*N.Y. Times*, April 22, 1960.) He said Congressional action in such "dribbles" as the 1957 and 1960 laws might serve only to hold off the needed strong measures.

Other liberal and Negro groups attacked the 1960 Act on two grounds: it did not go beyond the voting issue, and even there the remedy provided is useless. Rev. Martin Luther King, leader of the successful bus boycott in Alabama in 1955-56, speaking before the National Urban League in New York, September 6, 1960, charged that both Democrats and Republicans were "hypocritical" on civil rights. He said that both parties had missed "a marvellous opportunity" to demonstrate their good faith because they failed to pass civil rights legisla-

tion in the post-convention session of Congress. "The fact remains, however," he said, "that the issue of racial injustice cannot be successfully evaded, nor will it disappear with double-talk."

**NAACP Program:** In place of pussyfooting on civil rights the NAACP calls for a program of vigorous action "to end segregation or other forms of discrimination in all federal or federally-aided housing programs and to establish a commission with sufficient funds and authority to implement the order. To insure equal job opportunity in all employment resulting from federal grants, loans, subsidies, contracts and licenses. To insure equal access to all public employment services, hospitals, schools, parks, and eating and waiting room facilities in airports, courthouses, etc., resulting from federal assistance programs."

## NEGRO SIT-IN DEMONSTRATIONS

Four young Negro college freshmen on February 1, 1960, sat down at a Woolworth store "whites-only" lunch counter in Greensboro, N. C., and asked for "a cup of coffee, please." Their action started a movement against segregation in eating places in all parts of the South, with widespread support from many white students and other groups in northern states. Some of the demonstrations were inter-racial.

After only 6 months, white merchants in 28 southern cities and counties in at least 14 states had desegregated their lunch counters, "without incident or reported business losses." (*N.Y. Times*, August 6, 1960.) This number included Greensboro where the demonstrations had started. It was later reported that lunch counters in 43 cities had integrated where formerly they were segregated.

Negroes had won permission to eat with whites in these cities, as a result of sit-ins and boycotts. In Houston, Texas, for example, 50 stores, including most of the big department stores, supermarkets and variety stores, had quietly integrated their lunch counters. On October 19, 1960, four of the major chains (Woolworth, Grant, Kress and McCrory) announced they had integrated lunch counters in 122 cities in southern and border states.

These gains were made despite many arrests of demonstrators and, in some cases, violence used against the Negro students and others. Nearly 1,600 students were arrested during the first 3 months of the demonstrations. In Jacksonville, Fla. in August Negro students who had been sitting quietly at lunch counters for a week were attacked by a mob

of some 100 whites wielding axe-handles and baseball bats. Some carried Confederate flags. Policemen stood by and offered no protection for those attacked. Violence continued for several hours until firemen with hoses cleared the area. One Negro was killed and many were injured. Of 130 persons arrested and jailed, at least two-thirds were Negroes.

Buyers' strikes and boycotts of stores were carried out by Negroes in Jacksonville and a number of other southern cities during August and September, 1960. Rich's big department store and A & P grocery stores were boycotted in Atlanta, Ga., and similar action was taken in Oklahoma City, Okla., and Savannah, Ga.

**Atlanta Demonstrations:** Widespread sit-in demonstrations in Atlanta, Ga. (not included among cities that had integrated lunch counters), started October 19, 1960. College students and others sought service at lunch counters in Rich's and other shops. During the first two days of demonstrations, 75 persons were arrested, including Dr. King.

Persecuted because of his fearless leadership, Dr. King was sentenced to four months in prison and then transferred to the Georgia State Prison at Reidsville, Ga. He had previously been fined and given a suspended sentence for driving without a Georgia driver's license. In the sit-in case it was charged that he violated his probation set in the earlier case. Widespread protests resulted in his release on bail pending appeal. But in November, 1960, he was denied the right to vote in the presidential elections, because it was charged that he had not paid the poll tax required in Alabama.

**Support from Organizations:** Known as CORE, the Congress of Racial Equality was active in Greenville, S.C., and in other parts of the South in leading a "non-violent, direct action approach to race relations." While the sit-in demonstrations were started spontaneously by local students, they gained the support of CORE, the National Association for the Advancement of Colored People, and the Southern Christian Leadership Conference, headed by Dr. King. CORE published an excellent summary, *Sit Ins: The Students Report* (1960).

The NAACP took full responsibility for providing legal defense to protect the rights of Negro students arrested for their part in sit-in demonstrations. It maintained a team of 70 lawyers throughout the South, working under its attorney Thurgood Marshall, to represent those arrested. Fines and jail sentences against student demonstrators were appealed. Sit-in demonstrations continued through the year 1960.

The non-violent spirit of the sit-in protests was shown in the code

drawn up by college students in Nashville, Tenn., to guide the students' conduct, on the basis of Dr. King's teachings. It read:

"Don't strike back or curse if abused. Don't laugh out. Don't hold conversations with floor workers. Don't block entrances to the stores and the aisles. Show yourself courteous and friendly at all times. Sit straight and always face the counter. Remember love and non-violence."

The American Federation of Teachers on August 19, 1960, at its annual meeting in Dayton, Ohio, passed a resolution calling on all teachers and others to support the sit-in demonstrations as "peaceable expression of protest by young people against environmental handicaps as they seek self-respect, recognition and dignity."

The National Catholic Conference for Interracial Justice on August 28, 1960, at its meeting in St. Louis, Mo., passed a resolution urging Roman Catholics to take part in sit-in demonstrations and other forms of peaceful protest against racial segregation. The conference also urged Pres. Eisenhower to order an end to discrimination in administration of federal aid, and asked Congress to pass legislation outlawing racial discrimination in housing.

**Kneel-In and Other Protests:** In an extension of the sit-in campaign, Negroes in several southern cities started "kneel-in" demonstrations in all-white churches. In New Orleans, La., for example on September 18, 4 Negroes walked into a white Baptist church and listened to a sermon attacking the kneel-in protests. Other Negroes entered other white Protestant churches in the area.

In Greenville, S.C., a number of anti-segregation demonstrations were held in July. In one such protest, 8 Negroes were arrested after a sit-in at the Public Library. In these Greenville demonstrations, white students joined with the Negroes and led protests at chain-store lunch counters.

At Vanderbilt University, Nashville, Tenn., Rev. J. Robert Nelson, dean of the divinity school, and 10 faculty members resigned May 30, 1960 in protest against the school's refusal to readmit Rev. Robert Lawson, a Negro minister who had been expelled for leading Negro students in a lunch-counter sit-in. Several graduates, including 3 Negroes, returned their diplomas in protest, while a number of undergraduates withdrew from the divinity school.

**In the North:** In New Rochelle, N. Y., in September, 1960 at the William B. Ward School, 23 Negroes started a sit-down in protest

against the exclusion of Negro children from the all-white school. At the downtown Lincoln School district, 93% of the children were Negroes.

As a result of the sit-down, 8 Negroes were arrested. First to be tried was a local leader of the NAACP. On November 14, 1960, the disorderly conduct charges against all 8 were dismissed in City Court.

A suit in federal court to further integration resulted in a decision that Lincoln School must desegregate no later than the 1961-62 school year. The judge found that the Board of Education had created it as a segregated school. His ruling, which is being appealed to a higher court, allowed 14 children to transfer to predominantly white schools.

**Rev. Ashton Jones:** After leading a sit-in demonstration to protest segregation in restaurants in Marshall, Texas, a white Methodist minister and pacifist, Rev. Ashton Jones, was arrested April 18, 1960. In an interview with him in December, 1960, it was reported that for practicing "the brotherhood of man under the Kingdom of God," he had been "jailed 19 times, given the sweat-box treatment, pushed down a flight of stairs, beaten with a rawhide whip, had his face cracked open, and almost drowned." (*Nation*, Dec. 24, 1960.) Members of the White Citizens Councils had taken part in the persecutions. At Shreveport, La., in the City Court, June 10, 1960, he was tried, convicted of "disturbing the peace and vagrancy" and sentenced to 8 months on a prison farm. Segregationist prisoners beat him unmercifully while guards looked on. When he came to Shreveport in January, 1961 to appeal his conviction, he was again arrested. But on January 25, 1961, he was acquitted in City Court and released.

## INTEGRATION IN SCHOOLS

Six years after the historic Supreme Court decision of May 17, 1954, outlawing racial segregation in public schools, desegregation in the 11 genuinely southern states was still proceeding only at a snail's pace, described as a crawl. With the opening of the school year in September, 1960, the total number of desegregated schools had risen to 767, less than one-third of the 2,833 southern districts with a Negro school population. Only 6.3% of Negro school children were in integrated schools—an increase of only 0.3% over the previous year. (Southern Education Reporting Service.)

Just 17 new school districts accepted Negro children in previously

all-white schools in the autumn of 1960. In most cases a pitiful few were admitted. Richmond, Va. took two. In Dollarway, Ark., one little first-grader "fearfully went *alone*," the NAACP reported.

Out of a Negro school population of 3 million in southern states, there were about 182,000 in schools with whites. But in 4 states, Alabama, Georgia, Mississippi, and Southern Carolina, there was no desegregation; they have yet to admit a single Negro child to an all-white school. In Atlanta, Ga., schools were under federal court order to integrate in September, 1961.

**In Border States:** The *Southern School News* reported in 1960 that the border areas, including Washington, D.C., parts of Maryland (notably Baltimore), urban Delaware, West Virginia, Oklahoma, Missouri, and parts of Kentucky each had at least 10,000 Negro pupils in integrated situations. This had resulted largely from voluntary acceptance of integration by these states following the Supreme Court order. But only in these border states was Negro attendance in integrated schools higher than 2%.

In Delaware, integration was proceeding at the rate of a grade-a-year, but the Federal Court of Appeals in Philadelphia ruled this was too slow, integration must be complete by September, 1961. U.S. Supreme Court upheld this ruling by refusing to review it.

**Token Compliance:** In 5 southern states, Arkansas, Tennessee, North Carolina, Florida and Virginia, not more than 1% of Negro children were attending white schools in 1960. While these 5 states had a Negro school population of over 957,000, less than 1% were benefitting from the high court's 1954 decision. In North Carolina in the autumn of 1960, only 77 Negro children were in schools with white children.

In Virginia, Negroes attended schools with whites for the first time in Richmond and Roanoke. But not more than 200 Negroes in the whole state were in mixed schools and only 10 of the state's 129 school districts were integrated.

In Arkansas 102 Negroes were attending school with whites in 9 school districts. In Tennessee, Knoxville began the grade-a-year plan, but Chattanooga had won a year's delay. By 1960 Florida, where, in several districts, court actions were brought against the pupil placement plan, had 829 Negroes in schools with white pupils. Two of these schools were in the Miami area.

In New Orleans, La., die-hard segregationists tried to prevent the

integration of schools on November 14, 1960, the date set for desegregation by order of Federal Judge James Skelly Wright. On that day, 4 young Negro girls entered schools previously segregated. They succeeded despite jeers, insults, and the combined efforts of Gov. James Davis, legislators of the state assembly, the state superintendent of schools, and a force of state police, all arrayed to stop them. The local board of education had deferred, however reluctantly, to the federal laws and court decisions.

But violent demonstrations by White Citizens' Council elements continued in New Orleans and succeeded in delaying integration. In a furor of "economic lynching" the segregationists brought pressure against the Negroes. The father of one Negro 6-year old who had entered the white school was, for that reason, fired from his job. In an editorial, the *N. Y. Times* commented: "The frenzied effort of segregationist demagogues in Baton Rouge and a racist rabble in New Orleans to subvert the Constitution and substitute anarchy for law is as degrading and dangerous a thing as has happened in our country since the events in Little Rock three years ago."

On March 20, 1961 the U.S. Supreme Court ruled that the local efforts of segregationists to suspend school integration were unconstitutional. It voided an "Interposition Act" which had been put through the Louisiana Legislature in order to prevent desegregation. The high court reaffirmed the board of education's right to carry out integration plans. A white boycott of the integrated schools had continued into 1961.

**In Other Areas:** In Houston, Texas, 42,500 Negro and 127,000 white public school pupils make it the largest segregated school district in the U.S. Integration in Houston is scheduled to proceed on a grade-a-year basis which provides that each first-grade pupil in 1960 may choose to enroll either at the formerly all-white school or the formerly all-Negro school in the area. In 1961 the choice will be open to first and second grade pupils and so on, until by 1971 integration will be completed.

In Little Rock, Ark., where violent attacks by whites occurred in 1957, (see *Labor Fact Book* 14, p. 110), 12 Negro students in September, 1960, peacefully entered both Central and Hall High Schools. At Clinton, Tenn. 12 Negro students entered a new high school building where the old one had been dynamited by segregationists in October 1958.



The Southern Regional Council reported in August 1960 that the South's attitude of massive resistance to integration had resulted in a massive determination expressed in the students sit-in-movement to hasten the pace of desegregation. The Council declared: "The sit-ins succeeded, as nothing else had, in causing white southerners to see Negro southerners as individuals. This is, after all, the crux of the case for desegregation of schools; that the Negro child be regarded and treated as an individual." Pres. L. H. Foster of Tuskegee Institute reported in January, 1961, that the sit-in movement by Negro college students was "the major new ingredient" in race relations in 1960.

**University of Georgia:** Under a court order, the University of Georgia at Athens, Ga. on January 9, 1961, opened its doors to Negro students for the first time in its 175-year history. Two Negroes, Charlayne Alberta Hunter, 18 years old, and Hamilton E. Holmes, 19 were enrolled, marking the first desegregation at any level in the state's public education system.

At first all went smoothly except for jeers and segregationist chanting. But on January 11 a mob of about 1,000, including some white students, Ku Klux Klansmen and other outsiders, in one of the worst riots against desegregation, stormed the dormitory where the Negro girl was housed. Rocks were thrown at dormitory windows while the Athens police "made no serious effort to break up the rioting until it was well under way." (*N.Y. Times*, Jan. 12, 1961.)

The two Negroes were temporarily suspended for their own protection but by court order they were readmitted two days later. By January 16 they were attending classes peacefully. A large number of the university faculty and student body upheld the policy of integration. Gov. Vandiver decided to adopt a system of local option in relation to integration, after he saw that the state legislature backed such a move and it was "the will of the people."

**Report on Higher Education:** The U.S. Commission on Civil Rights on January 15, 1961, issued a report on "Equal Protection of the Laws in Public Higher Education." Not until the University of Georgia admitted the 2 Negro students, as noted above, had a single Negro ever attended the 49 public institutions of higher education for white students in 4 southern states—Georgia, Alabama, Mississippi, and South Carolina.

"At least 86 of the 211 public higher-educational institutions, formerly for white students only, in the 17 southern states continued to



exclude Negro applicants on the ground of race in violation of the law of the land," the report said. Also, 118 of the 211 public colleges in the 17 southern and border states are today open to Negroes at least in theory. But few or no Negroes may actually attend supposedly integrated institutions. *Southern School News* reports only 54 Negroes at white institutions of higher education in Virginia, and 85 in North Carolina. In all the 17 states, perhaps 5,000 Negroes in 1961 were attending college or graduate school classes in institutions that have more than 500,000 white students.

The U.S. Government is actually subsidizing discrimination by giving financial aid to segregated colleges, the Civil Rights Commission found. "As to land-grant colleges particularly," it reported, "the Federal Government has been heavily involved, not only because of its sponsorship of separate colleges . . . but because it has allowed southern legislatures to channel almost all federal funds for specific programs in such institutions to the separate white colleges. . . . It is not sound policy for the Federal Government to subsidize the unconstitutional operations of others; to do directly what is not permitted to do indirectly."

Rev. Martin Luther King, discussing various ways by which the President could, without additional legislation, hasten integration, pointed out in *The Nation*, Feb. 4, 1961: "The federal government is the nation's highest investor in segregation."

## NEGROES' VOTING RIGHTS

The federal Civil Rights Commission established in 1957 reported in 1960 that voting rights were still denied to at least 1,750,000 adult Negroes in eleven southern states. American Heritage Foundation considers this a modest estimate. *Congressional Quarterly* puts it at 4 million. Denials of voting rights take many forms including legal obstacles, administrative technicalities and the threat of economic reprisals and physical harm.

The 14th Amendment (sec.2) of the U.S. Constitution provides that when the right to vote in any federal or state election is denied to any male citizen (over 21) the representation of that state in Congress shall be correspondingly reduced. Prof. Thomas I. Emerson and Arthur E. Bondfield of Yale University Law School call this provision the "forgotten remedy for the voteless Negro." (*The Nation*, Jan. 21, 1961.)

The same requirement is contained in an almost unknown statute

passed in 1872 and still on the books. But neither the Constitutional provision nor the statute has ever been successfully invoked to reduce the representation of any state in Congress. Emerson and Bondfield conclude: "This failure to adhere to the plain language of our Constitution and law is a continuing national scandal."

On September 13, 1960, the Department of Justice in U.S. District Court at Memphis, filed suit under the Civil Rights Act of 1957 charging 22 persons and two banks with using economic pressure to prevent Negroes from voting in Haywood County, Tenn., This was the first time the government had invoked the Act to halt economic pressures by individuals.

While nearly all of the county's 6,500 white persons of voting age were registered, the government found that fewer than 300 of the 7,921 eligible Negroes were registered. The suit charged that the defendants had coerced potential Negro voters and induced merchants not to deal with those trying to register to vote, not to sell goods or services to them. The banks had refused credit or loans to the Negroes. Those trying to register had been fired from their jobs. All this intimidation followed formation of the Haywood County Civic and Welfare League.

**Witnesses in Washington:** Hearings on Negro voting rights were held in Washington, D.C. January 31, 1960 by the Volunteer Civil Rights Commission, set up as an unofficial body for "a free franchise in the South." Sponsored by 16 religious, civil rights, and Negro organizations in the South and in Washington, it was started after the federal Civil Rights Commission was barred by Louisiana state officials from examining voting records in Louisiana. The Washington hearings revealed that little had been done to implement proposals of the Civil Rights Commission on providing federal registrars to insure the right to vote.

Witnesses testifying at the hearings included Curry P. Boyd, a Negro schoolteacher from Haywood County, Tenn., who stated that for trying to register, he had lost his job as principal of the elementary school. It was reported that in Bienville Parish, Louisiana, 630 Negroes were purged from the voting lists, leaving only 26 eligible to vote.

Grafton R. Gray, a farmer from Charleston, Miss., testified he was turned down 3 times when he tried to pay his poll tax and register. He was told no Negroes could pay poll taxes in Tallahatchie County and that not one of the county's 19,000 Negroes is a registered voter.

After hearing 10 witnesses from Alabama, Louisiana, Mississippi, Tennessee and North Carolina, Bishop G. Bromley Oxnam, Methodist clergyman in Washington, declared: "It is incredible to me that in 1960 men and women must come here in a democracy and ask for the privilege of voting."

**Evicted for Registering:** The government's suit charging persecution of Negro applicants in Fayette County, Tenn., followed efforts of Negro sharecroppers to organize and win voting privileges. John McFerren, a cotton farmer, told the Washington hearings of threats against his life after he had helped organize the Fayette County Civic & Welfare League in their long struggle for the right to vote.

Federal Bureau of Investigation men, after investigating McFerren reported on him to local sheriffs, and immediately after that his life was threatened. It was "common practice" for FBI men to turn over reports to local sheriffs. When farmers went to register, McFerren testified, the landlord would be called in to watch. If a tenant registered, the landlord made him move out of his house that very night.

Mass evictions of farm tenants and sharecroppers in Fayette and Haywood Counties, Tenn., during the winter of 1960-61 followed the Negroes' efforts to register and vote. The U.S. Court of Appeals ruled December 30, 1960, against any evictions in retaliation for registering and voting but allowed them "as a part of normal rearrangement of farming operations," thus giving landlords a free hand to evict. As evictions increased, 135 Negro families including 700 persons were looking for places to go.

In a tent city called "Freedom Village" near Somerville, Tenn., about 60 children and their Negro sharecropper parents lived through a bitter winter. The tent colony was supplied with food and other necessities through efforts of the Southern Conference Education Fund, an emergency relief committee of CORE, the Non-Violent Action Group in Washington, D.C., Packinghouse Workers and other unions and organizations. Such Freedom Villages in Tennessee have become symbols of southern Negroes' determination to win their struggle for equal rights.

**Numbers Registered:** In the U.S. as a whole, some 5.5 million Negroes had registered to vote in the 1960 elections, but this total represented only about 56% of the 9,998,000 Negroes of voting age. The majority (about 67%) of those registered were in the northern or border state cities.

In six southern states, Negroes of voting age represent a substantial proportion of all citizens of voting age, as follows: Mississippi, 36.4%; South Carolina, 31%; Louisiana, 29.3%; Alabama, 27.7%; Georgia, 26%; Tennessee, 14.3%. Yet these same states are the ones in which fewest eligible Negroes are registered to vote. In Senator Eastland's state, Mississippi, for example, only about 4% of Negroes of voting age are registered. (See also *Labor Fact Book* 14.)

The Department of Justice invoked the Civil Rights Act of 1960 for the first time May 9, 1960 by demanding voting registration records of 4 "cipher" counties in the South, counties in which no Negroes were registered to vote despite a large Negro population. The 4 counties were Wilcox, Ala., Webster, Ga., E. Carroll, La., McCormick, S. C., where, the D. of J. charged, "distinctions on basis of race or color have been made with respect to registration and voting."

In Macon County, Ga., a federal judge, March 17, 1961, ordered 64 Negroes registered as voters. The Justice Department had produced testimony and evidence that Negroes with college degrees had been turned down as voters while white applicants, some of them with little or no education, had been registered without question.