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ENCOURAGED BY A LITTLE PROGRESS:
VOTING RIGHTS AND THE CONTESTS OVER SOCIAL PLACE
AND CIVIL SOCIETY IN TENNESSEE'S FAYETTE AND HAYWOOD COUNTIES,
1958–1964

by

Richard L. Saunders

A Dissertation

Submitted in Partial Fulfillment of the

Requirements for the Degree of

Doctor of Philosophy

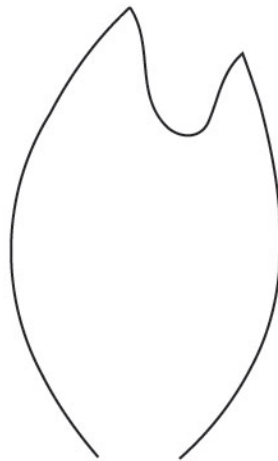
Major: History

The University of Memphis

December 2012



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To honor those who lit the path:

Earl M. and Mildred C. Saunders Dr. R. Welling and Fawn B. Roskelley

1912–1989

1917–1998

1906–1990

1917–1995

Dr. La Vell E. and Janice R. Saunders

1937–2011

1940–

and who trod it with me:

Carrie W. Saunders

AnnMarie

Stephen

Heidi

David

Rebecca

R. Daniel

Marianne

Nathan

Acknowledgements

Being a non-traditional, long-distance, part-time graduate student has been an experience. In other works my family has claimed the final acknowledgement, but this time they take unapologetic precedence. No praise, no thanks will sufficiently repay my long-suffering spouse. Carrie bore much of my responsibility during this adventure.

My dissertation committee of Aram Goudsouzian, Janann Sherman, Sarah Potter, and Charles McKinney sat in judgment with equity. Dr. Sherman served as my ever-patient academic advisor and occasional innkeeper. I benefited tremendously under the provocative teaching of Jonathan Judaken, Scott Marler, and Jim Blythe. History Department staff helped keep my boat upright. When in heavy seas, departmental assistant Karen L. Bradley completed necessary university procedural wiring (and the occasionally hotwire) on my distant behalf, often on the shortest notice. I deeply appreciate Karen Jackett's work as the department's graduate secretary, and particularly the good office of Dr. Jim Blythe, who patiently kept me in administrative line.

This study would have been much more difficult without the foresight of Daphene McFerren, John and Viola's youngest daughter, who collected material from Fayette County in the 1990s while its aging activists were still hale. Daphene, who currently directs the Benjamin Hooks Institute for Social Change at the University of Memphis, has been a friend and supporter almost since this project began. I very much appreciate both Viola and John as well: Viola for being the epitome of a Southern lady and John for many discussions over the counter of his store outside Somerville.

As with any research project, the unsung heroes are the librarians and archivists who curate the material that allow the story to be recalled and retold. Ed Frank at the

University of Memphis Special Collections not only facilitated access to the collections in his keeping as a professional colleague, but is a patient and darn good friend. Fellow librarians and archivists at many institutions aided in the research process, including M'Lissa Kesterman, Cincinnati Historical Society Library; Dr. Jean Mulhern and Patti Kinsinger, Wilmington College; William Lefevre, Reuther Library, Wayne State Univ.; Herb Pankratz, Eisenhower Presidential Library; Harry Miller and staff, Wisconsin Historical Society; Alesha Shumar, University of Tennessee at Knoxville; Katherine Horn, Elma Ross Library, Brownsville; Laura Winfrey, Fayette County Public Library, Somerville. Research for this paper was funded in part by the departmental Endowment Committee at the University of Memphis. Parts were also supported by Faculty Research Grants from my employer, the University of Tennessee at Martin. There my former assistant, Karen Elmore, held things together while I made my weekly down-and-back trips to Memphis for half a decade, and sequestered myself in anxious pre-comps hibernation. As writing has progressed, the professional and support staff in the Paul Meek Library has patiently allowed me temporal space to work.

For permission to use images in this work I am grateful to activist/photographer Nick Lawrence; to Special Collections, University of Memphis (Ed Frank again); and to Louis Graham of the *Commercial Appeal*. A number of other photos are drawn from orphan works as an assertion of fair use; if you are the copyright owner, I would like to hear from you so that I can give proper credit.

ABSTRACT

Saunders, Richard L. PhD. The University of Memphis. December 2012.
“Encouraged by a Little Progress: Voting Rights and the Contests over Social Place and Civil Society in Tennessee’s Fayette and Haywood Counties, 1958–1964.” Major Professor: Aram Goudsouzian.

Between 1958 and 1964 the citizens of black-majority populations in adjoining West Tennessee counties struggled to claim and exercise citizen’s rights to participate in civil society. Voting rights activism among the black community was answered with an economic embargo conducted by county officials and the business community. Voting rights were the fracture point in civic society as both counties made the change from tenant to mechanized agriculture and wrestled over the civil and economic position of a no-longer-necessary laboring population.

This study examines voter registration as a catalyst of socioeconomic change and social discourse in rural America. During the 1960s traditional plantation agriculture and sharecropping collapsed for good under the weight of postwar economic modernization, civic awareness among the black populace, and the inability to provide a defensible legal argument for traditional segregation against challenges by federal liberalism. Chapters examine the general economic and social setting prior to 1958 and social assumptions involved in dependency/paternalism relationships, including the stated and unstated concept of *place* in these stratified societies; the awakening and assertion of civic participation among the black populace and why voting challenged well-established dependency/paternalism relationships; tactics of economic repression adopted to coerce registered voters to leave the county or return to dependence; the role of federal investigators and the Justice Department combating segregation and replacing one form of liberalism with another; the efforts and results of activists from outside Tennessee; and

the range of responses among the white communities. Includes a timeline of the local conflict (1940–2012) as an appendix.

This work argues that the political challenge over voting in these two counties represented fundamental opposing perspectives and differing interpretations of the nature of rights within in the public sphere. Racism and segregation involves abstract views about the fundamental way American civil society is constructed, for which color served as a convenient marker.

(328 pages)

PREFACE

A letter by Haywood County, Tennessee schoolteacher Currie Boyd in July 1958 was the first spark in a decade-long struggle for black citizens' participation in society. The conflict involved processes as varied as agricultural succession and land consolidation, post-war economic modernization and urbanization, farm mechanization, and public educational policy. On the surface these actions constituted an argument about racial segregation and the rights of property owners in ordering civic affairs. On a much deeper level, this struggle for domination on one side and parity on the other was an argument about the nature of American society.

Like any attempt to recount the past—even in a small locale—the story is large enough and involved enough that *all* the individuals and elements involved cannot be included. I have erred on the side of inclusivity where possible, but leaving out someone or something or some experience has been required for the sake of illuminating the larger shifts and themes. Most individual stories here are thus illustrative rather than the substance of the narrative itself. This study employs *liberalism* and *conservatism*, and *liberals* and *conservatives*, through the text, but only in the context of locally established power and social order, not the general American political uses with which most readers will be familiar.

Civil rights efforts of the 1960s were local facets of a perpetually unresolved struggle to define and redefine the fundamental nature of rights guaranteed under the U.S. Constitution. The Founding Fathers would probably have couched this discourse as the widely invoked but never-defined—and certainly never resolved—struggle for “liberty.” The arguments between John Locke’s and John Stuart Mill’s political philosophies were

only given a linguistic context, not definition, by the Constitution. Partly because there were no common definitions of liberty or of rights, our national history has unfolded around these issues. Far more than an argument about race or voting or segregation, the Haywood-Fayette story reflects a local struggle about deeply American principles. In fact, I have tried hard to avoid using the term *civil rights*, and never use *Civil Rights Movement*, partly because we do not often look beyond circumstances to the abstract ideals that civil rights efforts intended to remedy. I employ italics to alert readers to subtleties of meaning and interpretation: italicized words, beyond routine emphasis, are terms (words having a single meaning), separate from general usage.

I have tried to get around, under, or beyond the Great Triumvirate of U.S. social history—race, class, and gender—to peer at some of the conflicting ideas about how American society is created and expected to operate. With a nod to my father, a sociologist, I sense that there are assumptions and ideals that hardly qualify as ideas, yet shape the way we perceive and respond to those around us. In *The Southern Diaspora* James Gregory points out that those who fled the South became participants in shaping American culture and shared in community building. They did not merely react to it. He challenges scholars to get beyond motivations to understand consequences. I like to think I do so in this study.

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Abbreviations

CRC	Civil Rights Commission
CORE	Congress of Racial Equality
ERC	Emergency Relief Committee, Chicago CORE
FCCWL	Fayette County Civic and Welfare League
FCDEC	Fayette County Democratic Executive Committee
FHWC	Fayette-Haywood Work Camps Inc.
HCCWL	Haywood County Civic and Welfare League
SCEF	Southern Conference Educational Fund

Introduction

Equality of rights is the first of rights.¹

There is a monotony about the injustices suffered by the poor that perhaps accounts for the lack of interest the rest of society shows in them. They never win. It's just boring.²

A conflict over voting in two rural Tennessee counties attracted attention and intervention from organizations as diverse as the U.S. Department of Justice, activist groups from the Midwest, the national officers of NAACP, and local citizens who finally found sufficient strength in numbers to challenge the political status quo. That effort was countered by formal and informal means at the hands of individual county officials, the local elite of land and business owners, and an affiliate group of the Citizen's Council movement. The well-documented struggle over free access to the ballot, however, was only one facet of a deeper social shift and part of a much larger story of socioeconomic changes facing rural America in the mid twentieth century. These Tennessee counties constituted the northernmost and last outposts of "traditional" Southern plantation agriculture in the United States. The changes represent the a rural agrarian world forced into a post-agricultural capital economy. As small and localized as they were, above the quiet lines of determined would-be voters and an economic embargo looms a large, abstract, and very old Constitutional issue, a question which both the district and circuit courts faced repeatedly, and one which is at the core of the conflict: the fundamental tension about the nature of private or individual rights within a public or civic society.

¹ Undated note, Charles Sumner papers, Library of Congress Manuscripts Division.

² Dwight McDonald, "Our Invisible Poor," *New Yorker*, 1963 Jan 19.

Defining who exactly the Constitution meant by “We, the People of the United States . . .” has been one of the key issues in the nation’s unfolding history.

This study ties together the largely separate stories of activism and social change in Fayette County and Haywood County, Tennessee between 1958 and 1964. It dips a bucket into the tidal forces of postwar America, just at the point where the wave of modernization crested over this corner of the rural South. Retail chains were beginning to replace local stores, new cash crops shifted the investments needed to grow them, and the power of an elite was lessened as another group found new power in participation; but focusing only on political or economic change is not an adequate explanation for the conflict. It relates only that something happened, but not why. “No adequate assessment,” David Eltis reminded students of slavery, “can ignore the systems of beliefs with which the economic environment invariably interacts.”³ Thus it is that our swirling bucket, brimming with details of the Haywood-Fayette story, settles into loose sediments of discursive or thematic layers. Floating at the surface is the fluid, complex story of people of two rural counties engaged in an argument over voting rights during the 1960s. Beneath the surface floats a turbid layer of interaction and inquiry, the stated and unstated rules of *place* that facilitated interaction in a segregated society. At this level the study will look at the challenge that voting represented to the rigid partition socially imposed from above. Settled at the bottom, far beneath the immediate issues of cotton shacks and courthouse steps, floats an abstract layer of competing views about how American society should be constructed and who should participate.

³ David Eltis, *Economic Growth and the Ending of the Transatlantic Slave Trade* (New York: Oxford Univ. Press, 1987), 3.

Even knowing the sediments and their composition, there are parts of this story which, lacking first-hand sources, are historically irrecoverable. While many organizational records and interviews exist for both black citizens and outside activists, virtually no records of any sort exist to document the thinking of the few embattled moderates in either county. Even less, by design, exists for conservative white activists: no records meant no subpoenas. The handful of interviews gathered by FBI investigators and the accounts by black tenants relating interactions with their employers and businessmen provide some clues. Newspaper columns provide a few social reckoning points for attitudes, but little real action. Entirely absent is an important comparative benchmark: the experiences of the small number of white sharecroppers and tenants from both counties. Dependence relationships that existed for black tenants can only be assumed to apply (similarly, if not identically) to white tenants. There is no evidence to believe that they do, but there is no compelling reason to believe that they do not, either. Precisely how much weight class carried in agricultural tenancy compared to race, is, at this point, an open and unanswerable question.

My approach to the study has been shaped by my career as an archivist and librarian, one spent helping researchers with genealogy and local history in three very different states. I have come to feel strongly that local history is not merely local because life is not entirely local. Local history must draw in broader contexts for it to be relevant to those who did not live it, and so in this work I sample the layers in my bucket and address several ambitious themes. Where some dissertations explore a particular theme or perspective—whiteness, labor, or women, for example—I try to walk entirely around the overall story in the various chapters. Certainly it does not address all the possible

approaches to understanding this conflict, but at least touches on the major strains and influences involved. The first chapter sketches a broad outline for tidal forces originating well beyond the period and locales. Populational shifts, agricultural diversification, field mechanization, and the stresses of post-war rural modernization provide a socioeconomic backdrop of changes already affecting rural life in West Tennessee prior to 1958. The second chapter describes the collision between differing views of citizenship, introducing figures and events in the history of black sharecroppers; it describes their awakening to civic individualism and efforts to assert the rights and responsibilities of citizens. The third and fourth chapters lay out three broad opposing strategies that set the stage for chapter five, which discusses federal investigators and the legal structure involved in the assertion of political liberalism and the consolidation of rural conservatism. The sixth and seventh chapters discuss contributions of social activists that minimized immediate outmigration and provided ballast for a population cut from their dependent moorings to paternalism. An eighth chapter discusses the array of responses to black civic awakening within the white communities. The concluding chapter revisits changes in the economic setting and ties together broad themes woven through the work.

An overview of literature

As urban industrialism changed the national landscape, rural West Tennessee contributed its share of agricultural people to the large migrations out of the South and into streets and boroughs of cities in the West, Midwest, and Northeast. The outward trend accelerated during and after the Second World War. Many Tennessee newspapers ran a regular column of happenings among expatriates living in Detroit or Chicago. This study falls within the last stages of what has been called the “second great migration.”

Industry changed the face of America, but affected rural areas differently than the centers of urban concentration.⁴ This is not a labor-history study, but it seems clear that the labor arrangement of rural sharecropping involves different dynamics of expectations and power than the urban, union, and immigrant-dominated works illustrated by central works in the field.⁵

Differences between urban and rural settings may divide the civil rights experience more deeply than previously thought. Recent studies of the development and decline of liberal activism during the civil rights period describe movements that are essentially urban and middle class. Students for a Democratic Society and the larger New Left movement involved relatively privileged white college students.⁶ The panoply of black organizations such as the NAACP and Southern Christian Leadership Conference drew heavily on the business, education, and religious elites among black Americans.⁷

⁴ James N. Gregory, *The Southern Diaspora: How the Great Migrations of Black and White Southerners Transformed America* (Chapel Hill: Univ. of North Carolina Press, 2005). A counter argument about the nature of national population shift is presented in Luther J. Adams, "'Headed for Louisville:' Rethinking Rural to Urban Migration in the South, 1930–1950," *Journal of Social History* 40, no. 2 (Winter 2006): 407–430.

⁵ At least in Tennessee counties, gender, too, seems to be rolled up with this different form of labor than the urban/wage dynamic treated in works like David Roediger's twins, *The Wages of Whiteness: Race and the Making of the American Working Class* (New York: Verso, 1991) and *Working toward Whiteness: How America's Immigrants Became White* (New York: Basic Books, 2005); Thomas A. Guglielmo, *White on Arrival: Italians, Race, Color, and Power in Chicago, 1890–1945* (New York: Oxford Univ. Press, 2003); and/or Bruce Nelson, "Organized Labor and the Struggle for Black Equality in Memphis during World War II," *Journal of American History* 80 (1993 Dec): 952–988.

⁶ Douglas C. Rossinow, *The Politics of Authenticity: Liberalism, Christianity, and the New Left in America* (New York: Columbia Univ. Press, c1998); Kevin Mattson, *Intellectuals in Action: The Origins of the New Left and Radical Liberalism, 1945–1970* (University Park: Pennsylvania State Univ. Press, c2002); David Barber, *A Hard Rain Fell: SDS and Why It Failed* (Jackson: University Press of Mississippi, c2008).

⁷ Mark V. Tushnet, *The NAACP's Legal Strategy against Segregated Education, 1925–1950* (Chapel Hill: Univ. of North Carolina Press, 1987); Jack Greenberg, *Crusaders in the Courts: How a Dedicated Band of Lawyers Fought for the Civil Rights Revolution* (New York: BasicBooks, 1994). The premises of the legal action have been critiqued by Risa L. Goluboff, *The Lost Promise of Civil Rights* (Cambridge, Mass.: Harvard Univ. Press, 2007); Aldon D. Morris, *The Origins of the Civil Rights Movement: Black Communities Organizing for Change* (New York: Free Press, 1984). The work on King and SCLC is voluminous. Among the best are David J. Garrow, *Bearing the Cross: Martin Luther King Jr.*

Even the Student Nonviolent Coordinating Committee (SNCC) and Congress of Racial Equality (CORE), which are remembered for their hard work in rural areas, were rooted in and drew strength primarily from urban centers.⁸ Civil rights was an issue perhaps more real and immediate to the rural poor as to those in urban areas, and in its story study suggests how much richer the understanding of civil rights will be as it includes non-urban areas and figures that did not have a place in the national spotlight. The civil rights history of individual locales, especially in rural areas, has been less exhaustively studied. Notable exceptions are the Greensboro sit-ins⁹ and the local-level actions in other Southern states.¹⁰ Even these are large-scale studies. Small-scale, truly local studies are comparatively less common.¹¹ One such story was the Memphis sanitation workers' strike from February to April 1968, a conflict over administrative recognition and civic

and the Southern Christian Leadership Conference (New York: William Morrow, 1986); Thomas R. Peake, *Keeping the Dream Alive: A History of the Southern Christian Leadership Conference from King to the 1980s* (New York: P. Lang, 1987); Adam Fairclough, *To Redeem the Soul of America: The Southern Christian Leadership Conference and Martin Luther King Jr.* (Athens: Univ. of Georgia Press, 1987).

⁸ Clayborne Carson, *In Struggle: SNCC and the Black Awakening of the 1960s* (Cambridge, Mass.: Harvard Univ. Press, 1981); August Meier and Elliott Rudwick, *CORE: A Study in the Civil Rights Movement, 1942–1968* (New York: Oxford Univ. Press, 1973).

⁹ Miles Wolff, *Lunch at the Five and Ten: The Greensboro Sit-ins, a Contemporary History* (New York: Stein and Day, [1970]); William Chaffee, *Civilities and Civil Rights: Greensboro, North Carolina and the Black Struggle for Freedom* (New York: Oxford Univ. Press, 1980); Carole Boston Weatherford, *Freedom on the Menu: The Greensboro Sit-ins* (New York: Puffin, 2007).

¹⁰ Payne, *I've Got the Light of Freedom*; John Dittmer, *Local People: The Struggle for Civil Rights in Mississippi* (Urbana: Univ. of Illinois Press, c1994); Emilye Crosby, *A Little Taste of Freedom: The Black Freedom Struggle in Claiborne County, Mississippi* (Chapel Hill: Univ. of North Carolina Press, 2005); Glenn T. Eskew, *But for Birmingham: The Local and National Movements in the Civil Rights Struggle* (Chapel Hill: Univ. of North Carolina Press, 1997).

¹¹ But certainly not unknown; the literature is growing. *Groundwork: Local Black Freedom Movements In America*, ed. Jeanne Theoharis and Komozi Woodard (New York: New York University, 2005); J. Todd Moyer, *Let the People Decide: Black Freedom and White Resistance Movements in Sunflower County, Mississippi* (Chapel Hill: Univ. of North Carolina Press, 2004); Crosby, *A Little Taste of Freedom*; Jill Ogline Titus, *Brown's Battleground: Students, Segregationists, and the Struggle for Justice in Prince Edward County, Virginia* (Chapel Hill: Univ. of North Carolina Press, 2011); Lance Hill, *Deacons for Defense: Armed Resistance and the Civil Rights Movement* (Chapel Hill: Univ. of North Carolina Press, 2004); Charles McKinney, *Greater Freedom: The Struggle for Black Educational and Political Equality in Wilson, North Carolina, 1941–1953* (Lanham, Md.: University Press of America, 2010).

paternalism grounded in segregated labor practices, which began locally but quickly drew the attention of national figures and organizations and came to a crescendo in the murder of Dr. Martin Luther King Jr. Its various facets continue to be studied at length.¹²

Struggles like the Sanitation Strike attract attention because they successfully translate into symbols of a larger reality or effort. In the glare of scholarship on urban Memphis, save for a few newspaper articles the rest of rural West Tennessee largely has escaped scholarly notice. A web of personal narratives dealing with the Fayette County facet of the rural-Tennessee story is provided in the classic collection of oral histories titled *Our Portion of Hell*. Haywood has been most effectively addressed by Richard Couto in his book *Lifting the Veil*.¹³ Each of these provides sound historical summaries. This study probes the settings, specific circumstances, and ideas fueling those who pushed rights efforts, and pushed against them. Scholarship of the past few decades which has touched West Tennessee has focused on race and class as platforms for social action and reaction, but the movement was understood by its first generation of scholars as, at its heart, an argument over the nature of national citizenship.¹⁴ Justice Department

¹² In the interest of space I mention only select recent works, including Laurie B. Green, *Battling the Plantation Mentality: Memphis and the Black Freedom Struggle* (Chapel Hill: Univ. of North Carolina Press, 2007), which ties events to Memphis, where many families fled after being evicted; Michael K. Honey, *Southern Labor and Black Civil Rights: Organizing Memphis Workers* (Urbana: Univ. of Illinois Press, 1993); Michael K. Honey, *Going Down Jericho Road: The Memphis Strike, Martin Luther King's Last Campaign* (New York: W. W. Norton & Co., 2007).

¹³ *Our Portion of Hell, Fayette County, Tennessee: An Oral history of the Struggle for Civil Rights*, ed. Robert Hamburger (New York: Links Books, 1973); Linda T. Wynn, "Toward a Perfect Democracy: The Struggle of African Americans in Fayette County, Tennessee to Fulfill the Unfulfilled right of the Franchise," *Tennessee Historical Quarterly* 55, no. 3 (1996): 202–223; Richard A. Couto, *Lifting the Veil: A Political History of Struggles for Emancipation* (Knoxville: Univ. of Tennessee Press, 1993). A new collection of oral histories, compiled by a daughter of activists John and Viola McFerren, will enrich later studies.

¹⁴ The major study of voting rights is Steven F. Lawson, *Black Ballots: Voting Rights in the South, 1944–1969* (New York: Columbia Univ. Press, 1976) and his succeeding volume, *In Pursuit of Power: Southern Blacks and Electoral Politics, 1965–1982* (New York: Columbia Univ. Press, 1985). Jack Bass, *The Transformation of Southern Politics: Social Change and Political Consequences since 1945* (New

efforts in West Tennessee represented one of the first steps toward that goal. Partly because Fayette County's half of the story gained better press, it became clear early on that the voting rights story represented a historic turning point in the exercise of American voting rights. Burton Joel Arhens's anonymously authored study of the federal actions and missteps in West Tennessee was written and published almost before the situation was resolved, and within a short time others joined the discussion.¹⁵ In the process, scholars and writers quickly perceived that the civil rights movement was a collision between deeply held perceptions of American rights, even as it became clear that the Civil Rights Act of 1957 was too limited to address the scale of the entrenched problem.¹⁶

York: Basic Books, 1976). As Price's report noted, Tennesseans wrestled over segregation but most of the state did not experience voting conflicts; Bobby L. Lovett, *The Civil Rights Movement in Tennessee: A Narrative History* (Knoxville: Univ. of Tennessee Press, 2005) is important for the broader temporal context. The origins of the civil rights "movement" have been stretched by Harvard Sitkoff, *A New Deal for Blacks: The Emergence of Civil Rights as a National Issue*. 2v. (New York: Oxford Univ. Press, 1978); Robert Frederick Burk, *The Eisenhower Administration and Black Civil Rights* (Knoxville: Univ. of Tennessee Press, 1984); Ward, *Defending Democracy*; David A. Nichols, *A Matter of Justice: Eisenhower and the Beginning of the Civil Rights Revolution* (New York: Simon & Schuster, 2007); Burke Marshall, *Federalism and Civil Rights* (New York: Columbia Univ. Press, 1964);

¹⁵ "Private Economic Coercion and the Civil Rights Act of 1957," *Yale Law Journal* 71, no. 3 (1962 Jan): 537–550; Burke Marshall, "Federal Protection of Negro Voting Rights," *Law and Contemporary Politics* 27, no. 3, The Electoral Process, part 2 (Summer 1962): 455–467. Challenges between liberalism and conservatism in the context of Tennessee specifically are treated in Normal L. Parks, "Tennessee Politics since Kefauver and Reese: A 'Generalist' View," *Journal of Politics* 28, no. 1 (1966 Feb): 144–168; Harry Holloway, "Fayette County, Tennessee: The Quest for a Negro Majority," chapter 4 of *The Politics of the Southern Negro: From Exclusion to Big City Organization* (New York: Random House, 1969). Will Sarvis noted the importance of legal involvement in local action and makes introductory comments that relate directly to West Tennessee. Will Sarvis, "Leaders in the Court and Community: Z. Alexander Looby, Avon N. Williams Jr., and the Legal Fight for Civil Rights in Tennessee, 1940–1970," *Journal of African American History* 88, no. 1 (Winter 2003): 42–58. John Doar provided a first-hand reminiscence in "Work of the Civil Rights Division," 1–14, but focuses on better-known efforts in Mississippi and Alabama.

¹⁶ "Federal Legislation to Safeguard Voting Rights: The Civil Rights Act of 1960," *Virginia Law Review* 46, no. 5 (June 1960): 945–975. Though it provided the first voting rights case filed under the statute, Tennessee was completely ignored in "Federal Protection of Negro Voting Rights," *Virginia Law Review* 56, no. 6 (1965 Oct): 1051–1213. Donald B. King and Charles W. Quick, *Legal Aspects of the Civil Rights Movement* (Detroit: Wayne State Univ. Press, 1965); Allan Lichtman, "Federal Assault on Voting Rights Discrimination in the Deep South, 1957–1967," *Journal of Negro History* 54, no. 4 (1969 Oct): 346–367.

This study takes a consciously broad view of the topic, addressing the perspectives of as many sides in the conflict as possible, and involving those who both pushed for civil rights and pushed against them. Kate Sampsell-Willmann notes that few scholars “have considered integrating unfettered economic participation as an essential element of full citizenship into the primary civil rights thesis.”¹⁷ That function was a fundamental reality in this struggle. The voting rights efforts cannot be meaningfully separated from the economic setting of labor and ownership, and neither can escape the changes of technology. This is more than a Civil Rights story, or a labor story, or a race/segregation story. It is hopefully a window into the complexity of life at a time and place.

The existing historiography on this story focuses on the actions of local figures, tending to overlook the contributions and activities that came into the communities from beyond the counties. It omits entirely the ideas and concerns of white community members. Robert Hamburger's oral history collection, *Our Portion of Hell*, compiled in 1971 and released a few years later, is particularly important. The book preserves important records of the Fayette County efforts. At the same time, it shaped the direction of future discussion by asking participants to describe *personal* actions in their interviews. The record of county activists thus naturally emphasized local participation while unintentionally putting into the background the contributions by non-resident supporters and outside organizations. Since *Our Portion of Hell* is at the foundation of later studies, the role of external organizations and individuals has been substantially

¹⁷ “Image and Labor in a Longer, Broader Civil Rights Movement,” *Reviews in American History* 40 (2012): 492.

overlooked.¹⁸ One notable exception has receded into anonymity; *Step By Step*, published by the Cornell-Tomkins activists, reports the experiences of an activist-driven voter-registration drive prior to the 1964 primary and general elections.

Given this traditionally local approach it is unsurprising that scholarship has treated the subject similarly. The first substantive secondary consideration of the west Tennessee conflict appeared in *The Politics of the Southern Negro*, written less than a decade after the legal questions were resolved but while the civil rights struggles in both counties were still being fought daily. It still provides one of the most accurate assessments of the situation. Richard A. Couto's *Lifting the Veil* provides an excellent examination of the Haywood County actions in the much longer but strictly local context of the community. His section covering 1959–1963 is drawn primarily from personal interviews and National Association for the Advancement of Colored Persons (NAACP) records. But while the NAACP had a larger, yet still limited presence in Haywood, it was purposefully kept corralled in Fayette. Perhaps the most comprehensive historical examination generated thus far is Linda Wynn's article "Toward a Perfect Democracy." She draws in the national context more effectively than earlier work but addresses primarily the Fayette County side of the events, and chiefly those involving Tent City. Other scholars have presented works on topics that intersect the Fayette/Haywood civil rights story, but if mentioned at all in the secondary literature the civil rights efforts in rural west Tennessee are portrayed as a summary footnote.¹⁹

¹⁸ This observation is no intended slight to the book's importance. *Our Portion of Hell, Fayette County, Tennessee: An Oral History of the Struggle for Civil Rights*, ed. Robert Hamburger (New York: Links, 1973). The original interview recordings are in the collection of the Schomburg Center, New York Public Library.

¹⁹ Richard A. Couto, *Lifting the Veil: A Political History of Struggles for Emancipation* (Knoxville, TN: University of Tennessee Press, 1984); Linda T. Wynn, "Toward a Perfect Democracy: The Struggle of

Southern white conservatism has become an important topic in academic circles over the past decade.²⁰ Grace Hale argues that one key to understanding white backlash to the civil rights movement is as deep as the Civil War itself. Where once slaves held no inherent standing in society, civic identity was specifically defined for them in the larger public sphere by law. The status of being owned—or of merely being *capable* of being owned—set antebellum blacks beyond meaningful civic *or* social participation. The Confederacy’s presumptions had been discredited by the Emancipation Proclamation, and ostensibly buried with finality by the Fourteenth and Fifteenth Amendments. Reconstruction attempted to reconnect Confederate states with the Union while replacing the racially exclusive political participation with an inclusive one, but the whole conflict and its aftermath left a fundamental question effectively unresolved: “what would citizenship mean in a world without slaves?”²¹ In sociological rather than political terms her question might be rephrased: “how would American civil society be constructed in a world where former slaves were now defined as citizens?” In the 1870s federal appointee, social observer, and novelist Albion Tourgée generalized the post-war position of Southern whites toward their former slaves: “We have no ill will towards the colored

African Americans in Fayette County, Tennessee to Fulfill the Unfulfilled Right of the Franchise," *Tennessee Historical Quarterly* 55, no. 3 (1996): 202–223, reprinted in slightly revised version under the same title in *Trial and Triumph: Essays in Tennessee's African American History*, ed. Carroll Van West (Knoxville, TN: University of Tennessee Press, 2002), 390–419; Cynthia A. Bond Hopson, *Times of Challenge and Controversy; Voter Registration in Haywood County 1960–61: A Content Analysis of Local, Regional, and National Newspaper Coverage* (Lanham, Md.: University Press of America, 2005). Most tangential works are cited elsewhere.

²⁰ Jason Sokol, *There Goes My Everything: White Southerners in the Age of Civil Rights, 1945–1975* (New York: Alfred A. Knopf, 2006); Jason Morgan Ward, *Defending White Democracy: The Making of a Segregationist Movement & the Remaking of Racial Politics, 1936–1965* (Chapel Hill: Univ. of North Carolina Press, 2011); David L. Chappell, *Inside Agitators: White Southerners in the Civil Rights Movement* (Baltimore: Johns Hopkins Univ. Press, 1994).

²¹ Grace Elizabeth Hale, *Making Whiteness: The Culture of Segregation in the South, 1890–1940* (New York: Vintage, 1998), 5.

man as such and in his place; but he is not our equal, can not be made our equal, and we will not be ruled by him, or admit him as a coordinate with the white race in power.”²²

The roots of the South’s conservative, exclusionary public are clear. A hundred years later little had changed.

Both sides of the voting-rights conflict in Fayette and Haywood counties had to strip away several hard layers of built-up tradition to arrive at a common understanding of citizenship and of a citizen’s privilege to participate in the civic sphere as an individual. That process only began during the period this study addresses.

Reconstruction had scrubbed away the overt, top layer of *de jure* limits that usually proscribed what whites could do and blacks could not. Redemption, however, laid down grimy new layers of cultural expectations and informal boundaries defining *place* relative to each other in terms of both race *and* class. Scholars often refer to the twentieth century’s post–Reconstruction world as *segregation*. In the mid 1950s, segregation was admirably defined by C. Vann Woodward as:

an interlocking system of economic institutions, social practices and customs, political power, law, and ideology, all of which function as both a means and ends in one group’s efforts to keep another (or others) in their place within a society that is actually becoming unified [T]he crux of segregation is the monopoly by the dominant group over the political institutions of the state.”²³

Woodward did not limit segregation only to color-defined or economically defined majority populations. The key word is *dominance*. Woodward’s definition provides an

²² Albion W. Tourgée, *A Fool’s Errand* (New York: Fords, Howard & Hulbert, 1879), 121–122. This remarkable and generally overlooked novel is a careful, astute assessment of opposing post-war sociopolitical ideas. The extract is from an in-text, parallel-column presentation of “The Southern Idea of the Situation,” “The Southern Idea of the Northern Idea,” and the Northern analogs.

²³ C. Vann Woodward, *The Strange Career of Jim Crow* (New York: Oxford Univ. Press, 1974), 19. Notice that Woodward names *dominant* rather than *majority* group in his definition.

excellent structure for exploring why voting was such a threat in Tennessee's two black-majority counties. Segregation, as Woodward defined it, described external, imposed factors. Recent scholarship involving the "civil rights era" (1940–1968) has begun to examine other strata of sociology and psychology that reinforced relationships from within, layered beneath segregation. Laurie Green invokes *plantation mentality* against *freedom*, both terms used in the 1960s. "Their use of the term imbued the idea of freedom with complex and historically specific meanings, which involved dismantling racist practices that influenced everyday life and rejecting racial identities that associated blackness with servitude and even inhumanity." The "plantation mentality" which concerns Green was built upon the expectations and attitudes shaping an individual's work and personal relationships across the color line. Her term is qualitatively similar to my use of "dependence/paternalism."

Jason Ward points out that to Southern whites, *defending democracy* "referred simultaneously to a racial worldview and a political order. They considered black disfranchisement and segregation essential to maintaining a society governed by and for whites."²⁴ Ward is correct, but there is a deeper current that scholars seem to have overlooked thus far: the nature of the American *public* itself. "Defending democracy" was a claim of exclusive ownership to the *public*. In another time, but just as truthfully, novelist John Steinbeck reminded readers of *The Grapes of Wrath* that "The quality of owning freezes you forever into 'I,' and cuts you off forever from the 'we.'"²⁵ To Steinbeck, that *we* was inclusive. A generation later West Tennessee's local black activists

²⁴ Ward, *Defending White Democracy*, 2.

²⁵ John Steinbeck, *The Grapes of Wrath* (1939; New York: Penguin, 1976), 165–166.

and their white supporters agreed. This study uses a small corner of rural America to look at a collision between differing concepts about the nature of American civic society.

It could be argued that the Southern Redeemer governments acted boldly and openly to reject the colorblind participatory political liberalism mandated by Reconstruction. They reconfigured antebellum structures of power and control over rural black populations, first using economic power (control of personal debt) and then using Jim Crow laws to reinstitute *de jure* separation between the privileged and unprivileged. Only those with privilege were defined as “American society.”²⁶ Since the civic body could not include those who were unfit for public service, participation in civic life was limited to members of the strata who were. Membership to that social stratus was only on individual merit *and* the agreement of other members; the adoption of poll taxes disenfranchised poor whites equally effectively as former slaves. *Laissez faire* policies and traditions (economic liberalism), set in place at the state level during Redemption, gave real-property owners unchallenged domination of the working poor and lent them effective control of local economics.²⁷ Eventually the “old-boy network” connected workers, landowners, local and state officials in intersecting but not overlapping circles of rights and obligations. At its roots, Southern society became a collection of color-denominated, individual fealties and obligations that could always be dominated by individuals with the most power, greatest resources, or best personal connexions. Across

²⁶ Ivan Evans, *Cultures of Violence: Racial Violence and the Origins of Segregation in South Africa and the American South* (Manchester, England: Univ. of Manchester Press, 2009), 123–153.

²⁷ Joseph H. Cartwright, *The Triumph of Jim Crow: Tennessee's Race Relations in the 1880s* (Knoxville: Univ. of Tennessee Press, 1976); Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863–1877* (NY: Harper & Row, 1988). The most egregious example of this was convict-labor leasing, a widespread practice in the Deep South where county officials simply rounded up unattached young black men, imprisoned them for long terms on petty (and often false) charges, and then leased them to corporations as disposable labor. Douglas A. Blackmon, *Slavery by Another Name: The Re-enslavement of Black Americans from the Civil War to World War II* (New York: Doubleday, 2008).

a century the South refined the system through not only law, but custom, education, and expectation. It was woven into the very fiber of society's being.

* * *

This is not a simple story of heroic black activism in the face of hard-eyed white repression. Life is not simple. It is a fact, however, that by the early 1960s human field labor had outlived its technological and economic usefulness. In a dispassionate, historical context, a drastic social change in these two counties was inevitable; neither county could have a modern existence on the terms (and in the conditions) inherited from its past, no matter how jealously guarded. But if the change encroaching on Haywood and Fayette counties was inevitable, the terms of the confrontation over change was not. Relating the nature and process of what changes did happen and how people on both sides chose to respond to that change is the matter of this story.

Yet, we must never lose sight of the point that accounting our past by merely telling of broad sweeps of change and development is partially dehumanizing. Individuals act in intensely personal and often conflicting and inconsistent ways. In individual human terms, the change crashing over Haywood and Fayette counties was frightening: painful, unsettling, and motivated often by the callous self-interest of the powerful and merely imposed on others. There are many mistakes and few genuine heroes here. Mostly we have real people struggling to choose hastily between quickly receding options, choices that they may not understand fully and probably don't like.

Human history is organic, a vine with roots in the deep, layered soil of experience and with tendrils that unfold messily long beyond today and tomorrow. Historical studies, however, are an arrangement of cut flowers. An historian must choose between

blossoming circumstances, decide when and where to snip, and arrange the bouquet. These struggles did not spring whole and unbidden from the cotton fields of West Tennessee and did not pass from the scene without seeding future challenges. In the interest of space (and time—mine) I aspire to relate chiefly the elements of this story relating directly to voting rights and its direct aftermath. I must leave out any careful treatment of events which set the stage, including the 1940 attempt to lynch Burton Dodson in Fayette County, and the grimly effective repression in Haywood County that culminated in Elbert Williams' lynching in 1941. Both harrowed the ground out of which the events of this study grew.

This study addresses only the first third of the overall social conflict that in these two counties made up the entire decade of the 1960s. I leave for later effort examination of the tension and activism surrounding the school desegregation conflicts of the mid and late 1960s, and the fight for socioeconomic development and fair housing practices of the 1970s. Both efforts involved virtually the same characters on both sides and in both counties. Even within the limited scope of the voting rights story I must necessarily not treat the West Tennessee Voter Project, which was active in Tipton and Hardeman counties as well as Fayette and Haywood in 1965–66, and only treat lightly the Fayette Haywood Work Camps. Both merit separate study. The related and sometimes connected stories in Hardeman, Tipton, and Lauderdale counties remain to be told. There are also some striking differences between the counties' experiences that I cannot yet answer. For instance, the academy movement succeeded in Fayette but failed to gain traction in Haywood. The Ku Klux Klan succeeded (temporarily) in Haywood but not in Fayette at all, whereas the Citizens' Council succeeded in Fayette but not in Haywood. I would like

to know why. I must also leave women's experience and resistance to dependence and segregation to be explored by other scholars.

Voter registration was the straw that broke the local socioeconomic camel's back: in this rigidly stratified society, social structure and economics were inextricable. The push for civic involvement arose at the moment when traditional plantation agriculture gave way to modern power technology. There was no reason to retain large rural concentrations of a working underclass—particularly a civically active underclass. The hordes of cheap laborers that had been key assets prior to 1958, “suddenly became” a social, economic, and political problem that whites first wished, then expected, to go away. For local elites, the problem was worsened by legislative and judicial liberalism, particularly the aftermath of the *Baker v. Carr* case, which was settled by the Supreme Court in 1962 but did not really affect local politics until a mandated redistricting and reapportionment in 1964 and falls beyond the scope of this study.

At its heart, this study treats opposing interpretations of American society: the civic *public* as exclusive *v.* inclusive social space. The great contribution made by the Supreme Court under Chief Justice Earl Warren was to conclude that national citizenship was not exclusive, tiered, or stratified: a citizen was a citizen irrespective of color or local conventions. Federal power denied white Tennesseans in these counties the ability to enforce their traditional mores, while insisting the American *public* included minorities and members of the economic underclass. Here is how it happened in West Tennessee.

Chapter 1

Local Society and Economics Prior to 1958:

The Setting

The main economic problem confronting southern farmers for three generations after 1865 was an excess of rural population in relation to developed land resources.¹

The entire economy of the cotton section has changed or is faced with a change.²

On 12 July 1958, thirty-three year old schoolteacher Currie Boyd sat down and typed out a succinct four paragraph letter—a request, really. Boyd held a masters’ degree in education from Ohio State University. He had eleven years teaching experience to his credit. He owned and worked the small family farm. Two months earlier he had moved sixty miles home from Decaturville, Tennessee, to Stanton, in the far southwest corner of Haywood County, where his mother was retiring from her school-teaching position. On the strength of a verbal agreement with county school superintendent Joe Naylor, Boyd would take her place at one of the community’s two schools. On a return trip to wrap up business in Decaturville in late June, the county registrar had reminded him to change his voter registration from Decatur County to Haywood County to reflect his new residence. State elections were scheduled for early August.

In the first week of July, just before registration closed prior to the county primary election, Boyd drove the dozen miles from Stanton into Brownsville and climbed to the top floor of the courthouse. He handed his Decatur County voter registration card to Virginia Farrow. She held dual appointments as clerk for the county Employment Office

¹ Gilbert. C. Fite, *Cotton Fields No More: Southern Agriculture, 1865–1980* (Frankfort: University Press of Kentucky, 1984), xii.

² “New Tenure Arrangements Offer Possibilities In Area,” *Fayette Falcon*, 1958 Jul 31.

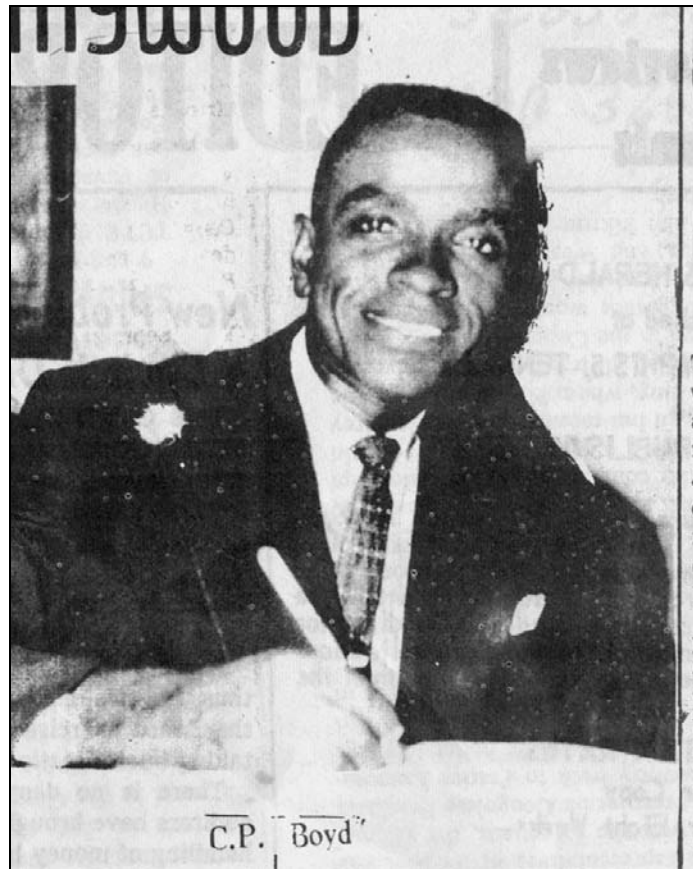


Figure 1.1 Currie P. Boyd, 1960.³

and for the Haywood County Election Commission. Boyd asked if she would please enter his name on the Haywood County voting records. She stared at the card in her hand quietly for a moment before handing it back with an apology, suggesting he speak with sheriff “Tip” Hunter or to the clerk of the county court. Puzzled, Boyd walked across the street to the office of Haywood County court clerk J. R. Moore. A deputy sheriff was lounging against a desk. Boyd stalled with small talk until the deputy left the office. When he was able to talk with Moore without other intrusive ears, he explained that he had been referred by the voter registration clerk and handed Moore his voter registration

³ *Times-Herald*, [1960 Sep 22], clipping in OFCCLW records.

card. Moore looked at it silently for a few moments. “Currie,” he said handing it to Boyd, “you’d better take this back to Decatur County. We’ve never registered any here.”⁴

Any? Any what? In the historical and social context of Brownsville, Tennessee in 1958 the implication was straightforward. Nothing needed to be stated to be clearly understood. Boyd was turned away because he was black. In the next few weeks he made the same request and was deflected by not only Moore, but also the Haywood County voting registrar himself, the chairman of the county election commission, two election commission members, and several other county officials. Boyd not only failed to complete the registration before registration closed, but within a week of his visit to the courthouse he was fired from his teaching position in county schools. Currie Boyd’s letter to the U.S. Department of Justice, written shortly before his employment was terminated, ended not with a complaint but with a request for information: “Will you be so kind as to inform me as to what steps I should take so that I may vote?”⁵ He never did get a satisfactory response—not from the Justice Department, certainly not from county officials. Within two months of his letter the voting registrar surrendered her position, the election commission members had resigned, and state-appointed replacements had refused to serve. A year later Boyd was still waiting for an answer.

⁴ Couto, *Lifting the Veil*, 189–193, quoting an unspecified Boyd interview; Volunteer Civil Rights Commission hearings, 1960 Jan 31, *Congressional Record*, 1960 Feb 8, p. 2079–2080.

⁵ Currie P. Boyd to Civil Rights Section, 1958 July 12, case 166-72-2, file section 2, Class 166 Litigation case files, Dept. of Justice Civil Rights Division records, RG 60, National Archives. Boxes 130–133 contain the investigation records for this case and case 166-72-1, both relating to voting rights and economic repression issues in Haywood and adjacent Fayette County. The material was collected by the Justice Dept. from material transmitted selectively by the Federal Bureau of Investigation (FBI) between 1958 and 1964. Hereafter individual documents are cited individually by file section number and “DoJ records.” In one report in the file Boyd’s age is stated as 23, which is certainly an error, as he was born in 1926.

In both counties, voting was tied up with race, race was linked with labor, labor arrangements existed for cotton, and cotton was everything. To understand why a civic duty represented a social and economic issue in these counties, one has to understand the setting in these counties and changes already stirring within their cotton economies.

Cotton and society

“Cotton is king,” crowed James Henry Hammond on the floor of the U.S. Senate in 1858.⁶ Cotton cultivation rescued the South from national irrelevance as elsewhere the steamy breath of the Industrial Revolution cranked up its steely muscle. Short-staple cotton, a row crop, requires a much different production effort than field crops like cereal grains. Cotton cultivated without modern fertilizers, herbicides, defoliant, or machinery remains heavily labor intensive throughout the growing season. To produce cotton on a large scale requires large numbers of farmhands as a power source. Working alone with basic horse- or mule-drawn equipment, a single farm worker could conceivably plow, sow, and harvest eighty acres of wheat in a season. Similarly equipped, the same hand could profitably tend and harvest no more than about ten acres of cotton, and usually less—but at an income parity.⁷

During the early years of settlement, though the opportunity of Tennessee’s inexpensive open land (usually) allowed poor men to become comfortable in self sufficiency, it was the rich men, those who arrived with resources to invest beyond their

⁶ *Selections from the Letters and Speeches of the Hon. James H. Hammond, of South Carolina* (New York: John F. Trow & Co., 1866), 311–322. Hammond was invoking an earlier work: *An American [David Christy], Cotton is King; or, The Culture of Cotton and its Relation to Agriculture, Manufactures, and Commerce to the Free Colored People, and to Those Who Hold That Slavery Is In Itself Sinful* (Cincinnati: Moore, Wilsatch, Keys, 1855).

⁷ No hard figures exist for this comparison. I make it based on informal comments made by former sharecroppers with whom I have spoken and a rough average of the land allotments in both Fayette and Haywood counties.

own labor, who became richer. Based on the soil and the crops it could support, one institution replicated quickly by settlers was plantation agriculture and the chief source of power that worked it—slaves. Virtually no African slaves worked Tennessee fields. Tennessee's slave population was assembled from the domestic American slave trade, which transferred excess laboring population from the declining farms of the seaboard states to new opportunities inland, and still later from the American interior to Texas. The intensive-labor demand for cotton cropping was responsible for the high concentration of black slaves in the state's southwestern counties and slavery's relative absence elsewhere across the region. Labor-intensive cotton agriculture, supplying mills of the early decades of the Industrial Revolution, had fueled the United States' westward expansion and killed Thomas Jefferson's hope that slavery could be dispersed quietly out of existence without conflict or effort in the original seaboard states. The high price of cotton in the international market and the estimated value of cotton exports were the fiscal support on which the Confederacy staked its hopes for dissolving the Union when its elected representatives could no longer dominate national politics.

As shown in Table 1.1a, the United States population census reveals that as early as 1830, over a third of Haywood County's population consisted of individuals who could not have chosen to settle in the county on their own. Table 1.1b, showing the same decennial counts for Fayette County, reveals even higher real numbers and percentages. On the cusp of the Civil War, both counties had populations that were nearly two-thirds enslaved. More than other West Tennessee counties, Haywood and Fayette faced directly two uncomfortable issues that the Civil War failed to resolve: what labor system would replace plantation slavery? What were freedmen's rights? The programs to serve former

Table 1.1 Racial demographics from settlement to the civil rights period, by selected decades.⁸

a. Haywood County

Census	white popl.	%	black popl.	%
1830	3,505	65.71%	1,829	34.29%
1860	8,165	42.46%	11,067	57.54%
1890	7,989	33.91%	15,569	66.09%
1920	8,467	33.30%	16,959	66.70%
1930	8,836	33.90%	17,227	66.10%
1940	10,133	36.58%	17,566	63.42%
1950	9,989	38.11%	16,220	61.89%
1960	9,055	38.71%	14,336	61.29%

b. Fayette County.

Census	white popl.	%	black popl.	%
1830	5,474	59.55%	3,718	40.45%
1860	8,826	36.28%	15,501	63.72%
1890	8,386	27.89%	21,682	72.11%
1920	7,972	25.31%	23,526	74.69%
1930	7,796	26.98%	21,095	73.02%
1940	8,343	27.52%	21,977	72.48%
1950	8,090	29.39%	19,440	70.61%
1960	7,646	31.12%	16,927	68.88%

slaves, such as the Freedman’s Bureau, rested on the presumption that they desired and would be afforded a citizen’s economic existence, with access to land, credit, and civil participation, in addition to the value of their personal labor.⁹

⁸ Richard L. Saunders, “The Racial Demographics of West Tennessee: An Essay Based on U.S. Census Data, 1830–2000,” *West Tennessee Historical Society Papers* 60 (2007): 122–153. The tabular dataset is available at <http://scholarship.utm.edu/64>. Comparing crop-yield figures to slavery suggests that at least in Tennessee the “peculiar institution” corresponds directly to cotton cultivation and no other crop or industry, including tobacco. Unpublished study by the author, 2009.

Even after the conclusion of the war in 1865 and the ability to move ostensibly at will during and after Reconstruction, the concentrations of blacks in these two counties not only maintained pre-war levels, but they actually increased significantly as sharecropping was adopted to replace plantation agriculture and extend the economic power of white landowners. Replacing personal slavery with personal debt, black farm laborers remained essentially immobile, both geographically and socially in terms of class. When Jim Crow laws of the state's Redeemer government disenfranchised the new citizens, they became effectively unable to "vote with their feet" and escape their situation, either.¹⁰ As a result, black concentrations consistently remained exceptionally high well throughout the twentieth century. Figure 1.2 shows a graphic representation of population across the state from the 1920 census and illustrates a key point that sets these two counties apart from the rest of the state: Haywood and Fayette counties are the only counties to ever have minority white populations at any point in their history.

The center of national cotton production had shifted to Texas and California by 1900. Cotton culture in the Deep South and Midsouth still dominated many local economies. The Cotton Exchange in Memphis remained the key spot market for cotton brokers in 1960, but by then Tennessee's total cotton production, concentrated in the core of cotton counties around Memphis, amounted to about three-quarters of a million bales. During the same year Texas alone produced 4.4 million. Excluding Louisiana and Arkansas, four

⁹ *Reconstructions: New Perspectives on the Postbellum United States*, ed. Thomas J. Brown (New York: Oxford Univ. Press, 2006).

¹⁰ My use of *tenancy* includes both sharecroppers and renters. Debt kept the former in place to continue staffing Southern agriculture. To walk away from it was Ronald Reagan's solution to local poverty more than a century later. Lawrence I. Barrett, "The White House Sensitivity Gap," *Time*, 1982 Feb 1. The phrase is ascribed to economist Charles Tiebout.

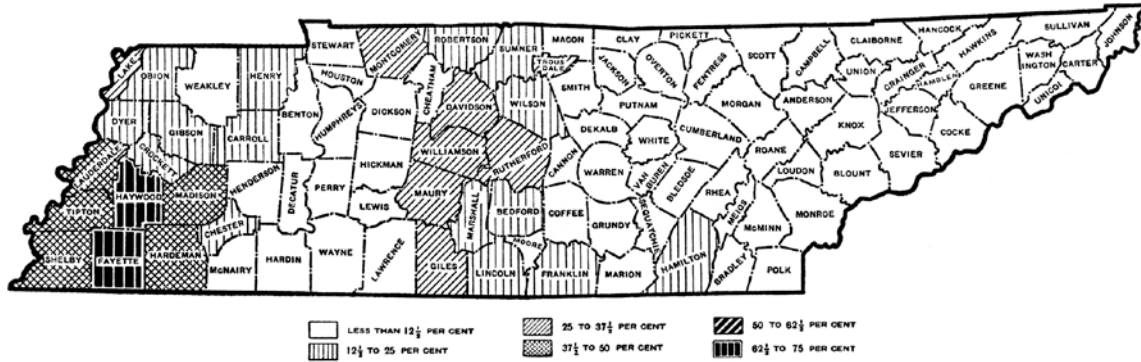


Figure 1.2 “Per Cent of Negroes in Total Population, by [Tennessee] Counties: 1920.”¹¹

transmississippi Western states (Texas, California, Oklahoma, New Mexico) out-produced the rest of the thirteen Old South states combined.¹²

The tabular census data for these two counties also reflects the larger shifts in the national population at the same period. The declining black population in each county following the First World War, mirrors the movement of blacks out of the rural South for wage work in regional urban centers such as Memphis, Nashville, and St. Louis, and to national magnets like Chicago and Detroit; by the Second World War, that movement found new destinations on the urban West Coast. But whites, too, were leaving at approximately an equal rate. This trend squares with the much larger exodus James N. Gregory describes in his recent summary of the “Southern diaspora” of the twentieth century. The numbers for these two Tennessee counties confirm Gregory’s assertion that there was not one “great migration,” but rather two; the northward and westward Great Migration of 1914–1918 was one facet of a much larger pattern that was less racial than it

¹¹ US Bureau of Census, *Fourteenth Census of the United States, Population 1920*, v.3 Composition and characteristics of the population by states (Washington, D.C.: GPO, 1922), 960.

¹² US Bureau of Census, *Cotton Production and Distribution: Year Ending July 31 1961*, Bulletin 198 (Washington, D. C.: US Dept. of Commerce, 1961), 8. This figure was for ginned rather than running (unginned) bales.

was socioeconomic. In the case of these two rural counties, whites and blacks were *both* leaving their corner of West Tennessee. Haywood County and Fayette County, Tennessee represent the supply side of the rural-urban migration which had begun nationally in the opening years of the Industrial Revolution, had accelerated after the Civil War, and finally reached into the previously stable corners of American South after both the First and Second World Wars.¹³

Despite the declines, both Haywood and Fayette Counties retained large and stable black laboring populations that remained tied to manual and animal-powered cotton cultivation for more than a decade after the Second World War. Both Haywood and Fayette counties adopted field machinery very slowly, almost as exceptions to the general movement toward farm mechanization during the Depression. Also, the overall ratio of white to black did not change dramatically. Both demographics declined because the forces of modernism affected both groups similarly, and there was no direct competition between them. The black population remained the clear majority until it became a matter of “survival” for one population to actively push out the other.

This white-black balance survived through the 1950s due to three factors. First, cotton cultivation was the base of the agricultural cash-crop economy in both counties. Second, these cotton economies retained traditional postbellum debt-based sharecropping tenancy, which organized and regulated most cotton production by dividing land and labor into parcels small enough for single workers or worker-families. Third, there was a low degree of agricultural mechanization, even after much of the rest of national cotton

¹³ James N. Gregory, *The Southern Diaspora: How the Great Migrations of Black and White Southerners Transformed America* (Chapel Hill: Univ. of North Carolina Press, 2005). As noted in the introduction, the “Great Migration” of black laborers out of the South has been heavily studied.

production had mechanized. Southern counties which retained cotton as a significant part of the local economy into the twentieth century retained a high percentage of their black populations until 1960, despite mechanization.

As rural communities, the small towns and hamlets in Fayette and in Haywood counties were, as historian Robert Weibe aptly phrased it, “island communities.” One local woman recalled that with the end of the war “everything happened at once”: rural electrification, road improvement, and the prevalence of consumer goods that most people in the county—black and white—found remarkable.¹⁴

Agricultural economics and land consolidation

Though the national locus of cotton agriculture shifted westward as the industry modernized, the key cotton-producing regions of the old South and West Tennessee did retain labor forms developed in the postbellum period. Sharecropping and rent tenancy was common among black and white rural laboring families across the South but concentrated deeply in the cotton-producing Delta, even as production shifted to other regions of the country. Shown in Figure 1.3, Haywood and Fayette counties were tied by crop and social structure to the Mississippi Delta. Resistance to social change was strong in the historic cotton-growing area. As cotton cultivation expanded to an industrial scale measured in millions of acres and bales, regions that lacked the Delta’s concentrated labor force and field-labor tradition tended to develop and adopt more modern and efficient power sources much more quickly. As soon as self-propelled mechanical power was adapted for fieldwork, producers looked for ways to cut labor costs by mechanically

¹⁴ Robert H. Weibe, *The Search for Order, 1877–1920* (New York: Hill & Wang, 1967), xiii; Anonymous interview, 2008 Oct 17. Transcript in possession of author.

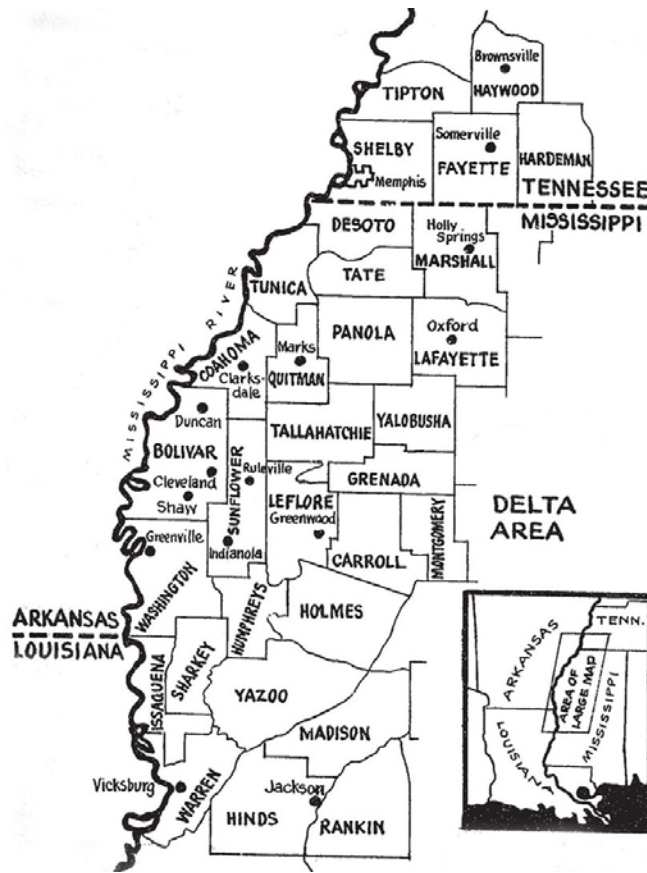


Figure 1.3 “The Delta of the Mississippi, the core of the segregation problem in the United States.” Haywood and Fayette counties (at top) were tied more closely to the social and economic conventions of the Delta than to other Tennessee counties.¹⁵

harvesting crops cleanly and effectively. By 1950, cotton harvesters had been the subject of tinkering invention, patents, experiments, and field trials for a generation.¹⁶ While most of the country mechanized cotton production almost as quickly as the technology could be invented and perfected, partly because the Delta retained a dependant and pliant labor force, cotton production there did not mechanize on a large scale until after the

¹⁵ Illustration from *The Southern Patriot*, Special Supplement, 1963 Feb. Image has been adapted slightly.

¹⁶ Charles S. Aiken, *The Cotton Plantation South since the Civil War* (Baltimore, Md.: Johns Hopkins Univ. Press, 1998); Pete Daniel, *Breaking the Land: The Transformation of Cotton, Tobacco, and Rice Cultures since 1880* (Urbana: Univ. of Illinois Press, 1985).

Second World War. There are thousands of local variations to the chicken-and-egg question of whether the Delta cotton production mechanized late because it had a firm grip on its labor force, or whether its grip on labor kept it from mechanizing until later. In Fayette and Haywood counties, the latter reason is probably more accurate. There, agricultural landowners seemed unwilling to incur the high costs to mechanize while they had a reliable low-investment labor force. Only when the labor force began making demands beyond the places custom allowed did the “costs” of manual field labor become too high to be borne. Cotton could be cropped by outmoded field labor and things could be “as they had always been” as late as 1960 because both counties were home to stable, cheap, and dependent laboring populations.

Tables 1.2a and b illustrate one result that mechanization and modern agricultural chemistry imposed on cotton cultivation. Between 1951 and 1969, cotton production acreages in both counties declined by almost a third, while actual yields declined by only about fifteen percent. The shifts reflect several closely integrated factors. One factor was the adoption of field chemistry. The second was field mechanization, which transported and distributed chemical fertilizers and herbicides as well as planted, cultivated, and harvested crops. Motor-driven equipment expanded the reach of a single farmhand’s labor dramatically, making it possible for fewer working hands to cultivate increasingly larger acreages.¹⁷ Mechanized equipment standardized and replaced laborious processes at every stage of cotton cropping: the row-by-row, human and animal-powered field preparation, planting, chopping (weeding), and eventually harvesting was replaced by

¹⁷ “Machinery Takes Over Cotton On Medlin Farm,” *Fayette Falcon*, 1959 Oct 22; “Negroes on Southern Farms Drop 200,000 Since 1954,” *Pittsburgh Courier (Southern ed.)*, 1961 Oct 28; “Sharecroppers At End of Row In Deep South,” *Pittsburgh Courier (Southern ed.)*, 1961 Dec 14 provide contemporary comments on the effects of mechanization.

Table 1.2. Cotton yields, by year.¹⁸

a. Haywood County.

Census	acres	500lb bales
1949	58,236	44,150
1954	49,150	38,400
1960	38,900	43,340

b. Fayette County.

Census	acres	500lb bales
1949	64,683	32,662
1954	48,050	43,900
1960	42,000	40,730

ever-larger, tractor-drawn deep-furrow plows, row-seeders, sprayers, cultivators, and harvesters. The higher value of the end product—better lint quality (and thus more valuable cotton) cleanly picked slowly by hand—was offset by the messy, less efficient, but much faster cultivation of sometimes dramatically larger acreages. Then also, if tractors required expensive maintenance, they at least sat quietly in a shed and did not make demands of their operators.

The human cost of agricultural mechanization was well understood by 1960.

Luther Adams summarized how New Deal income-parity payments, designed to increase commodity prices by decreasing yields without crippling farm income, subsidized the

¹⁸ The figures represent ginned rather than running bales. Data for 1949 extracted from *United States Census of Agriculture: 1950*, v.1 Counties and State Economic Areas, pt.20 (Washington, D.C.: GPO, 1952), 77–78, 120–121; for later years from summary statistics for 1954–2000 supplied at my request by the National Agricultural Statistics Service. These figures should not be taken as absolute; an important change in the way production figures were compiled is related in “Introduction,” *Cotton Production and Distribution, Year Ending July 31, 1961*, Bulletin 198 (Washington, D. C.: GPO, 1962), vii–viii.

replacement of field labor with mechanical power. The unintended consequence of the federal program to stabilize farm families was instead to generate the first broad series of tenant and sharecropper evictions between 1935 and 1937.¹⁹ By the Second World War it was clearly understood that the adoption of mechanical power in the field would not make existing workers more productive, it would simply render them obsolete. In 1941 a Department of Agriculture report observed that “nearly every one of these tractors has pushed a few tenants, sharecroppers, or hired hands out of jobs.”²⁰ Even social activists in the heat of the Civil Rights Movement had to admit that “the process of taking over sharecropped land to be worked by more efficient . . . machinery had been happening for years, though very slowly.”²¹ The shifts that activists discovered beneath white political retrenchment were already well understood by agricultural economists like John L. Fulmer. As early as 1949 Fulmer catalogued the social changes inherent to federal subsidies, field mechanization, urbanization, crop succession, and land consolidation.²² Adams observes that whereas the Great Migration of the 1910s had been motivated by opportunity, the Second Great Migration of 1940–1970 resulted chiefly from landowners’ technological decisions, which changed the nature (and scale) of commercial agriculture and effectively eliminated the market for manual labor that represented agricultural jobs.

¹⁹ Adams, “Headed for Louisville,” *Journal of Social History*, 409–410.

²⁰ US Dept. of Agriculture, *The Farm Security Administration* (1941), 3–4, quoted in Broadus Mitchell, *Depression Decade: From the New Era Through the New Deal, 1929–1941* (1947; New York: Holt, Rinehart, Winston, 1961), 220–221.

²¹ Roger Phenix, “Haywood County History,” 38:9 Braden papers.

²² John Leonard Fulmer, *Agricultural Progress in the Cotton Belt since 1920* (1950; Chapel Hill: Univ. of North Carolina Press, 2011). cf. Gilbert C. Fite, *Cotton Fields No More: Southern Agriculture 1865–1980* (Lexington: University Press of Kentucky, 1984), 180–206.



Figure 1.4. Surprinted postcards SK-55 (top) and SK-58 published by Curteich for Thompson's Community Service, 1964. The quaint nostalgia of Fayette County's industrial base is fairly clearly implied.²³

²³ 10:8 Gabriner papers Mss 575. A copy of the SK-55 carrying a Somerville surprint can be found in 1:6 WTVP records.

Table 1.3. Tractors operating on farms, by year.²⁴

a. Haywood County

Census	Farms w/ tractors	Total farms
1949	845	4,742
1954	1,041	4,287
1959	1,103	3,077

b. Fayette County.

Census	Farms w/ tractors	Total farms
1949	662	5,015
1954	736	4,189
1959	866	3,313

Tennessee’s black-majority counties of Haywood and Fayette may have trailed the national trend by a couple of decades, but modernization was economically irresistible. Agricultural modernization would not fully take place in either county until the mid and late 1960s, but figures from the agricultural censuses, related in Table 1.3, make it clear that while the replacement of field labor by mechanization may have come later to these two West Tennessee counties, the process was under way by 1960.

By 1960 the decline of field labor this last corner of the Southern cotton delta had the same telling effect it had elsewhere two decades earlier. As one visitor to Fayette County noted, “Mechanization of these farms has apparently been progressint [*sic*] more

²⁴ US Bureau of Census, *United States Census of Agriculture: 1954*, v.1 Counties and State Economic Areas, pt. 20 (Washington, D.C.: GPO, 1956), 96–97; *ibid.* 1964, v.1 State and County Statistics, pt. 31 (Washington, D.C.: GPO, 1967), 186–187, 260, 262. By 1959 animal power had been dropped from the national surveys and local statistics.

rapidly during the last several years and some termination of tenant arrangements is apparently normal.”²⁵ Farm families noticed. “The mechanical pickers had been used in the bigger fields down South for a long time,” remembers Alabama-born writer Rick Bragg, “but it was the late 1960s before they began to gnaw their way through the fields that ringed our lives.”²⁶

Labor surpluses and non-farm industrial development

Though the numbers of farms with tractors declined slightly in both counties, the drop might be accounted for by the second outcome of mechanization—a drop in the overall number of small farms and the consolidation of land holdings in the hands of larger farm owners. Mechanization reduced the number of field laborers needed to service crops. It also allowed smaller numbers of farmers to operate progressively larger acreages. Since Reconstruction, this had been a region of rural small-farm families. That fact of life was changing. In 1959, 92% of Fayette County’s and 89% of Haywood County’s cotton-growing farms were less than twenty-four acres. Between 1959 and 1964, the change in harvested acreage overall was virtually identical: in both counties it increased to nearly 120,000 acres from the 104,000 acres farmed five years earlier. The number of farms harvesting fewer than twenty-nine acres of all crops fell from 2,515 to 1,640 in Fayette, and in Haywood from 2,123 to 1,473 respectively. At the same time, the number of farms harvesting more than 200 acres of cropland increased from 58 to 143 in Haywood, and from 59 to 114 in Fayette County. Each farm represents an average

²⁵ Elmer Neufeld to Leo Driedger, 1961 Jan 11, “Fayette County – General, Jan 1961,” Section III 1909–1965 General Office Files, series A280 “Reprisals, Tennessee,” NAACP records.

²⁶ Rick Bragg, *All Over but the Shoutin’* (New York: Vintage Books, 1998), 73.

displacement of twenty-five manual-labor tenant families. Farmers may have been declining, but farming remained a vibrant business.²⁷

Replacing field labor with field mechanization also contributed to concentrating land ownership. Small farmers who attempted to continue cropping their own land soon found the return on investment of a small-holding was inadequate. They often sold out, assumedly to pursue non-farm wage work elsewhere. Even though a large percentage of tenancy existed in both counties, newer forms of labor arrangements—a change to fixed-wage labor—were making inroads. As shown in Figure 1.5, farm renting (cash renters, crop renters, and sharecroppers) was common, but the large number of red dots in the image shows sharecropping was in steep decline across the rural South well before the civil rights movement really began. The similar decline in Fayette and Haywood counties were not exceptions. As an agricultural production base, sharecropping was on its way out well before 1960.

The net effect of field mechanization and land consolidation taken together meant that the real number of farmers in the two counties fell by half between 1964 and 1969, while the numbers of farms fell by more than half. The number of farms where total annual income did not total \$5,000 (a benchmark that is somewhat deceptive, since it would have included non-farm incomes) was reduced by nearly two-thirds. Despite the large farm-population decline, the cultivated acreage in Fayette declined by barely 10%

²⁷ US Bureau of Census, *United States Census of Agriculture: 1964*, v.1 State and County Statistics, pt. 31 (Washington, D.C.: GPO, 1967), 261–262. Keep in mind that often a single owner controlled several separate farm properties within the county that would have been counted separately. A sharecropper's or tenant's allotment, though owned by someone else, would have been counted as a single farm.

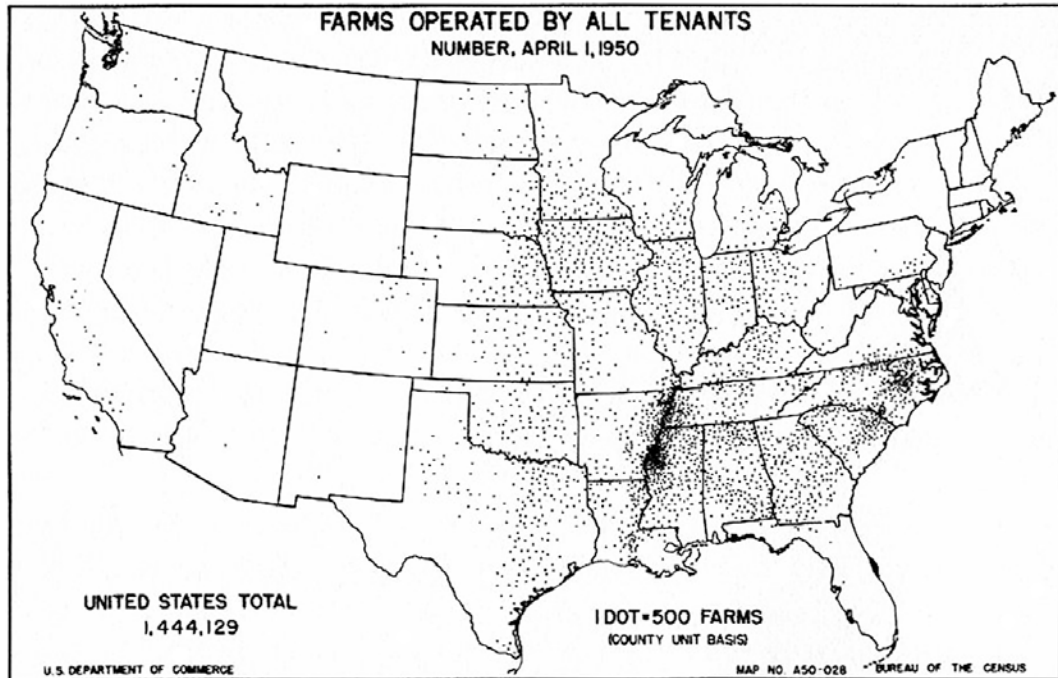


Figure 1.5a “Farms Operated by All Tenants,” 1950.²⁸

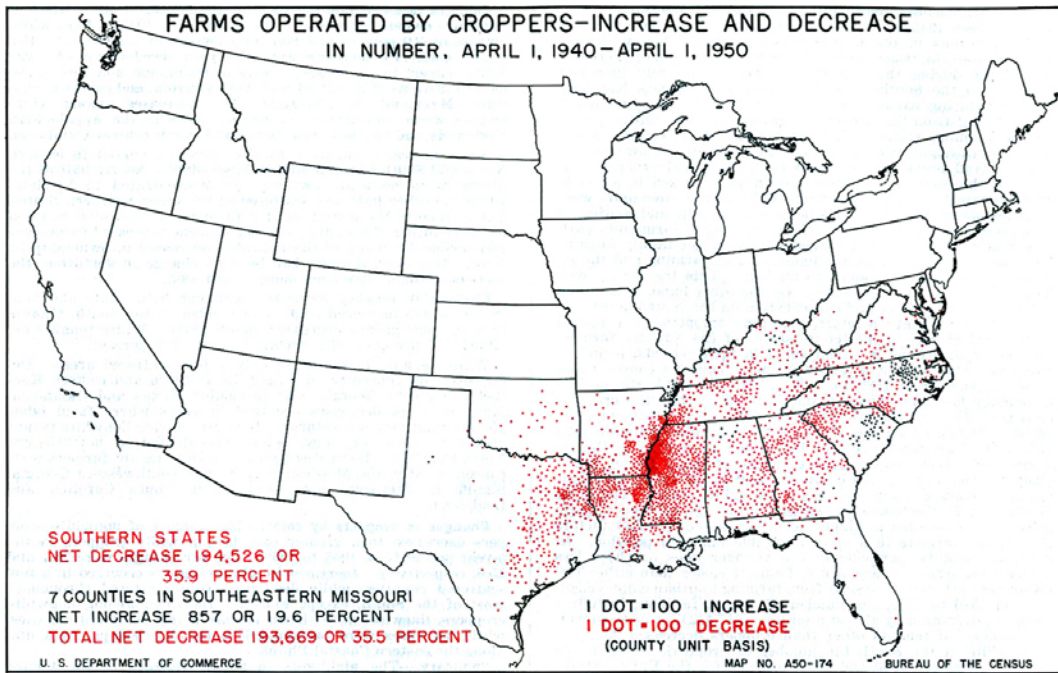


Figure 1.5b “Farms Operated by Croppers—Increase and Decrease,” 1940–1950.²⁹

²⁸ US Bureau of Census, *United States Census of Agriculture: 1950*, v. 5, pt. 5 “Farm Tenure: A Graphic Summary, 1950” (Washington, D.C.: GPO, 1952), 25.

²⁹ *US Census of Agriculture: 1950*, v. 5, pt. 5, p. 22.

and *increased* by the same amount in Haywood.³⁰ By 1971 the broad base of Fayette and Haywood's traditional agricultural economies was clearly narrowing, eliminating huge numbers of small farmers and consolidating control over land into fewer hands, while at the same time expanding productive capacity for cash crops.

Control of the counties' traditional agriculture and land was entrenched among their elites. They were in the economic position to dominate the small local businesses that catered to the needs of agricultural production. About the only individuals who did not own or operate farm property were a few white store owners around the court squares of both county seats. White landowning families had begun dominating farm and regional nonfarm incomes a generation earlier. In Fayette, physician John W. Morris was the county's largest landowner and farmer, though his day business was a local medical practice. Reuben Rhea Sr., who married into the land-wealthy Burnette family, owned and operated the Gulf Oil distributorship in Somerville, which supplied service stations and dry cleaners and delivered bulk fuel to farms. He was the majority owner in Woodburn Farm, a huge holding just west of Somerville along Highway 64, and was a director in the Somerville Bank and Trust.

Families like the Rheas, Yanceys, Cockeses, and Williamses clearly occupied the economic high ground, which also gave them personal standing and influence over local politics. They held enough fiscal capital from diversified investments that they could absorb the expense of technological shifts and investments needed for crop succession without undue pressure. Even the "middle" class landowners, those who farmed between

³⁰ *1969 Census of Agriculture*, v.1 Area Reports, part 31 Tennessee, tables 2-4 (Washington, D.C.: Dept. of Commerce, 1972), 193, 305. Keep in mind that the reported average for black sharecropping families' incomes a decade earlier was about \$860 *annually*, a figure that did not include "run money" or employer credit advanced against crop shares. See also chapter 6.

fifty and four hundred acres, were in a relatively stable economic position and able to weather change. But the 1960 census figures show that both groups were distinct minorities. The bottom three-quarters of the population, a sizable majority of which was black, owned only their labor.

Thus, by 1958 agricultural mechanization was poised to create labor surpluses in a pair of counties that had no other need or employment for unskilled field labor. The majority black population had long been an important local asset; that same population became a dramatic liability as fields and farms grew larger and tractors and harvesters replaced hands and mules. Farm consolidation reduced the numbers of white farm tenants as well. Although farm owners seemed not to mind losing surplus black farm labor, without farm work the counties' white elites were faced with losing their own sons and daughters to out-migration as well. If stable non-farm employment could not be secured locally, the minority population risked becoming a smaller minority.

Until field mechanization (particularly for cotton culture) redefined production arrangements, no effort was made to develop employment beyond agriculture or agricultural-service businesses until half a decade after the Second World War. In 1952 the H & C Table Co., a small-scale furniture manufacturer, established a plant in Somerville. Other than agricultural service businesses or retail stores clustered around the court squares, it was the first non-farm or farm-service employment opportunity in either county. As outmigration increased and farm populations declined after the war, it became clear that each county needed income alternatives to keep their children's families at home. To provide an anchor for those desirable (white) workers, both counties began

organizing to court light industrial development by 1959.³¹ By that point, tenancy among the counties' white population was declining quickly but still accounted for the overwhelming majority of work arrangements among the employed black population; tenancy did not represent "a job" in the sense we think of it now. It was much more like participation in a commune where every task was valued for its contribution to the whole. By 1964 the counties had a scattering of small light-industrial plants that included the Sarkes Tarkanian electronics assembly plant and a feed-mill manufacturer in Brownsville, a pipe foundry in Rossville, steel tubing firm in Moscow, polyester resin plant in Piperton, clothing assembly (sewing) plants near both county seats, and a bicycle seat factory outside Somerville. They employed virtually no blacks. Both counties were committed to attracting more businesses. Local industrial bonds were passed almost annually in hopes that spurring development would help the communities to pull out from near the bottom of national poverty rankings. With an untrained workforce and almost every other county in the region offering the same incentives, industrial development was an uphill fight to which Haywood and Fayette counties had come late. Not all industrial change was positive. The Wells-Lamont glove sewing plant in Brownsville closed when a sister plant elsewhere automated and absorbed its product line.³²

Sharecropping and tenancy, dependence and paternalism

At the close of the 1950s, economic existence in Fayette and Haywood counties teetered between worlds. Black farmers owned approximately 11% of the land in Fayette

³¹ *Fayette Falcon*, 1961 Dec 28. "Community to 'Roll Out Red Carpet' In Search of Industry," *States-Graphic (Brownsville, Tenn.)*, 1959 Oct 30; "Industry Group Due Here Friday For Interviews" and "Why Trade Goes Elsewhere," *Fayette Falcon*, 1959 Nov 12.

³² *Brownsville States-Graphic*, 1963 Mar 15. This plant had employed women almost exclusively. cf. "Unskilled Workers Endanger Economy," *Fayette Falcon*, 1965 Jan 7.

County and paid about 10% of the county's total tax income.³³ Far more of its black citizens were involved in traditional tenant labor forms, defined by color, which dominated both communities. Color also defined employment privilege in the emerging non-farm economy. The small number of available industry jobs typically provided secondary incomes, work for local women or non-farm incomes for white men who farmed their land after work and on weekends. Agriculture remained the key to fiscal stability in both local economies. Census statistics demonstrate how strong a grip “traditional” plantation agriculture had over cash-crop production in these two counties. Yet by the time that the first stirrings of civic identity and activism began among the black population, and as the 1959 agricultural census data was reported, it was clear that tenancy was in full flight. In the five years between 1954 and 1959—effectively *before* the civil rights efforts in either county—the acreage harvested *by tenants* fell by 22% in Fayette County and by 23% in Haywood.³⁴ The figure entered freefall in the next decade and by 1970 sharecropping were essentially nonexistent.³⁵

Until the counties replaced them with other employment patterns in the late 1960s, tenancy arrangements defined existence and shaped interaction for the black and white populations of both counties. For the large population of asset-less laborers,

³³ Thomas Michael, “Negro Voter Registration Is Thorny Question Facing A Troubled Fayette County,” *Commercial Appeal (Memphis, Tenn. ; Press-Scimitar morgue file 80137)*, 1960 Mar 30. The surviving tax assessment rolls make it possible to trace actual values, but the mass of data has not yet been structured to confirm the newspaper’s figure.

³⁴ *US Census of Agriculture: 1959*, Final report, v.1, pt.31 Tennessee (Washington, D. C.: GPO, 1961), 162–163, lines 41 and 42.

³⁵ US Bureau of Census, *US Census of Agriculture: 1974*, Final report, v.1, pt.42 Tennessee, section IV (Washington, D. C.: GPO, 1977), 145, 229. By 1974 the number of black tenants in Fayette County was 49 and in Haywood County, 36. At that point there were nearly twice more white tenants than black. Rent tenancy remained common, but had shifted to aggregating land to reduce the per-acre cost machine-driven production.

cropping on shares was a perpetually losing bet. In principle, tenancy was an agreement that balanced assumed risks between the parties. A landowner contributed the land, seed, and fertilizer for his half or third of the value of the crop produced by a tenant, calculated at the end of the season. Depending on the arrangement and the reputation of the tenant, power (animal or mechanical) and farm implements might be contributed by either party. The tenant's chief contribution was their time and effort during the crop cycle, and often their family's labor as well. Because shares of the crop were calculated only against yield and expenses, the parties settled their claims against the remaining profit at the end of the crop season in November or December.

Significantly, the halves or thirds arrangement addressed *only* the disposition of the yield. The arrangement intentionally left open and unstated a tenant's need to sustain themselves through the year. The fallacy of sharecropping "contracts" was that the landowner and the laborer were contributing equivalent assets and were assumed to incur equivalent risks and responsibilities. That was hardly the case. Tenants, black or white, typically had little beyond their own hands, arms, backs, and those of their spouses and children. Whites' contributions to the paternal side of dependency revolved around "furnishing." Labor agreements were typically limited to a statement of shares (thirds or halves being the landowner's portion) and the use of a structure that would serve as a dwelling. Since there was no wage implied and no cash changed hands, any other payment or advance was "furnished" out of the landowner's largess, not as an obligation on their part. In a 1952 study of the legal aspects of sharecropping A. F. Robinson observed that "there is an interesting ambiguity about sharecropping, which is often revealed in subjective evaluation: the supplier of labor may choose to regard it as a form

of tenancy, while the supplier of land may consider it as a labor hire arrangement.’ That is, landlords and laborers did not have to explicitly stipulate whether an arrangement was sharecropping or tenancy to agree to a contract, though the resulting ambiguity sometimes led to conflict.”³⁶ Few institutions existed to support farm laborers since they had few assets for collateral. Because a tenancy arrangement covered only the costs of crop production and because tenancy bound them to an individual landowner until settlement was made on a crop, sharecroppers relied on the landowner to supply basic commodities against the value of the cropper’s share at harvest. Typically families were allowed to use additional acreage for gardens, animals, and a corn crop, but corn did not buy tires, or clothes, or pay medical bills. “It is their practice,” wrote an observer from Chicago, “that money for living expenses is prorated over a five-month period, March through July.”³⁷ “Run money” sustained a cropper during the spring, the time of year when families were at their most vulnerable (spring planting required assets, and gardens were not yet producing subsistence), but created an additional obligation against the cropper’s share over and above the third or half owed by the cropping arrangement. By the end of a year, because no other consideration was due a tenant other than the percentage of the crop value at harvest, landowners had claim against the tenant’s share for any credit, cash “run money,” or the value of “furnish” goods extended during the year. Importantly, only the debt *obligation* was a matter of record, not the actual values of

³⁶ Edward Cary Royce, “Social Change and the Constriction of Possibilities: The Rise of Southern Sharecropping” (PhD thesis, SUNY Stony Brook, 1983), 330–333. Royce extended Robinson’s observation: “the distinction between sharecropping and tenancy was often only made in court, following a dispute between the landlord and the laborer, and was not therefore an explicit presumption of the contractual agreement itself.” Of course, the fundamental fact of dependence was incontrovertible. cf. Charles S. Mangum, Jr. *The Legal Status of the Tenant Farmer in the Southeast* (Chapel Hill: Univ. of North Carolina Press, 1952).

³⁷ Dick [Haley] to Mack [McCrackin], 1961 Mar 2, McCrackin papers.

goods or credit supplied by a landowner, and the sharecropper was given no receipts. Since the landowner typically maintained the only record of advances against credit (if, in fact, kept at all), laboring tenants were forever at the mercy of the landowner's statement about the value of what had been extended to them and how much the crop brought before the end of the year. Lacking any protection or recourse under the agreement, field laborers were left dependent on the landowner by virtue of having a "contract" whose terms were enforceable by only one side.³⁸ A good illustration of the way arrangements worked in practice can be found in an informal report Robert Gabriner made of Willie Williams' cropping arrangement with his unnamed landlord.

Mr. Williams works the white man's land with about 5 other families and in return gets 10 acres for his own profit. Williams is able to take 5 bales of cotton off his small plots and makes \$750 (\$150 per bale). He pays \$200 for using the white man's tractor and has debts on account usually amounting up toward \$500. The man works 12 hours a day for almost nothing. Who says these people are 'lazy niggers?' They work harder than any of us.³⁹

Tenant families lived a hand-to-mouth existence in the best times and often supplemented their farm work by cash work in some other employment. The John and Viola McFerren family, a couple who became key figures in the rights struggle in Fayette County, provide a good comparison. In 1971 Viola McFerren recalled that at the time they registered to vote in 1959, they were farming eight acres of cotton as their cash crop and about the same amount of corn, chiefly for family subsistence. Like many who could not subsist strictly from sharecropping, John McFerren also did day labor of various sorts. "He used to cut logs and haul timber where he could find it as a sideline," his wife

³⁸ Forman, *Making of Black Revolutionaries*, 119–125.

³⁹ Gabriner Gazette [letter], 1964 Jul 1, Gabriner papers SC 1203, WHi.

recalled.⁴⁰ Such day-labor conducted outside a dependency relationship typically paid cash, whereas cash-crop income from cropping on shares was almost always entered once annually, after the harvest, and was accounted by a complicated system of credit and debit which was both calculated and recorded by the landowner alone. Anecdotally, those who had no non-farm income seem to have farmed larger acreages than those who could secure another income.

Income from cropping was always meager or conducted at a loss for the laborers. Often their profit from a year's labor was nominal. We have no production records that would prove or disprove intentional exploitation by landowners and are left with the anecdotal evidence of hard-time memories and hearsay assertions by former workers. It is difficult however, not to question the stark inequities evident in living arrangements.

The hollow-eyed want of sharecropping was clearly not the lot of landowners. While both counties were decidedly rural, few were "rich" except as measured by the yardstick of local standards. Still, landowning families were distinctly better off than their farmhands. Emmett and Ethel McNamee, for instance, enjoyed comfort and a comparative opulence they simply denied Georgia Mae Turner, their tenant of thirty-eight years. Turner, one of the earliest residents of Tent City, provided one of the few unfettered first-hand accounts of tenant relationships in the region. "This tent is better than my house with Mrs. McNamee," she told James Forman and his tape recorder in late

⁴⁰ *Our Portion of Hell*, 19. This would have been prior to John's takeover of his brother Robert's grocery/filling station. Eight acres of cotton seems to be the average allotment per field hand if the sharecropper relied on mules and field mechanization was not used. The Freedom Farm project begun in 1963 provided for "Five families to work 8 acres of cotton a piece." (Item 2.B of an unsigned, undated statement summary statement about farm management, in 395:7 United Packinghouse, Food, and Allied Workers records). and the James T. Pender affidavit (1960 Nov 19, *US v Beaty* exhibits, David Kendall papers) agrees with the acreage. Figures are not available for most evicted tenants and acreage variation certainly existed for both higher and lower figures.



Figure 1.6 Typical tenant housing in Haywood County, 1966.⁴¹

December 1960. “Lord, so many cracks in that house, you could shake hands with me any time. You didn’t have to come to the door to do it. When it rained, it would be wet all over the house, the hall, the porch, the kitchen. It would be just like I done scoured.”

Turner was admitted once a year to her landowners’ home as a personal treat and compared it to the structure they provided her. “When it was cold, the wind would blow through that house just like it do out of doors. Couldn’t take a bath in the winter. How can you strip off in the house [when you] can’t keep warm with your clothes on?” She reported that the McNamees felt that they were not in a position to provide her assistance toward raising a barn for her animals, build a chimney for her shack, or even afford her shoes, but carpeted the den of their modern home with a lion skin.⁴²

⁴¹ Virgie Hortenstein papers, Wilmington College.

⁴² Farmer, *Making of Black Revolutionaries*, 122–123.

The terms of verbal contracts and expectations are largely unrecoverable but may be glimpsed in statements made by affiants and in investigation testimony. The terms of a labor arrangement between landowner and tenant did not only involve labor on the cash crop. Landowners typically “made house available,” provided land for garden privileges, and provided other assets (usually run money or furnish goods), which to them was a manifestation of personal generosity. In return they expected compliance and deference. Tenancy agreements were typically fluid and informal obligations, “made and broken orally.”⁴³ They were rarely formalized in writing. The agreement between George Crout and brothers John S. and Murray Parks is typical. “In the past, in November, I would always ask Mr. Murray Parks or his father before he died, ‘Well, Sir, how about a home for another time.’ The Parks always said, ‘Well, it’s yours for the next year.’”⁴⁴ That was it. The practice of “contracts” was a matter of long-standing tradition and interpersonal relations rather than of tort contractual terms. Consequently an agreement could be terminated by the tenant moving off the land and out of any accommodations a landlord provided, or by a landlord requesting the tenant to leave. Since landlords needed their laborers from the time the soil was first worked in March or April, and the crop ginned in November and December, agreements tended to be regarded as due for renewal between the first of December and the New Year and last for an entire crop season. While most were annual arrangements, longer agreements—including grants of lifetime tenure—were also relatively common.⁴⁵

⁴³ Al Kuettner, “Fact, Fiction Mingle In ‘Freedom Village’ Claims,” *Tennessean*, 1961 Jan 9.

⁴⁴ George Crout affidavit, undated, case 166-72-1 section 19, DoJ records.

⁴⁵ Sam Shelton affidavit, 166-72-1 section 19, DoJ records.

Focusing only on the economic inequities that were seemingly inherent with tenancy masks the deeper arrangements that govern the way society was defined and organized by sharecropping and by race. Tenancy was a putative contract—or landowners seem to have regarded it as such, though virtually none were ever reduced to writing. The owner-tenant agreement contractually established a relationship between theoretical equals, but in practice the contract formalized an inequality that always left field hands—black or white—dependent on employers willing to extend them help and sustenance as patrons. Landowners were quick to point out that if a debt burden became too heavy it was common for laboring families to disappear in the night, abandoning one tenancy to pursue another start elsewhere. Such incidents were rarely prosecuted because another tenant was always eager for “a place”; there was nothing to be gained from those who carried away virtually nothing with them. More typical and virtually unmentioned was that families worked for years, often decades, for the same landowners without ever realizing an improvement in their conditions. The reality was that sharecropping drew farm laborers into a dependency/paternalism relationship that they could not escape but which dictated virtually every aspect of contact with other people and the larger community.

Because laboring families (white and black) existed under the economic and social protection of their landowning employers, white employers asserted the privilege of telling tenants what to do beyond the work setting as well. Employers assumed that they could and should define their tenants' attitudes and circumscribe their participation in society at large. As nearly perpetual debtors, tenants were hardly in a position to argue or resist. On a personal level, this was the manifestation of *place* ascribed to race

generally. That relationship was manifested in every interaction between tenants and anyone who might have contact with their employer. It affected even casual contact between blacks and whites. In 1963 one white activist observed, “I’ve noticed that when Negroes shake my hand the grasp is mealy, even from the most [physically] powerful Negroes. But, I’ve also noticed that the same people go in for vigorous handshakes otherwise. The fright is subtle.”⁴⁶

The west Tennessee counties of Fayette and Haywood both reflected the situation summarized in Margaret Price’s influential report, *The Negro Voter in the South*, which was released virtually at the same time as sparks of civic awareness began glowing among the black majorities of both counties. Price observed that “counties of high Negro population usually are high also in illiteracy and low in economic status, which leads to dependency and susceptibility to pressure from the employing class.”⁴⁷ Price pegs a key aspect of American rural racial segregation during the 1960s: it involved not merely the marker of racial distinction but also economic and personal dependence on a superior figure, typically an employer/landowner, which implies the existence of a social contract. The dependency/paternalism relationship incidental to sharecropping and tenancy created an unequal but definitely reciprocal suite of obligations that landowners were quite willing to enforce.

* * *

⁴⁶ Charles Haynie, letter dated [1963] Aug 7, in “Letters from Tennessee: Background of a Civil Rights Movement,” *Trojan Horse (Cornell Univ.)* 4, no. 2 (1963 Oct): 23. This can be seen visibly in posed “grip and grin” photos showing commodity donations; cf. “Fayette and Haywood Gets Help,” *Times-Herald*, [1960 Oct 20], OFCCWL records.

⁴⁷ Price, *Negro Voter*, 28.

Economics, proximity, attitudes, demographics, and timing linked the two counties in ways that geography and politics did not. Though they shared a border, both counties were connected more closely to metropolitan Memphis than to each other. The few direct links between civil rights efforts in both counties would be made by those who came to participate from the outside: attorney James F. Estes, Justice Department investigators, and later activists. Other than a few ineffective efforts at coordination, the residents of each county would pursue their own agendas without cooperating directly.

As events would soon prove, the social stability in Haywood and Fayette counties that whites identified as normal was really nothing more than an affirming fiction, a result of being perched atop the unequal relationship of racially defined economic and political equation of dominance and dependence. It existed because the traditional arrangement could not be challenged successfully from the dependent side of the relationship; those who enjoyed its privileges had no interest in changing affairs. Fayette County farmer and part-time minister June Dowdy summed up traditional social relations in West Tennessee in a sermon recorded in Cincinnati in 1961. “Race relation has been peaceful, yes, carried on in a peaceful way in the past, because Negroes were satisfied to work as share croppers, to work as wage hands, and to work as—at a low pay scale. They took the white man’s word for everything. They took no part in the civic life of the community.” Unable to account for a docility he did not espouse, Dowdy projected backward the only explanation he could muster to explain why earlier generations had not acted out against also-traditional injustice before the last years of the 1950s: “The older ones thought that they were supposed to be subject to the will of the white man.” The experience of the politically active Samuel McElwee family in Haywood County two generations earlier



Figure 1.7. West side of court square, Somerville, ca. 1961–1963.⁴⁸

suggests Dowdy’s perspective reflected only relationships he had known, but it is true that civic identity and participation among blacks in Haywood and Fayette counties had been forcibly repressed by the county’s white minority, bolstered by Tennessee’s Jim Crow laws. Black sharecroppers’ “satisfaction” with their lot had *become* true as land- and asset-poor blacks citizens who could not sustain themselves fell back upon dependence as a survival mechanism.⁴⁹

By 1958, the residents of these two rural Tennessee counties were being pulled by opposing forces. One force was the weight of tradition and stability, social inertia which created an expectation that the relationships governing daily life in Somerville, Brownsville, and their satellite communities would go on as it always had. The other

⁴⁸ *Press-Scimitar* morgue file 80137, Univ. of Memphis Special Collections.

⁴⁹ June Dowdy, “Our Struggle for Freedom” [side 2] of *They Chose Freedom* (Cincinnati: Operation Freedom, [1961]); Couto, *Lifting the Veil*, 3–86.

force was the massive, slow, irresistible economic changes of postwar America. As the nation boomed, areas around Haywood and Fayette were well on the way to modernization. These two counties had long been stable exceptions, preserving by social inertia a traditional system of dependency and paternal relationships even as modern technology and views crept in. White citizens and their county leaders in West Tennessee fully expected that modernity could be embraced and shaped on their own social terms and for their benefit, a process that involved the majority populations of both counties—black laboring families—only by omission.

So how much would be required to upset the increasingly delicate balance maintaining tradition, and push these black majorities and white minorities into jangling competition? Not much. No more than the weight of a few slips of paper in a ballot box.

Chapter 2

Citizenships in a Segregated Society:

The Collision

We have probably gone as far as we can in the courts to obtain first class citizenship. The rest of the work must be done at the local level.¹

Everything happened at once.²

A month before Currie Boyd wrote his letter to the Justice Department, in June 1958 Mt. Zion Baptist Church hosted the Rev. James F. Estes of Memphis for its annual Men's Day Services. Estes held the pastorate of Vance Avenue Baptist Church on weekends, but his weekday job was as attorney at law. His dual roles among the black middle class provided him frequent speaking opportunities at various community functions. In the pulpit at Mt. Zion Church, Estes repeated a message he shared often in similar settings. He shaped the theme around a citizen's duty in the Kingdom of God. They had admitted their citizenship for Christ, he told his listeners, and thus "there was no reason they should not 'admit their citizenship for man.'"³ Estes linked his audience's Christian faith directly to civil responsibility. One could not be a true Christian without being an involved citizen as well, he proposed, invoking the Apostle James' injunction that "faith, if it hath not works, is dead, being alone" (James 2:17 AV). Being a citizen

¹ Dr. Stephen J. Wright, quoted in "Set Up To Aid In Vote Drive," *Tri-State Defender*, 1959 Mar 7.

² Leigh Ann Duck, notes from an interview with an anonymous Somerville informant, 2008 Oct 17, in possession of the author.

³ L. F. Palmer, Jr., "Fayette County, Tennessee: Will They Dare Go to Polls?," *Sepia* 8, no.8 (August 1960): 8-12; Burleigh Hines, "Tells Background On Fayette Vote Fight," *Tri-state Defender*, 1959 Dec 5. There are two churches of the same name within a few miles of each other. One is just east of the Shelby-Fayette County line in Piperton; the other is a rural church a few miles north and east on a direct line between the Rossville and Williston communities. No record identifies at which church Estes spoke, though the Piperton church is the better guess. A single institutional copy of *Sepia* for 1960 exists in the library at Central State University, Wilberforce, Ohio.



Figure 2.1 James F. Estes, January 1961.⁴

meant pursuing a citizen's duty, and that meant being a voter. This was a provocative new idea at Mt. Zion Baptist Church, but by 1958 Estes had devoted nearly a decade to refining the argument.

James F. Estes had actively pursued voting rights actions in Memphis, Jackson, and Nashville since returning from military service and earning a Marquette University law degree in 1949. One of very few black servicemen to hold an officer's commission in the U.S. Army during the Second World War, his post-war legal career had revolved around local black veteran groups and institution building, notably the Tennessee Veterans' Association and Veterans' Benefit Inc. Both of these non-profit organizations were vehicles for community involvement and civic action among former servicemen. Like politically active black veterans nationwide, Estes linked his work as a community

⁴ *Press-Scimitar* morgue file 73470, Univ. of Memphis Special Collections.

organizer to both veterans and civic improvement through voter registration, individual civic participation, and community institutional development.⁵

The sermon deeply moved at least some among his audience. Mt. Zion deacons Joe Patrick, Morgan Wright, and several others approached Estes after the meeting and asked specifically if he would guide them through voter registration. Patrick, an established black landowner, had “always wanted to vote,” and attempted to register in time for the 1956 presidential election but been denied by county officials. Estes agreed. A month later, Currie Boyd mailed his voter-registration complaint to the Justice Department, probably unaware of what was happening a few miles south.⁶

Voter registration was limited to the first Wednesday of every month at the courthouse in Somerville, making October 1958 the last registration date prior to the November election. From his Memphis law office Estes wrote the Fayette County Election Commission chairman, Somerville optometrist J. Basil Haddad, to be sure of the monthly voter registration date and citizens’ responsibility to register and vote. Once Haddad had confirmed the monthly arrangement in a written response, Patrick, Wright, and four others presented themselves at the registrar’s office in the Fayette County courthouse in Somerville. The registrar completed voter registrations for each man and a

⁵ Richard Saunders, “James F. Estes: Grassroots Advocate,” *West Tennessee Historical Society Papers* 63 (2009): 50–81; Payne, *I’ve Got the Light of Freedom*, 13, 24, 30–31; Green, *Plantation Mentality*, 197, 208.

⁶ Burleigh Hines, “Tells Background On Vote Fight,” *Tri-State Defender*, 1959 Dec 5; Burleigh Hines, “Cracksdown On County’s Voting Bias,” *Chicago Defender (national edition)*, 1959 Nov 28; Palmer, “Fayette County, Tennessee,” *Sepia* (August 1960): 8–12. The Fayette registration fit neatly within the state-wide “Vote-O-Rama” registration drive Estes’ Veterans Benefit organization was already conducting. “Plans Grass Roots Vote Drive In Tennessee,” *Chicago Defender (national edition)*, 1958 Jul 26. Several of those registered were military veterans who were also associated with one of Estes’s Memphis-based black veterans’ organizations.

few spouses without incident, the county's first black voters in two generations.⁷ County officials would exploit this seemingly small detail six months later.

By the end of the next registration the following month, about a dozen black sharecroppers and some of their wives had managed to complete voter registrations. Having even a small number of black residents register at nearly the same time looked suspiciously like a challenge to the established order of county governance. Before the general election was held on 4 November 1958, white landowners and employers activated their traditional direct-control mechanism on the majority population: face-to-face relationships with their employees, and invocations of paternal concern in the face of possible danger. Initial responses to black registration followed time-honored conventions. The well-oiled mechanism of dependency and paternalism worked flawlessly in the face of this new challenge. One of the registrants, Will Selby, rented a house from Oneida Parson; by the time he got home she had been told what he had just done in town; she told Selby the same day to move out.⁸ Joe Patrick was called to banker Ewing L. Hurdle's office at the People's Bank branch in Collierville. There the banker privately told Patrick that he "feared for the Negro's safety if he planned to exercise his rightful voting privilege." Hurdle admonished Patrick that he "was speaking to him as a friend and didn't want to see him get hurt."⁹ The caution could have come from a concerned friend and sympathizer, or from a cagy participant in intimidation, or been

⁷ "Farmer Cracks Voting Barrier In Fayette County," *Tri-State Defender*, 1958 Oct 11.

⁸ Will Selby statement, undated, case 166-71-2 file section 19, DoJ records.

⁹ Burleigh Hines, "Tells Background On Fayette Vote Fight," *Tri-state Defender*, 1959 Dec 5; "Negro Attorney Says Powell Is Correct," *Memphis Press-Scimitar* (*morgue file 9966*), 1958 Nov 14; "Statement of Mr. Joe Patrick," 1961 Jan 26, 166-72-1 section 12, DoJ records.

simply a measure protecting his investment, but the net effect was the same. News of the individual warnings spread quickly through the small number of registered black farmers. The county asserted that “Negroes are registered in this county, and did vote in the election Nov. 4” but no one in the county could identify a black citizen who actually voted.¹⁰

Trying to determine whether or not any blacks voted is much less significant than understanding the precarious arrangements under which black field workers lived on a daily basis, and how even an implied threat could curb action or initiative. Sharecroppers existed in the mid twentieth century as the nation’s last subsistence-farming culture. Living life on the edge of survival involves constant reminders that a slight interruption could throw one into a fatal tailspin. The stability needed to pay down the heavy obligation of annual debt depended largely upon the benevolence and protection of their landowner. An accidental fire along one side of the cornfield, tires flattened on the tractor, a reduction in allotted acreage—any unforeseen expense or interruption in income could snap a cropper’s slender thread of subsistence. For two generations the white-eyed fear of losing what little one could depend upon made sharecroppers in Fayette County cautious and generally unwilling to assume personal risks. Though he was a landowner, warnings like the one Patrick received had to be taken seriously. Living thinly on the margin between subsistence and starvation, kept from disaster mostly through the agency of white employers who owned the land they worked, tenants had little leverage to challenge the terms of a dependence/paternal relationship. Landowners were the source

¹⁰ “Fayette County Denies Negro Voter Charges” (UPI), *Memphis Press-Scimitar (final edition)*, 1958 Nov 13.

of credit and credibility. “Mr. Charley” was *supposed* to look after his hands, and if *he* thought enough to warn you, well. . . . The rumor of possible personal consequences for voting was enough to keep virtually all of Fayette’s registered black voters from even approaching the polls on election day. For those, like James Estes, who watched from outside the county, the ploy was clear. “These negroes are still in fear because of having registered, even tho they have not voted,” the lawyer observed the next week. “They have expressed a desire that the federal government send representatives into their county to make it reasonably safe for negroes to vote without intimidation or retaliation from whites.”¹¹ Despite the setback, a few black residents in Fayette County, Tennessee had successfully asserted that as individual citizens they could participate within the exclusively *public*. This assertion of *civic individualism* challenged the nature of *public* life as established and understood by the white minority.

After personal pressure kept most or all black Fayette County voters from the 4 November 1958 local election, James Estes considered options for increasing pressure on the county indirectly. During a Veterans’ Day address in Memphis, visiting New York congressman Adam Clayton Powell, the flamboyant Representative from Harlem and only black member of Congress at the time, asserted that Haywood and Fayette citizens had been denied their franchise in the general election held the preceding week. Powell’s assertions drew a ripple of interest in the press, but no communications from him to any other public official seem to exist in federal records. He may not have done anything beyond make a few comments. Fayette County officials deflected criticism by pointing

¹¹ “Fayette County Denies Negro Voter Charges” (UPI), *Memphis Press-Scimitar* (final edition), 1958 Nov 13; “Negro Attorney Says Powell Is Correct,” *Memphis Press-Scimitar* (morgue file 9966), 1958 Nov 14.

immediately (and without discussing numbers) to the black registrants whose names were on the books. The *Memphis Press-Scimitar* approached the Justice Department about an investigation in Haywood County, which a spokesman confirmed without comment.¹² The order would have requested a “limited investigation” involving interviews of complainants and county officials to confirm whether or not further investigation or federal action was merited. No action was taken and no documents reporting the November 1958 inquiries are known to survive.¹³

The small group of black farmers blazed one short, halting step toward civic participation in Fayette County. On the other hand, political activism among its black citizenry was nothing new to Haywood County. There was a tradition—checkered, certainly—of constructive black civic participation beginning with post-Civil War Reconstruction. A branch of the Freedmen’s Bureau had operated in Brownsville until 1878. Samuel A. McElwee had been elected to the Tennessee legislature from Haywood County. The participation did not last. During Redemption, newly empowered white conservatives removed McElwee from office and chopped down the budding tree of black civic involvement, forcing former slaves back into dependent subservience. Partly because of that history, Haywood County was less tolerant of black efforts toward

¹² “Powell To Seek Voting Investigation In Tenn.,” *Jet* 15, no. 4 (1958 Nov 27): 4; “Fayette County Denies Negro Voter Charges,” *Memphis Press-Scimitar* (final edition; morgue file 80137 fd.B), 1958 Nov 13. Fayette County responded only to Powell’s statements, not an investigation. Milton Britten, “Haywood Probe Is Under Way,” *Memphis Press-Scimitar* (final edition; morgue file 64752 fd.B), 1958 Nov 15.

¹³ Following FBI policy, field office files were sent to Washington only if directed by Justice Dept. investigation orders. Federal records policy provided for retaining only evidentiary records of actual cases, not of investigations which did not result in action. Thus, the early records of this West Tennessee investigation were likely later destroyed during routine records maintenance. cf. Susan D. Steinwall, “Appraisal and the FBI Files Case: For Whom Do Archivists Retain Records?” *American Archivist* 49, no. 1 (Winter 1986): 52–63.

electoral, civic, or economic participation. In Brownsville of 1941, the organization of an NAACP chapter and attempt to register black voters met a backlash of direct violence that resulted in one of the last outright lynchings in the United States. The daily intimidation and repression of paternalism were subtle but effective, yet it was the arbitrary and terrifying apex of racial violence—lynching—meted out arbitrarily by the same whites and county officials whom tenants had to trust for sustenance and paternal protection, which was so deeply terrifying. A black tenant walked accommodatingly on eggshells, especially when interacting beyond your landowner’s family, because you were never certain how close to “Mr. Charley’s” line you stood. As a result, Haywood County would not see even the token voter registrations of black voters.¹⁴

The situation facing Brownsville in 1958, seventeen years after its last lynching and only a year after passage of the Civil Rights Act of 1957, was much different than it had been at the cusp of World War II. A violent reaction to the new strain of black activism was certain to bring swift federal intervention. To accomplish the same goal, that of handicapping a potential electoral challenge from the majority population, local officials tried a different tack. In Somerville, the fact that Joe Patrick and a handful of others registered without incident set a precedent: officials could no longer say that black citizens “did not” register to vote; in Brownsville, officials prevented any blacks from registering by simply refusing to act in their offices as appointees. Reactions to the initial

¹⁴ The county’s broader sociopolitical history is addressed ably in Couto, *Lifting the Veil*. Many county officials involved in the repression in 1941, including sheriff Taylor “Tip” Hunter, were still in office in 1958. The delay-and-redirect responses in 1958 were a mirror image of what happened to Elisha Davis and friends in May 1940. Couto, *Lifting the Veil*, 131–145. Lynching provided a cultural marker. Daphene McFerren relates that as late as the 1980s an uncle routinely pointed out where a lynching had happened in the early twentieth century. The cultural memory of violence was a powerful factor enforcing racial mores. Daphene McFerren to author, 2012 Oct 24.

“threat” of black voters differed in each county; how the white “establishment” handled the first black registrants determined the actions that could be taken later.

While Currie Boyd waited in Brownsville for something to result from his July 1958 complaint letter, he and a few others who wanted to vote began calling on Haywood County Election Commission members for help or instructions for registering. Within a month of Boyd’s first visit with county Election Commission chair Poston, Haywood County voting registrar L. Malcolm Smith, registration clerk Virginia Farrow, and county election commission member Leonard S. Smith all resigned their posts virtually at the same time, each offering a different reason. As Boyd had found out, merely raising the issue constituted a frontal assault on the structure of segregation. Those with power, most of whom were county officials, began formulating a suitable response. Direct repression was no longer an option, but stories of general success of “massive resistance” to school integration in Virginia and elsewhere through the South filled local newspapers. Among county officials, obstructive inaction was a well-understood and accepted response to black activism. The law might enjoin specific actions but it could not coerce participation.

The key practical obstruction for Boyd and other would-be registrants was Farrow’s resignation as registration clerk. She resigned from her once-monthly duties for the Election Commission position for “health reasons” (claiming to have an arthritic spine), but curiously not from her full-time position in the county Employment Office, where she worked daily. From the latter she simply took a leave of absence. She eventually returned to work but not to her appointment with the Commission. Since Poston was the only physician in Brownsville and thus likely her doctor, Farrow’s timely

resignation—shortly after being asked to register the county’s first black citizen in a generation—raises an un-provable suspicion about collusion. However, her decision fits a broader pattern of individuals not wanting to be caught acting officially against the local norms. Voting registrar Malcolm Smith and Dr. Poston were probably trying to undercut the electoral process for their own ends of protecting minority control of the county. The actions of Leonard Smith, Virginia Farrow, and later Election Commission appointees’ efforts to stay out of office, however, seem more likely to be individual attempts to avoid being caught up in controversy.¹⁵

The resignations left no one in the county with authority either to register voters or to appoint a registrar, a fact that seems to have been lost on Currie Boyd and the small group of emerging activists. Initially they pursued the quest for voting rights within the rubric they knew: a black person who wanted something within the white world found a white benefactor willing to permit, intercede, or negotiate in their behalf. It was consistent within dependence/paternalism relationships to contact County Election Commission members individually. Virginia Farrow, Dr. Poston, and Malcolm Smith each had (or once had) recognized authority, even after explaining to Boyd’s group that they now lacked statutory authority to act (which was true). But the pattern of paternalism was replayed by other informants. White Dancyville landowner Katherine R. Davis reported that two of her farm hands had approached *her* to get her agreement about

¹⁵ Interview reports with Virginia Farrow, Lionel Malcolm Smith, Leonard Smith, W. D. Poston, case 166-72-2 section 1, DOJ files.

their registering, and then approached a neighbor, Joe Moore, “because they knew Moore and had confidence in him,” before she directed them to Poston’s office.¹⁶

After his initial interview with Boyd in June or July 1958, commission chair Dr. Poston kept a low profile. He avoided Boyd and the small group of similarly interested citizens that collected around him. When he was cornered, Poston stalled, protesting that nothing at all could be done about county voter registrations without a full commission. James Estes and others thought differently. Currie Boyd was probably suspicious that Poston had no intention of seeing the Haywood Election Commission back in operation.¹⁷ Before the end of the year Boyd made a personal trip to Nashville to see what state officials would do about the election commission inaction in Haywood County. There he met with Tennessee Secretary of State Joe Carr and other state administrators. Each pled ignorance of the situation in Haywood and asserted that the state’s involvement in elections was limited to ensuring that the county had a regularly appointed election commission. Actual electoral proceedings were left to county officials. “The entire problem was a local one,” Boyd stated later about the interview, “and that the State would rather have such problems worked out by local authorities.”¹⁸

¹⁶ Katherine R. Davis interview summary, 1960 Apr 13, 166-72-2 section 4, DoJ records. Moore reportedly dodged the issue saying “that he had ‘no opinion’” and referred them to Election Commission chair W. D. Poston.

¹⁷ Boyd’s account of dealing with Poston is recorded in his statement dated 1959 Dec 19, 166-72-2 section 1, DoJ records. “Fayette County Denies Negro Voter Charges” (UPI), *Memphis Press-Scimitar (final edition)*, 1958 Nov 13; Milton Britten, “Haywood Probe Is Under Way,” *Memphis Press-Scimitar (final edition)*, 1958 Nov 15.

¹⁸ Currie Boyd statement dated 1959 Dec 19 in interview transcript, 1959 Dec 22, case 166-72-2 section 1, DoJ files; “Denial Of Vote Rights In Tenn. County Charged” (UPI), *Memphis World*, 1959 Aug 1. In July Estes drove six of Brownsville’s black citizens to Nashville to take their complaint directly to the Tennessee Election Commission, hoping the visit would spur action soon enough to allow his clients to participate in the Democratic primary elections scheduled for the first week of August 1959. The visit of would-be registrants began to bear fruit immediately, attracting the *New York Times* and the nation’s black

In the meantime, Estes's involvement in Haywood County voter registration question was distracted by a new development to the south. In September 1958, a few months after Estes addressed the Mt. Zion congregation, the Fayette County sheriff made a spectacular arrest. Sheriff David Myers and criminal-court clerk Thomas German extradited fugitive Burton Dodson from East St. Louis, Illinois. The seventy-eight-year-old former sharecropper and part-time preacher had been in hiding from a capital murder charge under an assumed name since 1940. For half a year after returning south, Dodson was committed to state care for a pre-trial assessment of mental and emotional competence. While their father was incarcerated and perhaps because the lawyer was already linked to the county, Dodson's adult sons prevailed on James Estes to take their father's sensational defense case *pro bono*. As a lawyer deeply committed to voting rights, Estes probably saw the jury trial as an oblique opportunity to challenge the rigidly stratified status quo.¹⁹

On the day that the trial convened in April 1959, Estes staged an entrance tableau designed be conspicuous and perhaps to intimidate. Rotund and impeccably dressed in a business suit, he pulled up on the Somerville courthouse square in a highly polished

press. Currie P. Boyd statement, 1959 Dec 22, case 166-72-2 file section 1, DoJ records. T. O. Crews identified the group members as himself, Odell Sanders, Willie Martin Peterson, Rev. Hiram Newbern, Betty Douglass, George Graves, and attorney James F. Estes. T. O. Crews statement, 1959 Dec 19, 166-72-2 section 1, DoJ records; Edward L. Topp Jr., "Claims Vote Right Denial Within Haywood County," *Memphis Press-Scimitar (morgue file 64752)*, 1959 Jul 27; William Bennett, "Negroes Claim Vote Prevented," *Commercial Appeal (Memphis, Tenn.)*, 1959 Jul 28; "Negroes Demand Vote," *New York Times*, 1959 Jul 28; "Negroes Demand Vote," *New York Times*, 1959 Jul 28; "Denial Of Vote Rights In Tenn. County Charged," *Atlanta Daily World*, 1959 Jul 29).

¹⁹ Richard Saunders, "James F. Estes: Grassroots Advocate," *West Tennessee Historical Society Papers*, 63 (2009): 50–81; *Fayette Falcon*, 1958 Sep 11, 25. The trial documents are formally recorded in the Fayette County Circuit Court minutes, v.44, Somerville, Tenn., pages 252–253, 491–492. The defense evidentiary filings, with exculpatory photos, were returned to the county by the state supreme court after the appeal and have since seemed to have disappeared from county records. Dotson's own comment on his life on the lam is related in "Fugitive Life Fine Compared To Penitentiary, Says CME Minister," *Tri-state Defender*, 1959 Apr 11.

automobile. He was obviously not a sundried, poorly fed local sharecropper in field-worn work clothes. Estes and a small entourage strode directly into the courthouse—not through the basement side entrance that typically served blacks, but up the stairs, through the main doors, and into the courtroom. As he doubtless anticipated, the entrance created a stir and word spread through town quickly. One who noticed the spectacle was sharecropper Harpman Jameson, in town for supplies, standing outside a store across the street. With spring planting not yet begun and time on their hands, he brought brother-in-law John McFerren to see what the black lawyer could do for Rev. Dodson. Sharecroppers flocked to town for the rural spectacle. They were not disappointed.²⁰

Inside the courthouse Dodson's trial was almost a *pro forma* performance; there was no reasonable doubt that the jury would return anything but a guilty verdict, but the case represented another significant break in social and legal norms for the small community. Richard Couto later outlined two implications of Estes's trial tactics in the Dodson case. First, Estes was probably the first black person in county history to enter the county courtroom in a capacity other than defendant or janitor. The simple act of striding purposefully through the doors and into the Somerville courthouse in April 1959 was an act of defiant bravado—a clear sign that *place* was being challenged. Second, Estes refused to accept summary judgment and orchestrated a full jury trial for his client. By ignoring intimidation and functioning competently among the rule-bound formalities of the court, he made it difficult for Somerville to come up with or apply other intimidation tactics that intensive news coverage would not report. His arguments were

²⁰ Harpman Jameson, personal communication to author, 2006 Oct 17; “Ministers Told Not To Preach, Pray And Sing At Courthouse,” *Memphis World*, 1959 Apr 8; Square Morman, *Our Portion of Hell*, 46.

effective enough that the jury reduced the charge from a legally unsustainable first-degree capital offense to a second degree conviction.²¹ To see a black lawyer meet white power head-on in its own courtroom on its own terms and to engineer a reduced sentence for the nearly legendary figure of Burton Dodson, represented a paradigm shift. Square Mormon remembered that “Before the trial it looked like the peoples in Fayette County was scared that somethin would happen to em if they’d stand up, and I think they become convinced through Estes’ actions that that wasn’t true.”²² The trial gave the rural black community a lot to think and talk about.

To Couto’s list, two other points of significance about Estes’s action in the Dodson trial should be added. Jury selection also provided Dodson’s lawyer an opportunity to challenge the venire one by one in open court to take a stand about blacks as registered voters. Since the law provided for a trial by one’s peers, and since juries were selected from the pool of registered voters in the county, the question was directly relevant to the trial, while at the same time forcing a public discussion of local social discourse. Did they object to black citizens registering to vote? Surprising probably everyone, “most” of the eighty or so prospective jurors (perhaps a journalistic overestimate) replied that “they had no qualms whatever about Negro voters. They didn’t care if Negroes voted or not.”²³ A more nuanced and probably clearer view appeared in a national black photo magazine.

²¹ Couto, *Lifting the Veil*, 192. One witness observed, “we could see him walk in there, and there wasn’t no guards round him neither” (*Our Portion of Hell*, 47). Estes could have been on retainer immediately after Dodson’s extradition in 1958, but there is no hard evidence of the fact. The timeline is also unclear whether Estes’s retainer for the case was a cause or result of contact with Boyd.

²² *Our Portion of Hell*, 47. Mormon’s name is spelled variously.

²³ Burleigh Hines, “Tells Background On Fayette Vote Fight,” *Tri-state Defender*, 1959 Dec 5;

Time after time, Estes asked the white jury panelists this strategic question: “Are you in favor of Negroes registering and voting.” Every time he asked the question, the red faced veniremen would answer something like “Naw, I don’t think Negroes should be allowed to vote.” Prospective jurors were being disqualified. “But,” Attorney Estes says, “they finally caught on and pretty soon everybody [to whom] I asked the voting question began answering ‘Yes.’ This made the Negro spectators perk up their ears as they heard their bosses, businessmen, and other white persons saying that they believed Negroes should be permitted to vote.”²⁴

Whether those being questioned on the stand responded sincerely, felt pressured by the situation, or framed their answer as part of a tongue-in-cheek jest, the question asked in a legal proceeding put a key issue about the limits of black civic participation within Fayette County into the open. That Estes asked it at all allowed the idea of civic participation to seep into the black community far more effectively than had his sermon at Mr. Zion Baptist Church nine months earlier.

Finally, Estes’s very visible presence in Somerville allowed key local individuals to form a connection to a competent figure from outside the community, one who held the class stature and technical expertise previously enjoyed only by local whites. James Estes was in a position to contribute ideas and functions that were simply unavailable to the

“Estes Wins Applause Handling Murder Case,” *Memphis World*, 1959 Apr 11. The pool of potential jurors was overwhelmingly white—but only overwhelmingly, not exclusively. Three among the handful of the newly registered black voters were summoned for jury duty and included in the venire. It was a neat predicament. Estes could not object to all three without ruining his chance for an appeal on the grounds of jury bias, and could not risk seating any of the three for fear of intimidation in jury deliberation. Fortunately each was excused or disqualified. Years later, trial spectator John McFerren recalled that John Liddell, the largest black landholder in the county, served on the Dodson jury. The defense motion for a new trial suggests all three were rejected. Motion for new trial 1959 May 8, Circuit Court of Fayette County, case no. 1123, Fayette County Court records, Somerville, Tenn. That fact is confirmed by a contemporary news report, M. L. Reid, “Tensions Run High At Trial In Somerville,” *Tri-state Defender*, 1959 Apr 11, which reported specifically that two black prospective jurors had been dismissed for medical reasons and that John Liddell had been excused “when he stated that he would not find a Negro guilty of a charge, regardless of the evidence presented,” neatly inverting the traditional arrangement that often cleared perpetrators of white-on-black violence.

²⁴ Palmer, “Fayette County, Tennessee,” *Sepia* (Aug 1960): 9.

rural black communities in either Haywood or Fayette counties. That link created a spark almost immediately. Motivated by his questions to prospective jurors, at one court recess during jury selection Jameson and McFerren, both military veterans, quietly approached Estes and asked what qualified a man to serve on a jury. Estes replied that they simply needed to be registered voters.²⁵ This was a revelation. Word got around.

Currie Boyd's letter had alerted interested in the Justice Department's Civil Rights Division, but no action had yet been taken; it was not the only federal agency looking at West Tennessee, either. Coincidentally, immediately after the Dodson trial in May 1959, field investigators from the recently organized United States Commission on Civil Rights stopped at the courthouse in Brownsville to look over Haywood County's registration lists. The Commission had been established as an independent fact-finding and assessment agency by the Civil Rights Act of 1957. It had neither prosecutorial power nor jurisdiction beyond compiling factual data and reporting on citizens' access to public services, practical participation in civic life, and assessing bias within government programs. The Commission's first report noted that the counties which generated a complaint possessed common traits: they were rural counties in which agriculture dominated the economy, with relatively large landholdings, little industry, high tenancy rates, and low levels of education and income among tenants. Following the investigators' visit to Brownsville, the agency reported that Haywood County—one of twenty-nine counties in eight Southern states from which a voting-related complaint was received—had no registered black voters on its rolls. When investigators made a similar request in Somerville, the small number of registered black voters (fewer than sixty out

²⁵ Harpman Jameson to author, 2006 Oct 17; *Our Portion of Hell*, 27–28.

of a potential black voter population of over 6,000) provided a shallow foothold for editorial grumbling in the *Fayette Falcon* about unmerited federal “harassment” about the county voting lists. The local newspaper reported that the county voting records proved blacks had not been prevented from registering, ignoring both the tokenism the small figure implied and the intentional slowdown and obstructionism adopted by the registrar to keep the number of registered blacks as low as possible. In Brownsville the *States-Graphic* editor simply ignored investigators (and a year later, their report) with tight-lipped determination and made no comment at all.²⁶

Currie Boyd and James Estes met around the time of the Dodson trial. The Memphis attorney was becoming deeply involved as legal counsel to emerging groups of committed individuals that were coalescing in both counties. Haywood’s group of informally involved citizens and the small but growing number of similarly motivated individuals in Fayette County still lacked the structure to provide a vehicle for challenging the status quo. Drawing on his experience as a community organizer, Estes proposed that the black citizens of each county organize themselves officially. Organization provided an institutional platform for collective stability, coordination for meaningful and effective action, an anchor for personal commitment to the cause, a voice for communication, and a mechanism for recruitment and expansion that informal groups simply lacked. In the last week of May 1959 Estes registered incorporation documents for

²⁶ “Records Refute Charge Negroes Cannot Register,” *Fayette Falcon* (Somerville, Tenn.), 1959 May 21. U.S. Commission on Civil Rights, *Report of the United States Commission on Civil Rights* (Washington, D.C.: GPO, 1959), 55, 63–65. The report notes that investigation of a similar complaint from Lauderdale County, immediately west of Haywood, was found to be groundless. cf. “Rights Report on Haywood, Fayette—Lauderdale ‘Cleared’,” *Memphis Press-Scimitar* (home ed.; morgue file 64752 fd.A), 1959 Sep 9.

the Haywood County Civic and Welfare League (HCCWL) with the Tennessee Secretary of State's office.

Following the practice of the time, the incorporation certificate and other legal documentation was sent from the state office in Nashville directly to the county clerk, to be claimed there by a corporate representative. Boyd asked Stanton tenant farmer Omar Carney if he would pick up the HCCWL incorporation documents at the Haywood County courthouse the next time he was in town. He did. Leaving the building, Carney was confronted by 89-year-old George W. Baggett, who blocked his path and demanded "Where you going, boy?" Before Carney could answer, Baggett swung his cane or walking stick into Carney's face, leaving a deep cut under one eye. The assault was probably opportunistic rather than planned and may have been related to Carney's thoughtlessly walking out the main doors as a refusal to acknowledge *place*. The county took no criminal action and Carney refused to press civil charges or name his attacker in the press, fearing reprisal.²⁷ Perhaps because of this experience Estes did not file incorporation for the Fayette County Civic and Welfare League (FCCWL), a point that would contribute later to a fracture of the Fayette County organization.

Though his injuries were superficial, Carney sought medical help for his gashes forty miles away in Memphis, probably for two reasons. First, medical care allowed Estes to document the injury in a way that could not meaningfully happen in Stanton,

²⁷ "Farmer Claims Assault In Brownsville Courthouse," *Memphis World*, 1959 Oct 3; "Caned By White Man On Steps Of Tenn. Courthouse," *Jet* 16, no. 25 (1959 Oct 15): 7; "Aid Farmer Beaten in Brownsville," unidentified clipping, Estes scrapbook. The last clipping is probably from one of the editions of the *Pittsburg Courier*; not all of which have been filmed. Carney never did name Baggett, but the identification was made by activist Roger Phenix in "The Story of Haywood County" (38:9 Highlander records), a mimeographed account compiled in February 1964 and privately distributed by the Fayette Haywood Work Camps.

Brownsville, Somerville, Covington, or any other rural community. Second, Carney knew the white doctor in Stanton, who would want to know how the injury occurred.

Answering truthfully about the attack risked making the situation appear that he was both out of place and accusing a white man. Evading the question or answering untruthfully set him up as uncooperative or untruthful. The victim risked being perceived as a “bad Negro” because of the incident; either way a high personal cost would be involved if he were to get care locally. Even the choice to get medical help in Memphis exacted a reputational price. Paternalism and dependency imposed a line between dominant and subordinate parties that was negotiable only from one side. Blacks could not be perceived as trying to relocate the boundary. Carney’s employer, Bond Morgan, later related a paternal view of the situation. Morgan brushed aside the implication of an unprovoked attack. To him, Carney’s chief offense was ingratitude; further, news reporting of the incident caused Morgan personal embarrassment. As a returnee to the county, Morgan implied that his longtime experience living and working outside Haywood County put him beyond the sentiments that he tacitly agreed governed local race relations, but stated that “if Carney was frightened, he . . . should have advised Mr. Morgan of his fright” and “could have obtained local police protection.” Morgan failed to perceive the dependency relationship he expected from his injured tenant, and either disregarded or utterly misunderstood that local police and sheriff deputies actively enforced the social climate of intimidation and dependence. However shortly afterward Carney quit Haywood County and moved to Chicago. Carney feared reprisal for speaking against a white man, even if justified by an unprovoked assault. Carney's landowner, Bond Morgan, saw the

event in an entirely different light. He felt that publicity surrounding the caning reflected poorly on himself as Carney's employer.²⁸

Haywood election officials held to the practice of obstructing registrations by asserting an inability to act in their office. For instance, when Currie Boyd approached Poston a second time, he brought with him Charlie Ligon. Poston protested that without a full election commission in place, new registrations could not be filed at all. His own commission had expired the preceding April, but he said nothing about failing to return his reappointment. He referred the group to Leonard S. Smith, who had resigned his appointment following a job change, though he still lived in Haywood County and could have served. The only other commission member, George F. Freeland, had died the preceding year without a replacement. A meeting with any official or individual, whether formal or informal, always referred them to some other individual in a ceaseless and circular wild goose chase.

The systematic effort to solicit one or more influential white figures to intercede illustrates an important point about expectations and relationships across race and privilege. By approaching individual commission members and officials, Haywood County citizens attempted to nudge a concession from the power structure by operating within the county's traditional dependency system: find someone willing to exercise personal influence with other officials on behalf of a small number of would-be voters. That attempt at securing an intercession followed the established pattern of paternalism/dependence relationships, an arrangement which accorded effective control of social

²⁸ Bond Morgan interview summary dated 1960 May 10, 166-72-2 section 2; interview summary, 1960 Apr 10, 166-72-2 file section 2, DoJ records.

organization to the agency of individual private property holders. On one level officials were correct: individually they had no authority to register voters.²⁹ The implication of those denials and referrals, however, was that they were also unwilling either to exercise their personal influence, or to act with other whites in challenging the county's social stratigraphy, an arrangement that precluded blacks from civic participation. Trusting in the social strength of paternalism, Currie Boyd and those with him were looking fruitlessly for someone who would intercede with the county political establishment on their behalf; trusting in the strength of paternalism, whites invariably provided a credible but superficial excuse why they could not act individually, unwilling to challenge the status quo.

Actually, action addressing black voter registration efforts could be and was taken, though it was not the positive intercession applicants hoped it would be. Despite protesting to occasional small groups of black would-be registrants that nothing could be done about the situation, Dr. Poston began quietly discussing the budding movement with other power figures in the county. During one visit, Election Commission chair Poston wrote down the names and addresses of those wishing to register and said he would see what could be done. He was discretely followed to the courthouse by members of the inquiring group, where he was found with Sheriff John S. "Tip" Hunter discussing the

²⁹ Thella Cunningham of the Tennessee Secretary of State's Office reported that "under the Election laws of Tennessee, Dr. POSTON could act as a member of the Election Commission as no members have been qualified to succeed him, and Dr. POSTON could act as a hold-over member." Interview notes, 1959 Dec 17, 166-72-2 sect.1, DoJ records. James H. Alexander, Secretary of the Tennessee Election Commission, told investigators that "the function of actually physically registering persons is a duty of the Registrar or Clerk appointed by the County Commission. He said he seriously doubted that an individual County Election Commission member had authority to register persons." Interview notes, 1959 Dec 22, 166-72-2 sect.1, DoJ records.

individuals on the list.³⁰ Hunter was notorious among Haywood's black community for his unapologetic racism and quick resort to violent enforcement tactics. He was the officer who had detained Elbert Williams in 1941 on the night of Williams' lynching.³¹

Ideally the state government was above local paternalism, and Boyd's visits to Nashville had been attempts at seeing established law equitably applied. He trusted that an exercise of state power would resolve the local impasse, without perceiving how massive resistance could undercut established measures. The State Election Commission reappointed Dr. Poston to the county body in November 1959, but the physician chose not to return his oath to the state, a simple expedient that invalidated the appointment and incidentally stalled the appointment of a county voting registrar, which in turn prevented blacks from registering as voters. The state commission made two new appointments, but neither completed the oath of office to qualify them. The Haywood County Election Commission's resignations and refusals to serve kept members of the county's black majority population from making the first step in overturning the established social and county political order, individual sacrifices that accomplished a greater good of stabilizing segregation and privilege. The state could do nothing without a recognized election board and lacked any means to compel voluntary appointees to serve. No legal mechanism was in place to handle a circumstance in which commission appointees simply would not serve. It had not happened before.³² A *Memphis Press-Scimitar* article

³⁰ Currie Boyd affidavit, 1959 Dec 12, 166-72-2 section 1, DoJ records.

³¹ Annie Williams, affidavit 1940 Sep 11, "Tennessee Lynching — Williams, L. C.," II:A393, NAACP records.

³² Edward L. Topp Jr., "Claims Vote Right Denied Within Haywood County," *Memphis Press-Scimitar*, 1959 Jul 27; "Negroes Demand Vote," *New York Times*, 1959 Jul 28; "Denial of Vote Rights In Tenn. County Charged" (UPI), *Memphis World*, 1959 Aug 1; Edward L. Topp Jr., "Haywood Can Hold

captured the issues involved with the Haywood County Election Commission: if the appointees “decide not to qualify for commission service, the state board likely faces considerable difficulty in finding replacements for them. Reportedly, most white residents of Haywood are reluctant to become involved in the controversial matter.” Since elections are central to the function of the governance at all levels, failure to secure elections was a serious matter, made doubly so as part of what appeared to be a broader pattern of electoral discrimination between states.³³

Inaction likewise invalidated a second round of appointments. The situation was at an impasse. Haywood County was left with no legitimate means of registering voters but also no means of conducting a valid election, either. The Brownsville City election scheduled for 8 December 1959 was cancelled. After two more rounds of appointments, finally in February 1960 the Republican member from Brownsville, Dr. W. D. Poston, was joined by W. R. Gaters and R. W. Turner III, both Democrats and farmers near Brownsville. The newly reconstituted Haywood County Election Commission quickly appointed Clarence H. Berson as registrar. The county books “will probably be opened to register voters about mid-April,” Poston declared, “as soon as they are straightened out.” He declined to say what was wrong with them.³⁴

Primary,” *Memphis Press-Scimitar*, 1959 Aug 3; “Rights Report on Haywood, Fayette—Lauderdale ‘Cleared’,” *Memphis Press-Scimitar*, 1959 Sep 9; “Was FBI Biased In Tenn. ‘Probe’ Of Vote Denials?,” *Pittsburgh Courier (national ed.)*, 1959 Sep 26; Joe Freeland, “Haywood Election Body Poses A Thorny Problem,” *Memphis Press-Scimitar*, 1959 Oct 25.

³³ Joe Freeland, “Haywood Election Body Poses a Thorny Problem,” *Memphis Press-Scimitar*, 1959 Oct 25, quoted in full in Joseph A. Canale (Memphis FBI office), summary report dated 1959 Dec 5, 166-72-2 section 1, DoJ files. cf. *US v. State of Alabama, et al.*, 206 F.Supp. 341; *US v State of Alabama*, 192 F.Supp. 677; affirmed in *State of Alabama v US*, 304 F.2d 583. This case and its appeals concerned a circumstance in Macon County, Alabama which had a racial demographic similar to Haywood County.

³⁴ Joe Freeland, “Haywood Election Body Poses A Thorny Problem,” *Memphis Press-Scimitar*, 1959 Oct 25; “New Haywood Election Body” (UPI), *Memphis Press-Scimitar*, 1960 Feb 1; “2 in Haywood

It was not long before the white community became aware something was happening, but how news travelled, how quickly it spread, and how widely things were known is not possible to identify accurately. In both counties, blacks wanting to register as voters began to experience direct pressure by the spring of 1960 not to become involved. Those who were involved began finding that their anchors to daily life were loosening. Tenancies were revoked, credit accounts were closed, and employment was denied. According to later investigation testimony, most of this was applied personally, one-on-one by landowners or employers. George W. Douglass recounted to investigators a litany of hearsay accounts of charter members of the Haywood Civic and Welfare League being evicted from their tenancies or suddenly denied service by businesses. Former deputy sheriff Charlie Scott dismissed brothers Billy Martin Peterson, who moved to Gary, Indiana, and James O. Peterson, who moved to Mansfield, Ohio, from their tenant arrangements specifically because they were members of the HCCWL. Bill Powell told Joe Sandlin he would have to withdraw from the HCCWL or lose his job. Reprisals were more widespread than investigators were able to document. Many hands flatly refused to cooperate with investigators. "Some of the victims were afraid to even mention their situations for fear of bodily harm from the landlords," Currie Boyd reported.³⁵ As far as a legal case went, the information from most of those willing to talk to federal agents constituted only hearsay and not admissible evidence. Without direct testimony, all investigators could do was compile interviews.

Say 'Yes'," *Memphis Press-Scimitar*, 1960 Feb 2; "New Officers of Haywood Group," *Memphis Press-Scimitar* (morgue file 64752 fd.A), 1960 Feb 29.

³⁵ Currie Boyd letter dated 1959 Dec 19 in interview transcript, 1959 Dec 22, 166-72-2 section 1, DoJ files; George W. Douglass letter and interview transcript, 1959 Dec 23, 166-72-2 section 1, DoJ files.

Intervention

Though millions of new immigrants were acculturating to America, black separateness was almost an article of national faith, even as the NAACP and other organizations militated against it. By the time a moderate Republican, Dwight Eisenhower, assumed the Chief Executive's chair, civil rights was already a matter of agitation nationally. Eisenhower accepted Franklin Roosevelt's premise of "constitutional moralism" and used Executive orders to repeal segregation in federal service. In his second term the administration engineered passage of the Civil Rights Act of 1957, among the first national legislative actions to lean heavily on the idea of civic participation as being limited by no other trait or qualification other than citizenship. This new law provided a backdrop for the West Tennessee's nascent conflict between similar viewpoints about the same positions. Eisenhower's steps to codify "constitutional morality" virtually ensured that the federal agencies would act in these two Tennessee counties at some point.³⁶

The Civil Rights Act of 1957 created two agencies to measure and protect citizens' civic participation under an inclusive, liberal definition of *rights*. The United States Civil Rights Commission (CRC) was established as a short-term "fact-finding body," a reporter and advisor which documented the degree of equity as governmental programs were applied. The Civil Rights Division of the U.S. Department of Justice provided for enforcement of federal statute at a grass-roots level. Even before the CRC met formally, Tennessee Senator Estes Kefauver wrote chair John Hannah that "I hope the Commission will concentrate on this subject [voting], and not wander afield where

³⁶ Robert Frederick Burk, *The Eisenhower Administration and Black Civil Rights* (Knoxville, Tenn.: Univ. of Tennessee Press, 1984), 131–150, 204–250.

the result will do nothing but muddy the waters of progress.”³⁷ Senator Kefauver pointed out that denying the right to vote was the least defensible position Southern conservatives and proponents of segregation could assert either by legal statute or in the name of civic morality. An early attorney noted that the lawyers charged with enforcing the Civil Rights Acts were fired by a “philosophy grounded in hope” that saw federal government as the protector of both collective *and* individual liberties—not merely of individuals belonging to privileged elites, but all citizens. “This kind of hope is not the same as optimism,” he remembered. “It is not a willingness to invest in an enterprise that is obviously heralded for early success, but rather the ability to work hard for something because it makes sense, not because it stands a chance to succeed.”³⁸ The CRC began its work by corresponding with newly appointed state commissions, and in 1959 held its first meeting in Nashville, Tennessee.

Currie Boyd’s July 1958 letter to the Justice Department from Stanton, Tennessee was one of the earliest voting-rights complaints received by the new Civil Rights Division. The Justice Department considered unsolicited complaints seriously, but given the nature of Curry Boyd’s letter, the Brownsville postmark provided an important cachet. Boyd’s letter to the Justice Department was routed immediately to Henry Putzel Jr., acting head of the still-new Voting and Elections Section in the Civil Rights Division. Putzel was familiar with details in Margaret Price’s report on black voting which had just been published by the Southern Regional Council. Her report noted specifically that

³⁷ Kefauver to Hannah, 1959 Oct 5, quoted and cited in Steven F. Lawson, *Black Ballots: Voting Rights in the South, 1944–1969* (New York: Columbia Univ. Press, 1976), 230–231. The “progress” Kefauver had in mind was the eventual steps toward desegregation in education and the slow emergence of a black middle class.

³⁸ Doar, “Work of the Civil Rights Division,” *Florida Law Review* (Fall 1997): 5.

Negroes in Tennessee generally found no opposition to their franchise, save for three counties in the western third of the state where they faced opposition to voting or risked intimidation: Hardeman County, Fayette County, and Haywood County. Currie Boyd's letter, with its Brownsville postmark, was partial evidence supporting her assertion.³⁹ Local activism for the right to vote in Haywood and Fayette counties was sparked by people on the ground, but the movement for inclusion was never exclusively independent or entirely home-grown. If residents of either county had relied solely on their own assets and worked to resolve the situation only with local officials it is unlikely that change in voting practices would have occurred. Largely because individuals in both counties secured a powerful ally that local elites could not dominate, the federal government applied enough pressure to disrupt tradition and re-divide the jealously held local privilege of participating in elections. The courts exposed the lack of a legal foundation for the traditional denial of black voting. Price's study, Boyd's letter, and Powell's statement had put a corner of rural West Tennessee on the Civil Rights Division's watch-list by the late fall of 1958. As mentioned earlier, the CRC dispatched investigators first to Brownsville and then Somerville in May 1959.

Fayette's County's Democratic primary of 1959

Against the backdrop of recent registrations by black voters, seventeen members of the Fayette County Democratic Executive Committee met in the county court house on 20 June 1959. They constituted the locus of political and economic power in the county. Its members included the county's largest landowner, Dr. John W. Morris, and the county

³⁹ Margaret Price, *The Negro Voter in the South* (Atlanta: Southern Regional Council, 1958), 31–32. Hardeman County's circumstances were never investigated and have never been studied, even contemporarily.

clerk and master of records and county attorney, Joe N. Cocke. With the windows open and a buzzing electric fan stirring the limpid air, the gathered men discussed the potential involvement (and consequences) of black voters in the local party primary election, and looked for an arrangement that would limit *public* participation to only the county's reliable (that is, white) electorate. In the end they adopted a resolution that was lifted from boilerplate legal text of earlier election resolutions. Longstanding consensus left responsibility for the exact contents of the document to the group's real political center, secretary Joe Cocke, backed by Sam Dunn and a few others. The resolution was similar to those generated in other years, with the addition of a single important word. "Be it further resolved," read the second clause of the resolution,

that all known *white* Democrats who have duly registered as required by law and who will pledge themselves to abide by the results of the said primary election and the support the nominees thereof and who shall be allowed to vote in the General Election in August, 1960, and no other shall be allowed to vote in said primary election.⁴⁰

In making this slight change to the language of a routine authorizing resolution, the FCDEC members were asserting their belief not only about the boundaries of a political party, but also an assertion about the nature of society itself. The FCDEC statement was a socially conservative stance. It claimed that political parties, and by extension the public society that elected office represented, were comprised of overlapping shared personal interests and views. Party participation and membership in

⁴⁰ "Notice of Democratic Party Primary," *US v. FCDEC* Appendix A, civil no. 3835 (W.D. Tenn. 1959), National Archives and Records Administration, Southeast Region, Atlanta, Ga. (italics mine); "Federal Suit Attacks Primaries In Fayette," *Fayette Falcon*, 1959 Nov 19.

public society was exclusive, and only those who were mutually accepted across the boundary could participate by right of informal and mutually defined membership.

As the August 1 primary election neared, nearly 600 of Fayette County's black citizens had registered to vote. Another 300 had attempted to register and for various reasons had been unable to do so. On the morning of the election, Joe N. Cocke, the county clerk and FCDEC secretary, distributed a letter to district election judges and officials with the ballot boxes. "This is a WHITE DEMOCRATIC PRIMARY," read the opening line of the notice. "If any Negroes should ask to vote in your district, they are to be informed that 'this is a White Democratic Primary and not a General Election.'"⁴¹ The few black citizens who did present themselves at the polls, including John McFerren and Harpman Jameson, were turned away on the authority of Cocke's letter. Three days later, Haywood County held its local Democratic primary and a county general election. No black citizens voted because none had successfully registered.

Since no other party had an organized presence in the county and Democratic Party candidates ran unopposed, party primary elections were effectively election to local office. The same was true for Haywood County. There had not been a contested general election in either county for a century. Jasper B. Shannon had observed that in the conservative South, "The Democratic party has become a symbol of a way of life, fundamentally undemocratic socially, politically, and economically. The Democratic Party is an order into which one is born; it is a tradition which symbolizes a long-since

⁴¹ *Tri-State Defender*, 1959 Aug 8, Dec 5. The quote is from a transcript included as an exhibit in the Justice Dept. filing. "To The Election Official Holding the Primary Election," Appendix B, *US v. FCDEC*.

outgrown past whose perpetuation is a part of a creed of loyalty to one's forbears."⁴² In 1959 Estes was certain the FCDEC had handed him an actionable offense, but first, following the chain of authority to protest what he felt was an indefensible step, Estes immediately telephoned the state Democratic Party chairman, Jimmy Peeler of nearby Covington. According to a subsequent news report, Peeler told Estes that the state party exercised no control over local primary elections and refused to arrange a meeting between Fayette County Democrats and the black citizens with their lawyer. Peeler instead invoked the conservative line, "be patient and things will work out themselves"—a vague promise of eventuality lacking any commitment to meaningful effort.⁴³ Estes filed a complaint with the Justice Department immediately.

Locating a sympathetic ear in the local office of federal investigators was no less difficult. The Civil Rights Division of the Department of Justice was still green and woefully understaffed. Responsibility for enforcing federal civil law fell directly on the U.S. Attorneys scattered across the country. Investigative support was delegated to the Federal Bureau of Investigation, which approached civil rights with long-standing institutional reluctance. In West Tennessee individual Special Agents demonstrated their capacity as service-minded, conscientious public servants, but experience also proved that just as many were unsympathetic or outright hostile to that facet of civil law.

⁴² Jasper Berry Shannon, *Toward a New Politics in the South* (Knoxville: Univ. of Tennessee Press, 1949), 14. Both counties had registered Republicans but neither county had a competing party organization until (white) Republicans organized in 1964 in Brownsville and in 1965 in Somerville; once again those local parties were segregated. The first Republican Party primary *ever recorded* in Fayette County was held in 1966 ("Republicans Will Hold Primary In County On Aug. 4," *Fayette Falcon*, 1966 Jul 21). Cut out of local political participation once again, Brownsville's black Republicans would organize separately in 1968 ("Negro Republicans Form Club For County Political Purposes," *States-Graphic [Brownsville, Tenn.]*, 1968 May 31).

⁴³ "Negroes Denied Right To Vote In Summerville's [*sic*] Election," unidentified, incomplete clipping in Estes scrapbook.

The Memphis FBI office dispatched Special Agent Franklin L. Johnson to investigate the events in Somerville at Estes's prompting. Johnson, it turned out, was a native of Williston in Fayette County and quickly alienated those whom he interviewed. The black news outlets pointed immediately to the conflict of interest and "inheritable loyalties." Johnson "became angry when Negroes asked him to show some identification. The agent was more interested in finding out who employed the lawyer to file a complaint against county officials than in discovering if they were being denied registration privileges," Estes complained in a letter to FBI director J. Edgar Hoover. "His interest is divided between his native community and his service for the Federal Bureau of Investigation."⁴⁴ Estes also gathered a group and drove from Somerville to U.S. Attorney Rives Manker's office in the Memphis Federal Building.⁴⁵ Realizing the gaffe, the Bureau quickly replaced Johnson with another Special Agent and the investigation proceeded.

Estes's action and Manker's transmittal landed in the hands of Henry Putzel Jr., chief of the Voting and Elections Section, with cosmically perfect timing. The Justice Department was already pursuing *US v. Alabama, et al.*, another circumstance in which it appeared that resignations by election commissioners had effectively kept potential black voters from registering. The thematic connection to the *Alabama* case gave the circumstances in rural West Tennessee immediate attention at a national level. On 16 November 1959 US Attorney Rives A. Manker filed a lawsuit, alleging voting

⁴⁴ "Charge Memphis FBI Biased In Vote Case," *Tri-State Defender*, 1959 Sep 19. "Local FBI Accused of Biased Investigation In Fayette County," *Memphis World*, 1959 Sep 16; "Was FBI Biased In Tenn. 'Probe' Of Vote Denials?," *Pittsburgh Courier (national ed.)*, 1959 Sep 26.

⁴⁵ L. T. Redfearn interview recorded by Charles A. Haynie, undated [1963], Haynie papers, WHi.

discrimination, in the Western Division of the Second Federal District Court for Tennessee. *US v. Fayette County Democratic Executive Committee* was the first voting rights suit filed under 42 USC 1971(a) and (b), the Civil Rights Act of 1957.⁴⁶

With the Fayette suit filed and following a year of fruitless effort trying to start voter registrations in Haywood County, James Estes found half of his rural institutional and community development efforts suddenly left out. He hurriedly compiled seven affidavits relating the experiences faced by would-be voters in Brownsville, hoping the testimony would be enough of a foundation on which to file a parallel suit addressing denials in Haywood County.⁴⁷ On 2 December 1959 Estes submitted them to the U.S. Attorney in Memphis. The attorney forwarded them the same day to Frank Holloman, Special Agent in Charge of the Federal Bureau of Investigation (FBI) office in town, and sent transcribed duplicates to the Justice Department's Civil Rights Division. The Attorney requested a "preliminary investigation" into the Haywood situation from the investigative arm of the Justice Department, but Ryan failed to either file a parallel suit or

⁴⁶ *US v. FCDEC* (1959), National Archives. "Private Economic Coercion and the Civil Rights Act of 1957," *Yale Law Journal* 71, no. 3 (1962 Jan): 537–550. This article, published anonymously, was written by Burton Joel Ahrens. Ahrens to John Doar, 1961 Jul 28; Doar to Ahrens, 1961 Aug 4, 166-72-1 section 14, DoJ records. "Fayette Inquiry Preceded Suit" and "Suit Is First Under New Act," *Commercial Appeal (Memphis, Tenn.)*, 1959 Nov 17. "U.S. Sues to Outlaw Primary Barring Negroes in Tennessee," *Washington Post*, 1959 Nov 17; "U.S. Acts To Halt 'White Primaries'," *New York Times*, 1959 Nov 17; "Federal Suit Attacks Primaries In Fayette," *Fayette Falcon*, 1959 Nov 19; "End 'White Primary' Suit Asks" and "Atty. Gen. Rogers Praised By NAACP For Fayette Action," *Memphis World*, 1959 Nov 21; "U.S. Files Tenn. Suit to End 'White Primaries,'" *Pittsburgh Courier (national ed.)*, 1959 Nov 28; Burleigh Hines, "Tells Background On Fayette Vote Fight," *Tri-state Defender*, 1959 Dec 5. On the day the suit was filed the U.S. Supreme Court agreed to hear oral arguments in related voting cases from Georgia and Macon County, Alabama. *US v. Alabama et al.* 206 F.Supp. 341 settled the point that local voting registrars were agents of the state and could not therefore refuse to register black voters. A separate case with the same name, also filed on a Macon County, Ala. action and decided the following year (192 F.Supp. 677), struck down discriminatory qualification tests adopted by Redeemer governments after Reconstruction.

⁴⁷ 166-72-2 section 1, DoJ records. The affiants were George Graves, T. O. Crews, Odell Sanders, Currie Boyd, James T. Bond, John D. Mann, and George W. Douglass.

to join the cases.⁴⁸ In the courts, the division between the circumstances was clear and proper. The lawsuit and Estes's affidavits represented addressed the actions of separate institutions without jurisdiction in either neighboring county, but two cases on the same point filed at the same time would have demonstrated an important pattern in the South's social setting, and would potentially create a broader legal base and strengthen the reach of the resulting judicial decision. Despite the precedence of Currie Boyd's letter and Estes's best efforts, the filing of *US v. FCDEC* divided the two counties in the attention of both local and national media; the federal case allowed the Fayette story and its personalities to eclipse Haywood, a situation neither the courts nor the media rectified.⁴⁹

The lawsuit reflected a political view of democratic participation which had immediate roots in the New Deal's brand of liberalism. The view argued by the Eisenhower Justice Department saw American civic society as inclusive. Contrary to the position taken by the FCDEC, the view of federal officials was that participation in any public setting could not be limited to a privileged, exclusive group of any sort. Citizenship was citizenship.

The defendants' attorneys filed their answer to the federal suit—the second half of the arguments laid before the federal court—on 16 February 1960, after several continuations. The defendants' filing made the typical assertions that the federal court

⁴⁸ Rives A. Manker to Joseph M. F. Ryan Jr, Frank Holloman, 1959 Dec 2, 166-72-2 section 1, DoJ case files. Transcripts of the affidavits precede the letters in the same file section.

⁴⁹ "Fayette Inquiry Preceded Suit" and "Suit Is First Under New Act," *Commercial Appeal (Memphis, Tenn.)*, 1959 Nov 17; "U.S. Sues to Outlaw Primary Barring Negroes in Tennessee," *Washington Post*, 1959 Nov 17; "U.S. Acts To Halt 'White Primaries,'" *New York Times*, 1959 Nov 17; "Federal Suit Attacks Primaries In Fayette," *Fayette Falcon*, 1959 Nov 19; "End 'White Primary' Suit Asks" and "Atty. Gen. Rogers Praised By NAACP For Fayette Action," *Memphis World*, 1959 Nov 21; "U.S. Files Tenn. Suit to End 'White Primaries,'" *Pittsburgh Courier (national ed.)*, 1959 Nov 28; Burleigh Hines, "Tells Background On Fayette Vote Fight," *Tri-State Defender*, 1959 Dec 5.

lacked jurisdiction in the case and that there were no stated claims requiring remedy. Both were throwaway legal arguments included in response to a complaint of any sort. The heart of the argument was the “fourth defense.” In this point the defendants’ attorney argued that the Fayette County Democratic Executive Committee’s holding of a primary election was not a public act and did not constitute an “election by the people” as defined by the Civil Rights Act of 1957 (which was the terms on which the complaint was filed). The group picked up a thread stated in an earlier court decision that “exclusion by political party of negroes from participation in a primary election was private or party action and not state action.”⁵⁰ The argument expanded upon the idea of public society as an exclusive group implicit in the “white primary” resolution authorizing the primary election the preceding June. The response from the FCDEC argued fundamentally that a primary election “was openly and avowedly a balloting of a limited, designated group of citizens”—a private organization—and that as such was specifically not an “election by the people” protected by the Civil Rights Act. The FCDEC stood firmly on the view that a racially defined primary was a collective invocation of First Amendment’s guarantee of both peaceful assembly and individual free speech. They also asserted that an open primary unjustly denied the Fifth Amendment’s right to individual due process “because it has the effect of depriving the defendants, as members of the limited, designated group . . . of liberty within the meaning of the Fifth Amendment . . . without due process of law.”⁵¹ By their arguments, the defendants argued a view of “public society” that was

⁵⁰ *Smith v. Allwright*, 321 U.S. 649, KeyCite headnote. The Supreme Court explicitly acknowledged and rejected this argument from a lower court ruling.

⁵¹ “Defenses and answers of the defendant,” defenses four and five, *US v. FCDEC*.

aimed directly at not only preserving, but legally defining the prerogatives of those atop the county's stratified status quo.⁵²

The arguments made by defense attorneys illustrate the conceptual nature of the South's segregation. Conservatives defined the *public* as a closed and bounded social space having clear, color-defined boundaries. The bounds divided those who were mutually allowed within the *public* circle from those existing outside it. In this view, society consisted of mutual agreements between private individuals, rather than a general, abstract right of participation. *Public* functions were therefore exclusive; participation in *public* functions (like elections, or county office) should be limited to those with acknowledged standing in *society*. White tradesmen, laborers, and tenants could qualify, but black ones could not. Color was the marker, not the motivator, for segregation; segregation was a privileged definition of society, based on criteria that not every U.S. citizen could meet.

With the case in federal court, the jerky attempts by both sides to flank the opposition and get the upper hand in the rights issue was transformed into the slow, formal waltz of jurisprudence. Investigators had the latitude to begin looking more closely at the circumstances. Agents tabulated Haywood County voter registration records in mid December, which were open public records by state statute. Investigators' canvass counted 6,140 registered voters, all of them enrolled prior to the county Election Commission's resignations more than a year earlier, but showed "no indication of any

⁵² Defense and answer of defendants, *US v. FCDEC*. Because it answered only the immediate complaints enumerated in the suit, the defendants' responses left several legal points unaddressed. Foremost of these was that since the FCDEC denied black participation in the "white primary," what standing could be claimed if, as the *majority* population, black Democrats decided to organize separately and held their own primary election? This was exactly the issue in the credentialing challenge mounted by the Mississippi Freedom Democratic Party's at the 1964 Democratic Party convention.

Negroes registered” despite the fact that race was a data point included on the printed registration form. However, the county was not entirely discriminatory in the way the law was applied—seventy-four dead people continued to hold valid voter registrations.⁵³

As the District Court in Memphis waited for the FCDEC to respond to the suit, the Voting & Elections Section of the U.S. Department of Justice reviewed testimony from the Brownsville investigations. The entire Civil Rights division was staffed by slightly more than a dozen lawyers charged with both civil and criminal jurisdiction of civil rights cases of all sorts across the country. Lacking the manpower for a vigorous enforcement effort, their role was limited primarily to monitoring developments.

When Haywood County finally qualified an Election Commission in late February 1960, the Civil Rights Division noticed. In mid March, J. Harold Flannery returned two assessments of the Brownsville situation, citing specific instances of intimidation that “The Bureau [FBI] did not pursue . . . but limited its investigation to interviews of those who accompanied Boyd on his fruitless rounds.” Both reviews concluded that investigations in both counties nevertheless revealed evidence of intimidation and that coercion was probably documented well enough to merit action under the Civil Rights Act of 1957. Section (b) read “No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote.” Though the statute had not been tried on merit in a civil action,

⁵³ Joseph A. Canale report ME 56-67; George W. Hymers and James B. Henderson to SAC (56-57), 1959 Dec 22, 166-72-2 section 1, DoJ records. Agents were in Brownsville and Somerville on 1959 Dec 18-19.

Flannery found precedent for action in case law grounded on a parallel criminal statute.⁵⁴ Flannery asserted that the Department needed to discover for certain whether intimidation was preventing individuals from registering or voting. With *US v. FCDEC* still looking like it was headed to court, Acting Assistant Attorney General Joseph M. F. Ryan Jr. requested a deeper look at Haywood County's voter registration practice, opening a second round of local voting-rights investigations.⁵⁵

Though defense attorney Lucius Burch was able to stave off a courtroom confrontation over merits for several months, *US v. FCDEC* could not be postponed indefinitely. As time passed and the defense team consulted legal authorities and precedents, it became increasingly clear that despite assertions of constitutionality, the defendants had no solid legal grounds and few precedents on which to argue their case. The U.S. Supreme Court had already rejected one manifestation of the conservative Southern basis for defining society exclusively, having struck down racial primaries more than a decade earlier. In fact, more than anything, FCDEC's clear breach of settled law in Tennessee provided the opening for federal legal action filed under the rubric of the Civil Rights Act of 1957. In late February the government's case was set for trial in federal court on Wednesday, 27 April 1960.⁵⁶

⁵⁴ J. Harold Flannery to Henry Putzel, 1960 Mar 18 and 14, 166-72-2 section 2, DoJ records; 42 USCA 1971(b), the criminal parallel he cited was 18 USCA 241, a criminal conspiracy statute which he acknowledged "demands a higher 'mens rea' [proven criminal intent] than a civil statute."

⁵⁵ Joseph A. Canale report synopsis, File ME 56-67, 166-72-2 section 2, DoJ records.

⁵⁶ In the Texas case of *Smith v. Allright* the Supreme Court had let stand a lower court ruling that membership in a political party was the sole criteria necessary for participation in any election, primary or general. Parties could not hold primaries that excluded members on any grounds. Holding racially defined primaries was constitutionally indefensible. *Smith v. Allwright* 321 U.S. 649, 64 S.Ct. 757, U.S. 1944. cf. Charles Zelden, *Battle for the Black Ballot: Smith v Allwright and the Defeat of the Texas All-white Primary* (Lawrence, Ka.: University Press of Kansas, 2004). W. Lloyd Johnson to Vincent Beal and Rives A. Manker, 1960 Feb 25, in *US v. FCDEC*.

Another turn of the legal waltz came on 25 April, two days before a federal trial on the complaint was scheduled. With no meaningful chance of a legal decision in their favor, the defendants capitulated and agreed to a consent decree, a tactical legal retreat. U.S. District Judge Marion Boyd issued the decree in *US v. FCDEC*. “Without trial or adjudication of or finding any issue of fact or law” the FCDEC agreed to the terms of the suit: that neither the organization nor its members would “prevent the exclusion, under the state or local law, community custom, or political party practice, on account of race or color, of duly registered voters . . . from effective participation in any election.”⁵⁷ On the surface, the plaintiff “won,” though without a fight that would have established a precedent. In practical terms, nothing happened. Conversely, settlement of the case by consent was significant for the deeply conservative local Democratic Party officials. The decree allowed the court to impose an order on a single action *without* ruling on an argument, settling a point of law, or deciding the merits of the case—leaving the defendants without an admission of wrongdoing or providing the plaintiff standing for future legal action. The consent decree, which essentially allowed the defendants to escape actual responsibility for the complaint, provided the narrowest possible remedy for the situation and kept the federal court system from gaining a legal foothold over local political activity or its mechanisms.

Joseph M. F. Ryan Jr., Assistant U.S. Attorney General for the Civil Rights Division, explained in a statement to the press that “the purpose of the consent judgment is to prevent the exclusion, on account of race or color, of duly registered voters of

⁵⁷ Final judgment, *US v. FCDEC*, National Archives, Atlanta.

Fayette County from effectively participating in all elections.”⁵⁸ Time would prove that until practical changes were enacted and enforced, the agreement covered only theoretical participation and not actual participation in elections. The consent decree was a binding agreement established between the parties in the court, but it was not a judicial decision about actual offenses. The terms of the consent decree in *US v. FCDEC* limited its reach to “the individual defendants in the activities of any committee or group calling, conducting, or supervising an election.” It specifically excepted the individual defendants “in their private, business, or professional capacities”—an enormous loophole. The FCDEC as a whole and as individuals were prohibited from “the exclusion under state or local law, community custom, or political party practice, on account of race or color, of duly registered voters of Fayette County from effective participation in any election.” They were also enjoined from preventing participation as well.⁵⁹ Since the decree covered only FCDEC members and not others of the white community, nor of any other municipality, county, or state in the country, and while the decree resolved an issue “without going to court,” it provided a comparatively cheap and easy victory. It also robbed the victims specifically of a legal precedent and rule on the point of law: they

⁵⁸ “A Tennessee Area Backs Negro Vote,” *New York Times*, 1960 Apr 26. cf. “Negro Vote Right Ordered In West Tennessee County,” *Christian Science Monitor*, 1960 Apr 26; “Consent Degree Gives Negroes Right To Vote,” *Commercial Appeal (Memphis, Tenn.)*, 1960 Apr 26; “Negotiations Settle Negro Right to Vote,” *Washington Post*, 1960 Apr 27; “Court Decree Affirms Negroes’ Right to Vote | Fayette Officials Enjoined From Any Discrimination,” *Fayette Falcon (Somerville, Tenn.)*, 1960 Apr 28; “Fayette Countians Win Right To Register And Vote In All Elections,” *Memphis World*, 1960 Apr 30.

⁵⁹ Final judgment, *US v. FCDEC*; “Consent Degree Gives Negroes Right To Vote,” *Commercial Appeal (Memphis, Tenn.)*, 1960 Apr 26; “A Tennessee Area Backs Negro Vote,” *New York Times*, 1960 Apr 26; “Negro Vote Right Ordered In West Tennessee County” (AP), *Christian Science Monitor*, 1960 Apr 26; “Fayette Negroes Get Assurance,” *Memphis Press-Scimitar (morgue file 80137 fd.A)*, 1960 Apr 26; “Negotiations Settle Negro Right to Vote,” *Washington Post*, 1960 Apr 27; “Court Decree Affirms Negroes’ Right To Vote,” *Fayette Falcon*, 1960 Apr 28; “Fayette Countians Win Right To Register And Vote In All Elections,” *Memphis World*, 1960 Apr 30.

gained nothing but an intangible and unenforceable promise that the local party leaders would not openly prevent them from participating.

Despite its flaws as a legal resolution, the consent decree accomplished one important point. In a historical sense, the consent decree invalidated a tradition central to the way that Fayette County's social identity and organization was defined. Despite status as a time-honored tradition, color-based disenfranchisement could not measure up against the broader ideals in an American definition of civic society. The defendants' answer and eventual consent was also the first grudging but tacit admission that civil society was not an exclusive and self-sustaining club.

* * *

Under the terms of the *US v. FCDEC* consent decree, limiting civic participation by using race as a bounding factor was invalidated, but the broader philosophical issue went largely unnoticed by both sides of the complaint. The judgment imposed a civically liberal interpretation of law and participation. This case represented an important step in redefining local civic participation as a boundless, inclusive social contract limited only by citizenship, rather than as a bounded or exclusive social contract of private agreements among privileged equals. *US v. FCDEC* reflected the key premise of the civil rights movement: that the nation's civic "space" was governed by rights incident only to citizenship, rather than by personal privilege or social convention. "Civil" rights existed beyond—or at least beside—the terms of personal rights and locally acceptable social standing. Specifically, civic participation was not limited to white citizens. U.S. citizens, white or black, had a right to be involved in elections as voters on the same terms. Time and circumstances would prove, however, that county officials might agree to black

participation, but they did not surrender an unstated intent to dominate the local electoral process and retain control of the *public* as effectively as they ever had.

Chapter 3

Registration, Embargo:

The Strategy

The political life of an oppressed people depends directly on their full understanding of the nature of power and their true situation in the power arrangements.¹

Ordinary people who learn to believe in themselves are capable of extraordinary acts, or better, of acts that seem extraordinary because we have such an impoverished sense of the capabilities of ordinary people.²

Early in the morning on the first Wednesday of almost every month through 1960, black sharecroppers would filter into Somerville from the tenancies and farms. This was not a normal day in town for the farm folk. They came neatly dressed, many in their Sunday-best clothes. By the time the courthouse opened for the people's business, an orderly line stretched decorously down the sidewalk. They were waiting for the voting registrar's office to open and were there to register. By the end of the day the line had moved only slowly. Registration clerks worked methodically, slowly, painstakingly, completing individual qualifications tests and registration forms with measured precision. Though the office opened only once a month, the office might be closed part of a day to relieve a clerk claiming fatigue. When the office closed promptly at 4:00 most of those who had waited patiently through the day walked away quietly. They would be back again on the next first Wednesday. If they did not have a turn then, it would be in June, or September, or December, but their turn would come.

¹ Attributed to Puerto Rican-born scholar and activist Antonia Pantoja.

² Charles M. Payne, *I've Got the Light of Freedom: The Organizing Tradition and the Mississippi Freedom Struggle*. Berkeley: Univ. of California Press, 1995), 5.

Whereas events in 1959 had been a contest of ideas, as 1960 opened, those on the ground were making strategic plans for an impending conflict. The black majority's strategy focused on voter registration. County officials and businessmen took their cue from a line in the consent decree, which specifically excepted individual defendants "in their private, business, or professional capacities." If those areas were not covered by the agreement, then private, business, and professional capacities would be convenient platforms for curbing civic activity, a process which began quietly.

* * *

In the first week of February 1960, Fayette County High School custodians Mae Emma Dowdy, Versie Perry, Georgia Douglass, Dora Lee Mass, and Bertie Springfield were dismissed from employment at the white school. When the women asked principal Jack R. Morgan for a reason, he responded that he'd "rather not go into that." Shortly, a number of tenant farmers were asked to "stay out of [the] hardware store" at which they had traded for years. Black landowner Shepherd Towles was surprised when the Gulf Oil dealer, with whom he had maintained open billing for fifteen years, cancelled his account and removed the fuel-storage tank from his yard. Most unusually, a large number of black farmers in the county, estimated at 1,500, reported being "cut-off of credit by white merchants as reprisal for their attempt to register to vote." Many reported comments "about getting rid of us."³ An imposition of economic reprisal on politically active black farmers and field hands had an opposite effect, galvanizing its targets to action.

³ "Somerville Citizens Urged To Go To County Courthouse," *Memphis World*, 1960 Feb 17. The embargo had clearly begun by late 1959. Important, early accounts were delivered by Currie Boyd and John McFerren in Washington, D.C., at the Volunteer Civil Rights Commission hearing, 1960 Jan 31. An audio recording of the event can be found in the Carl and Anne Braden papers, WHi. One of the very rare contemporary transcripts of the proceedings is located in the Southern Christian Leadership Conference records, part 2, series 3, subseries 3, 37:5, Martin Luther King Jr. Center for Nonviolent Social Change, Atlanta, Ga. Congressman Edith Starret Green of Oregon entered a transcript of the audio testimony into

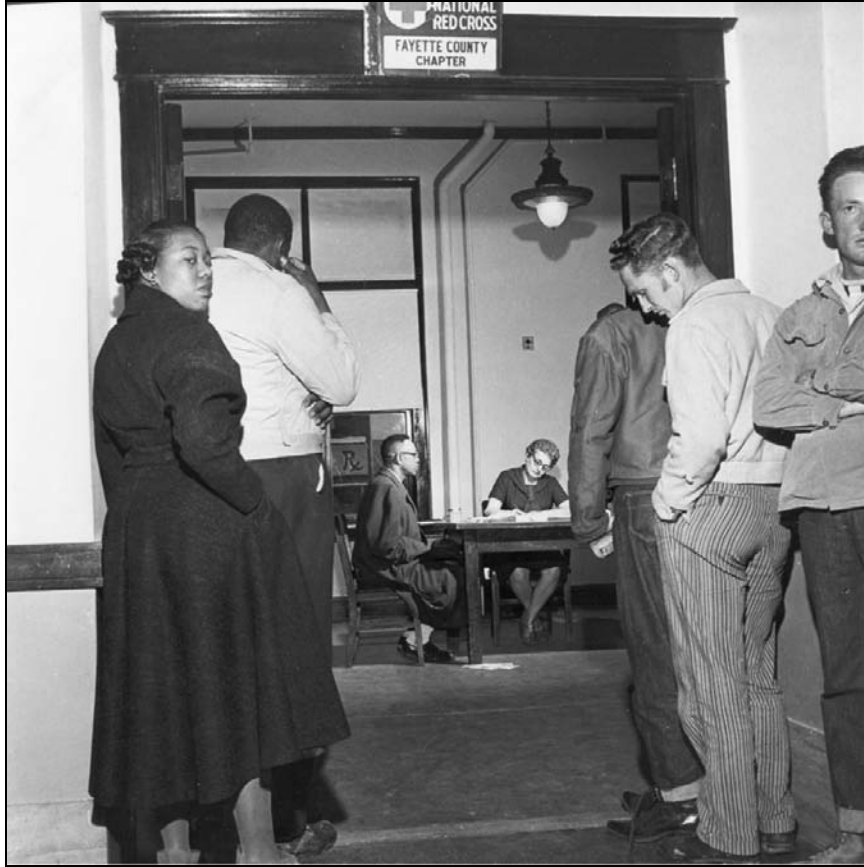


Figure 3.1 Head of the segregated voter registration lines, where Mrs. Hugh Starks registers voters in the Fayette County court house, 2 March 1960.⁴

On 2 March 1960 Fayette County Sheriff David Myers opened the courthouse doors and queued the collected crowd into segregated lines. In a bare second-floor room the registration clerk Mrs. Hugh Starks methodically completed cards at a table, alternating applicants in the segregated lines. Reportedly Myers or a deputy attempted to push the lines of neatly dressed sharecroppers and tenants outside. “If whites can stand

the public record in a speech on the floor of the House. *Congressional Record*, House, 1960 Feb 8, p. 2079–2080. Boyd’s comments were re-published in “What the Witnesses Told the Hearing,” *The Worker*, 1960 Sep 25; McFerren’s testimony was later condensed as “The Fight for the Vote, Fayette County, Tennessee,” *Black Protest: History, Documents, and Analyses, 1619 to the Present*, ed. Joann Grant (Greenwich, Conn.: Fawcett Publishers, 1968), 290–293.

⁴ Press-Scimitar morgue file 80137, Special Collections, University of Memphis.

here, we can too,” John McFerren told a deputy. “This is a taxpayers’ building and we pay taxes.” The row of white men and women typically had eight to a dozen individuals waiting their turn; the line of black registrants stretched from the second floor room down two flights of stairs, through the basement hall, and to the side entrance which blacks were permitted to use. Through long-standing practice, voter registration was held one day in any month. Given the composition of the crowd, county officials had no incentive to meet demand by opening additional days. Despite the crowd, Election Commission secretary J. W. Freeland claimed that “no negroes had showed up to register last month”; an unnamed spokesman for the black community disagreed, saying they had been unable to locate the appointed place within the courthouse.⁵ The mass response among black citizens in March sent an unambiguous message to white officials that the handful of earlier registrations had only hinted: they were facing a potential takeover of public offices by those outside their version of the *public*.

James Estes’s community-organizing efforts, the Civic and Welfare Leagues, were hardly off the ground and cannot be credited with the initial rights activity in the spring of 1960. The early success of the voter registration efforts rested on the black communities’ informal networks of personal relationships, which linked church congregations, farm tenants, and patrons of small rural stores. Development of the Civic and Welfare Leagues promised an effective training regimen for leaders in both counties, but only time and commitment could make them into effective community organizations.

⁵ Clark Porteous, “Negroes Sign Up At Somerville,” *Memphis Press-Scimitar* (final ed.), 1960 Mar 2; “Registration Day At Somerville,” *Memphis Press-Scimitar* (morgue file 80137 fd.A), 1960 Mar 2; “70 Negroes Are Registered In Fayette,” *Memphis Press-Scimitar* (final ed.), 1960 Mar 3. The OFCCWL records the Univ. of Memphis Special Collections holds a group of photographs shot on the day showing both of the lines and identifying some of the individuals shown. Several were published in “At Last, They Get A Chance To Register,” *Chicago Defender* (national edition), 1960 Mar 12.

Against the backdrop of the hundreds of blacks folks standing in line for registration and nine months after their first visit, federal workers arrived at the Somerville courthouse a second time to confirm local accountability over voter registration. The county's three-member election commission and the voter registrar promptly resigned over "federal interference."⁶ As it had in Haywood, the resignation of the election commission effectively nullified the judicial decree. No entity at any level could bypass the county government to authorize or conduct the functions of the local executive-branch registering voters or holding an election. Though they now held the abstract right to vote, no black voters could be registered, no new black electorate could challenge officeholders, and—theoretically, at least—the elective offices could be held by incumbents *pro tempore* indefinitely. There was still no election commission when *US v. FCDEC* was signed in late April. Far from settling the issue, the consent decree simply shifted the nature of the conflict from attempts to enforce local tradition, to attempts to dilute the threat by pushing the problems out of the county.

Embargo

The implication of massive voter registrations among black residents was not lost on the white community of either county. The huge numbers of potential black voters began looking like an electoral threat to the county's established and rigidly defended power structure. Black adults of voting age outnumbered whites in both counties by almost three to one. If blacks were unfit for office under prevailing social definition, and if the federal officials kicked the prop from under one traditional means of holding power (denying black electoral participation), then officials, landowners, and businesses had to

⁶ "Fayette Vote Body Quits In Protest of FBI Probe," *Memphis Press-Scimitar* (morgue file 80137), 1960 Mar 15; "Election Aides Quit," *New York Times*, 1960 Mar 16.

find another method of limiting the number of black voters in the county, and that reduction had to happen in time for the upcoming elections in late summer and fall. If it was untenable to have large numbers of black voters in the counties, then there had to be fewer black voters. White businessman Hayden Williams later stated the problem succinctly: “if they registered[,] in order to keep them from out-voting them, they was just going to have to move them out of the county.”⁷ The problem was precisely how to do that without resorting to a type of coercion that got noticed. Federal attention meant that large-scale violence or intimidation, another tradition, was no longer an option.

Well before voter registration began in earnest, key members of the Somerville business community had settled on a means of applying pressure to both tenants and to independent black farmers. For tenants the matter was easy. Dependency/paternalism relationships were grounded in an unwritten principle: that a cropper who acted against his employer’s wishes challenged his employers’ control over their property. At some point, white leaders and landowners in both communities recognized that the paternal/dependence relationship was the only factor that anchored black agricultural laborers in either county. If that relationship ended, black families had no means of remaining in place and would be forced to leave the area. By the time *US v. FCDEC* was filed, landowners were becoming unwilling to retain tenants that were not abjectly dependent and tractable.⁸ Those who preferred to see *place* maintained were beginning to see that targeted, apolitical pressure could push out black tenants who insisted on challenging the terms of their socially subordinate *place* and asserting civic

⁷ Hayden Williams transcript, 166-72-1 section 14, DoJ records.

⁸The U.S. Civil Rights Commission report for 1959 catalogued a number of intimidating practices. *Report of the U.S. Commission on Civil Rights* (1959), 63–65.



Figure 3.2 “Euzel Wesley Kee’s tiny grocery store.” The sophistication of Kee’s establishment illustrates both the level of infrastructure serving the rural black community and why an embargo was so effective.⁹

individualism. It looked simple. Landowners had usually extended run money to their tenants, but nothing contractually obligated them to do so; if a tenant wanted to vote, then he need not ask for run money; if his family could not stay without it, then they could move on. There were fewer holds on independent farmers, but everyone shopped locally. If they no longer had access to stores or assets, then they could not stay. Nothing beyond credit obligated a bank to make a crop loan to a black landowner; if the bank knew who had registered to vote, its staff could easily deny the application. Banding together to impose an embargo on registered black voters was an utterly subjective, untraceable solution, targeting those who provided the only risk to segregated *place*. If coordinated

⁹ Photo by L. F. Palmer, Jr. “Fayette County, Tennessee: Will They Dare Go to Polls?” *Sepia* 8, no.8 (Aug 1960): 8–12.

properly, without the thin threads of paternal support it would be nearly impossible for poor new voters to sustain themselves. The white elite did not have to *do* anything, merely *not* do anything.

Early in the process two things became clear: first, that to “move them out” required a coordinated effort, not merely individual commitment, and coordination would be a problem; second, not all members of the white community shared the same goals. Fortunately, the network of informal personal relationships and acquaintances could also coerce participation among moderates by including them in plans to enforce the norm, making them guilty by association. This was not sporadic opportunism or limited to individuals acting on their own interests; coordination at some level generated a single goal and direction. As early as November 1959 HCCWL president George Graves learned that Sheriff Hunter had secured a list of league members and “had made this list available to the merchants in Brownsville and Haywood County.” Graves also noted that rumors of a petition “circulated among Haywood County merchants and landlords . . . agreeing to ask those charter members who were tenant on their respective pieces of property to move and find residence elsewhere.”¹⁰ Federal investigators collected enough first-hand evidence from disparate statements to confirm that it was not merely rumor.¹¹

Coordination for an embargo also occurred across county lines. In early 1960 the white population of Stanton, Currie Boyd’s home and the locus of black activism in Haywood County, was quietly invited to series of private meetings. The exact motivation for each meeting may have varied but the purposes were essentially the same. Citing a

¹⁰ George W. Douglass interview notes, 1959 Dec 21, 166-72-2 section 1, DoJ records.

¹¹ cf. Katherine Rawlins Davis interview report dated 1960 Apr 13, case 166-72-2 section 2, DoJ records; Bond Morgan interview report dated 1960 May 10, 166-72-2 section 2, DoJ records.

participant, a newspaper later reported that at least one session had been “called to discuss what should be done with Negroes who had registered to vote.”¹² Each of the meetings was held in the symbolic bastions of white segregation: one of the public schools. John H. “Preacher” Shelton from Somerville, a member of the Fayette County Quarterly Court (county commission), urged the white landowners in Stanton and the community’s few business operators that they “fire their Negro sharecroppers and ‘replace them with white tenants or white-faced cattle.’”¹³ In coming months Shelton’s informal meetings would, in Fayette County, grow into a coalition which “joined together for the self-preservation of the white man’s way of life.” by organizing and coordinating the local embargo of black activists and registered voters, as well as whites who did not fall in line with the coalition’s measure.¹⁴

The embargo—or “squeeze” as it was most often called—was a targeted tactic and never applied to the black populace generally. For the black community members subject to the embargo, coping with the selectively applied embargo required ingenuity and effort. In addition to denying local buying, businesses began systematically pressuring suppliers beyond the county to strangle the few black-owned retailers who had become politically active. Under a threat of losing most or all of the business in two counties if they did not cooperate, wholesale suppliers from Memphis and Jackson began picking up retail freezer chests, soda machines, and closing sales accounts for black

¹² “Bares Plot To Punish Tennessee Voters | Told: Oust Negro Tenants” (UPI), *Chicago Defender (national ed.)*, 1960 Dec 21.

¹³ “Bares Plot To Punish Tennessee Voters | Told: Oust Negro Tenants” (UPI), *Chicago Defender (national ed.)*, 1960 Dec 21. Lemmons’ testimony was reportedly recorded by the FBI, but is among the testimony conspicuously missing from the Justice Dept. records.

¹⁴ George B. Cummings interview summary, dated 1961 Apr 24, 166-72-1 section 13, DoJ records. It is clear that the embargo of registrants began in 1959, but it became a wider issue and more closely coordinated as the numbers of registrants increased.

establishments. Rural store owner Tommy Rice managed to scrape by, barely, paying cash and hauling a few supplies from a distance to his tiny store in the country when he could get them.¹⁵ Brownsville grocer Odell Sanders was visited by thirty wholesale distributors a month, but all quit coming “within a two-week period under pressure from the white landowners.” By the end of the first week only a bread salesman showed up. “‘Does it hurt you to leave me bread?’ Sanders asked the salesman. ‘It’s killing me,’ he replied.” So Sanders told the man to stop deliveries.¹⁶ “I tried hauling the stuff myself for awhile,” Sanders later related to an activist, “but I couldn’t sell in competitive prices with the other stores. So in two weeks I had to go out of business.” With closure of his grocery, the only black-owned retail establishment in Brownsville closed.¹⁷ Landowners’ and businessmen’s economic embargo of county sharecroppers evaporated what slim margin of economic stability the black community possessed.

In April 1960, as the embargo began to take effect and desperate families began moving off of tenancies, schoolteacher Robert McFerren folded up his small grocery business at the “three-way” intersection south of Somerville. His older brother John, who had been farming, jumped at the chance to quit day labor, buy out Robert, and operate the store on his own. John’s wife Viola remembered years later that “it was our feeling that if we open a store, that many of the items that people had to drive out of town to get could be provided there on the local level.” That was one reason, but there was another as well.

¹⁵ Untitled manuscript beginning “On this my sixth visit . . .”, Hortenstein papers.

¹⁶ “Press Tennessee Terror On Negro Voters | Whites Drive People Off Land Into Exile,” *Chicago Defender* (national ed.), 1960 Dec 10; James Talley, “Fayette Invokes Economic Force,” *Tennessean*, 1960 May 8.

¹⁷ Virgie Hortenstein, Untitled manuscript beginning “The tents of Freedom Village. . .”, Hortenstein papers.



Figure 3.3 John McFerren outside his filling station/store at Three Way, previously owned by his brother Robert, June 1960. McFerren's was likely the largest commercial establishment owned by a member of the Fayette County racial majority.¹⁸

“He did it,” a friend recalled years later, “because he wanted to beat the white community at their own game. If the white community was controlling black people through economic means, then he wanted to liberate black people through economic means.”¹⁹

Within a few months John McFerren's store and its remarkable owner became the locus of Fayette County's civil rights movement.

Just as the *US v. FCDEC* consent decree was issued in late April 1960, federal investigators returned to Poston's office in Brownsville. Since an election commission

¹⁸ Photo by L. F. Palmer Jr., “Fayette County, Tennessee: Will They Dare Go to Polls?” *Sepia* 8, no.8 (Aug 1960): 8–12.

¹⁹ Viola McFerren, transcript of undated interview, Fayette County interviews #8, OFCCWL records, Univ. of Memphis Special Collections; Robert Hamburger interview, 2003 Feb 27, UTM Special Collections, p. 15–16.

had finally been appointed, the federal agents asked Poston for a summary of the county's voter registration plans. The doctor was not particularly pleased to see them. Despite having a qualified and functioning county Election Commission, in fact "there is no date set for voters registration in Haywood County." The commission was "doing an administrative reorganization of the registration setup," checking voter rolls and changed addresses against election district records to drop expired voters from the records. In essence, the commission members were marking time—nothing had been done, but would be "soon."²⁰

While businesses clamped down on black activists and threatened uncomfortable white moderates. Fayette County's lack of an election commission effectively nullified the judicial order. The resignations in March 1960 set up a roadblock that did not have a remedy. No entity at any level could bypass the county government to authorize or conduct the work of the local executive-branch function and hold an election. Though black citizens now held the abstract right to vote, none could be registered, consequently no new black electorate could challenge officeholders, and—theoretically, at least—the elective offices could be held by incumbents *pro tempore* indefinitely. The three positions on the election commission might have gone unfilled forever—except that having no election commission also carried an unintended consequence that hamstrung local economic development efforts. Resignation of the election commissioners addressed the immediate "threat" of federal interference and ended registrations of black voters, but also left the county without a mechanism for approving a widely popular development bond issue, which promised to provide over a hundred non-agricultural jobs for county

²⁰ W. D. Poston interview summary, 1960 Apr 13, 166-72-2 section 2, DoJ records. This section of the record includes interview summaries dating between Apr 13 and May 5.

residents. Bids for construction of a building to house Somerville Manufacturing Co., which would be leased to Troxel Manufacturing Co., were opened in the first days of May, but the general obligation bond financing construction could not be approved in the required public referendum. What the court and abstract discussion of rights could not do, expediency did, and a county election commission was qualified before the end of the month. One of the appointees was Inez Davis, who had resigned in protest from the same commission the previous March.²¹ Far from settling the issue, the consent decree and reconstituted election body simply shifted the nature of the conflict from an attempt to enforce local tradition over civil rights, to attempts to dilute the threat by pushing the problems out of the county.

Though an informal embargo had had some effect, individual enforcement was ineffective. In April 1960 a group from the county's white business elite (it was probably too informal to be an organized White Citizen's Council) drew up a list of individuals across the county to isolate, beginning with local black leaders in the challenge, white supporters and sympathizers, and eventually most registered black voters—a blacklist. Names were divided by civil district; “agitators” were singled out with an A marked blackly beside their name. “Every one of the merchants had one of these lists,” Harpman Jameson remembered. “If your name was on it he wasn't supposed to sell you nothing.”²² A copy of the blacklist was surreptitiously lifted from a Somerville business by a black

²¹ “Fayette Vote Body Quits In Protest of FBI Probe,” *Memphis Press-Scimitar* (morgue file 80137 fd.B), 1960 Mar 15; “Election Body For Fayette” (UPI), *Memphis Press-Scimitar* (final edition), 1960 May 20; “Expect Fayette Election Body,” *Memphis Press-Scimitar* (morgue file 80137 fd.B), 1960 May 20; “Two Factories In Prospect For Fayette To Boost Industry Here,” *Fayette Falcon* (Somerville, Tenn.), 1960 May 12.

²² *Our Portion of Hell*, 30. The blacklist was an early development in the embargo, first reported in “Farmers Hold Mass Meeting In Memphis,” *Memphis World*, 1960 Mar 9.

housekeeper, rushed to Memphis where it was photographed, and returned to its place before morning. Its existence became more difficult to deny after one sheet of the blacklist appeared as an illustration in the pages of *Ebony* magazine.²³ Dr. John Morris, the largest landholder in the county, read the situation differently, “There hasn’t been any boycott. This is a matter of credit being withdrawn from undesirable risks at a time when all credit must be tightened up.” On the other hand, Somerville Bank & Trust manager W. B. Wilkerson unguardedly admitted to a white freelance reporter that “Both my girls [*i.e.*, tellers] out there have copies of it. The men on that list, I won’t even talk to, unless they already owe us money and are coming in to pay it off.”²⁴ Not only this, but contracts were terminated and employment denied to those on the list. Shepherd Towles, a landowning black farmer who had baled and sold hay for years and typically maintained a waiting list, suddenly could find no buyers.²⁵ The embargo did not end business in either county. It was applied primarily to the activists in both counties and those who registered or attempted to register to vote, which represented only about a quarter of the black adult citizens living in both counties by the end of 1962. Most black citizens shopped as they usually did. There was no unified front in either county.

Along with the economic embargo, whites began applying exploiting and sometimes creating circumstances to pressure individuals they considered “agitators.”

Black landowner Joe Patrick, who had been moved to action by Estes’s sermon two years

²³ “Cold War in Fayette County,” *Ebony* 15, no. 11 (1960 Sep): 34.

²⁴ “Cold War,” *Ebony* (1960 Sep): 29. Wilkerson’s name was misreported as *Wigglestone*. Three years later “Somerville’s leading white banker” was quoted slightly differently: “My secretary’s got the names of the 325 who registered. I tell them, anybody on that list, no need coming into this bank. He’ll get no crop loans here. Every Store has got that list.” “Racial Tension Running High In Tennessee Region of ‘Tent City,’” *Chicago Defender (national edition)*, 1963 Jul 27.

²⁵ Barry P. Davis, “International Voluntary Service Sends International Work Team for a One Week Workcamp Among the Negro Community of West Tennessee,” dated 1962 Aug 12, Hortenstein papers.

earlier, suddenly discovered his credit was no good and businesses no longer interested in his service. Then in July, Patrick was arrested on a Shelby County warrant and charged with attempted murder on false testimony engineered by white farmers Ray Russell and Parnell Reid.²⁶

Whites who did not fall in line with the embargo risked being included in its terms. Katherine Rawlins Davis of Dancyville refused to sign the agreement presented her by grower and gin operator Shelby Dixon. Within weeks she became an embargo subject. Pressured by figures in Haywood County, the Virginia-Carolina Fertilizer Company refused to deliver to her property even on a cash payment, and Brownsville businessman Curtis Lowery was told by “some men . . . not to let Mrs. Davis have any [field] soda and not to sell any soda to her.” The Bank of Brownsville refused to loan her money and then likewise refused to release credit information to a bank in Bolivar, Tennessee, when she applied there for a loan. Unlike black laborers, she had the standing and property that allowed her to eventually secure loans in Memphis.²⁷

Of all the embargo measures enforced, one of the most difficult losses to cope with was fuel. Food could be brought by small or large amounts and could be secured by donation or purchase. Gasoline was a bulk product requiring specialized equipment for storage and distribution and it was a key commodity to mobility and production. In April 1960, Somerville’s local Gulf and Amoco distributors removed the pumps and pulled storage tanks from two retail businesses operated by John McFerren and Scott Franklin, key figures in the FCCWL. The same week at least fifty-four fuel-storage tanks on black-

²⁶ “Statement of Mr. Joe Patrick,” 1961 Jan 26, 166-72-1 section 12, DoJ records.

²⁷ Katherine Rawlins Davis interview summaries, 1960 Apr 13 and 27, 166-72-2 section 2, DoJ records.

owned farms were also removed.²⁸ Dozens more were left empty, and it quickly became clear that the local embargo made it virtually impossible to secure bulk fuel even from suppliers elsewhere in the region. McFerren eventually managed to pay for and install new storage tanks and pumps of his own, but he could not find a supplier who would sell him fuel. As one of the few places in the county black families could secure supplies, he flung service queries to any business in the region which sold bulk gasoline. Everyone turned him down. Desperate and increasingly suspicious, John McFerren understood only that he could not buy fuel. From this point he began to assume that white businesses across the region were colluding against black activists and against him personally.

The fuel situation was too large for local activists to address themselves, but unlike the action of independently owned local stores, the fuel embargo involved corporate franchises. The Tennessee situation benefitted directly from the advocacy of the NAACP, which was tipped off to the embargo by an article in the *Chicago Defender*. John M. Brooks of the NAACP's voter registration staff quickly made a personal visit to Fayette County to collect first-hand information on civic conditions facing the black populace. At the end of his stay he forwarded nine affidavits documenting reprisals to the organization's Washington Bureau, who handed them directly to the Justice Department. On 17 May 1960, three days after Brooks' documents landed in Washington, an NAACP wire asked four major corporations for explanations.²⁹

²⁸ John Cunniff, "Economic Pressure Is Weapon in Race War" (AP), *Ada Evening News (Okla.)*, 1960 Jun 13. Alice Dunnigan provided an unflattering account of the embargo, "Inside Somerville Tenn.," *Memphis World*, 1961 Jan 28, but her sources were limited to local Gulf Oil distributor Reuben Rhea and Amoco Oil distributor and Somerville mayor I. P. Yancey, two of the central figures orchestrating the embargo and thus not entirely straightforward about the circumstances. A[nne Braden] to Jim [Dombrowski], 1961 Jan 22, 34:5 Braden papers. Other unnamed black rural operators also lost pumps, but no documentation survives documenting who.

²⁹ Gloster B. Current to Roy Wilkins, 1960 Dec 29, Roy Wilkins papers, Library of Congress.

Dr. James E. Levy, the NAACP state director in Ohio, saw the same *Defender* news story and approached Gulf Oil directly on his own initiative. “Of necessity it is imperative that I advise you,” he wrote, “that unless your policy is an open one applying equally to all persons regardless of race, creed, religion, color and National origin I shall be forced to return my card to your company and urge my constituents within Ohio and throughout the nation to use selective buying power of oil products.”³⁰ As a corporation whose largest concentration of retail distributors was in the Midwest, a potential fuel boycott in Ohio and surrounding states could cripple the company. Levy’s letter and others like it sent a shudder through a number of executive offices in the oil industry. Two weeks later the NAACP made good on an economic threat of its own. On 8 July the NAACP released a call to its local and state offices and youth chapters, urging its 350,000 members to “withhold our money from any national company [Amoco, Esso Standard (now Exxon), Gulf, and Texaco, specifically] found to be cooperating . . . in a flagrant defiance of law by those who are determined to prevent colored citizens from voting.”³¹ It certainly worked. The NAACP’s threat to call a national oil boycott sent

³⁰ The suggestion for a national NAACP boycott was the idea of Gordon Strieb of Ithaca, N.Y. (John A. Morsell to Gordon F. Streib, 1960 Sep 19, Roy Wilkins papers, DLC). James E. Levy to [Gulf Oil] President in Charge of Distributors, 1960 Jun 16, “Fayette County -- General, Apr-Jun 1960,” Section III 1909–1965 General Office Files, series A280 “Reprisals, Tennessee,” NAACP records.

³¹ “Gas Dealers Won’t Sell To Farmers,” *Norfolk Journal & Guide (Va.)*, 1960 May 28; “NAACP urges no trade with oil companies refusing supplies to Fayette County Negroes,” NAACP press release, 1960 Jul 7, III:A280 Reprisals, Tennessee, “Fayette County -- General, Apr-Jun 1960”, NAACP records, Library of Congress. cf. Ted Poston, “NAACP Acts to Boycott Oil Firms,” *New York Post*, 1960 Jul 8. The boycott also named regional companies including Delta Refining of Memphis, the refinery which supplied most fuel products to the Midsouth; Lion Gas; and Southern Oil Refining. The suggestion for a national NAACP boycott was the idea of Gordon Strieb of Ithaca, N.Y. (John A. Morsell to Gordon F. Streib, 1960 Sep 19, Roy Wilkins papers, DLC). James E. Levy to [Gulf Oil] President in Charge of Distributors, 1960 Jun 16, “Fayette County -- General, Apr-Jun 1960,” III:A280 Reprisals, Tennessee, NAACP records. The Memphis chapter picketed the Esso filling station at Union and Bellvue streets for several hours on August 4, the only direct action protest actually mounted outside either county. To some extent the announcement was grandstanding, as Roy Wilkins’ assistant, John Morsell, admitted privately. “No one has accused any of the oil companies of themselves engaging in discriminatory practices. We brought pressure on the companies, however, on the theory that was the best way to bring pressure on the local distributors.” John

reverberations through the industry and sparked action in corporate executive offices.³² Within a week of the press release, polite answers from the highest levels of oil-industry executives began arriving at the NAACP offices. Executives had clearly demanded and gotten answers.³³

American Oil (Amoco) president James M. Patterson personally telephoned his Somerville distributor, who flatly denied the existence of an embargo of blacks in his service area. The Amoco distributor in Somerville was I. P. Yancey, the mayor of Somerville and a central figure behind the embargo. His denial split a hair that those outside the state were quick to see. "I do not believe that anyone has charged that [Yancey] is refusing to sell to all Negroes. The charge is rather that he is refusing to sell to those who attempt to register to vote."³⁴ Perhaps the most careful investigation and response to the reported embargo was made by Gulf Oil. The Gulf distributor serving Somerville and the surrounding area was Reuben Rhea Sr., another key figure driving the economic embargo in Fayette County. After Rhea protested vigorously how innocent he was of any wrongdoing, and when oil executives were certain the company itself was not at fault, Gulf Oil executives invited a delegation from the NAACP to their New York City corporate office. At the two-hour 20 July meeting the Gulf staff took careful pains to

A. Morsell to Rev. J. A. DeLaine, 1960 Sep 7, "Fayette County – General, Aug-Dec 1960," III: A280, NAACP records.

³² "Oil Companies Deny Boycott," *Pittsburgh Courier*, 1960 Jun 25; Ted Poston, "NAACP Urges Oil Firm Boycott in Tennessee," *New York Post*, 1960 Jul 8; "Urge 'Don't Buy' From Oil Companies," *Tri-State Defender*, 1960 Jul 16; William Montgomery, "Negro Agitator Changes Story," *Commercial Appeal (Memphis, Tenn.) (Press-Scimitar morgue file 80137 fd.B)*, 1960 Aug 5.

³³ Responses are found in folders 3–4 of III:A280, NAACP records.

³⁴ James M. Patterson to George P. Brockway [W.W. Norton publisher], 1960 Jul 15; George P. Brockway to James M. Patterson, 1960 Jul 18, "Fayette County -- General, Apr-Jun 1960," III: A280, NAACP records.

explain the same basic issue—their firm sold only through branded distributors and McFerren did not operate a Gulf franchise.³⁵

Oil company explanations suggested that McFerren and the other rural stations were simply out of touch with modern brand marketing. This was a matter of corporate trademark policy which had nothing to do with the political situation in Fayette County. From a corporate perspective it was a simple case; on the ground, circumstances were a little different. Responding to corporate queries Rhea probably neglected to mention that it was he who had pulled the pumps and tanks from McFerren in the first place, only after the FCCWL was organized, and that Rhea had sold fuel to him and his brother before him for years. Corporate offices had made no independent investigation or even confirmed factual details, they had simply gotten their information from their local distributors, two of whom had pulled the service equipment in the first place. It is difficult to interpret the removal of service equipment from two black businesses at virtually the same time by key Somerville businessmen as anything other than a coordinated action. In fact, there was a collusion which the individual corporations could not identify independently.

On 4 August, the same day as the Memphis NAACP picketing, the *Commercial Appeal* reported that the “vote registration agitator” John McFerren finally “admitted” that he had bought fuel during the embargo. He had, but the reporter ignored the point

³⁵ Minutes titled “Gulf Oil Executives Confer with NAACP on Fayette Co.,” 1960 Jul 21, “Fayette County -- General, Apr-Jul 1960,” III: A280, NAACP records, Library of Congress. Those attending included Gulf VP/General Counsel David Searles, Gulf VP of Marketing J. L. Lenker, Special marketing representative Dan Kean; the NAACP was represented by division attorney Fred Schofield, director and assistant director of Public Relations Henry Lee Moon and Paul Sheldon, Roy Wilkins’ assistant John A. Morsell; and New York NAACP branch president L. Joseph Overton. Rhea’s culpability was confirmed by his own minister a year later (Visit No. 6, “A Report on Visits with Eight Ministers in Fayette and Haywood Counties, Tennessee, July 1–3, 1961,” Hortenstein papers). Further evidence that the branding issue was a bit of a red herring was provided in an on-site report by visiting members of the D.C. Area Nonviolent Action Group; Paul D. Deitreich found that Rhea (Gulf) and Yancey (Amoco) both bought their bulk fuel from the same Delta Oil refinery in Memphis (“Freedom Village Tennessee,” *Student Voice* 2, no.1 [1961 Jan]: 1).

that it had been smuggled to the station, evading interception, at the personal intervention of a Memphis truck-depot manager and not an open sale. Viola McFerren later recounted how an anonymous white man arranged to deliver fuel stocks to McFerren's store. Though she never knew for certain who the man was, it was likely Walter M. Chambers Jr., manager of a bulk-delivery truck terminal in Memphis. Chambers later admitted that he supplied McFerren and other small retail stations with fuel as a side business of his family trucking firm. "This buying and selling operation was operated on a non-profit basis and at the time without the knowledge of my father and brother," he later told federal investigators.³⁶

Then in September 1960 the Chambers family partners sold their trucking business to a Louisiana-based partnership and surrendered active participation in their Memphis bulk-freight terminal. The sale affected the quiet fuel delivery arrangements Chambers had handled on his own. "When the new management relieved me of my position as Memphis branch manager then McFerren was left without anyone to sell him gasoline or haul it for him." Chambers unsuccessfully approached other trucking firms to see if they would supply the Fayette County activist and finally hit on the idea of applying for a distribution permit in his own name. "Under the Action Oil Co. name I was able to find a small independent [fuel] broker that would sell me gasoline with the knowledge that the product would be sold eventually to John McFerren." "He [the distributor] could not sell directly to John McFerren because of the economic pressure that could be brought to bear on him." The arrangement lasted only a month. Deputy sheriff Ted Davis in Somerville—who also ran a service station and understood the fuel

³⁶ *New York Post*, 1960 Aug 8; Viola McFerren, *Our Portion of Hell*, 11–16.

delivery business from the inside—laid in wait for the late-night delivery truck and demanded the name of the fuel distributor from its driver.

Faced with a renewed embargo, the McFerrens drove into Memphis to appeal to the fuel distributor directly and were rebuffed by a nervous manager. Chambers then personally arranged a fuel load through David M. Weir, new manager of the Chambers Trucking terminal. Two days later the delivery was cancelled. Weir told Chambers quietly that “he would be fired if he hauled the load for me to McFerren against home office orders.” Weir’s comment about the home office allowed Chambers to follow the lead to its source. Chambers learned that the new Chambers Trucking joint-owner/operators, Louisiana-based Hearin Tank Lines Inc. and Miller Transporters Ltd., had killed the McFerren delivery, a process that originated yet again in Fayette County. Davis had evidently traced the business connections himself, and the Somerville business community was committed to crushing activists’ businesses in Fayette. “The wife of Reuben Rhea,” Chambers explained to investigators, “is an heir of the estate that owns the property that W. M. Chambers Truck Line, Inc. has rented for its Memphis terminal. It would be a great economic burden and loss [to Hearin and Miller] if the estate should decide not to renew the [terminal’s property] lease.” When asked directly about his participation in the embargo by an Associated Press reporter, Rhea denied a boycott existed but was unapologetic about taking up service tanks from black farmers. In his mind a selective embargo was perfectly legitimate business. “When an individual causes as much trouble as McFerren you can’t blame some for refusing to sell gas. A man is justified to sell to whoever he wants.”³⁷

³⁷ Viola McFerren, *Our Portion of Hell*, 11–16; Walter M. Chambers statement, 1961 Mar 7, case 166-72-1 file section 13, DoJ records; and 395:7 UPFAW records; John Cunniff, “Economic Pressure Is

Economic pressure not to register could also be subtle. In the fall of 1960, farmer Square Mormon visited the Production Credit Association office in Somerville, the local agency of the federal farm credit system, looking for a small loan to compensate for a crop shortfall. Mormon's account of the resulting loan "negotiation," related years later, illustrates the assumptions involved in *place* and paternalism. The local agent asked Mormon if he was aware of what was going on.

He said, "People's out tryin to raise trouble around here. Things been going along all right. Ain't you been going along all right?"

I said, "Well, I don't know. I been still livin."

He says, "What I'm tryin to say is you got a big family, Square. You realize this and you gotta eat. And so when you come here you always got what you asked for. Well now, you wouldn't want your family out there starving would you?"

I said, "No."

He says, "Why I'm sayin is—you don't get involved in this mess of stuff goin around here, it may be possible. I gotta wait and see what you all is gonna do."

He said, "Don't get involved in that and you can do like you been doing all the time. Just do like you been doing."

I said, "You mean like registerin or something?"

The agent agreed, comparing the situation of black citizens entering civic participation by voting to a new driver who did not know the rules of safety for the highway; but rather than following his analogy through to its logical conclusion (that learning and ability are the result of experience), he instead set the matter bluntly: "I still ain't trying to tell you what to do. But I just told you you got a large family—I don't forget that—and you need a hundred dollars—don't forget that. So these are things I'll tell you about. When you make up your mind, you come back."³⁸ It was an exchange whose basic elements were

Weapon in Race War" (AP), *Ada Evening News (Okla.)*, 1960 Jun 13.

³⁸ Square Mormon, *Our Portion of Hell*, 48–49.

repeated scores of times at the edges of fields, on street corners, and through automobile windows across both counties.

Raising the ante

The consent decree in *US v. FCDEC* provided no legal precedent for a similar situation or future legal action, but it was a clear and unambiguous precedent to county officials in Brownsville that the tradition of white control could not be maintained openly. In forcing FCDEC to acknowledge that its race-delimited control of local election practices was unjust, white society began perceiving the federal government less as a guarantor of the rights of private individuals against undesirable forces (such as the *public* involvement of black citizens, according to local convention). Control of county offices and the continued integrity of the segregated schools—public resources which had been the exclusive venue of the white community—was in jeopardy of a takeover if enough of the majority population was registered to vote.

The conservative power structure in Fayette County retained their long-held view of civil democracy as an exclusive right between equals. The consent decree forced a grudging agreement not to prevent participation in voter registration and county elections, but it did not stipulate that they had to agree to participation. Massive resistance had tied up voter registration in both counties but was not a permanent solution. It addressed the symptoms—voters—rather than the problem: a traditionally privileged white population that was an overwhelming minority. If whites were to stay atop the civil heap, then there simply had to be fewer potential black voters in the county. With the traditional public mechanism of disenfranchisement dismantled, members of the white community were already relying on one extra-legal measure they could control and wield without

question—property. Though it would not happen for another two to three years, circumstances were setting up a clash of differences over civic *v.* private rights.

Conservatives were willing to accommodate visibly but privately remained unwilling to surrender privilege. In both counties small groups of like-minded individuals, all of whom controlled key local offices or businesses (and often both), began planning to address the real problem: the white-to-black demographic ratio—in a nutshell, there were “just too many niggers.” The proximate goal was to reduce the number of black citizens in the county without losing the white population; the ultimate goal was to retain the traditional dominance of county offices, landholding, and economic power.

Mr. I. S. Carter later related to FBI investigators that in Brownsville “an organization had been formed to take care of the problem,” and Fayette County reported a similar group that had “joined together for the self-preservation of the white man’s way of life.” Details about both groups and their activities are limited to hearsay and inference.³⁹ Dr. Poston, who chafed about a second federal investigation of the Haywood County Election Commission privately but not quietly, became a key figure behind the effort to reduce the black majority in Haywood County.⁴⁰ Steered by a small group of

³⁹ Untitled summary outline, “Tennessee Eviction Cases,” David Kendall papers, Eisenhower Library; I. S. Carter interview summary dated 1960 Apr 13, 166-72-2 section 2; Alva Carpenter, quoted by George Bradley Cummings, 166-72-1 section 13, DoJ records.

⁴⁰ Poston alleged that Senator Estes Kefauver had commissioned the CRC and FBI investigations to aggravate the racial situation in Brownsville. His ire represents the common practice of blaming political action among a local black population on outside agitators. Despite a personal assertion from Kefauver that he was not involved, Poston continued to dun the liberal Senator. Only when an internal investigation by the Dept. of Justice turned up no evidence of contact from the Senator, his aides, or representatives did Poston back down. cf. Joseph M.F. Ryan Jr. to John Calhoun, 1960 Apr 21. If Poston’s comments were reported widely enough that the Justice Department got wind of them, then the comments probably motivated the June 1960 fisticuffs at the courthouse in Brownsville, where a Kefauver aide was attacked during a campaign stop. Alfred C. Anderson, “Deputy Slugs Civil Rights Prober—Estes Stops Fight,” *Memphis Press-Scimitar* (*morgue file 64752 fd.B*), 1960 Jun 15; “Kefauver ‘Had Nothing To Do With

prominent figures, the group used the HCCLW list and voter registration rolls to pressure landowners to evict their laborers who had registered. Dancyville resident Katherine Rawlins Davis was approached by Stanton gin operator Shelby Dixon, who brought her a petition from local landowning neighbors to “turn off [her property] certain of Mrs. DAVIS’ hands.” A similar “committee,” which included Brownsville Bank president F. R. Chapman, pressured Curtis Lowery of the Purina Feed and Seed Company in Memphis not to sell their products to the uncooperative Mrs. Davis.⁴¹ Several individuals named Shelby Dixon as “the main agitator,” along with the Willis brothers, and Taylor “Tip” Hunter, the Haywood County sheriff. Major figures involved in Fayette included Dr. John W. Morris, Reuben S. Rhea Sr., Somerville mayor I. P. Yancey, and county attorney Preston Parks. Individual landowners and businessmen that have never been identified were involved in both locales, but the informal curtain of silence around the loose groups was effective. Much more significant were the numbers of white landowners who bowed to pressure and cooperated, even reluctantly, rather than lose their personal stake in the community. Those who were making it difficult to stay in the county for registered blacks were the same figures behind the drives for local economic development. The push to divest either county of its undesirable surplus labor cannot be meaningfully separated from the drive to attract light industry and create local non-agricultural jobs. Society itself was tied inextricably with the local labor market and the cotton economy; changes in the latter would either affect or reflect changes in the former. Over decades the racial

Probe’,” *Memphis Press-Scimitar* (final edition; morgue file 64752 fd.B), 1960 Jun 15 (UPI); “Kefauver Is Clear In Fistic Incident;” Reese Moses, “Tempers Flare In Brownsville,” *Commercial Appeal* (Memphis, Tenn.), 1960 Jun 15; “Civil Rights Aide Hit In Tennessee” (UPI), “Deputy in Tenn. Slugs Agent of Rights Board,” *Washington Post*, 1960 Jun 15.

⁴¹ Katherine Rawlins Davis interview summary, 1960 Apr 13, 166-72-2 section 2, DoJ records. One of the two, Melvin Dotson, was an officer in the HCCWL.

minority had carefully crafted and profited from the socioeconomic setting. While they wished to retain the benefits of diversifying the economy, they did not want to bear the cost incident to changing it.

In Brownsville, though Clarence Berson had been appointed as the Haywood County voter registrar in February 1960, he did not begin registering voters until May. At his direction, the *States-Graphic* published a schedule of thirteen three-hour blocks, one in each of the civil districts around the county, most scheduled at rural stores.⁴² His first attempt at registering black sharecroppers in the countryside on 16 May 1960, away from the possibly intimidating setting of the courthouse in Brownsville, was immediately countered by none other than L. Malcolm Smith, Berson's predecessor as voter registrar. Though he had previously agreed to allow registration to happen at his establishment, a Memphis newspaper, quoting HCCWL member James T. Bond, noted that Smith told Berson, "This is a public store and it's not going to happen here." Another Memphis newspaper reported a similar story: just as a group of about twenty black sharecroppers arrived and the first two approached Berson, Smith stepped in and loudly informed the registrar that "We've decided there's just not going to be any registering here. This is a place of business and we've had a lot of criticism about it."⁴³ The would-be black registrants angled quickly away and did not register to vote. Word travelled rapidly, and

⁴² "Notice," *States-Graphic*, 1960 May 6.

⁴³ "Bar Group Trying To Register," *Tri-State Defender*, 1960 May 21; "8 Negroes On Haywood Roll," and James R. Reid, "Register? Nobody Shows," *Memphis Press-Scimitar (final edition)*, 1960 May 16; "Voting Book Slammed Shut In Tennessee," *Arkansas Gazette*, 1960 May 17; "Tennessee Area Opens Negro Vote List in Vain," *New York Times*, 1960 May 17; "Haywood Negroes Register To Vote," *Commercial Appeal (Memphis Tenn.)*, 1960 May 18 (clipping in 166-72-2 section 2, DoJ records).

at two other rural locations scheduled the same day, no one else was willing to approach the registrar. The net gain of voters to the county rolls for three days' effort was nil.⁴⁴

Publicly, Smith and other officials, including Dr. Poston, seemed to be playing a game of wits grounded in the language of the dependency status quo. Brownsville Postmaster John W. Harwood confidentially told investigators that "the plan to hold registration in the Civil Districts, rather than at the Courthouse as in the past, was designed to thwart efforts by Negroes to register." It was therefore likely that "their landlords, and possibly others, could easily be present at the various local stores to discourage Negro would-be applicants."⁴⁵ Smith's performance demonstrated how well indirect intimidation worked. The former Haywood County registrar did not directly prevent black citizens from registering to vote, but he staged a performance designed to intimidate indirectly, with implications which they would clearly understand.

Sharecroppers were essentially powerless in daily interactions. They relied heavily on the strength of personal relationships and obligations, informal knowledge of how others' handled situations, and general patterns of expected behavior to provide clues about whites' intents and expectation. Needing the most from their dependent/paternal relationship, black laborers thus held the least power, so *they* had to make the sacrifices needed to maintain favor and avoid negative consequences. Traditionally blacks kept the black-white social discourse in delicate subsistence equilibrium mostly by remaining "in place"—by not demanding too much of one's racial "betters" nor reaching beyond one's

⁴⁴ Another location the same day was J. O. Stephenson's store, eleven miles north of Brownsville on Highway 54. James R. Reid, "Haywood's Registration--One Full Day--Nobody," *Memphis Press-Scimitar* (morgue file 64752), 1960 May 17.

⁴⁵ Cited in J. Harold Flannery to Henry Putzel Jr., 1960 Jun 14, 166-72-2 section 3, DoJ records. This report provides a good summary of voter registration activities by date and a catalogue of actionable violations in Haywood County.

station as a dependent laborer, and by expressing appropriate gratitude for what one was given. Shades of dependence certainly existed, with black landowners being less subject to direct pressure. This is not to imply that the black community was powerless, unwilling, or unable to resist intimidation, only that daily life consisted of a series of arrangements and expectations that could be exploited directly and indirectly by the white community. As the exchange at Smith's store shows, even the threat of an imbalance to those personal relations was enough to curb black aspirations to civic participation. In this case, Smith's display of pique was intended to threaten the ever-delicate balance between white land and business owners and their black labor force, rather than to apply direct pressure on potential registrants.

Officials' obstruction of voting rights exploited the dependency relationship indirectly through two closely related methods. The first was a display of general *social noise*. Smith's visible and audible protest about unnamed and unspecified "complaints" over using his store as a registration site carried the unstated but clearly understood subtext that it was black registration being protested—registering black sharecroppers was creating a problem for his customers, which made the problem the sharecroppers' and left Smith and his customers as "victims." The second method was invoking a specific *dependency implication*. Smith stepped in to close down voter registration *only* when the registrar was approached by two black citizens. Smith's assertion about unnamed complainants—white, by implication—was enough to let the score of black citizens standing nearby know that someone, perhaps their landowners, had been discomfited by registrations. It was fairly transparent that Smith did not want blacks registering to vote, but the way he staged his protest implied that the sharecroppers had

upset someone with whom their employers had a relationship. Malcolm Smith's stunt not only successfully kept a score of black residents at his store from registering, but his display of social noise and invocation of dependency implications was enough, as journalists unwittingly reported, that it successfully discouraged black sharecroppers elsewhere in the county from even approaching the registrar at other locations.

Smith was not the only store owner to protest registrations, even though they had previously agreed at the outset to host the sessions. In June, responding to protests by more rural store owners, the Haywood County's Election Commission again centralized registrations at the county courthouse. Each civil district was allotted a day during the week of registrations during which its residents could register to vote. Berson set up a registration office in the grand jury room on the top floor of the courthouse, which was no improvement. The jury room was often in use and small enough that registrants were admitted singly. To avoid interrupting proceedings, one individual had to leave the building before another from the district would be admitted.

Berson later told investigators that he had no idea who was controlling the crowd, but Odell Sanders did. He and others provided details about the crowds standing quietly around the lawn and registration arrangements. Sheriff Hunter positioned himself beside the table with the registration clerk and placed chief deputy George Sullivan at the courthouse's exterior door to keep the line of registrants from crowding the halls. "Deputy permitted persons to enter Courthouse one at a time," Special Agent Francis Finley reported. Hunter was later questioned specifically about how his deputy "maintained order." He informed investigators that he "could not advise when the Deputy would know the proper time to allow someone to enter the Courthouse to register, but

stated the Deputy would allow them to enter ‘when the time came.’ He would not explain what was meant by ‘when the time came.’” By registrar Berson’s own record, over the twenty-four business hours during which registrations were conducted (divided between four six-hour days, 6–10 June 1960), he successfully registered thirty-four voters, seventeen of which were white. “Sheriff denied knowing of any ‘slow down,’” Finlay concluded.⁴⁶

Haywood County officials managed to maintain an effective brake on voter registration even while investigators collected first-hand testimony about economic reprisals. Justice Department lawyer J. Harold Flanagan summed up the Haywood situation in a mid-June 1960 report to Departmental officials.

The white community has focused upon one of the League’s purposes—the promotion of Negro voting. It seems that white employers, merchants, and landowners have agreed, perhaps formally by executing a compact or petition, to harass economically those Negroes whose names appear on the circulated list. The employers and landlords discharge the named Negroes and the merchants deny them credit. Also, there is some evidence which indicates that white persons who refused to participate in the harassment of the Negroes have, themselves, been subjected to economic pressure.⁴⁷

Stern measures have a rational purpose. In this case, the embargo was a carefully constructed attempt to coerce compliance with social norms, attempts to force a decision on the part of black laborers. They could choose not to register, accept dependence, and

⁴⁶ Several informants estimated that the registrar probably could have accomplished the task in five or six minutes. Clarence H. Berson interview summary dated 1960 Jun 11; Odell Sanders statement dated 1960 Jun 9, Taylor Hunter and George Sullivan interview summaries and Francis Finley report, all dated 1960 Jun 13, 166-72-2 section 3, and 166-71-1 section 3, DoJ records. Tennessee began providing civil birth registrations (birth certificates) only in 1914, but issuance in rural counties was notoriously spotty. Sanders’ statement provides only a hearsay report of the number of registrants but Berson’s statement lists them by name.

⁴⁷ J. Harold Flannery to Henry Putzel Jr., 1960 Jun 14, 166-72-2 section 3, DoJ records.

continue to receive paternal support, bringing them back into line outside the *public* realm but within social and economic expectations assigned them; or, as the next stage of the conflict unfolded, they could register and risk taking on the world without paternal protection at all—elsewhere.

Chapter 4

Eviction and the End of Paternalism:

The Tactics

“Why haven’t you moved?”

“Don’t have any place to go,” Puckett replied.

“You know where Tent City is don’t you? Well, it is just as much for you as for the rest of them.”¹

“He told me that they would put me on the black list and squeeze me and I wouldn’t be able to find any place to work. He told me that he would go up there with me if I would go and get my name off the book and it would be the same thing just like I hadn’t registered.”²

On 12 May 1960, virtually the same day that Haywood County registered its first voters in two years (and its first black voters since Reconstruction), the local postman handed Billy Peterson a registered letter from his landlord. That was unusual. Business between the two men was invariably handled face to face, even when the pair discussed an annual tenant arrangement. Peterson had been part of a delegation which had met with Dr. Poston about registering to vote in July 1959, had been among the group which visited the State Election Commission with James Estes the same month, and was a charter member of the newly organized Haywood County Civic and Welfare League (HCCWL). Landowner/employer C. W. Scott had expressed his disapproval of Peterson’s participation in July and again in September. In October 1959, Clifton Buchanan had ended Peterson’s longstanding credit account at his store in Stanton without notice. In

¹ Exchange between Fayette County General Sessions judge Paul A. Summers and A. V. Luck tenant James Puckett, as reported in *League Link* 1, no. 3 (1961 Apr 22). Luck sued to evict Puckett in Fayette County court; the latter had refused to vacate since Luck was named in the federal injunction.

² J. W. Austin affidavit, 1960 Nov 20, “Tennessee Eviction Cases,” box 6, David W. Kendall papers, Eisenhower Presidential Library, Abilene, Kans. Austin registered 1960 Jun 6 and was evicted by Leroy Gillespie the following day.

four lines Scott informed Peterson that his “lease agreement” was terminated immediately, effective at the end of the crop year, and that he was required to vacate on or before 31 December. Peterson’s father and brother in law, neither of whom had made any move toward voting, remained in Scott’s employ. The letter to Peterson was an uncommonly formal and redundant end to the matter. It was also rather pointless. By the time Scott’s letter reached Peterson the latter had quit Scott’s farm, left Haywood County, and was living and working in Gary, Indiana, where Scott’s eviction letter finally reached him.³

Following longstanding procedure, the Justice Department had requested the FBI gather information on local voting rights from named officials and witnesses. Scrupulously careful, the agents did so, but in the process they were otherwise blind to notice, unable to act, or simply ignored what else was happening around Somerville and Oakland, Brownsville and Stanton. While voter registrations moved forward, FBI investigators collected testimony about the economic embargo, and Justice Department officials worried over evidence, a different drama began unfolding. A week after Billy Peterson’s letter was posted, Hiram Whitehurst sent Dudley Sanders a similar letter, among of the first of dozens of similar letters dispatched to Haywood County tenants who had registered to vote.⁴ Each letter was a variation of the same theme: your tenancy is cancelled at the end of the season, get out (but not before your crop is harvested). The

³ C. W. Scott to Billy Peterson, 1960 May 12, in *US v. Beaty* appendix L-1, “Tennessee Eviction Cases” file, box 6, David W. Kendall papers, Eisenhower Library, Abilene, Kans; Billie Martin Peterson statement, 1960 Apr 28, case 166-72-2 file section 2, DoJ records.

⁴ *US v. Beaty* appendix L-1, “Tennessee Eviction Cases” file, box 6, David W. Kendall papers, Eisenhower Library, Abilene, Kans.; Billie Martin Peterson statement, 1960 Apr 28, case 166-72-2 file section 2, DoJ records.

actions might have been dismissed as merely routine changes in business arrangements, except that there was one unifying statistic: no tenant who had declined to register was given a registered eviction notice, and those who received these notices were almost exclusively those who had registered to vote or attempted to register. In fact, each one was an officer or member of the HCCWL.⁵

The large numbers of prospective registrants which appeared at the Brownsville courthouse to register in May 1960 directed landowners concern about a potential challenge to the established civic and social order, but it was the chartering and incorporation of the HCCWL the previous fall that had galvanized them to action. The establishment of a black civic organization, one that was not tied to a local church or school, meant that individual members of the elite were less likely to influence or control the organization through the traditional network of personal obligations. Unlike churches or schools, because the HCCWL itself was independent of white patronage, the only way to apply direct pressure to the organization was to undercut its members individually. Community leaders were scrupulously careful not to legitimize the HCCWL by attacking it openly, but the evictions served the same purpose. Late spring and summer eviction notices in Haywood County provided plenty of lead time for families to make other arrangements before they were required to vacate in December. Some settled into another tenancy elsewhere within the county. Others moved northward or west to Memphis.⁶

⁵ Evidence sections L, A accompanying duplicate of *US v. Beaty* in "Tennessee Eviction Cases," David Kendall papers, Eisenhower Library. Despite the findings, Special Agent Leo E. Conroy dissuaded the FBI from Haywood investigation. Putzel to file, 1960 May 20, 166-72-2 section 3, DoJ records. Given the history of the situation it is tempting to wonder if these letters were an attempt to postdate and legitimate pressure to leave the county that had begun much earlier.

⁶ Details of the outmigration have proven impossible to track since tenant agreements were only oral and no records document changes in tenancy. Some croppers were evicted and did not leave the

Although politically motivated, these evictions created no crisis; sharecroppers knew they were the least powerful member of a tenancy arrangement. They at least had a timeline for what was coming at the end of the 1960 crop season.

The Justice Department had watched and periodically investigated the situation in West Tennessee for nearly two years without directly intervening. More than a month after the primary elections in West Tennessee, the Justice Department finally believed it had sufficient evidence on which to base a legal challenge in Haywood County. On 13 September 1960 Department lawyers filed documents in *United States v. A. T. Beaty, et al.* The suit named twenty-seven landowners and one local bank, alleging a pattern of intimidation and reprisal against black tenants and landowners who had registered to vote. Those who believed the American *public* was exclusive were incensed. “The suit infers that the Federal Government has the right and power to tell financial institutions and private citizens to whom they shall lend and sell, whom they shall house and feed, and whom they shall employ,” complained a *Commercial Appeal* editorial in Memphis.⁷ A reader from Olive Branch, Mississippi, turned the case on its head and argued the primacy of individual choices in relationships, which included economics. “Suppose I go to a store to buy a shirt or pair of socks and then decide not to do so. Am I guilty of

counties for several years, others were not evicted but gave up sharecropping and left anyway. Where they went and what they did once they arrived is a similar mystery, although we can assume many were drawn to urban areas by relationships with extended family members who may have left Tennessee in the Great Migration or during World War II. Grossman, *Land of Hope*, 67–114; Carole Marks, *Farewell—We’re Good and Gone: The Great Black Migration* (Bloomington: Indiana Univ. Press, c1989), 19–32. On migration chains generally, Margaret Grieco, *Keeping It in the Family: Social Networks and Employment Chance* (London: Tavistock, 1987).

⁷ “Whither Headed?” (editorial), *Commercial Appeal* (Memphis, Tenn.), 1960 Sep 15; reprinted in “Federal Injunction Sought Against 27 White Persons And Two Banks In Haywood County,” *States-Graphic* (Brownsville, Tenn.), 1960 Sep 16.



Figure 4.1 *Commercial Appeal* editorial cartoon illustrating the conservative perspective of *US v. Beaty, et al.*, the Haywood County economic-reprisal suit filed in September 1960. Actually only one bank was named; the other twenty-six defendants were individuals.⁸

discriminating against the store or sales person? Seems as though! Or if my banker refused to lend me money, isn't he guilty of discriminating against me?"⁹ Both editorial comments reflected the positions of those already comfortably inside an exclusive *public*; the latter failed to address how right it would be if the store owner decided if the writer could not come into the store to buy the shirt or socks in the first place. Wrapped up in

⁸ *Commercial Appeal* (Memphis, Tenn.), 1960 Sep 15. Used by permission.

⁹ "Discrimination in Haywood," *Commercial Appeal* (Memphis, Tenn.), 1960 Sep 25; reprinted in *States Graphic* (Brownsville, Tenn.), 1960 Oct 14.

concern over a personal ability to act, those clinging to the idea of society as exclusive dismissed others' rights to participate under the same terms. As the case was laid out in the lawsuit, lending was not the issue, but rather the exclusive privilege claimed by store owners and bankers on personal grounds to decide to whom they would sell or lend, rather than on qualifications related to the sale or loan.

The situation was different to the south in Fayette County. Families suffered under the embargo, but as a whole, the black community coped or circumvented the measures imposed on registrants and the pressure had not worked effectively enough to induce civically active tenants to move away. Although evictions were a first-step action in Haywood County, the experience of Fayette County suggests that evictions were the last reasonable step trying to enforce the traditional standard, a forcible shove to those who had not backed down. Around Somerville, Williston, Moscow, Rossville, and along backcountry lanes, evictions began toward the end of the cotton harvest in late October 1960. They were to be gone by the New Year.

Evictions in Fayette County represented a patchwork of experiences. L. P. Anderson went to Somerville on the one day open to voter registration, but the office closed before the line moved far enough for him to register. Employer Gladys Youmans found out and told Anderson "if I couldn't be on the job all the time when he wanted me, I ought to just move off the farm and never come back. He let me leave my wife and kids there till I can find another place, but I can't go back and see them." Cropper Ruffers Bostick was told by Arthur Luellen that "he could not afford to keep going halves" on the cotton crop, but offered Bostick a two-bale rental agreement for the use of five acres, virtually the same deal as his tenancy but without the implicit "furnish" obligation that

would sustain the young family. Bostick and dozens of other families who turned down similar offers, went elsewhere. Some were lucky and found new arrangements locally. Jim Dye found a living arrangement with another black farmer, Joe Wales outside Warren, after being evicted by Ed Sanders (one of the county voter registration clerks). Most were not so lucky. Hardeman County native Emmitt Williams reported that before he registered to vote, landowner W. Preston Cox had “always told me I would clear good money on my cotton this year, but since I registered, he said he hoped my crop would bring enough so that I could break even.” Williams left Fayette County and found a tenancy sixty miles east with a black farmer back in Hardeman County. Landowner Eddie Owen told Isaac Smith simply that he planned to sow grass in the cotton fields Smith worked, leaving the latter with no workable land. Bynum Leatherwood waited until the crop was harvested and hauled to the gin before evicting six tenant families in the last week of November. All had registered to vote during the previous August or September. Ethel McNamee turned out Georgia Mae Turner, who had worked her land without complaint for thirty-eight years while Sam Shelton, McNamee’s only other tenant, registered and voted in the 1960 general election. He remained because of a longstanding verbal agreement with the landowner who “has often told me that I could stay as long as I live.”¹⁰

¹⁰ *US v Atkeison*, order to show cause, affidavits by Isaac Smith (p.61), Ruffens Bostick (62), Jim Will Dye (66), Emmitt Williams (67); Trezzvant W. Anderson, “U. S. Justice . . . ‘Southern’ Style!” *Pittsburgh Courier (Southern edition)*, 1960 Aug 6; Willie C. Trotter statement, undated, and Clarence Williams statement, undated, case 166-72-1 file section 19, DoJ records. The Leatherwood tenants included Trotter and his father-in-law Walker Mason, Wyatt Williams, Early B. Williams, and Clarence Williams, who made up the first residents of Tent City. Georgia Mae Turner statements, undated, case 166-72-1 file section 19, DoJ records. Turner had worked McNamee land for 38 years, Shelton 40 years. James Forman recorded Turner’s account of her life, an edited transcript of which became a chapter in his autobiography, “Georgia Mae Hard Times.” The section discussing her eviction is James Forman, *The Making of Black Revolutionaries*, 122–125.

Morgan Wright was an exception among tenants. For four decades he farmed land belonging to the Piper family and heir Irene Mauldin of Corinth, Mississippi. Most recently he had rented a hundred acres from Mauldin on a cash basis and worked seventy acres of cotton, secure enough to sub-let tenancies to two black sharecroppers. Wright owned his own tractor, plows, mules, cattle, and a hundred chickens. “When Mrs. Mauldin took over the farm [in 1953] she told me I could stay there as long as I lived. Each fall she would ask me what I was going to do the next year and I would tell her I would like to stay.” Her paternalistic pledge was a lifeline most black families did not enjoy and lessened his dependency somewhat. Wright had been among the first of Fayette’s black citizens registered to vote, on 1 October 1958. He immediately found it impossible to secure fuel in the county or a local gin that would process his seed cotton. For two years he managed to truck his seed cotton to Shelby County for ginning. Mrs. Mauldin said nothing to Wright until evictions began elsewhere in the county, then she leased Wright’s land to Sam Dunn. Neither of Wright’s tenants or another Mauldin sharecropper had registered; all three were permitted to stay where they were.¹¹

An accurate count of evictions was never made, but contemporary comments estimated the figure between 300 and 700 tenant families in Fayette County alone, and the total number of families displaced from both counties would certainly grow in the coming years.¹²

¹¹ Morgan Wright affidavit, *US v Atkeison*, order to show cause, p. 26.

¹² “300 Face Eviction For Registering,” *Chicago Defender* (city ed.), 1960 Dec 10–16. The figure of 700 families was widely cited and originated early in 1961. Maurice McCrackin’s “Report on a visit to Fayette and Haywood Counties, Tennessee” (22:14 McCrackin papers) resulting from the 1961 Jan 3–5 visit of the Peacemaker delegation may be the origin of the figure; it asserted 700 families were being evicted but reported only “9” were actually off the land. James Estes asserted in a January 1961 coordination meeting that 300 Fayette and 400 Haywood families faced eviction (“Minutes of a Meeting of

Tent City

Unlike the six- and seven-month lead time landowners afforded tenants in Haywood County, evictions in Fayette County were sudden and caused a good deal of stress, as was intended. Part of the measure taken by landowners was to persuade farmers beyond either county to advertise for workers, either genuinely or falsely. The opportune appearance of these classified advertisements looked suspicious, maybe one more measure to get them to move out of the county. Some offers did not ring truthful. “A man came over here and said he wanted 10 tenant families for his farm over near Nashville,” Tent City resident Georgia Mae Turner told Fred Travis of the *New York Post*. “He say he got 80 acres of land. What's he going to do with 10 tenant families on a farm no bigger than that.”¹³ Though some were able to make arrangements for new tenancies locally, the

a Group of Interested Individuals,” LeMoyne College, 1961 Jan 21, III:A280 Reprisals, Tennessee, “Fayette County – General, Jan 1961”, NAACP records). Estes did not say, however, that all evictions were voting related. Fellowship of Reconciliation member Margaret McCulloch of Brownsville chided Maurice McCrackin for his casual use of high figures, calling them “sheer guesses as to the number of persons notified to vacate—there figures have never *yet* been ascertained. Much less does anyone know that any are non-registerant has received such a notice” (Margaret McCulloch to Mr. McCrackin, 1961 Feb 13, 19:3 McCrackin papers).

Though both counties lost black population heavily, the figure of 700 *evicted* families undoubtedly reflects the high emotions surrounding the issue rather than an actual count. Though the number of evictees undoubtedly increased in each county as time passed, in a brief for *US v. Beaty et al.* Justice Dept. attorney John Doar stated “An analysis of the evidence indicates that more than three hundred *persons* comprising approximately 48 [Haywood County] families are about to be evicted from their homes” (italics mine; “Brief in Support of Plaintiff’s Application for Temporary Restraining Order and Preliminary Injunction,” p.4, *US v. Beaty*, Kendall papers). In October the same year Virgie Hortenstein reported that “of the 60 families in Haywood County who have been given eviction notices, many refused to turn in their names to the Department of Justice, for fear of reprisal” (“Brownsville Journal,” [Nov 1961], Hortenstein papers). The lower number squares with the limited number of voter registrations in Haywood County. It may be the 300-families figure (rather than 300 people) was a popular misunderstanding, but Hortenstein repeated it in December 1961 (“Christmas Vacation Work Camp,” n.d. [1961 Nov], Hortenstein papers). In early 1963 she reported that “this winter between 200 and 300 Negro sharecropper families may been put off the land, according to Odell Sanders” (“Fayette County Work Camp, Spring Vacation–March 23 to April 14, 1963,” Hortenstein papers). Evictions credited to mechanization, changing tenure arrangements, and other causes could have driven the figure in both counties to 700 families, but there is no hard proof of the fact. A larger number is consistent with the 500-families-annually figure reported to be a Fayette Citizens’ Council target (Hayden Williams interview transcript, 1961 Feb 2, p.10–11, case 166-72-1 section 14, DoJ records).

¹³ Fred Travis, “There Is No Joy In The City Of Tents,” *New York Post*, 1961 Jan 3.

vast majority of evictees gave up farming. Those who could not find new employment but could move in with extended family in the county or elsewhere were the lucky ones. The late-season evictions left some families without recourse and made the FCCWL scramble for ways to help. On Sunday, 4 December, James Estes pulled into Somerville where he picked up John McFerren and Scott Franklin. Four days later, after brief stops in Washington, D.C., where the trio made an unsuccessful last-ditch effort to get federal intervention, and then in New York, they arrived in northern Illinois. “I thank you. We need this,” McFerren told a crowd in Chicago as he locked the door of a truck loaded with donated food. “And I want you to know without the support of the people in Chicago and in the East I don’t know what we would have done this last few months.”¹⁴

The Justice Department’s filing of additional injunctive actions, *US v. Archbell* in mid November and *US v. Barcroft* two weeks later, each a request for temporary injunctions barring evictions in one of the counties, came close to the evictees’ dates to vacate and left them in a quandary. Should they go elsewhere, or stay and hope the court would work things out? They did not have long to decide.¹⁵ In early December 1960, John and Viola McFerren were quietly contacted by a white member of the community who disagreed with what was happening in the county and wanted to help mitigate the evictions. In the second week of December, this individual acquired several large wall tents from an army surplus store in Memphis and had them delivered with the explicit agreement that the origin of the tents remain secret.¹⁶ With such large numbers being

¹⁴ Emergency Relief Committee news releases, 1960 Dec 5, 12, 395:7 UPFAW records.

¹⁵ The lawsuits are discussed in chapter 5.

¹⁶ For five decades the McFerrens have maintained that trust. Viola has identified the individual in a group of records that will not be released until their death so that the individual’s generous act will not be

evicted, a few tents could be temporary accommodations for a small number at best, intended to allow families time to make more permanent arrangements, a last-ditch effort both to house people and to stave off wholesale outmigration. The first tents were pitched in a fallow pasture belonging to Shepherd Towles, a black landowner who lived several miles south and west of the county seat along the Somerville-Macon road.

As the sun was setting on 14 December 1960, Early and Mary Williams moved their four children and a handful of worn belongings—three beds, a worn piece of linoleum, a small table and four chairs, and a single trunk of clothes—into a 14 × 16-foot canvas Army tent. Their new home had been hurriedly pitched that afternoon along the county road which ran beside a fallow field about four miles south and west of Somerville, Tennessee. The thermometer registered fifteen degrees. As a mocking wind worried the loose canvas through the night, they fed hastily gathered sticks into a small woodstove, desperately trying to keep from freezing. The tent was not appreciably more substantial than the tenant shack on Bynum Leatherwood’s land they had just vacated, and it lacked a floor. The stove warmed the air, but also the frozen ground. By morning the family was standing in icy, oozing mud inside their new home. They tiled flattened cardboard boxes over the ground to serve as an ersatz floor, and then a worn carpet. The thaw merely seeped through and pooled beneath their feet. Over the next few days,

lost to history. There are, however, historical complications. A letter carbon, dated the previous September and signed “JAD” (likely SCEF president James A. Dombrowski) refers to five tents just sent to McFerren (JAD to Mr. and Mrs. McFerren, 1960 Sep 14, 33:6 Braden papers). The first tents were pitched Wednesday, 1960 Dec 14. A week later a labor union press release noted that “Five tents are up. Six more are to be put up this week” (“For immediate release from the Emergency Relief Committee for Fayette and Haywood Counties,” [1960] Dec 21, 395:7 UPFAW records). But the NAACP bought five tents for \$502.13 in December 1960 (“Memorandum to NAACP branches, Youth Councils, college chapters and state conferences,” 1961 Jan 3, III:A280 fd.5, NAACP records), which means that the privately purchased tents must have ended up at the second site on the Gertrude Beasley farm, which was near Moscow.

Early's father, his brother, and two brothers-in-law with their families all took up what was hopefully a brief residence in nearby tents as well. By the end of the week, six families with nineteen children between them—all of them recently dismissed employees of Leatherwood—were crowded in a handful of additional canvas accommodations. By the turn of the 1961 New Year there were sixteen adults and forty-three children living in Tent City.¹⁷

From that cold December night in 1960 through the late summer of 1963, three small, scattered clutches of Army-surplus tents housed a succession of evictee families and captivated public attention as “Tent City”—the baker's-dozen tents on land outside Somerville belonging to Shepherd Towles, another six or eight on the Gertrude Beasley farm near Moscow, and three more on land belonging to Dan Nixon in southern Haywood County. They were temporary but critical shelters. The only residents were black sharecropping families, a few dozen of the several hundred households across Haywood and Fayette counties hastily evicted from their tenancies, some of which they had held for decades. For a brief time the tents of “Freedom Village,” as activists named their clutch of tents, became icons of the struggle—not only for civil rights, but also for economic viability of blacks families in the rural South, symptomatic of the challenge that “equality” faced in society.¹⁸

¹⁷ “Report on a visit to Fayette and Haywood Counties, Tennessee,” 22:14 McCrackin papers; Simeon Booker, “We Ain’t Scared and We Ain’t Beggin,” *Jet* 19, no. 10 (1960 Dec 29): 12–16.

¹⁸ Gloster Current to Roy Wilkins, 1961 Jan 23, “Fayette County – General, Jan 1961,” III:A280, NAACP records; Paul Vanderwood, “A Second Tent City Rising in Fayette,” *Memphis Press-Scimitar* (morgue file 64752 fd.B), 1961 Jan 27.

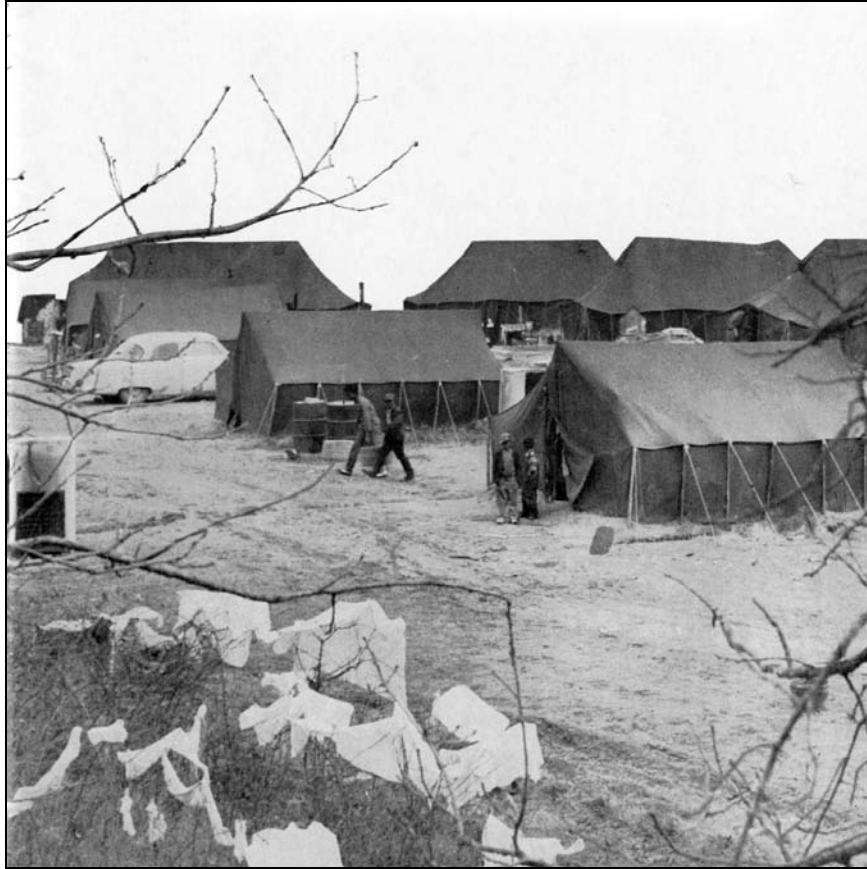


Figure 4.2 Tent City (Towles site) from the southeast, ca. March 1960.¹⁹

Life was cramped and cold, but not appreciably less comfortable than the mostly ramshackle croppers' cabins they had occupied a short time before. Amenities in the Tent City camp were Spartan at best. Potable water for eight to twelve families was available only by hauling it in buckets from the Towles family's own domestic well across the county road. Demand on the well was high enough to drain it and Towles was forced to pay for a second, deeper well to be drilled. Sanitation was limited to a single pit outhouse, which served as the only facility for the entire camp. It filled quickly and was

¹⁹ From the cover image of *Tent City—Home of the Brave* (Chicago: Industrial Union Dept., AFL-CIO, [1961]). The sky is white in the image because, as is common with many printed photos, the background was scrubbed out of the image when the printing plate was made; the full image, much reduced, appeared on p.3.

moved several times. Lacking electricity, the tents' heat and cooking was limited to wood-burning stoves, and light came from kerosene lamps brought by the residents. Initially the Army-surplus tents lacked floors. Fundraising efforts for the tent residents sprang to life across the country.²⁰ In mid-January 1961 the Ann Arbor, Michigan, chapter of the Congress of Racial Equality (CORE) sent a \$377 donation that helped floor the tents with 1 × 4 lumber nailed across 2 × 4 supports laid directly on the ground, an amount matched by the Quaker-led Peacemakers group out of Cincinnati, Ohio.²¹

The tent community was a stopgap measure at best and was never adequate to the task of housing the dozens of families evicted from tenancies. Since the small number tents could never house the number of evicted families, and convinced that blacks were content within their systemic dependence and secure within their own sphere of white paternalism, county officials regarded the tent encampment as a publicity stunt rather than a last-ditch relief effort. The ersatz encampment was, to their minds, therefore undoubtedly the work of agitators. Little or no help was forthcoming from county officials, and the county actively attempted to curb donations of federal surplus food to the camp residents. "It is probably true," Agriculture Department investigator James W. Hutchens Jr. conceded with carefully measured understatement as he looked into the administration of the federal surplus food program in Fayette County, "that there might

²⁰ "Mahalia Jackson Sings Here Wednesday Night," *Memphis World*, 1960 Dec 21; "Plan Huge Carol Sing For Tennessee Vote Victims," *Jet* 19, no. 9 (1960 Dec 22): 4; "M. Jackson To Sing At Ellis," *Tri-State Defender*, 1960 Dec 24–30. Memphis's black civic leaders organized a benefit Christmas dinner and concert for Tent City residents, featuring gospel singer Mahalia Jackson. Weather stalled Jackson in Chicago, and the performance was relayed by telephone, the capstone to a hastily arranged and badly coordinated affair. "Mahalia, In Chicago, Thrills Memphians By Phone," *Jet* 19, no. 11 (1961 Jan 5): 4; Simeon Booker to James Estes, undated (photocopy), OFCCWL records.

²¹ Forman, *Black Revolutionaries*, 126–130; Meier and Rudd, *CORE*, 122–123; Operation Freedom circular letter dated 1961 Jan 26, 22:14 McCrackin papers.

be a hesitancy among white leaders in the county to seek aid for the Negroes.” Because enough donated food from private contributors was arriving to stave off a genuine emergency, Agriculture Department officials concluded that federal surplus commodities were unnecessary.²²

Two weeks after the first tents were pitched, late on the night of 28 December, the occupants of a car driving past without headlights fired into the camp and sped off. One of the bullets grazed the arm of Early B. Williams as he lay in bed, narrowly missing the head of his sleeping daughter. Sheriff Clarence Pattat arrived at Tent City shortly after the midnight shooting. After a cursory look around the tent, the sheriff suggested disingenuously that the Williams and other families move out of the area to avoid further opportunities for intimidation.²³ During his years as the chief law enforcement officer in the county, Pattat promptly reported to and pled for help from federal investigators as incidents unfolded, but he seemed to accomplish little constructive investigation on his own and never filed an arrest unless accompanied by a federal official. Two days after the shooting a second car sped past and fired wildly at the tents. Guards around the camp returned fire with shotguns, which did no damage. This time the car was identified and the perpetrators were apprehended. Raymond Parks, Rhett Powers, and J. Perry Pulliam Jr. admitted to the sheriff they were staging a copycat prank and claimed they were firing

²² “No Emergency In ‘Tent City’,” *Commercial Appeal (Memphis, Tenn.)*, 1961 Jan 5; “U.S. Won’t Give Food,” *New York Times*, 1961 Jan 5; “Negroes Tent City Decried As Stunt” (UPI), *New York Times*, 1960 Dec 29; “Whites Irked by Negroes’ Tent City” (UPI), *Washington Post*, 1960 Dec 29; “Tent City: Home For Oppressed Or Propaganda Showcase for Negroes?” *Nashville Banner*, 1961 Jan 2; Anonymous interview with Leigh Ann Duck, 2008 Oct 7.

²³ Ted Poston, “Negroes Stand Guard After Tent Shooting,” *New York Post*, 1960 Dec 30.

blanks. The trio was dismissed with a stern warning about good behavior.²⁴ Coupled to the lawsuits, the shooting instantly made Tent City and the Fayette County embargo into national news and put new pressure on local law enforcement in ways that the complaints of black farmers could never apply.²⁵

The shootings, even though one was tacitly resolved, left nerves in Tent City as chapped and raw as the January mornings. While the tents were guarded, there were more immediate matters to resolve. The huge amount of donated material created something of an administrative crisis for the FCCWL which was, of necessity, the only black-led local organization currently capable of assessing and addressing needs across the entire county. The embargo had bitten deeply into the community, but there was no escaping that black families normally existed on the verge of starvation. “It will be something of a problem to get accurate figures on the number of people who are dependent on outside aid,” wrote one activist. “While there has been an organization set up in each county, it is general rather than specific in nature. Any specific question sends the district president scurrying to his secretary. The secretary has figures but no totals; names but no ages.”²⁶ In short, the Civic and Welfare Leagues had been created merely for organization and communication, not distribution. No one in either group had much practice orchestrating (or documenting) such an activity. The learning curve was very steep and missteps were

²⁴ “Tent City Shooting Incident Solved: White Youths Admit Firing Blanks,” *Memphis Press-Scimitar* (morgue file 64752 fd.C), 1961 Jan 3.

²⁵ Thus far I have identified over 600 news reports of the events in US newspapers, most dating 1960 Dec 28–31 and picked up from AP or UPI wire-service stories. Some examples include *Deseret News* (Salt Lake City, Utah), 1960 Dec 29–31; Simeon Booker, “‘We Ain’t Scared and We Ain’t Begging,’ Say Freedom Fighters,” *Jet* 19, no. 10 (1960 Dec 29): 12–16; “Negroes Tent City Decried As Stunt” (UPI), *New York Times*, 1960 Dec 29; “Shot From Car Wounds Evicted Negro Farmer” (AP), *Evening Star* (Washington, D.C.), 1960 Dec 29; “Stop Negro Evictions, Court Told,” *Miami News* (Fla.), 1960 Dec 29.

²⁶ Dick [Richard Haley] to Gordon [Carey], 1961 Jan 16, CORE records, series 2.

inevitable. Partly based on personal knowledge of who was in what circumstances, supplemented by the experience and advice of CORE field organizer Richard Haley, and Chicago CORE visitors P. Sterling Stuckey and James Forman, both the HCCWL and FCCWL and volunteers divided case lots and bulk goods into smaller bundles for distribution to individual families. Outside Somerville, donated goods of all sorts filled a storage shed beside John McFerren's store and filling station.

Though there were a few reasonably secure landowners among them, abject poverty was the common condition among rural black residents of West Tennessee. As word spread that food and clothing was being disseminated in Somerville, desperate families from other West Tennessee counties began showing up quietly in line hoping to share in the relief opportunity. Witnesses soon claimed 400 to 500 people were showing up at McFerren's store on distribution days. During the twice-weekly aid distributions in the second half of 1960, weeks before the tent settlement was established, "Those receiving aid were asked to 'donate' to the Welfare League," Shepherd Towles explained. When the *Memphis Press-Scimitar* ran a story asserting that McFerren had "sold" donations, FCCWL president Scott Franklin was quoted as saying that "If [McFerren] was raising money for the Welfare League, I don't know anything about it." Response beyond Somerville was immediate. W. C. Patton of the New York NAACP branch wrote McFerren and Allen Yancy that he wanted it to be "crystal clear that there can be absolutely no fees whatsoever collected by your local group, or any individual for the things which the N.A.A.C.P. may provide for distressed families there" and later assured donors in its branches that goods were not being sold.²⁷ Stuckey clarified to the press that

²⁷ W. C. Patton to John McFerren/Allen Yancey, 1960 Jul 19, "Fayette County – General, Aug-Dec

the money had been taken not as a payment, but as a donation to cover expenses. Using Fayette voter registration cards to prove that the holder was a county resident did not work, at least not well, since many adults living under the embargo might have only attempted to register. Eventually the registration cards were accepted as identification. It was an imperfect solution, but some sort of control was necessary. ““We are not using the assistance as a means to get negroes registered, although we do encourage negroes to register,” McFerren said. ‘But we are using the cards as a means of identification, because negroes from Mississippi, Shelby County, Lauderdale County and other places are sneaking in here for food and clothing.’” Endemic rural poverty was not limited to two majority-black counties in West Tennessee.²⁸

Crates of commodities and mounds of clothing created challenges, but nothing was quite as problematic or as needed as cash donations. A shirt or dress or jacket was either too large or too small for someone and could be distributed accordingly; the money came with no size or instructions and there were not only different needs, but also different approaches to distributing it and ways of describing “fair.” To whom did money go, and under what circumstances? Was it for current Fayette County residents, or did it include those who had been evicted but left the county? Would evictees who had found new tenancies get less than those in the tents? How would the sum be divided? By need?

1960;” Gloster B. Current to L. P. Jackson [Covington, Va. NAACP], 1961 Feb 6, “Fayette County -- General, 1961, Feb 1963,” III:A280, NAACP records.

²⁸ Paul Vanderwood, “Aid Bundles Sold By Negroes In Fayette County,” *Memphis Press-Scimitar* (morgue file 64752 fd.C), 1961 Jan 17; Paul Vanderwood, “Spokesman Admits Funds Solicited in Fayette,” *Memphis Press-Scimitar*, 1961 Jan 19; James Gunter, “Charges Tied On McFerren; Somerville Successor Named,” *Commercial Appeal (Memphis, Tenn.; final edition)*, 1961 Jan 28. The assertion that the donations constituted a sale was made by sisters, Fayette resident Thelma Parker and Ruth Carson of New York City. The story reflected the negative spin which characterized the news coverage by local media outlets. Paul Vanderwood, “Registration Cards Closely Tied To Handouts in Fayette County,” *Memphis Press-Scimitar* (morgue file 80137 fd.B), 1961 Jan 30.

By equal amount? How frequently? The details of disbursement could be worked out provided the central point could be resolved: was the donated money strictly intended for relief of individual families, or could it be used to cover expenses incurred on everyone's behalf? Compelling arguments could be made for both views, but they were mutually exclusive. The FCCWL was beginning to create an organization that needed office supplies and discretionary money, but funding administration at any level kept desperately needed money out of the pockets of poor folks somewhere.

Disagreement over the distribution priorities and practices sowed the seeds of division. Within a week of the shootings Franklin accused McFerren and James Forman of "disrupting our meetings and have never given an accounting of the food and clothing received and distributed." By the end of January 1961, it was clear that an internal crisis was brewing. The emerging activists in the FCCWL had, as Forman later observed in his autobiography, gone as far as they could on their own. To learn administrative organization and routine, "the older people had extraordinary spirit but they needed and deserved the technical help of dedicated young people."²⁹ Sterling Stuckey of the ERC returned to Chicago; James Forman remained in Somerville as accusations began flying in all directions.

For James Estes, who had carried the legal work for both counties for nearly two years, mostly at personal expense, donated relief money seemed to provide the first reasonable opportunity to be paid even partially for his services. His request to be allowed expenses on at least part of his effort in their behalf widened the divide between the groups. Simeon Booker of Johnson Publishing wrote John McFerren suggesting Estes

²⁹ Forman, *Black Revolutionaries*, 132.

was not to be trusted. James Forman, deeply suspicious of black middle-class indifference to the trials of the poor who faced reprisal without a cushion, also believed Estes was exploiting Fayette for his own enrichment. Having a different strategic vision and tactical priorities, Forman perhaps failed to recognize the personal sacrifices Estes had made pursuing Fayette and Haywood's interests over his Memphis law practice. It is unlikely that either Booker or Forman knew of expenditures Estes had made over the preceding two years. Warren Bonner was on hand for an argument between John McFerren and Estes in a crowd at the former's store, where June Dowdy finally called for an impromptu "show of hands from those present to indicate whether the individuals agreed with McFerren or Estes." Scott Franklin charged that Forman had threatened to withdraw ERC support if the FCCWL did not break with the NAACP and fire Estes, a member of its Memphis branch. He asserted that Estes divided the Fayette leadership and encouraged only the side that supported him.³⁰

By mid February 1961 there were open ruptures. The FCCWL leadership was effectively divided into opposing camps around Scott Franklin and James Estes on one side, and John McFerren and his supporters on the other. Possibly because of his mistrust of James Estes, the Franklin camp initially pushed Forman toward McFerren.³¹ The

³⁰ Warren Bonner interview summary, 166-72-1 section 12, DoJ records; Simeon Booker to John Morsell, 1961 Jan 3, "Fayette County – General, Jan 1961," III:A280, NAACP records; Forman, *Black Revolutionaries*, 133. Bonner's account was recorded less than a week after the event.

³¹ The McFerrens asked the UPFAW to subsidize "a salary so that [Forman] may continue to work with us. His services have been of great help" (John and Viola McFerren to Russell Lasley, 1961 Mar 1, 395:7 UPFAW records). The split in the FCCWL leadership was paralleled by a division within the Emergency Relief Committee and Chicago CORE delegation. James Forman later explained the situation as disagreement with ERC chair Sterling Stuckey's preference to maintain organizational credibility and avoid taking side in Fayette's factionalism, and Forman's deep-seated attachment to direct support for grass-roots actions. Forman had returned south from Chicago to help McFerren deal with the Franklin-Estes faction's accusations and was dismissed by the ERC for his involvement in a factional dispute. "Tent City Leader Says Forman Out," *Commercial Appeal (Memphis, Tenn.; Press-Scimitar morgue file 80137*

divisions among Fayette activists were becoming too deep to repair. Franklin's faction consistently insisted that the donation books be opened for inspection; McFerren just as consistently refused. The final tear came over incorporation. Probably because of Omar Carney's incident as the HCCWL was chartered two years earlier, Estes had never filed the incorporation papers for the Fayette County group. Now incorporation provided a way to steal a march on McFerren's rival faction and resolve the leadership issue, possibly a calculated but unwise move to resolve the divisive argument about donation distributions. In the third week of January, Estes filed incorporation for the Fayette County Civic and Welfare League Inc. with the state. Three days later, McFerren retained Nashville lawyer R. B. J. Campbelle Jr. to file incorporation for the *Original Fayette County Civic and Welfare League Inc.*³² Far from resolving the issue, the competing incorporations made the split in the recognized Fayette County leadership irresolvable.³³ Division of the FCCWL leadership threw distribution into confusion. Estes sued in General Sessions Court for control of donated goods and other assets, particularly the

fd.B), 1961 Feb 14; "Tent City Spokesman Fired," *Nashville Banner*, 1961 Feb 14. cf. Lasley and Charles Fischer to Stuckey, 1961 Feb 7 and reply 1961 Feb 10, 395:7 UPFAW records. Forman provided his reminiscent assessment in *Black Revolutionaries*, 132–135. Stuckey's papers at the Chicago Historical Society, including a full box on the ERC, have yet to be opened to research.

³² Incorporations 0073142 and 0081409 dated 1961 Feb 20, 23, Tennessee Secretary of State Office, Nashville, Tenn. cf. Forman, *Black Revolutionaries*, 132–134. The OFCCWL claimed FCCWL documents had been filed 1959 Jul 31, but it is clear the state never registered the incorporation ("For Immediate Release," 1961 Feb 24, 395:7 UPFAW records).

³³ OFCCWL news release dated 1961 Feb 24, 395:7 UPFAW records; "'Tug-of-War' Continues In Fayette Despite Compromise," *Tri-State Defender*, 1961 Mar 4; "New Report On Fayette Tug-of-War," *Tri-State Defender*, 1961 Mar 11–17.

frozen bank account of donated funds deposited at the Tri-State Bank in Memphis.³⁴ By the first week of March the OFCCWL was establishing a new office.³⁵

Freedom Farm

In the aftermath of the embargos and evictions it was becoming clear to the black community in both counties that without the protection of paternalism, generations of dependency left agricultural families at an almost irrecoverable economic disadvantage. A low percentage of land ownership among the majority population created the exploitable economic weak spot in both counties. As evictions began, the small number of vacant tenancies under landowners willing to buck the embargo was quickly filled. If evictees were to remain in either county, the percentage of black-owned agricultural property had to increase. To do that required not only white landowners willing to sell acreage to their former laborers, but also a huge infusion of ready cash or secure credit to buy it. Most evicted families moved to work opportunities elsewhere in West Tennessee or left agriculture entirely for urban wage labor further abroad, but a few faltering steps were made toward solidifying black land ownership. The largest came shortly after Tent City began claiming news headlines.

In March 1961 Dr. Joseph H. Jackson of the National Baptist Convention proposed to circumvent the problem of landowner evictions with an internal resettlement and economic development plan. Convention-affiliated churches would pool donations to

³⁴ “Court to Decide In Fayette Case,” *Memphis Press-Scimitar* (morgue file 80137 fd.A), 1960 Feb 25; “Supplies Allotted To Negroes After Factions Agree,” *Fayette Falcon*, 1961 Mar 2.

³⁵ “News from the Original Fayette County Civic and Welfare League,” 1961 Mar 14, OFCCWL records (and in 38:8 Highlander records), provides first-hand details of split from the OFCCWL perspective; “‘Original Fayette’ Group Incorporates,” *Memphis Press-Scimitar* (morgue file 80137 fd.A), 1961 Feb 23; “Don’t Leave Off The ‘Original’ Urges Wife Of John McFerrin,” *Memphis World*, 1961 Aug 12.

buy property. The Convention would hold trust ownership of the land, construct homes, and lease the property to evictees for agricultural production. Profits from the self-styled “Freedom Farms” would be reinvested in improvements and to acquire additional property. “As soon as one farmer is able to purchase his own farm, another moves in on the church-owned property.”³⁶ Jackson regarded the plan as a new self-help model for the South’s poor black farmers. “We are moving from protest to production,” he announced proudly. The Convention soon completed purchase of its first property, a 404-acre farm straddling the western corners of both Haywood and Fayette counties, and later two other rural parcels totaling another 400 acres in Haywood County.

Within two weeks of the purchase, Earl Anderson’s family of eight moved from their Tent City accommodation to the new Freedom Farm. Two more families followed the next week, but purchasing the farm created as many problems as it solved. In moving the Andersons from Tent City to the property, two families of white sharecroppers who had a tenant’s verbal agreement to work the land for Fuller, were displaced. J. A. Williams Sr. and Jr. jointly sued the church for breach of contract. Fayette County judge Paul R. Summers ruled that the seller and Convention had completed the sale in good faith but that the Williams’ verbal tenant lease was valid and enforceable. After a lengthy discussion, the parties agreed to allow the Convention and the Andersons to take

³⁶ “Plan Exodus of Tent Dwellers” and Alfred Duckett, “Dr. Jackson Explains His Self-Help Plan,” *Tri-State Defender*, 1961 Mar 18–24; “Tent Dwellers To Move Mar. 21,” *Memphis World*, 1961 Mar 11; “Freedom Farm Is Purchased,” *Memphis Press-Scimitar* (*morgue file 80137 fd.A*), 1961 Mar 11; “Baptists To Buy More Farm Land,” *Tri-State Defender*, 1961 Mar 11–17; John Wicklein, “Group of Baptists Spurs Farm Plan,” *New York Times*, 1961 Mar 15; “Baptists Buy Three Farms, Move First Tent City Family,” “4 Other Families To Be Moved March 22,” *Memphis World*, 1961 Mar 18; “Freedom Farm’ Issue Settled” (AP), *Memphis Press-Scimitar* (*morgue file 64752 fd.C*), 1961 Mar 18; “Farmers’ Mortgage Burned,” *Christian Science Monitor*, 1962 Mar 22. The Convention holds no records from the period that might document the effort.

immediate possession of the property and to compensate the Williams \$2,500 for their standing crops, a judgment divided between the seller and buyer.³⁷

Freedom Farm produced crops over several seasons, but did not succeed in the larger sense. Jackson's attempt at building a self-sustaining institution was conceived as a plan to build a solid economic foundation for rural agriculture. It failed for two reasons. First, in the face of drastic economic and technological change in farming, Jackson assumed that former sharecroppers could maintain agricultural smallholdings. They could not. The status quo could not be maintained in a rapidly modernizing world. Traditional hand-cultivated small-plot field labor (6–18 acres) could not compete with chemicals and mechanized production on fields ten or twenty times that size. Jackson recreated an obsolete economy of scale. A second factor was cultural: sharecroppers who were used to the flexible interpersonal negotiations involved in dependency/paternalism found it difficult to function within a dispassionate, inflexible accounting system bound by contract terms, fixed figures, and the calendar. The personal fealties and informal arrangements that characterized tenancy may have been arbitrary and fundamentally unfair, but they were also somewhat negotiable. Despite his best thinking and intentions, the urbane Dr. Jackson misunderstood the people who lived and worked in this differently sophisticated world. The impartial arrangements of a modern credit system lacked the flexibility in the sort of repayment terms and schedules that had long been negotiated

³⁷ "Moving From 'Tent City,'" *Memphis Press-Scimitar* (morgue file 80137 fd.A), 1961 Mar 22; "Advice, Hope For Negroes," *Memphis Press-Scimitar* (morgue file 80137 fd.B), 1961 Mar 23; "Compromise Allows Church Group To Take Over Farm," *Fayette Falcon*, 1961 Mar 23; "Baptists Dedicate Freedom Farm; Third 'Tent City' Family Moved; Land Dispute Is Settled In Court," *Memphis World*, 1961 Mar 25; J. H. Jackson, "'Cursing the Landlord Doesn't Help The Folks In The Tent,'" *Nashville Commentator*, 1961 Mar 25; Trezzvant W. Anderson, "Baptists Dedicate 600-Acre Farm for 'Squeeze Victims'," *Pittsburgh Courier* (national ed.), 1961 Apr 1. Evidently the comparative inequity of other evictions as opposed to this case and the damages awarded, escaped the court.

face-to-face as necessary under dependency/paternalism. The result was that Jackson's Freedom Farm, inspired by a desire to help rural evictees and based on modern accounting practices, essentially created a new dependency with divisions and markers determined by class and income rather than race.

The residents of Fayette County's two Tent City sites froze through the winter of 1960–1961, waded through spring mud, and baked in the summer heat. As the settlement approached its first anniversary the ersatz community housed a succession of evicted families, most of whom remained a few weeks or months before moving to more permanent accommodations or out of the county entirely. By August 1961 the tent population declined from 163 to 96.³⁸ A year after its founding, Arkansas NAACP director L. C. Bates reported on a visit to Tent City: three families remained in tents at the Moscow site, ten occupied the Somerville tents; of the Moscow families, one worked with a landowner, one was doing day work, and one was working in Memphis; of the Somerville families, two found new places to work, and eight had yet made no plans. Shepherd Towles had "asked all to move with the exception of four families" but would not force them out. Available firewood on the property was running out.³⁹ By the end of 1962, Tent City's always-small population was declining. By the turn of 1963, Tent City had effectively served its purpose. In February the population was down to two families, both of which were preparing to move to more stable accommodations.⁴⁰ Jack McKart reported that two of the small clutch of tents on the Dan Nixon property in Haywood

³⁸ "McFerrin Blames Fayette Troubles On Outside Groups," *Memphis World*, 1961 Aug 5.

³⁹ L.C. Bates to Gloster B. Current, [1961 Dec 11], "Fayette County -- General, 1961, Feb 1963," III:A280, NAACP records. The four families belonged to Georgia Mae Turner, Early B. Williams, Wyatt Williams, and probably James B. Frazier.

⁴⁰ "'Tent City' About To Fold; Only 2 Families Left," *Jet* 23, no. 18 (1963 Feb 21): 44.

County—a third tent site—were shipped south to meet similar housing needs around Cleveland, Mississippi.⁴¹

In retrospect, the tent accommodations helped a small number of families with immediate needs and no available options, but were an ineffective measure to remedy widespread evictions. Two dozen tents could never house the scores and perhaps hundreds of families displaced by change and callousness. Tent City was no stunt, but it was a better symbol of the resilience and sacrifice of the black community than a means of addressing economic and political repression.

* * *

After the founding of Tent City, pressure on sharecroppers asserting their civic individualism by registering to vote did not lessened, but the tactics of landowners began changing. Evictions and the tents provided a ready-made media opportunity that portrayed the white community in a harsh light. Landowners finally recognized that evictions provided unwanted attention. To kick the props out from under a voter they need do nothing at all, and the counties settled into a quiet siege. Rather than evict politically active farm tenants, landowners allowed their former black laborers to remain in the tenant shacks, but they were given neither land to work nor extended the credit, cash, goods, or services that had been the only “income” paternalism once provided. White landowners surrendered paternalism when it no longer suited their needs, leaving black families standing with the empty hands of poverty that paternalism had systematically created. In spring 1963 the unofficial unemployment figure among the working population in Haywood County was estimated at 30%. Many families were

⁴¹ Ernest Bromley memo, 1963 Jan 26, 18:24 McCrackin papers.

sustained from day to day by donations and federal food surpluses, but generally lacking any asset other than their labor, the question was one only of how long former tenants could remain idle without giving in and moving on. The exodus from rural West Tennessee farms and tenancies continued to bleed black agricultural families unchecked for years.

Chapter 5

Federal Investigation and Court Action:

The Law

Democracy is an assertion of the right of the individual to live and to be treated justly as against any attempt on the part of any combination of individuals to make laws which will overburden him.¹

It is the duty of the liberal to protect and to extend the basic democratic freedoms . . . But fundamentally, liberalism is an attitude. The chief characteristics of that attitude are human sympathy, a receptivity to change, and a scientific willingness to follow reason rather than faith or any fixed ideas.²

While those on the ground struggled for stability and sustenance, far from the small communities in Haywood and Fayette counties, there was a fight being carried on in their behalf as well. It was far less dramatic than the embargo and the tents, but it was more influential. In Memphis and in Washington, D. C., federal officials in the U.S. Department of Justice looked for openings to act decisively, but legally decisive action carried requirements of evidence and was bounded by legal protocol and statute. Federal officers had watched, prodded, and documented in both communities for nearly two years as registrations began in Haywood County in May 1960. As they travelled county roads, interviewing landowners and officials, federal investigators remained tangled in the curtain of silence drawn by those who were enacting the intimidation. In reviewing Harold Flannery's assessment of the Haywood County situation in June 1960, Voting & Elections section chief Henry Putzel admitted that "though the assumption is likely correct that the intimidation was primarily related to the Negroes' voting efforts it would

¹ *The Public Papers of Woodrow Wilson*, ed. R. S. Baker and W. E. Dodd (New York: Harper & Bros., 1925–1927), 6:514, quoted in Arthur E. Ekirch Jr., "Crisis in the American Dream," *Ideologies and Utopias: The Impact of the New Deal on American Thought* (Chicago: Quadrangle Books, 1969), 5.

² Chester Bowles, "Liberals on Liberalism," *New Republic*, 1946 Jul 22.

certainly be advisable to obtain clearer legal proof to that effect.”³ Anecdotal evidence was overwhelming but remained circumstantial: the Department lacked clear, admissible proof of intimidation or economic reprisal that could be linked directly to voter registrations. Through the summer of 1960 investigators recognized that evictions were happening, but they could not tie it to voting except by correlation. With field mechanization increasing rapidly and the need for field labor lessening, there were too many other potential causes for evictions to risk relying on a correlational statistic in court.⁴

In the first week of August 1960, both counties held their primary elections, the first in living memory at which an appreciable number of black citizens cast a ballot. “For the first time since Reconstruction days,” each county held an election that in principle included its entire population. Approximately 600 black voters were registered in Fayette County and 255 in Haywood County. About half of each (roughly a tenth of the total turnout) voted.⁵ An NBC film crew shot background footage for its evening news programs and was afforded a chilly reception in Somerville despite the summer heat.

Even in the civil ritual of an election, local practice reinforced paternal/dependence relationships, for two major reasons. First, a closed confederation, the deeply socially conservative Democratic Party, maintained an unchallenged grip over the electoral mechanisms in each county. In neither county did party politics exist at the

³ Typed note signed “HP” [Henry Putzel] to “Nick,” 1960 Jun 13, 166-72-2 section 3, DoJ records.

⁴ However, one of the early Justice Department attorneys later observed that “As late as February 1960 the Division had not yet begun to act effectively to bar racial discrimination in voting.” Doar, “Work of the Civil Rights Division,” *Florida Law Review* (Fall 1997): 1.

⁵ “Haywood Vote Mixes Negroes, Whites In Lines,” *Commercial Appeal (Memphis, Tenn. ; Press-Scimitar morgue file 64752 fd.C)*, 1960 Aug 5.

county level, and the county functioned at a level at which the party was the local “state.” After *US v. FCDEC*, local Democratic leaders in Fayette County successfully re-segregated access to county power by imposing a \$150 fee per candidate to bear the cost of mounting the primary election. In Haywood County the fee was set at \$250.⁶ That much discretionary cash was far out of reach of virtually all black citizens, which made it impossible to stand for public office in the only election that mattered. So long as the black majority population remained poor, being enfranchised was irrelevant. In this way the political liability of a “white primary” was avoided, but in practical terms the same end was accomplished. The power structure crafted a situation where participation was effectively based on economic class instead, which still eliminated competition. Blacks could have established a Republican Party in the county and countered the local Democratic junta, but setting up an outright opposition organization would have been a tactical disaster, especially since various forms of intimidation left the black majority with a minority of actual voters in the county. The black populace worked hard merely to be included in the existing power structure because they saw that it worked—it just did not work for them at the moment.

Second, the same coterie retained control over specifying polling places, virtually all of which were appointed for private property. In rural areas, these were small country stores typically belonging to FCDEC members or County Court magistrates—members of the interest group. Using someone’s store or gin as a polling place had been standard practice for a century. Historically, holding elections in these locations provided the local

⁶ Charles Haynie, letter dated [1963] Jun 13, in “Letters from Tennessee: Background of a Civil Rights Movement,” *Trojan Horse (Cornell Univ.)* 4, no. 1 (1963 Sep): 7.



Figure 5.1 The intimidating informality of polling practices in rural Fayette County, November 1960. Five election-district officials can be seen: at the right, the two men sitting on the sales counter are likely the election judges; the right shoulder for the man at the square table partly visible in the left corner is likely that of the precinct clerk, who would register and issue ballots; the assistant clerk, talking to the woman, checked names against voter registration rolls (open in front of him); the man behind her leans back against a second counter and has his elbow on the ballot box. In the glare behind the woman two figures can be seen completing ballots on the store's sales counter. Only the presence of the poll book and ballot box distinguishes an election from a typical business day.⁷

member of the elite with direct control of the election in his district and underscored that those who came to vote did so with his approval. After 1960 the longstanding practice took on added meaning as a direct form of paternalism. Admittedly, the rural stores that dotted the backroads were about the only “public” spaces available for polling stations, but a store belonged to someone, even when it was assigned temporary status as a polling station. Access to *every* enclosed space in the county—even a sharecropper’s tenant

⁷ From Don Rutledge, “All Quiet in Fayette County,” *Sepia* 9, no. 2 (1961 Feb): 24–27. Not until 1968 when the county bought voting machines did its voters have a private means of casting ballots (*Fayette Falcon*, 1968 Apr 4).

cabin—was subject to layers of culture (expectations, relationships, and “that’s just the way it is”). Segregation dictated that blacks had to be admitted to white spaces (like stores) because they were private property, and blacks were automatically precluded from the mutually defined spheres of *public* life. Admission of a black citizen to a private space or asset of any sort obligated them in some degree to whoever granted access. Only in Somerville and Brownsville, where voting was conducted at the courthouse, was the poll location tacitly “accessible” to its black citizens by virtue of residence. Even the privileged nature of this “public” *public* space was protected by layers of paternalism and dependence. For instance, the single “colored entrance” on the west side of the building in Somerville had stairs leading only down to the basement before coming up to the main floor. Culturally neutral space—a truly public civic space, accessible to any citizen on no other term than their citizenship—simply did not exist in either county.

Action—finally

The Justice Department’s Civil Rights Division had remained on the sidelines of both investigation and legal action—due partly to the challenge of establishing a new office with a skeleton staff and large accountability, and partly it was because the outgoing Eisenhower administration’s Assistant Attorney General for Civil Rights, W. William White, and Attorney General William P. Rogers were reluctant to pursue non-criminal investigations; partly it was because of Bureau director J. Edgar Hoover’s distaste for civil cases, ensuring that Justice Department received only exactly what information its attorneys requested; partly because local U.S. Attorneys in states with the greatest problems were reluctant or refused outright to file cases on behalf of black voters; but mostly because the role and strategy of the Civil Rights Division of the U.S.

Department of Justice to remedy civil rights issues was still evolving.⁸ An important step in the process, taken in 1960, was the direct involvement of Department attorneys in individual cases. FBI agents were still delegated the task of compiling precise documentary evidence, but Justice Department attorneys (still no more than a score and with responsibility for the entire United States) began visiting areas so they would know specifically what to request from the Bureau. “Theoretically, support from the FBI[’s 5,600 agents] should have increased the Division’s capability,” one of the early attorneys later observed.

However, before the Division could make use of the Bureau, the Division first had to learn how to carry out the assignment. Division lawyers had to master everything that goes into understanding the realities of a distant and unknown territory: the back roads; the operations of county registrar’s offices; the states’ registration laws; 100 years of history; the identity of the local leaders; the way the court’s family in each judicial district functioned—the clerk, the judge’s secretary, the marshals, the U.S. Attorney, the court reporter—you name it.⁹

Since state and local governments had created and then ignored the circumstances protested in civil rights actions, to address the scale of potential cases at the federal level required both a system and an expansion of hands capable of handling the work. There were not enough attorneys, everyone was still learning, the courts in the respective states were generally unsympathetic to civil rights, and little case law existed on which to build

⁸ Michal R. Belknap, *Federal Law and Southern Order: Racial Violence and Constitutional Conflict in the Post-Brown South* (Athens: Univ. of Georgia Press, 1987), 112–113. Though White was later characterized as a cautious man who preferred negotiation over legal confrontation (Lichtman, “Federal Assault,” 347), Hoover’s general distaste for civil rights resulted in his own version of massive resistance. Before 1960 individual U.S. Attorneys shouldered most of the responsibility for local for civil rights prosecutions, as in the case of *US v. FCDEC*. Doar sees the turning point for the Department prosecuting cases directly at the beginning of the Kennedy administration when Robert Kennedy took personal interest in enforcing an inclusive, liberal interpretation of democracy. Doar, “Work of the Civil Rights Division,” 4. cf. John T. Elliff, “Aspects of Federal Civil Rights Enforcement: The Justice Department and the FBI, 1939–1964,” *Perspectives in American History* 5 (1971): 605–673; Belknap, *Federal Law*, 106–127.

⁹ Doar, “Work of the Civil Rights Division,” 4.

an argument. Work as an attorney in the Civil Rights Division involved shuttling constantly between the offices in Washington and the field, studying situations in hundreds of counties looking for actionable evidence. Decades later one attorney recalled, “On a Friday afternoon I would see a row of suitcases and briefcases lined up in the first floor corridor of the Department of Justice, alongside the offices of the Division lawyers. Whenever lawyers went south to investigate, they departed Washington on Friday night to return on the third Sunday following. This meant sixteen straight days in the field,”¹⁰ stopping in several locations to check the status of often differing situations.

Since voter registrations had begun, haltingly at least, between March and May 1960 the Acting Assistant Attorney General decided that the Justice Department lacked enough direct evidence to take West Tennessee voter intimidation cases to court. Investigators pulled out of both counties after the voter registration dates in June, but fortunately for the new voters in Tennessee, the Department’s legal team remained in occasional contact with the emerging leaders within the counties themselves. Shortly thereafter the Department hired a smart attorney from Wisconsin who would have a profound effect not only on the situation in West Tennessee, but on the entire American civil rights movement itself.

John Doar graduated from Princeton University in 1944 and took a law degree from Boalt Hall in at the University of California in 1949. In the spring of 1960 he was lured from private practice in Wisconsin to a staff position in the Civil Rights Division. The Civil Rights Act of 1957 had provided the federal government a mandate to protect citizens’ rights to participate in their own governance. What the Civil Rights Division

¹⁰ Doar, “Work of the Civil Rights Division,” 4.

aimed to do was litigate the abstract concept into concrete reality. One of attorney John Doar's early field assignments was to get a direct view of the situation in and around Brownsville, Tennessee. After the September filing of *US v. Beatty*, for a week between 21 and 28 October 1960, and then over another two days a few weeks later, Doar visited Brownsville and Stanton to determine if the situation provided sufficient hard evidence for further federal legal intervention. Doar returned to Washington with a collection of evidence that the FBI's Special Agents—focused on finding direct intimidation *prior* to registration—had failed to acquire. His findings changed the direction of the case. While earlier investigations concentrated on unprovable measures taken to *prevent* voter registration among blacks, Doar documented what had happened *because* blacks had registered, which did provide the government with a case. His evidence included twenty-eight written eviction notices, photographs, a map showing the distribution of evictions across the county, and first-hand testimony from evictees. In his affidavit supporting the motion for a temporary injunction to prevent landlords from enforcing their eviction orders (an order which would take effect immediately upon being signed judicially), Doar pointed to clear circumstantial evidence of collusion among at least fourteen white Haywood County landowners. The twenty-eight eviction letters included as exhibits were dated between 12 May 1960 and September 1960, which meant none was dated prior to the first black voters registered in the first week of May. Twenty-two of them dated within the three weeks of 18 Jun–9 July 1960, a statistical cluster that does not suggest a genuinely random or spontaneous process of attrition. More importantly, of the fifty-two affiants who supplied testimony documenting their experience of being pressured, all but one had registered to vote. The last, Earnest Turner, had agreed not to register upon direct

instructions from landlord Edmund Taylor. Thirty-seven of the fifty-two had already been evicted from their tenancies. Doar returned to Washington and on the last day of November submitted the actionable petitions and exhibits ready for filing in federal district court.¹¹

Filings for additional detail chewed up the calendar in October and November. Defendant depositions in *US v. Beaty* were scheduled to be held in the Brownsville Post Office. When depositions began, those named in the suit uniformly refused to answer any question at all, invoking the Fifth Amendment right against self-incrimination, but also denying the government any information about tenure arrangements, business, or relationships.¹²

Against this backdrop of a new legal conflict, the first general election in which blacks of either county cast their ballots was the national election of November 1960. Many new registrants were successfully pressured to stay away from the polls. Turnout saw an unsubstantiated number of approximately 1,200 black citizens cast a ballot in Fayette County.¹³ The figure represented only about a third of the registered white electorate, but was large enough to underscore the possible forthcoming threat to white-

¹¹ John Doar affidavit, 1960 Nov 17, "Tennessee Eviction Cases" file, box 6, David W. Kendall records, Eisenhower Presidential Library, Abilene, Kan. Tennessee's landlords were not the first to terminate and evict their employees. The rural practice of evicting croppers in favor of mechanization is well documented in the 1930s. cf. Nicholas Lemann, *Promised Land: The Great Black Migration and How It Changed America* (New York: Knopf, 1991); Jack McKart, "Notes on a Trip to Mississippi (December 17–21, 1962)," Social Action Vertical File, box 38 fd. "Operation Freedom," WHI. McKart headed Operation Freedom at the time; this report was a major factor in it's board's decision to expand its operational reach into Mississippi.

¹² *US v. Beaty et al.* docket, National Archives, Atlanta; *States-Graphic (Brownsville, Tenn.)*, 1960 Oct 21, Nov 18, 25.

¹³ The unsubstantiated figure is named in James C. Millstone (*St. Louis Post-Dispatch*), "Tent City Negroes Hail Injunctions, Say They'll Not Return to Fields," *Washington Post*, 1960 Dec 30. cf. Rutledge, "All Quiet," *Sepia* (1961 Feb): 24–27.

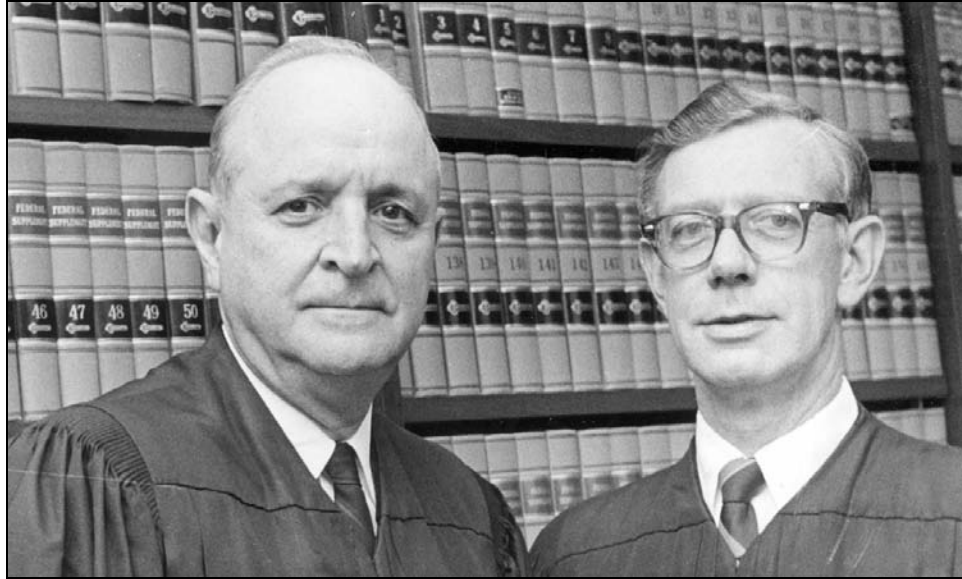


Figure 5.2 Second District, Western Tennessee, western district federal judges Marion S. Boyd (left) and successor Roland McRae at Boyd's retirement in 1966.¹⁴

minority control of the county. No figure has been found for Haywood County. Three days before the election, though it may be coincident with investigations, the Fayette County Election Commission opened its first permanent office in the courthouse basement. The local newspaper announced voter registration applications would be accepted on all weekdays, with the residents of several districts assigned a single weekday in rotation, rather than a single day for general registrations.¹⁵

On 18 November 1960, Doar filed an amended complaint to *Beaty* in Second District federal court. *US v Archbell et al.* named seventy Haywood County landowners, five of whom lived outside the county, which brought the total number of individual and corporate defendants to eighty-one. On 1 December he filed *US v Barcroft et al.*, a separate suit which named ten Fayette County landowners. The judge of the District court

¹⁴ *Press-Scimitar* morgue file 7012, Special Collections, University of Memphis.

¹⁵ "Registration Five Days A Week New Policy In County," *Fayette Falcon*, 1960 Nov 3.

assigned to the case immediately joined the Haywood cases into a single action. The following day Doar filed for a temporary restraining order to prevent the defendants from enforcing evictions on their registered tenants.¹⁶ A week later he was in Fayette County, where he collected additional seventy affidavits for a similar suit in covering reprisals in Fayette County. On 14 December 1960, the same day that the first tents were staked in Shepherd Towles' icy field, the Justice Department filed a separate suit in the Second District federal court, *US v. Atkeison et al.*, against eighty-one landowners and one bank in Fayette; *Barcroft* was joined to this. Both suits sought an injunction against landowners and businesses owners for economic reprisals against black citizens who had registered to vote.

Two and a half weeks after Doar drafted and assembled the petitions and documentation and less than a week after the ersatz founding of Tent City, on 19 December 1960 Civil Rights Division attorney David L. Norman visited the White House to present the Justice Department's findings and discuss the situation in Haywood and Fayette counties with executive staffer David W. Kendall, Special Assistant to the President. Norman was a divisional legal strategist and according to John Doar "a large amount of the credit for the development of the government's strategy in enforcing the Civil Rights Act of 1957 belongs to Norman."¹⁷ Kendall was the gatekeeper to the Oval Office for justice issues and had effective control over what legal matters reached Eisenhower directly. In a long discussion reviewing the situation and exploring possible

¹⁶ *Beaty* appears as civil action no.4065 and *Barcroft* no.4121 in the various court documents; they become civil actions nos.14433 and 14434 in the Sixth Circuit order (which is no.14435). Temporary injunctions take effect immediate upon issuance, but because the plaintiff must prove conclusively that injury is both imminent and irreversible, the standard of evidence is actually higher than for an injunction.

¹⁷ Doar, "Work of the Civil Rights Division," 2.

directions forward, Norman laid out the evidence and later that day provided Kendall with a thick duplicated sheaf of legal motions for the suits in both counties. Norman's presentation illustrated that any path through the courts would drag the federal power of the Justice Department squarely into the local situation. For an administration that had endured the ugly conflict in Little Rock, Arkansas, such a case coming just before leaving office was distasteful.¹⁸

The judge sitting in the Second District for the Western District of Tennessee was Marion S. Boyd. Boyd was a Franklin Roosevelt appointee known for his quick disposition of cases brought to his court, and for a fierce attention to detail and precedent in legal filings.¹⁹ In handling these two cases Boyd assumed a narrow interpretive position that revolved around the key issue for landowners, who wished to protect the social power that their control of resources gave them. For local conservatives, the issue in the voting rights issue was the control of individual property in the form of tenant labor on their land; for the government the issue was individuals using private property as a goad to deny others the participatory rights of citizenship. Boyd sidestepped the case's central argument, agreeing that it was clear some landowners had intimidated their tenants, but noted that "All the Civil Rights Act [of 1957] does is to protect the rights of citizens to register and vote." "This court has no right under the act, or any law, to enjoin the eviction of these families or enjoin the altering of any lease agreement on these farms." Doar was aware that the South's agricultural economy, Haywood County in

¹⁸ "Tennessee Eviction Cases" file, Kendall records, Eisenhower Library. In 1958 Norman had been advised to familiarize himself with voting rights law and with the Price's Southern Regional Council report specifically. Henry Putzel Jr to David Norman, 1958 Aug 8, 166-72-2 section 2, DoJ records.

¹⁹ Milton Britten, "Boyd Proves He Is 'Speedy,'" *Memphis Press-Scimitar* (morgue file 7012), 1956 Oct 10; Lewis Donelson to author, 2008 May 6.

particular, was in flux and countered the argument of landowner control of property and summarized the issue for the court that “We have nothing against mechanizing farms. We say that if you mechanize next year, O.K. But if you hire, don’t hire according to whether or not a person is registered to vote.”²⁰ The same principle held for the Bank of Brownsville, Doar argued; the lawsuit was not about its lending policy, but rather an individual who used the institution to enforce a personal standard. A week after the first tent pegs were driven into the Towles’ field, the federal district judge denied both preliminary injunctions on a key Constitutional issue in the case. His ruling came down on the side of local conservatives, deciding that the government’s petition to bar evictions interfered with landowners’ use and control of what they owned. A *Memphis Press-Scimitar* writer pegged the issue squarely when an article observed that the district judge “had ruled that the 1957 Civil Rights law did not give him the right to interfere with contract and property.”²¹

Boyd’s ruling addressed the issue that the county’s conservative white elite wanted to emphasize and entirely ignored the government’s central argument. For conservatives, the case came down to the rights of individual property holders: they should not be required to support or employ labor they did not want to retain. One editorial put it this way:

²⁰ Paul Vanderwood’s article “Judge Boyd Says No To Injunction” summarizes and quotes Doar’s arguments before the court; and “Judge’s Opinion in Haywood Case” reproduces Boyd’s ruling entirely. Both articles are in *Memphis Press-Scimitar* (morgue file 64752 fd.B), 1960 Dec 23.

²¹ “Injunction in Haywood Rights Case,” *Memphis Press-Scimitar* (morgue file 64752 fd.B), 1960 Dec 30. The Fayette case, *US v. Atkeison et al.*, was filed 1960 Dec 14 as civil action no.4131; Vanderwood’s “Judge Boyd Says No To Injunction” noted “Doar asked that Judge Boyd permit another judge to hear the Fayette case Tuesday [which would be Dec 27], but Boyd replied ‘This court will hear that case.’” However an order continuing the preliminary injunction hearing was docketed under *US v. Tacker*, a copy of which is in 166-72-1 section 11, DoJ records. cf. “Evictions Case Is Legal First,” *Commercial Appeal* (*Memphis, Tenn. ; final ed.*), 1960 Dec 16.

So here we find a federal court raising the issue that a man who has been in a sharecropping agreement with another man in the past must continue that sharecropping agreement indefinitely—perhaps forever—because at some time or other [the landowner] expressed the view that he wouldn't have Negro voters as his partners in crop production.²²

A *Birmingham News* editorial opined on the matter succinctly: “Are individuals to be deprived through federal action of the privilege—whatever the motivation—of terminating leases, firing employees for what they consider sufficient cause?”²³ An anonymous letter to the U.S. Attorney General put the matter more bluntly: “Just how in the Hell do you think a farmer in Fayette County, Tenn. can operate a farm successfully when he is forced by a United States Federal Court to employ persons whom he does not want?”²⁴ Explicitly, landowners wanted a decision that validated a property owner's longstanding domination of employment terms; implicitly, they wanted a decision that enforced the existing and rigidly stratified socioeconomic order. Defense lawyers allowed the court to assume much by virtue of the language used in their filings and briefs. It worked.

In his ruling Boyd overlooked or ignored the conflicting nature between a tort definition of “contract” and the sort of informal agreements that were the sole tender in the plantation-style societies east of Memphis. By longstanding convention—not by judicial or legislative decision nor typically committed to written form—planter/tenant arrangements existed almost solely as verbal and informal agreements between the two parties. Such an agreement involved a set of implicit reciprocal obligations, but rarely an

²² Unidentified clipping dated 1961 Jan 14, 166-72-1 section 11, DoJ records.

²³ “Where ‘Rights’ Get Confused,” *Birmingham News* (Ala. ; red star final ed.), 1960 Dec 16.

²⁴ Unsigned letter postmarked Augusta, Ga. 1960 Dec 31, 166-72-1 section 11, DoJ records.

actual document. These “agreements” were more permission to remain rather than a lease, contract, or partnership. Boyd also overlooked that the individual-rights argument of property owners invoked the primacy of their individual rights over the individual civic rights in theory enjoyed by their tenants. Conversely, the government’s case was built on a politically liberal idea that the private rights of one citizen could not infringe upon the exercise of another citizen’s civil (*public*) rights. Citizenship conferred an inalienable right of civic participation that was not subject to the interest, will, or power of more privileged fellow citizens. The exercise and protection of civil liberties within the public or civic sphere was a colorblind proposition. The Justice Department was acting to protect a fundamental right and responsibility of citizenship that no one’s color, economic standing, or social “place” could disqualify.

The Justice Department appealed the District Court’s ruling to the appellate court immediately and because of the pending eviction date, asked for an expedited hearing. On 28 December the three-judge panel of the Sixth Circuit Court of Appeals in Cincinnati, Ohio, reviewed the case with Justice Department attorneys D. Robert Owen and J. Harold Flannery presenting the government’s argument. Outside LeGrange, Tennessee, desperate for help powerful enough to halt evictions as the weather deteriorated, rural store owner and FCCWL president Scott Franklin dispatched a pleading telegram to President Eisenhower on 30 December 1960, certainly unaware that the White House staff had been quietly watching the situation for nearly a month already. After Boyd’s ruling was filed, Special Counsel to the President David W. Kendall discussed the matter with President Eisenhower later the same week, an exchange that added details to the television and print news reports Eisenhower had already seen. In a

private staff meeting on the same day the Sixth Circuit heard the appeal, the President commented for the record that reading about how “economic reprisals against Negroes in Tennessee has infuriated him.” Referring to the pending cases Eisenhower also observed that legal remedies would be at best an imperfect solution.²⁵

Two days after hearing the appeal, on 30 December the three-justice Sixth Circuit Court of Appeals sitting in Cincinnati overturned Boyd’s denial of the temporary injunction. Late the same afternoon attorneys Owen and Flannery telephoned Viola McFerren and Harpman Jameson from Cincinnati with news about the appellate court’s issuance of the mandamus and temporary restraining order, which halted standing evictions and curbed further evictions by those named in the filing. *Beaty* concerned only Haywood County landowners, but “We told them,” Owen wrote in a note for the case file, “that the Negroes in Fayette County who have been told to move because they registered should stay in their places pending further order of the Court.”²⁶ The hurried establishment of Tent City in mid-December 1960 seems to be the activation of the backup plan, a measure to provide some evicted families means to remain in the county long enough to see if the courts would rule in their favor over the evictions: the tents were a response to the suits, not the suits to the tents. Owens’s advice anchored the tent community in place for another year. That night there was a second drive-by shooting at Tent City. On the day after the Sixth Circuit Court of Appeals stayed evictions and remanded the case to the Memphis court, David Kendall of the White House staff tabled

²⁵ “Tennessee Eviction Cases” file, David W. Kendall records 1953–1961, box 6, Dwight D. Eisenhower Presidential Library, Abilene, Kan.; “Memorandum for the record,” by Bryce N. Harlow, 1960 Dec 28, in “Staff notes December 1960,” DDE diary series, Eisenhower papers as President, Eisenhower Library.

²⁶ Owens to file, 1961 Jan 5, 166-72-1 section 11, DoJ records. Owens was acting on instructions of assistant attorney general Harold R. Tyler Jr.

further executive-branch involvement. A few days later copies of two confidential assessments of the food situation were added to Kendall's file, the last action the Eisenhower administration would take in the Tennessee case. The matter was left to the incoming Democratic administration after John F. Kennedy's inauguration on 21 January 1961.²⁷ The mandamus returned the case to Judge Boyd in the Second District, who issued the temporary injunctions on 5 January 1961, which allowed evicted croppers to remain on their tenancies until the cases were decided, and put both cases onto the court's docket for trial on the merits.²⁸

Three months later, in the closing days of March, Boyd's court denied the government's order on *Beaty*, an action that effectively handed landowners absolute control over their tenants actions, even in civic participation. Doar appealed. On 6 April 1961 the Sixth Circuit Court of Appeals overturned the ruling, ordering Judge Boyd to hear and rule upon the eviction cases, holding that 42 USC 1971(b) did apply: the Haywood County landowners could not evict nor in good faith fail to deal with their black tenants because they had registered to vote.²⁹ The decision was entered for *US v. Atkeison* as well.³⁰ Boyd scheduled the cases for trial, and the investigations began in earnest. The cases dragged on in Boyd's Second District court for another year and a half, through a litany of depositions, filings, subpoenas, and responses.³¹ Neither went to trial. A final judgment in *Beaty*—another consent decree—was entered 2 May 1962 and for

²⁷ "Tennessee Eviction Cases" file, Kendall records.

²⁸ Order, civil action no.4131, 166-72-1 section 11, DoJ records.

²⁹ *US v. Beaty* 288 F.2d 653–658 (6th Cir. 1961).

³⁰ John Doar to Burton Joel Ahrens, 1961 Aug 4, 166-72-1 section 14, DoJ records.

³¹ Though I have the trial dockets that list the filings, I did not make the trip to Georgia to look at the contents of the four cases.

Atkeison in late July. By this point economic reprisals and evictions in both counties were continuing unabated, just without mentioning anything about voting. Landowners had figured out the positive implications of their traditional paternalism: without real contracts they owed their tenants no real obligations. The decrees in *Atkeison* and in *Beaty* were essentially irrelevant.

In looking back at the cases from the present, the key point of relevance was the Sixth Circuit's ruling a year and a half earlier. The judicial panel's ruling indicated that the appeals court expected the district court to hold Fayette and Haywood county civic orders to a legal standard other than its own custom and sentiment. Conservative landowners felt that their informal agreements extended over more than the fieldwork and crops of their labor force. In their eyes, enough cause had been shown merely by involvement in an activity (building a civic identity by voter registration) that potentially threatened to compromise their control over the community and its privileges. When the appellate court ruled that dismissals/evictions had to be "for cause," the court meant "cause" in the contractual sense of failed obligation: laborers had not worked as agreed, or had misappropriated goods or assets, or had not delivered on their narrowly defined part of the agreement. So far as documentation exists, no landowner in either county complained that their laborers had failed to produce crops as expected. That point challenged more than just voting rights; it aimed at a premise deep in heart of the cotton-cropping tradition.

Because tenancy agreements existed informally and were traditionally at-will agreements that could be severed by either party at any time. It was a longstanding practice to settle and "renew" the agreements on an annual basis after the crop had been

harvested (usually late October to early December). Leaving aside debt bondage, which consistently tipped the relationship in favor of employers, landowners felt they were within their rights not to keep laborers who had displeased them and they no longer wished to retain. The courts' insistence that landowners could not dismiss labor at will over voting implied that planters would have to continue their obligations, and that other field hands could not be brought in. The decision looked suspiciously like the courts were ruling not on blacks' rights of civic involvement but on the private obligations of property owners. The Sixth Circuit Court of Appeals addressed this point explicitly in its decision overruling Judge Boyd's decision. The panel unanimously observed that their decision should not be viewed as "a present determination by this court that the Civil Rights Act [of 1957] may constitutionally be employed to require private citizens to continue or enter into contractual relations in respect to their property."³² By accepting a consent ruling on the narrow issue of the complaint, individual landowners only agreed not to slough off workers as a reprisal for political activity, but they *could* divest them for any other reason or for no reason at all. "Thus the landlord can evict, and has been doing it, for the 'customary' reasons, as long as it does not appear to interfere with voting rights."³³ Left unaddressed by the suits and the courts was the validity and terms of the traditional verbal agreements that imposed the paternal/dependent relationship and the enforceable obligations of either party. The courts could never address the fundamental social and economic inequities which had been crafted over generations by convenience, by need, by opportunity—by tradition. In Fayette and Haywood counties, the desire for

³² Quoted in "Injunction in Haywood Rights Case," *Memphis Press-Scimitar* (morgue file 64752 fd.B), 1960 Dec 30.

³³ Operation Freedom "Newsletter No. 2", 1961 Jun 25.

social stability and to minimize actual costs had kept the plantation system in place for a generation longer than most of the rest of the nation.

Before the decrees were issued, in April 1962, Justice Department lead attorney J. Harold Flannery travelled to Tennessee and spoke at meetings in both counties, explaining the resolution of the cases and what the consent decree meant. He tried to put the agreement terms in a positive light, though news of the consent decree did not sit well with the local folks. “For two years I have been telling the people to report their injustices that are done to them,” an angry John McFerren was quoted as saying. “We report everything to the Justice Department, believing that justice will come. Now no one has been convicted of anything.” Flannery responded by being up front about the matter. “Mr. Flannery explained that this was not a criminal case but a civil rights one. Although many of these were criminal offenses, . . . they did not dare to bring the case in a criminal court. It has been almost impossible for Negroes to win a case in a criminal court because it requires a jury which is always white.” Yes, the case had been disappointing compromise, but it was at least on record. “It will depend now on the enforcement.”³⁴

No one in West Tennessee was fooled—the landowners had dodged a legal penalty and yet surrendered or lost nothing. A few black citizens felt vindicated and expected that they could at last secure fair treatment from the banks and their landowners. They would eventually understand that there was a difference between prohibiting discrimination and practicing involvement. Courts and the law could address the former but could not impose the latter. Yes, a key premise of segregation had been exposed and discredited: private individuals could not exercise arbitrary control over others who were

³⁴ Untitled manuscript beginning “On this my sixth visit . . .” [ca.1962 Aug–1963], Hortenstein papers.

trying to participate in the civic sphere. By extension, those who claimed to service “the local community” could not pick and choose who would constitute “the public”—there were not black dollars and white dollars. Banks and businesses quickly retreated to less arbitrary measures of disqualifying black borrowers: insisting on loan requirements that poor black families could not meet, such as selectively requiring collateral. In essence, nothing changed. Activist Virgie Hortenstein wrote Odell Sanders in Brownsville, reporting what Cincinnati lawyer Morse Johnson concluded about the effect Boyd’s injunction would have on local banks: the ruling would disallow lenders from refusing bank loans as a penalty for registering to vote, but it would not generate loans for them.³⁵

The Justice Department maintained interest in the West Tennessee situation from a distance after the *US v. Beaty* and *US v. Atkeison* decrees. As voting rights activists began working in both counties in 1963 and 1964, federal officials repeatedly turned down pleas to head off intimidation. John Doar wrote dozens of letters to concerned citizens across the country, including one to California Senator Clair Engle, that summarized the limits of federal intervention in situations such as West Tennessee and elsewhere throughout the South: “The Attorney General’s statutory authority to take action respecting violations of civil rights is limited, except where the right to vote is involved, to the enforcement of federal criminal statutes.”³⁶ As rights activists would discover, federal officials could not provide protection from intimidation and reprisals, only act when violence occurred. The consent agreements signed in April 1961 and filed after the final judgments in 1962 resolved the legal issue that had sparked federal

³⁵ Virgie Hortenstein to O’Dell Sanders, 1961 May 10, “Correspondence 1961,” 19:3 McCrackin papers.

³⁶ John Doar to Clair Engle, undated (1961 Feb), CORE records, series 2, WHi.

intervention. Thereafter, landowners continued to exercise a free hand but were more careful. Many abandoned evictions for a far more effective tactic. “Negroes are told they may continue to live in the shacks. Nothing is said about voter registration. The landlord simply says he is mechanizing his farm,” observed one rights group.³⁷ “Families who are not evicted outright are being told that they may remain on the land. But they are also told that there is no work for them. Without work how can they stay?”³⁸ Obviously they could not—that was the point. Cut off from marginal support meted to them under paternalism, former sharecroppers might secure occasional day labor, but the loss of access to farmland left them without livelihood or the paternal protection on which they had relied, sometimes for decades. The Department investigated continuing economic reprisals, but never found enough direct evidence for further action under existing statutes. The Voting Rights section closed its Haywood-Fayette file in 1964.³⁹

³⁷ “Fayette County Work Camp,” [FHWC newsletter n.3], for camp 1963 Mar 25–Apr 14, Hortenstein papers.

³⁸ Jerry De Muth, “Racists Push Campaign To Drive Negroes From Two Tenn. Counties,” *Chicago Defender* (national ed.), 1963 Feb 15.

³⁹ “Harassment Cited In Haywood County,” *Memphis Press-Scimitar* (morgue file 64752), 1967 May 24. It was widely assumed that the Civil Rights Act of 1964 and Voting Rights Act of 1965 would remedy the situation and local jurisdictions should be allowed time to implement the changes. Trust in that fact was strong enough that work on a “Civil Rights Act of 1966” was tabled (the working manuscript was assembled by Assistant Attorney General John Doar and may be found in RG 60, General Records of the Dept Justice, Civil Rights Division, Subject files, Doar, 1960–67, box 80 “Background Notebook #2”). The Justice Department became involved in court action during school desegregation in both counties in the mid 1960s, but took no more action on voting rights. The last pull by an investigator recorded on most of the 166-72-1 file dockets is by John Doar in February 1966; the last one recorded on any of the files is 1968. The files were among the Justice Department case records transferred to National Archives some time after that.

Chapter 6

Individual Efforts and Indirect Action:

The Activists (part 1)¹

I have encountered discrimination and bigotry, but I have never stopped fighting for the basic principles of our democracy, which I feel are right.²

Since the beginning of this present day struggle for the “unalienable” right to exercise the elective franchise, many of us have witnessed situations that we never before even dreamed of.³

Though never measured or quantified, Americans have long been credited with a cultural sense of fair play. Indignities and failures are acceptable if the playing field is level between players. When it is not, the sense of cultural "rightness" is offended and often moves citizens to action. This is perhaps the best way to characterize the story behind external support for the local Fayette and Haywood county activists. This conflict happened at a time before it would have been called a humanitarian crisis. The situation faced by Fayette and Haywood sharecroppers, particularly the Tent City residents, resulted in an outpouring of contributions from concerned private citizens and organizations. With the country in the midst of the civil rights era, political support in the form of federal investigation and judicial review was forthcoming as well, but it was outside aid that counterbalanced the lopsided distribution of wealth and political opportunity held in the determined grip of Haywood's and Fayette's racial minority.

¹ This and the following chapter are an extensive revision and expansion of a previously published article: “‘Of Some Importance, but Uneven and Limited’: External Support for the Local Civil Rights Action in Tennessee’s Haywood and Fayette Counties, 1959–1963,” *Southern Historian* 28 (2007): 55–73.

² George D. Carroll (mayor of Richmond, Calif.) quoted in “First Negro Mayor Since Reconstruction,” *Sepia* 13, no. 9 (1964 Sep): 66.

³ “Original FCCWL Inc. Looks Back,” *League Link* 1, no. 19 (1961 Aug 11).

External assistance—money, commodities, expertise, and moral support—provided a safety net to the black communities struggling not only for rights, but for survival.

The Haywood-Fayette story has typically been told as local civil rights efforts. In the context of the larger drive for inclusive civil rights, perhaps they were. Truthfully, in rural West Tennessee most of the organizing activity *was* carried out by small groups of individually committed, fiercely determined local people. With a few situational exceptions, nationally recognized civil rights organizations seem conspicuously absent in both county-wide movements, and none of the personalities with national stature budgeted time, attention, or substantive assistance to the people in these two counties. Yet the memory of grass-roots action has been a bit too convenient. Focusing too closely on local efforts and activists obscures the close ties and substantial support contributed by outside groups and individuals, both black and white. Had Fayette County and Haywood County residents turned down outside help and attempted to “go it alone” in their fight, economic and political reprisal certainly would have dispersed the activists and left little story to tell. That did not happen. Instead, support from beyond these two counties sharpens the picture of precisely *why* the voting rights actions succeeded. External aid to the West Tennessee actions took three important forms that could not be secured or generated locally: mass media coverage, contributions in the form of cash or goods, and the individual involvement of committed activists. The web of material and moral assistance for Haywood and Fayette activists was critical.

Galvanized by the embargo and evictions

The first voting rights case filed under the Civil Rights Act of 1957 had drawn the media’s interest, providing an occasional column in print media—chiefly newspapers—

for months. Judicial reviews of rights legislation were of national significance and interest. News of *US v. FCDEC* appeared even in distant newspaper markets. The case probably would have garnered more press attention, except that the media was focused on Nashville as the state capitol was convulsed by the sit-ins. It was another month before the first news articles about the economic embargo appeared in national news outlets. The *Memphis World* published the first account of economic reprisal. Two weeks later the unfolding Tennessee drama was picked up as a Scott News Service story, a black-press news syndicate near the first of May.⁴ Within days the story made the jump to the white mainstream press, and by summer West Tennessee's economic embargoes were drawing sporadic attention in the national press, while black newspapers across the country ran weekly or daily stories about the economic repression. While the embargo was a daily weight for those on the ground, through the summer and fall the only real interest in the media was in clucking their tongues over the injustice, and whether black Tennesseans in these two counties would actually vote in upcoming elections.⁵

News reporting became the vehicle for not only current news about the actions, but a brake on open white reprisal, and the catalyst for national aid and assistance.

⁴ News of denials of voter registration had been carried periodically since 1958, but news of the embargo seems to have broken locally in "Somerville Citizens Urged To Go To County Courthouse," *Memphis World*, 1960 Feb 17, but not for a couple more months did the story run elsewhere. "10,000 Suffer Reprisals For Registering To Vote" (SNS), *Atlanta Daily World*, 1960 Apr 29 (appearing the next day in the *Memphis World*). An editorial on the matter appeared in "Boycott in Tennessee," *Chicago Defender* (national ed.), 1960 May 4. Trezzvant W. Anderson generated the first on-site reporting with "Whites Push 'Don't Sell' Drive in Tenn.," *Pittsburgh Courier*, 1960 May 7. James Talley, "Fayette Invokes Economic Force," *Tennessean*, 1960 May 8; "Negro Attorney Says He'll Appeal Economic Boycott," *Kingsport Times* (Tenn.), 1960 May 9. Dominated by voter registration stories, not until the minor squib "Negro Lawyer Says 'No Gas'," *Memphis Press-Scimitar* (morgue file 80137 fd.B), 1960 May 13 was the embargo mentioned in the local mainstream press.

⁵ There are too many articles to mention, but virtually every black newspaper ran extended articles on the embargo in July and August 1960. See also the introductory note in Works Cited. L. F. Palmer, Jr., "Fayette County, Tennessee: Will They Dare Go to Polls?" *Sepia* 8, no.8 (1960 Aug): 8-12.

Reportage in the *Chicago Defender*, the *Atlanta Daily World*, *Pittsburgh Courier*, *Baltimore AfroAmerican*, *Norfolk Journal and Guide* (Va.), and Memphis's two black newspapers, the *Memphis World* and *Tri-state Defender*, acted as advocates for Tennesseans within the national community in a way that no amount of personal relationships could match. The hometown activists in Tennessee eventually learned the value of a well-crafted press release, but in 1960 news reporting was an invaluable asset they could not command themselves.

The tent encampment and shootings generated press attention in ways that economic reprisals alone never could, but it was the Sixth Circuit Court decision that galvanized interest nationally. Blazing in newspaper headlines and simmering in columns across the country, the founding of Tent City and legal battle in the Second District and Sixth Circuit courts provided a compelling image that attracted external support for the broader civil rights struggles in Haywood and Fayette counties. Within a few weeks representatives from dozens of organizations would descend on West Tennessee to find facts, make assessments, and offer assistance. Several papers committed reporters to on-location coverage. The resulting attention paid to Fayette eclipsed similar developments in Haywood County to the north and shaped the public face of the struggle in West Tennessee. Thereafter the national media attention essentially ignored Stanton and Brownsville to concentrate on Tent City and Somerville. The regional press always included both counties in their coverage, as would be expected, but with Tent City, Fayette now had a story and a news “destination.” The *Los Angeles Mirror* dispatched Memphis native George Reasons to cover the story. For a year, Trezzvant W. Anderson cycled through the two counties, filing dozens of stories for the *Pittsburgh Courier*. Its

eight regional editions covered the entire South and East, from Maine to Texas to Minnesota, and the paper had a circulation that was probably larger than the better-known *Chicago Defender*. Western Kentucky native Ted Poston of the *New York Post* arrived and filed a detailed, six-part illustrated story for his newspaper. Wire service reporters, including the Associated Press, United Press International, and Scripps-Howard News Service, ran stories from on-site reporters regularly, and black news services such as the Scott Newspaper Syndicate and Associated Negro Press covered the events as they unfolded. Even NBC returned to shoot stock footage.⁶

Even with new coverage, before the first tents were pitched in Shepherd Towles' field beside Rural Route 8108, the events in Haywood and Fayette counties were strictly local matters, newsworthy certainly, but still local. No one in Chicago or New York could do much about the denial of voting rights in Tennessee. On the other hand they *could* do something about families without homes living in tents, short of food, and ill clothed. The establishment of Tent City effectively nationalized the Fayette and Haywood stories and opened a period of liberal activism.⁷

⁶ Anderson's reports from southwest Tennessee appeared virtually weekly between 1960 May and 1961 May when his attention shifted to the unfolding Freedom Riders drama. Ted Poston, "Boycott in Tennessee: The Right to Vote and the Right to Live," in 6 parts, *New York Post*, 1960 Aug 8–14. An entirely unscientific survey of American newspaper reports of Tennessee's story, accessible in 2011 Nov on the www.newspaperarchive.com digital newspaper database, returned over 300 articles of varying length dating 1960 Dec 15–1961 Jan 9, with the heaviest concentration (nearly 100 articles) on Dec 30–31, and 50 more by mid January. The fullest versions of the major AP and UPI stories seem to be Harold Harrison, "Negroes Get Injunction Against Tenn. Evictions" (AP), *Greeley Daily Tribune (Colo.)*, 1960 Dec 30; John Cunniff, "Evicted Negro Sharecroppers Are Moving Into A Tent City" (AP), *Ottawa Herald (Kan.)*, 1960 Dec 30; Al Kuettner, "Stalemate at Somerville," published as "New 'Crisis Point' In Dixie Race Relations Arises From Vote Registrations" (UPI), *Anderson Daily Bulletin (Indiana)*, 1961 Jan 12.

⁷ James F. Estes was a county outsider, but he is an almost unique case.

Aid contributions

For those suffering under the embargo, its crushing bite illustrated two points very clearly. First, white paternalism was the only economic asset sustaining the black community as a whole in either county; as the core of white activists had already realized, those cut off from paternalism had absolutely no other assets sufficient to maintain stability. Second, despite establishment of the Civic and Welfare Leagues, neither community organization nor “leadership” actually fed hungry people. If civil participation was to be secured in either Tennessee county, they needed help in proportion to the need, which was unavailable locally. Given the dire poverty among the black majorities of both counties, help would have to come from outside sources, and it would have to be in folks’ hands before newly registered voters were forced to move their families elsewhere simply to subsist.⁸

News of the embargo circulating in Memphis’s black press sparked support in the urban populations. The national NAACP leadership was already hammering on the oil companies, but encouraged chapters’ direct contributions. The chapter in Memphis was asked to coordinate donations.⁹ Jesse Turner accompanied a truckload of food and clothing to Somerville on 5 July 1960, and a week later Special Field Secretary W. C. Patton arrived to direct distribution of other NAACP-collected contributions.¹⁰ The

⁸ Between 1958 and 1964 social discourse was grounded almost solely in black electoral participation and the economic backlash. The root factor in black stability—non-agricultural employment—was not a real issue until county economic development efforts began bringing light industry in the mid and late 1960s. The first questions about discriminatory hiring practices were not publicly raised until 1967.

⁹ Memphis Branch NAACP executive board minutes, 1960 Jun 7, Jul 5, Aug 9; “Annual Report of Memphis Branch NAACP 1961,” Maxine Smith papers, Memphis Public Library.

¹⁰ “Fayette Gets Help, More Coming,” *Tri-State Defender*, 1960 Jul 14; Henry Lee Moon memo, 1960 Jul 14, III:A280 Reprisals, Tennessee, “Fayette County -- General, Apr-Jun 1960”, NAACP Records, Library of Congress; Entry for 1960 Jul 5, Memphis Branch NAACP executive board minutes, 3:3 Maxine Smith papers, Memphis Public Library, Memphis, Tenn.

situation in these two counties, however, was no less pressing than similarly displaced sharecroppers in Alabama or South Carolina. The fulcrum that eventually pried Tennessee's evictions out of the back pages of news outlets across the county was the sharply peaked roofs of three canvas tents.

Within days of the extended Williams' family moving into "Tent City," Nashville residents Nelson Fuson, Leo Lillard, and Metz Rawlins had collected food, some clothing, and a few household goods from friends. In a borrowed truck the trio drove to the Towles farm and unloaded their contributions. News reports also stirred Missouri trucker James Puryear. Within days, his truck pulled into Somerville piled with goods gathered on his own from friends and personal acquaintances. Though Fayette and Haywood's story had occasionally been in state and national news for months, as soon as the Tent City story broke, help was offered by private individuals across the state as well, usually by committing goods or small cash donations. "We want you to know that there are white Southerners who share your feelings about this matter and who would like to be able to share in its solution," wrote one supporter as she enclosed a personal check to help cover someone's living expenses.¹¹ Before long, however, both the scope of the actual need and the number of contributors grew dramatically.

Thoughtful individuals like Puryear were the vanguard of a steady stream of assistance that picked up as word of evictions and the founding of Tent City made national news. Within two weeks of the Williams family's move, the muddy field became a destination for well-intentioned investigators and potential supporters. By Christmas,

¹¹ Cecile Meyer to John McFerren, 1 January 1961, OFCCWL records (1:23). The Fuson trip is documented by copies of several personal photographs and email messages now found in the OFCCWL records.

just as Tent City was collecting its displaced residents, another truck-sized contribution came from the United Packinghouse, Food, and Allied Workers Union, a predominantly black union, and a delegation and relief goods from the Mennonite Central Committee out of Pennsylvania. Based on the plan modeled by the Chicago CORE membership, other CORE chapters established “Emergency Relief Committees for Fayette and Haywood Counties” to funnel contributions to Tennessee from California, Michigan, New York, North Carolina, Wisconsin, and elsewhere.¹² At New Years, a three-member group from The Peacemakers, a radical nonviolent ministerial group based in Cincinnati, visited. Their brief contact generated long-ranging consequences. Another CORE chapter in Los Angeles supported evicted Haywood citizens. Other groups came quickly to see what they could do as well.¹³ In March, Russell R. Lasley of the United Packinghouse, Food, and Allied Workers made a site visit, bringing with him union writer Eugene A. Kelley. Kelley produced an illustrated account of the ongoing conflict as *Tent City—Home of the Brave*, which was published by the AFL-CIO and distributed nationally.¹⁴

The two shootings at Tent City galvanized support in urban black areas across the country. In particular, groups in Chicago and southwestern Ohio mobilized or re-invigorated their support. Though the Chicago ERC continued sending assistance, new help came in January and February with an organization named the “Kenwood-Hyde

¹² “‘Help Freedom City’ Committees Formed,” *Tri-State Defender*, 1961 Jan 21.

¹³ James Forman, *The Making of Black Revolutionaries* (New York: Macmillan, 1972), 131–137; August Meier and Elliott Rudwick, *CORE: A Study in the Civil Rights Movement, 1942–1968* (New York: Oxford University Press, 1973), 122–123; Operation Freedom circular letter dated 26 January 1961, 18:24 McCrackin papers.

¹⁴ Material relating to Lasley’s visit and relief activities are in boxes 395 and 396, UPFAW records (Mss 118). Eight thousand copies of Kelley’s rather purple account were distributed as *Tent City—Home of the Brave* (Chicago: Industrial Union Dept., AFL-CIO, [1961]).



Figure 6.1 Canvassing for relief donations by young members of the Kenwood-Hyde Park Committee to Aid Fayette County, January 1961.¹⁵

Park Committee to Aid Fayette County.” This group of mostly women and children from the neighborhood around the University of Chicago collected and presented over \$2,300 in cash to a Fayette County delegation that had come north to accept it; additional money was contributed by a student group at the University of Chicago, by the St. Thomas Parochial School, and by the South Shore School of Jewish Studies.¹⁶

With Tent City capturing headlines, relief goods pouring in by the truckload, and cash sitting in accounts waiting for dispersal, national organizations were becoming frustrated with unnecessary duplication of effort and tried to persuade the Haywood and

¹⁵ OFCCWL records. Photographer unknown.

¹⁶ Details on this and other support efforts can be found scattered through the OFCCWL records. The specific reference to the Chicago group is in an untitled press release dated 25 February [1961], OFCCWL records. The Chicago side is told in a series of reports in *Hyde Park Herald*, 1961 Jan 4, 25, Feb 1, Mar 8, 22. A handbill titled “Fayette County—The New Frontier,” is in 395:7 UPFAW records.

Fayette groups to work together to coordinate relief efforts. In the second week of January the NAACP hosted a meeting of the American Friends Service Committee (Quakers), National Sharecropper Fund, Congress of Racial Equality (CORE), and National Committee for Rural Schools. John McFerren was specifically invited but refused to attend, refusing even travel expenses. Held in New York on 11 January, it became clear that no meaningful organization could happen without involving the local activists, who had not attended. A second, more inclusive meeting was scheduled for Memphis.¹⁷

The stated purpose of the second meeting was to figure out how to coordinate constantly changing needs in Tennessee and the diverse assistance being offered across the country. The HCCWL reluctantly established a committee to coordinate with the Fayette group, but leadership of the latter was fracturing. Neither was particularly keen about working with the other anyway. Given John McFerren's willful absence from the 11 January meeting, NAACP executive secretary Roy Wilkins was enlisted to apply constructive pressure on him specifically, as McFerren's streak of independence threatened to hamstring the effort he was working to strengthen. "Your absence will be subject to misinterpretation and may add to the confusion which already exists due to internal dissension," Wilkins's telegram read. "Your presence will help those concerned

¹⁷ John A. Morsell to John McFerren, 1961 Jan 9 (telegram); "NAACP seeks to unify aid to Tenn. Counties," outline dated 1961 Jan 12, "Fayette County – General, Jan 1961," III:A280, NAACP records. Allen Yancy represented Fayette County. Other than the quotes I have used in this and the following paragraphs, John never explained his reticence about cooperating with outside groups. I once asked him that question and got no clear coherent explanation. There may have been no single reason, but based on the surviving record and my occasional interactions with him I'd say he was concerned that, having broken out of paternalism locally, he was suspicious that national groups would impose another version of the same arrangement. Rights groups had power to set agendas and wield resources he did not, and unless they accepted he and his rural neighbors as absolute equals in an arrangement, he was uninterested in cooperation, fearing it would lead to cooptation, domination, or outright exploitation.

with settling this issue to work out practicable long range solutions.”¹⁸ In advance of the second meeting, Gloster Current issued a three-week assignment to Phillip H. Savage to get to Tennessee, work with the activists in both counties, and bring them to the table.¹⁹ There were related problems, including the NAACP’s insistence on dominating or steering projects that were ostensibly cooperative efforts, which was alienating potential allies, including the SCEF, which had not been invited to the Memphis meeting. “It gets sort of tiresome fighting with these NAACP people to get included in things they do,” Ann Braden grumbled in a letter. The Peacemakers had not been invited either.²⁰

Everyone knew that large economic forces were tugging farm families toward city jobs, even without the evictions. The goal for this second meeting, as stated by the NAACP, was to “explore long-range solutions” for aiding those who stayed in the county (“re-habilitation”) and those who could not (“re-location”). The NAACP’s twin vision- and experience-borne solutions immediately collided against the deeply grounded interests of the local groups, who were interested in carving out positions of respect and participation within their own communities. Their firmness was grounded on the simple assumption that civic participation could be gained without leaving Haywood County or Fayette County; at least, leaving would mean the white landowners had won.

By the time the second coordination meeting convened at LeMoyne College, the FCCWL leadership had split. Attorney James F. Estes arrived with a delegation of six Tent City residents from the Scott Franklin faction (FCCWL); John McFerren brought his

¹⁸ Telegram copied in Roy Wilkins to Jesse H. Turner, 1961 Feb 3, “Fayette County – General, 1961, Feb 1963,” III: A280, NAACP records.

¹⁹ Gloster B. Current to Phillip H. Savage, 1961 Jan 16, “Fayette County – General, Jan 1961,” III:A280, NAACP records.

²⁰ A [Ann Braden] to Jim [Dombrowski,] 1961 Jan 22, 34:5 Braden papers.

own delegation of five others (which would soon become the OFCCWL). Both sides were admitted and participated in the meeting.²¹ The chair opened by asking if the group of activists could agree on a joint committee and would accept the advice and assistance of trained relief personnel. McFerren immediately said that “he would not agree for an outsider to come in and tell them what to do.” Softening the proposal’s language a bit, someone suggested an advisory committee, whereupon Fayette County’s Allen Yancy insisted that it involve equal numbers of local and “outside people.” Hastening to reassure the rural participants of their importance to the group, Memphis lawyer Benjamin Hooks unwittingly weakened the proposal further, noting that the group would have “advisory status only,” effectively ending the national groups’ hope for a strong, coordinated effort. James Estes put a final nail in the coffin of coordinated effort by assuring that the committee “would only advise to insure national confidence.”²² Despite frank discussion and commitments from every one, the meeting ended without clear goals or agreements, and without making substantive progress toward organization, cooperation, or assistance. Resolve had dissolved and been watered down to ineffectiveness.

Reporting the event to NAACP chairman Roy Wilkins a few days later, Gloster Current noted that “Although McFerren did not close the door to cooperation, in view of his dominant leadership in the Fayette County situation, it would appear that he is lukewarm on the idea of creating any organization through which the two counties can

²¹ The meeting is reported in official detail in “Minutes of a Meeting of a Group of Interested Individuals,” 1961 Jan 21; and in official detail in a memo of Current to Roy Wilkins, 1961 Jan 23; Gloster B. Current to DeVore, 1961 Feb 8, “Fayette County -- General, 1961, Feb 1963,” Section III, series A280 “Reprisals, Tennessee,” NAACP records.

²² “NAACP calls meeting to coordinate relief activities in Tenn.,” draft agenda dated 1961 Jan 19; “Minutes of a Meeting of a Group of Interested Individuals,” LeMoyné College, 1961 Jan 21, “Fayette County – General, Jan 1961,” III:A280, NAACP records.

jointly distribute aid and work together. The absence of [HCCWL's Currie] Boyd from the meeting adds up to the same thing—an unwillingness to cooperate even with the idea of cooperating.” The direct outcome of the meeting was that interest in Tennessee’s rural conflict weakened dramatically among leaders of key national civil rights organizations. This meeting marked an effective end to direct NAACP involvement and support in the Tennessee situation, through the Memphis chapter remained engaged and the national organization occasionally probed for openings in Haywood County. Lacking a reliable local mechanism for distributing aid equitably, in 1963 the national office finally reallocated nearly \$25,000 in funds donated specifically for relief in West Tennessee.²³

The sentiment of the key local leaders to oppose direct cooperation with national groups was fateful and long-ranging in several ways. First, it meant that both counties would function primarily toward achieving local goals, on local priorities, and toward local improvement. “Neither wants to see anything created,” Current continued, “which would adversely affect their present independence of operation and open up to closer examination what is going on in terms of distribution, etc.”²⁴ The local activists wished to fight their own battles on their own terms. Maurice McCrackin of Operation Freedom

²³ John McFerren had alleged that the NAACP was “guilty of not turning money over to Mr. McFerren's civic league.” To this charge the NAACP’s leadership conducted an internal audit and report, which explained the fundraising rationale in an internal memo dated by hand 1960 Dec 7, that “we never told the public we were collecting money for the civic league. Our appeal of August 10 was to our branches, asking them to send funds to our Memphis branch and promising to send food and other relief to Fayette County. This we have done. . . .” In May 1962, director of branches and field administration Gloster B. Current proposed using about half the sum to fund an NAACP field secretary in rural West Tennessee. This person would recruit members and help organize chapters beyond urban Memphis for two years. The proposal met a cool reception with other NAACP leaders. Further south, escalating tensions in Mississippi, which would culminate in “Freedom Summer” in 1964, were gaining increased attention. In January 1963, as Tent City was disbanding, the NAACP money was cleared from a Memphis bank and went to a “special emergency fund” for similar needs in Mississippi. The disposition is detailed in III:A280 Reprisals, Tennessee, “Fayette County, Excess funds collected, 1962-63,” NAACP records.

²⁴ Gloster Current to Roy Wilkins, 1961 Jan 23, “Fayette County – General, Jan 1961,” Section III, series A280 “Reprisals, Tennessee,” NAACP records, Library of Congress.

was less charitable: “The NAACP wanted to exploit the situation to raise national funds. In order to keep a local chapter out the members of the [OFCCWL] are the officers and members of the local chapter of the NAACP. John [McFerren] said this was the only way they could keep others from messing up what they were trying to do.”²⁵ McFerren’s suspicion and his fear of becoming a tool for someone else’s machine was enough to make him wary of any cooperation that did not focus directly on local needs. By dismissing coordination and cooperation of national organizations, the Haywood and Fayette activists asserted their independence and fundamental equality with supportive urban sympathizers and national organizations. Leaders of both groups thus ensured that their causes would not become momentary *cause célèbres*, burning issues one day and forgotten the next. They were working for general betterment of people around Somerville and Brownsville, Tennessee, not for black citizens generally nor for mere notoriety. But maintaining local control came at a price; the inability to substantively influence actions or activists in Tennessee was pushing the Haywood/Fayette conflict off the radar for national groups and lessening the economic and social pressure they could apply to those driving the embargo in either county.

For the local activists, cooperation involved not only material benefits but also the threat of being overrun by other priorities. The large influence a group could wield was not worth the large risks. Remaining local conflicts, without direct involvement from national rights groups, meant that they risked being ignored altogether. On the other hand, by January 1961, as much as the press at Tent City was bothersome to residents, it was

²⁵ McCrackin to Wally and Juanita [Nelson], n.d. [1962 spring], “Letters sent, 1961–1963,” 18:24 McCrackin papers. I feel John misread the situation and was upset the funds were not given immediately for relief. The Fayette NAACP chapter was controlled by OFFCWL officers for a decade or more.

also clear that the notoriety limited what the white establishment could do in reprisal. Part of the reason white landowners and businesses had long been able to deny civic participation and economic stability to black citizens was because little accountability for those denials existed beyond individual power and county boundaries. News reporting provided a new measure of public accountability. In this case, a familiarity with tactical needs trumped the familiarity with strategic effort. The on-site effectiveness of national organizations such as CORE, SNCC, NAACP— in terms of leadership, assets, or influence—was propelled or mired or redirected by the influence of local activists. Local options were limited, but significant enough to shape the landscape of effective, cooperative activism.

Activist organizations

Some individuals came to the scene in West Tennessee, wanting to stay long enough to “do something” personally. Among the first was probably Bob Plese, a New Mexico State University student. He came around the 1961 New Year and stayed long enough to be caught up in the early relief efforts and to help coordinate the broadening voter registration effort during the early spring of 1961.²⁶ A few months later two college students arrived from Cleveland, Ohio. They had been thumbing around the country and were attracted by the unfolding drama in Tennessee. Charles Butts was white and his close friend Gilbert Moses was black. The two of them drove a family car from the shores of Lake Erie to southern Tennessee simply to see what they could do to help within either county. Butts proved invaluable as an assistant to Richard Haley, who had set up a workspace in a corner or backroom of Odell Sanders’ grocery on South Washington

²⁶ Plese guided Richard Haley from McFerren’s store at Three Way down the road to Freedom Village. [Richard Haley], “A first day’s impressions [Wed., Jan 11], McCrackin papers.

Avenue in Brownsville, which had reopened as the Haywood County Supermarket. In the coming months this odd couple was followed by scores of other visitors, some the idly curious wanting to see the spectacle of poverty, others representing organizations galvanized into action by the thought of U.S. citizens being evicted for political participation.²⁷

Rather than weaving a detailed narrative involving all the activist groups or individuals involved, three organizations merit individual attention: Operation Freedom; the Fayette Haywood Work Camps; and the “Cornell-Tomkins County Committee for Free and Fair Elections in Fayette County, Tennessee,” known informally as the “Fayette County Project Volunteers,” a drive for voter education and mobilization before the 1964 election that is easier to cite as simply the “Cornell-Tompkins effort.”²⁸

Operation Freedom

Operation Freedom had its origins in the righteous indignation of a three-member delegation from The Peacemakers, a radical Cincinnati-based group of ministerial peace activists. They had visited Tent City, Somerville, Stanton, and Brownsville on 2–4 January 1961.²⁹ Maurice McCrackin, Wallace Nelson, and Ross Anderson were all experienced activists and recognized both the desperation and the threads of support that kept evicted families in place. The NAACP effectively withdrew from West Tennessee relief efforts after the failed Memphis coordination meeting in mid January 1961. By then

²⁷ Charlie Butts to “My Friends,” 1961 Apr 6, 22:36 McCrackin papers.

²⁸ The National Sharecroppers Fund sponsored Art Emery and Allen Yancy as local representatives. Since its involvement was limited mostly to years after 1965 it will only be mentioned rather than discussed.

²⁹ Ross Anderson, Wallace Nelson, Maurice McCrackin, “Report on a visit to Fayette and Haywood Counties, Tennessee,” 22:14 McCrackin papers.

it was evident that concerned groups across the country were needlessly compounding their efforts, providing too many of some contributions while not enough of others. Local folks in Stanton and Somerville were wallowing in unneeded clothing donations, no longer starving (though certainly malnourished), and still desperately poor. By February 1961 it was clear that better coordination among relief organizations would reduce duplicate efforts and to maximize the effectiveness of public appeals for donations. Informal discussions between various officers and participants in a wide variety of organizations in the upper Midwest resulted in a coordination meeting scheduled for Dayton, Ohio. To this meeting came representatives of the Ohio Council of Churches, the Southern Conference Educational Fund, Columbus and Cincinnati CORE chapters, the national CORE organization, the Peacemakers, the Socialist Party, the National Sharecroppers Fund, and several *ad hoc* local groups such as Dayton, Ohio's "Freedom Village Fund." Insisting on controlling contributions made by its members, and ironically refusing to cooperate—just as its leaders had chastised John McFerren only days earlier—the NAACP did not send a representative. All who did attend agreed to support a new coordinating organization that would deal directly with needs in Fayette and Haywood counties. The result was the formation of the "Operation Freedom Fund." "Operation Freedom was formed," a circular letter later stated, "to provide emergency help so that people who are expressing their freedom by voting might remain in the counties."³⁰

³⁰ The Peacemaker delegation originated the idea of a circulating loan fund. [Ann Braden?] to Jim [Dombrowski], 1961 Jan 11, 19:3 McCrackin papers. "An Urgent Appeal from Operation Freedom," 1962 Feb 18, 18:24 McCrackin papers. Judith A. Bechtel and Robert M. Coughlin, "Sharing A Bit of the Danger: Operation Freedom," in *Building the Beloved Community: Maurice McCrackin's Life for Peace and Civil Rights* (Philadelphia: Temple Univ. Press, 1991), 136–155 provides an overview of the group's founding, but the better account is Jerry Thornberry, "The Origins of Operation Freedom," Tennessee Conference of Historians annual meeting, Memphis, TN, 2004, transcript in possession of the author.

Besides the initial task of coordinating donations from the contributing organizations, the group formulated a plan to address one of the key problems in a post-paternal poor society: the need for stabilizing capital assets. James Estes had advocated a credit union as early as January 1960, but it is unlikely that enough assets could be pooled from the community to create a viable institution. On 1 February 1961, Haywood County sharecropper Lee Harden Estes painstakingly wrote out a query to McCrackin. “Have received Some information, concerning you and your work, & with other understanding. If a man needed somom mone foa years time [*i.e.*, “some money for a year’s time”] you could help out,” perhaps the earliest appeal for financial help.³¹ Estes’s letter underscored a point that the three-member committee had noticed: since each county’s Civic and Welfare League was already functioning and distributed aid commodities fairly effectively, commodities alone would not sustain farm families who owed debts to banks and landowners, or needed money for implements, seed, or general subsistence “run money.” At a board meeting Maurice McCrackin, speaking of the evicted families of Fayette County, emphasized that “if they [the locals] were willing to risk their safety or their security or in some instances their lives, we of Operation Freedom should be willing to risk our money.”³² Out of the early organizational meetings came a plan for Operation Freedom to establish a quarter-million-dollar circulating fund to function as an underwriting agency for Fayette and Haywood’s black farm families who had suffered reprisals for their civic individualism, or to deflect arbitrary

³¹ Lee Harden Estes to McCrackin, 1961 Feb 1, 19:3 McCrackin papers.

³² Operation Freedom “Newsletter No. 2,” 1961 Jun 25. The plan was laid out in [Ann Braden?] to Jim [Dombrowski], 1961 Jan 11, McCrackin papers and 34:5 Braden papers. Initially the Peacemakers hoped an existing organization, SCEF specifically, would coordinate donations. Though they were leaning that direction, OpF was chartered partly because at Ann Braden’s encouragement Dombrowski declined to have SCEF take on the responsibility. A [Ann Braden] to Jim [Dombrowski], 1961 Jan 15, Braden papers.

foreclosures by local lenders and lending institutions. To coordinate this process the national CORE office, which had re-acquired the leadership of founder James Farmer barely a week earlier, volunteered to post one of its seven field organizers temporarily in west Tennessee. Richard Haley was dispatched from Chicago to Brownsville for a stint that lasted between February and May, 1961.³³

After his site visit became a formal assignment, Haley's energy went into creating a workable mechanism to distribute the small loans that Operation Freedom planned to make to both counties' residents. Operation Freedom became an informal financial institution "organized to act quickly and without red tape to supply money in emergency situations" in a population that had few assets outside dependency relationships.³⁴ The total figure of about \$120,000 actually realized was far less than hoped for, but the significance of the money to the county movements cannot be overstated. About 2,300 donors from across the country contributed to the fund in sums as little as a dollar. A few large donations were returned because the donors wanted to attach stipulations to the gifts.³⁵ Creating a circulating fund guaranteed that aid would be disseminated as loans rather than outright gifts or aid payments. Operation Freedom was set up as a circulating

³³ Richard Haley, "Operation Freedom meeting, 2/16/61" summary report, 22:36 McCrackin papers; "Minutes of Organization Meeting of National Coordinating Committee of Operation Freedom," 19:1 McCrackin papers. Haley was a Tallahassee native and former music professor at Florida A&M who joined the CORE staff in September 1960. He arrived in Brownsville on 1961 Jan 11 and left west Tennessee in time to be arrested in Jackson, Miss. on the CORE-organized Freedom Ride. He later served as the organization's deputy director. In 1967 he married Oakland, Tenn. native and New Orleans activist Oretha Castle. Meyer/Rudwick, *CORE*, 113; [Richard Haley], "A First day's Impressions," 22:36 McCrackin papers.

³⁴ Operation Freedom "Newsletter No. 2," 1961 Jun 25. The newsletter noted explicitly that "no money raised through Operation Freedom has been used for [administrative] expenses."

³⁵ The Hortenstein and McCrackin papers contain 2,400 individual receipts totaling \$98,362.03 in donations dating between 1961 Jan and 1963 Sep. These seem to be acknowledgements for only the small gifts resulting from general solicitations, as the McCrackin papers include mentions of many larger donations that do not appear in these receipts. cf. Operation Freedom "Newsletter No. 2", 1961 Jun 25; "Newsletter--To those who have been supporters of Operation Freedom," 1963 May 12, McCrackin papers.

fund, though the organization's leaders knew they could never raise enough money to improve the general living conditions of abject poverty. All it could do was address dire emergencies faced by those most committed to the cause, who most risked economic coercion or reprisal. "I cannot put into words the frustration, the depression, the defeat that arises from looking into hopeful faces or discouraged faces, to tell them there is not sufficient money to take care of them at that time," wrote Richard Haley. "And it's just as depressing to realize that, at the most, we're doing a temporary job that has little bearing on the permanent problem: low income, low hope, low expectation, low achievement, low self-opinion."³⁶

The three-member Peacemaker delegation began soliciting donations immediately after their visit in early January 1961, a task transferred to Operation Freedom at its founding. Organizer Richard Haley began compiling and funneling to Cincinnati a monthly average of about forty-five requests, which varied between \$150 and \$300.³⁷ By the end of the month and barely two weeks after it organized, the first donations were dispensed as loans in amounts as small as fifty dollars and as much as fifteen hundred. Completing a loan request form, even a mimeographed one, and committing to a fixed repayment schedule was a new and impersonal formality to many rural people, whose only previous lending experience had been to ask for springtime "run money" from the landlord and to expect the sum to be garnished from the year's income at harvest. The money staved off opportunistic bank foreclosures, bought equipment, and provided subsistence loans to desperate families. The money allowed many families to remain in

³⁶ [Haley] to Juanita [Nelson], 1961 Apr 25, 22:36 McCrackin papers.

³⁷ Dick [Haley] to Mack [McCrackin], 1961 Mar 2; "How to Process Loan Applications for Operation Freedom," 22:36 McCrackin papers. The request amounts grew steadily as time passed.

the county and not migrate to other states; this desperately needed cash infusion was probably the single most significant external factor in the success and the function of grassroots organizations.

Operation Freedom tried to curb foreclosures with emergency loans to those who commanded at least a few assets, but evictions still stripped working families from the land. Evicting sharecroppers cut families loose from dependence but also from paternalism, their one mooring to either county, a fact landowners were betting on to reduce black populations. Controlling land represented stability. It was a natural step for activists to attempt to tie at least a few farm families to a new anchor. Operation Freedom executive council commissioned a three-member local committee to quietly locate and explore making a large-acreage purchase in Haywood County but immediately ran into trouble. “We seemed on the verge of the purchase of a 300 acre site [in the spring] when it became known that Operation Freedom was financing the purchase. All negotiations were halted amid dire threats of what would happen to those giving assistance to Operation Freedom in the farm purchase. At this time a farm purchase does not seem feasible.”³⁸ Real estate-based institution building on the scale needed proved too large a problem for a relief group to handle.

Even without the land, Operation Freedom funneled tens of thousands of dollars into west Tennessee that otherwise never would have come, but making the first group of loans was much different than collecting on them to keep the fund going.³⁹ “A sizeable

³⁸ L. Richard Hudson to Allen Yancy, 1962 Apr 5; Operation Freedom treasurer to Dear Friend, 1962 Nov 26, 19:4 McCrackin papers. Instead, OpF backed Art Emery’s purchase of a bulldozer.

³⁹ Boxes 21 and 25 of the McCrackin papers contains dozens of OpF board reports approving loan requests and acknowledging repayments. Each petition is typically accompanied by a one-paragraph abstract of the need and activity record of the petitioner. (OpF executive minutes, 1962 Feb 1, 22:3 McCrackin papers).

amount of [loaned] money we will never get back,” McCrackin confided to friends Wally and Juanita Nelson, speaking of repayments in terms of once-annual rural incomes. “The banks and landlords would be at the gin to get their money back even if the families go without food and clothing the rest of the year.” Though the group intended never to foreclose on such loans, “Someone should go back in the fall when the cotton is being sold, to do everything possible to see that all is repaid which can be repaid.”⁴⁰ Board member Virgie Hortenstein eventually took up the responsibility. She made several visits to each county to encourage individuals to repay their loans. Despite fears, Tennessee’s sharecroppers were generally scrupulous about repayment and the default rate was much less than expected. Of particular interest is an observation Hortenstein made in 1962 that “Fayette County be given consideration [for future loans] in view of the fact that their money was mostly repaid.”⁴¹

While Operation Freedom experienced success as a support organization, other concerned people felt more strongly about direct engagement on the ground. A year and a half after Tent City was pitched, the first activist work group arrived. These were four Swiss and French members of the International Voluntary Service (IVS), the Chicago-based US branch of Service Civil International, the international Quaker service organization. Their week-long visit coincided with the late-summer election of 1962. These young people were so exotically foreign that they were essentially left alone by

⁴⁰ McCrackin to Wally and Juanita [Nelson], undated [1962 Apr], 18:24 McCrackin papers.

⁴¹ OpF executive minutes, 1962 Feb 1, 22:3 McCrackin papers. In a later report Hortenstein noted that 49 loans were overdue in Haywood but eight in Fayette (Untitled manuscript beginning “On this my sixth visit . . .” [ca.1962 Aug–1963], Hortenstein papers). As the board looked at expanding their program the OpF board seems to have looked on the success of Tennessee’s loans as a real-world test, projecting that Fayette’s high repayment rate would generalize to the poor similarly helped elsewhere. For reasons I do not pursue here, that does not seem to have been the case.

local white detractors on the sheriff's orders. Their presence underscored that the events around Brownsville and Somerville were of interest across the world; thus, negative reaction potentially could spark international attention.⁴² Both counties had been visited by curious supporters and activists for a year, but the "workcamp" was a new experience that initially upset the social sense of "place." Wyoming native Barry Davis, who organized and led the team, noted that as the quartet arrived "the people didn't even look directly at us."

At first the men were very guarded with us . . . , replied "Sir" to us, wouldn't laugh at jokes, gave only noncommittal replies. By the end, the men would laugh with us (especially if we made jokes on ourselves), would discuss with us, and express opinions and decisions, and we had to fight off the hospitality for fear we would be given food that they needed.⁴³

Initially Operation Freedom signed on as a co-sponsor for the IVS service project, but in the late summer of 1962 potential liabilities of the "workcamp" approach sparked a debate about goals and methods among the directors. Over its first year the Operation Freedom board of directors made three decisions that shaped the future of the organization, changing it from an *ad hoc* response effort to a genuine non-governmental relief organization. The first was an early decision not to loan money for homes or house construction, since better-established public programs were in place to meet that specific need. Operation Freedom would instead remain a lender of last resort and would "give

⁴² "September [1962] Newsletter from Operation Freedom," 22:18 McCrackin papers. In an undated report from late 1962 or early the next year, Hortenstein noted that IVS that the Fayette visit was one of 134 similar actions in 23 countries (Untitled manuscript beginning "On this my sixth visit . . .", Hortenstein papers). Davis provided a contemporary first-hand account in Barry P. Davis, "International Voluntary Service Sends International Work Team for a One Week Workcamp Among the Negro Community of West Tennessee," dated 1962 Aug 12, Hortenstein papers.

⁴³ Davis, "International Voluntary Service Sends International Work Team," also extracted in "September [1962] Newsletter from Operation Freedom," 22:18 McCrackin papers.

priority to cases of greatest need where people are unable to get loans from other sources.”⁴⁴

A second decision was longer and more painful. The group’s participation in financial activism and success with microlending was unique among U.S. social welfare groups. At a board meeting in early September 1962, Carl Braden of the Southern Conference Educational Fund proposed that Operation Freedom expand its scope southward to include the larger but demographically similar Mississippi Delta. The two Tennessee counties were the northernmost point of the Delta region, which was experiencing the same sort of civic awakening and economic repression. The proposal was widely discussed among board members and some, notably vice president Virgie Hortenstein, disagreed vigorously with the proposal. Despite objections from Hortenstein and a few other trustees, the majority voted for the change on the premise that “no other group is set up to give economic aid on an emergency basis in times of crisis.”⁴⁵ Within the month Operation Freedom extended its first loans to families in the Mississippi Delta. As a result, loans to Fayette or Haywood County residents declined sharply by 1964, though the group made occasional grants to Tennesseans thereafter. The last record of a loan to a Tennessee resident was in August 1967.⁴⁶ Economic reprisal against black voting was so widespread across the South that it was probably inevitable that Operation Freedom would change its mission to meet the challenge. The circumstances in Haywood

⁴⁴ OpF executive minutes, 1962 Feb 1, “Operation Freedom minutes, 1962”, McCrackin papers. This decision stemmed from one home-construction loan made in Haywood County to Dave Mac Jones, who had been evicted from a farm he had lived on for seven decades. The group simply could not afford many \$1500 loans and decided to spread its money as widely as possible. “Report from Tennessee,” undated [1961 Apr], Hortenstein papers.

⁴⁵ Memo to Trustees of Operation Freedom, 1962 Sep 18, 22:4 McCrackin papers.

⁴⁶ Minutes, 1962 Sep 18, “Operation Freedom minutes, 1962”, 22:4 McCrackin papers; “Newsletter--To those who have been supporters of Operation Freedom,” 1963 May 12.

and Fayette counties were far from resolved, but Operation Freedom was drawn toward the gravity of similar situations in other states.

Operation Freedom directors made their third major decision in the same meeting. “After considerable discussion” they resolved to withdraw from organizational sponsorship of direct-action aid projects, “but not excluding Operating Freedom encouragement of other group experienced in such camps from conducting them in Fayette and Haywood Counties, Tennessee.”⁴⁷ If the group was to operate with a broader scope, the directors did not want to be tied to a specific locale, but certainly encouraged others willing to make the effort (among which were at least two of its own voting board members). Operation Freedom’s decision to separate itself from direct-action work groups heralded its own broadening interest and opened a window for another organization to fill that void.

Operation Freedom was evolving from an aid organization into a financial relief agency, a support organization rather than an activist one. No amount of political activism could remedy the need for financial credit. By 1962, when its board acted to broaden its scope, federal court action had provided protection from overt evictions (on paper at least) and the immediate crisis of Tent City represented had dissipated. It began making loans to Mississippians in October 1962; by the early months of 1964 Operation Freedom had effectively ended its broad support for activists within West Tennessee to focus on Mississippi. By 1965 it expanded its reach into select areas of Alabama as well. Its mission had changed. No longer tied programmatically to a single locale, Operation Freedom became “an emergency operation, set up to aid people while their tears are still

⁴⁷ Minutes, 1962 Sep 29, “Operation Freedom minutes, 1962”, 22:3 McCrackin papers.

wet and their minds and hearts are still seething with anxiety. It is the Red Cross of the civil rights movement, going immediately to the scene where the tornado of racial turbulence has unleashed its fury.”⁴⁸ The organization’s leadership was certainly not blind to the realities facing those in West Tennessee, but it determined to do what they could for others just as hard-pressed. Its 1964 newsletter stated:

Although everyone supposed three years ago that Operation Freedom would be only a temporary effort—Operation Freedom was mainly designed to meet the crisis facing candidates for ‘tent city’ in Haywood and Fayette Counties—Operation Freedom found it not only had to continue, but also had to expand. The reasons are twofold: 1) Action for civil rights, particularly voter registration, has increased; 2) The civil rights organizations do not have any arrangement in their own groups for giving aid.⁴⁹

Doing the greatest good for the largest number was an admirable goal, but it was not the only admirable goal.

As a relief organization Operation Freedom stood apart from the voter registration effort which had fueled its aid in 1960. Privately, however, its officers remained concerned. “It will be tragic if all the sacrifice and suffering goes down the drain because the registration effort fails. You will remember that the reports are that they are keeping the Negro registration down to a point where it will be no threat to the reelection of the sheriff,” treasurer Maurice McCrackin wrote to vice chairman Virgie Hortenstein in late 1961.⁵⁰ The August 1961 primary election in Fayette County—the first primary in which blacks could cast a ballot—saw L. T. Redfearn defeated a second time in the Democratic contest for sheriff against the “establishment” incumbent, Clarence E. Pattat. Those who

⁴⁸ Clarence Jordan, “Helping the South,” Operation Freedom newsletter, 1966 Feb.

⁴⁹ “Newsletter: Operation Freedom Enters Fourth Year,” 1964 Jan 18, 22:22 McCrackin papers.

⁵⁰ Mac [McCrackin] to Virgie [Hortenstein, 1961] Nov 2, Hortenstein papers.

observed the election were certain it involved massive voter fraud by election officials, but no one at the state or federal level was listening.⁵¹

Fayette Haywood Work Camps

As Operation Freedom directors set aside direction action tactics and sponsorship in late 1962, several of the members objected vigorously and ultimately decided to organize separately as a different form of aid organization. In the IVS experience Operation Freedom vice chairman Virgie Hortenstein perceived the value of white and black people working together as a means of building good will across the racial divide. She disagreed vigorously with the Operation Freedom board's decision to end workcamp sponsorships. Hortenstein's chief concern was that unmet practical needs remained plentiful in Tennessee. She also feared that an expanded program for Operation Freedom would lose the personal contact that fostered trust across the color line and bound otherwise dissimilar people to each other. Based on her correspondence with Barry Davis, the U.S. organizer for the Fayette County IVS project, Hortenstein decided to found a separate group, the Fayette Haywood Work Camps Inc. (FHWC), based on the model IVS employed: bring small groups to a location to work for a short time beside local people in service projects and activities like building a house, pouring a driveway, repairing a roof. The payoff was in good-will and community development earned through service. FHWC, which remained active and engaged in both counties until 1985, became the longest running and most deeply involved outside organization.

⁵¹ Barry P. Davis, "International Voluntary Service Sends International Work Team for a One Week Workcamp Among the Negro Community of West Tennessee," dated 1962 Aug 12, Hortenstein papers; Untitled manuscript beginning "On this my sixth visit . . ." [ca.1962 Aug–1963], Hortenstein papers.; "History Being Made," *League Link* 1, no. 26 (1961 Oct 14).



Figure 6.2 Virgie Hortenstein, Operation Freedom vice-chairman and Fayette Haywood Work Camps executive, in Haywood County, ca. 1966.⁵²

The organizational force and driving figure behind the FHWC, Virgie Hortenstein, was a doggedly determined white housewife from Cincinnati, Ohio. A Quaker herself, Hortenstein had been a stay-at-home peace activist for nearly a decade. She had become politically active during Maurice McCrackin's hearing and expulsion before the Cincinnati presbytery in 1959–1960. Her attention was redirected to Tennessee after his visit to Tent City in the Peacemakers delegation at the turn of 1961, and she visited several times herself the same year. The unconscionable treatment of U.S. citizens in Haywood and Fayette Counties galvanized her into personal action. She became involved

⁵² Virgie Hortenstein papers, Wilmington College, Wilmington, Ohio.

with Operation Freedom at its inception and remained actively involved until the group disbanded. She was a major figure in that organization's relief activities in Tennessee and hosted visiting delegations from both counties in her home as early as 1961. "The experience of knowing these people has been so strong," she wrote in the family's 1961 Christmas letter," that I have been busy the greater part of the year finding ways to help them, giving talks to raise money, writing, traveling about and especially to Tennessee."⁵³ Hortenstein's interest in the poor families of west Tennessee became a passion and a cause to which she devoted most of the rest of her life.

Fayette Haywood Work Camps Inc. began simply enough. Hortenstein organized the first independent service project over the 1962 Thanksgiving break, adopting the IVS model of a "workcamp" service effort, a self-sustaining short visit organized to accomplish a specific task. "Our immediate purposes are," she wrote in an undated 1963 work-project call:

1. To work with local people in a project of their choosing for the betterment of their community.
2. To raise money for materials for construction.
3. To publicize the facts of the [Tennessee social and economic] situation from firsthand experience.

In an area where "justice," as we interpret it, does not exist, responsible citizens can help by exposing these conditions. The local people who are responsible sometimes "wake up" when they see themselves as others see them.⁵⁴

⁵³ Hortenstein, her husband and daughter visited Tent City on her first foray 1961 Feb 1, and she was back again before the end of the month; she visited again in May, July, and November the same year. Untitled manuscript beginning "The tents of Freedom Village . . .," and "Report from Tennessee," [1961 Apr], and open letter dated 1961 Dec 13, Hortenstein papers. "Cincinnati Group Aids 'Operation Freedom' Fund," 1961 Nov 25, and "Virgie Bernhardt Hortenstein, 73," 1985 Sep 26, *Cincinnati Enquirer*; Jerry Thornberry, "Virgie Hortenstein and the Workcamps of West Tennessee, 1962-1973," presented at the Southern Historical Association annual meeting, 2005 Nov 3. Collections of Work Camps newsletters are at the Univ. of Memphis, local public libraries in Brownsville and Somerville, and in the Hortenstein papers.

⁵⁴ "Fayette County Work Camp," [Fayette Haywood newsletter n.3], for workcamp 1963 Mar 25-Apr 14, Hortenstein papers.

The group of ten male and female college students lived in Tent City during their stay and helped pour the concrete footings and set the first blocks for the OFFCWL community center down the road from John McFerren's store, south of Somerville. The weather turned too cold to set block for another project at Christmas break, so a different group of workcampers helped renovate an abandoned house for June Dowdy's family and chopped firewood to be sold for the Community Center building fund.

The small, independently organized five-day to two-week sessions ran several times a year between 1962 and the mid 1970s, and FHWC remained engaged in community institutional development in both counties until Hortenstein's passing in 1985. FHWC brought middle-class white students from all over the country to live with and work beside black families in both Tennessee counties. Their service in the two counties accomplished nothing that local people could not do themselves, but their effect among the black population was tremendous. As unskilled labor (even by rural standards), their help picking peas, building small outbuildings, and participating in work projects often provided more entertainment than practical help. Especially in the early years, these college students were often the first openly supportive white people that many blacks in either county ever met.⁵⁵

Workcampers brought with them their own food to lessen the burden on the host families, who could not always feed themselves. They typically collected donated funds for the materials or supplies they used in a workcamp well before they arrived. Volunteers also paid \$10.50 weekly to cover their living expenses in Tennessee, only part of which

⁵⁵ Charlie Butts interview transcript #15, p. 2-6, OFCCWL records; "September [1962] Newsletter from Operation Freedom," McCrackin papers; Robert Hamburger interview, 2003 Feb 23, WLJT studio tape, Univ. of Tennessee at Martin.

offset administrative expenditures.⁵⁶ Virgie Hortenstein insisted, however, that the “two main things” about the workcamps were first, that there was a specific task to be accomplished, in whole or in part, and that second, “there are some local people to work with us. Fellowship together is very important. We don’t want to just come down and work in our own group and eat in our own group but to be with the local people as much as possible.” Accomplishing discrete tasks was not the major goal of the projects; workcamp service provided an opportunity to get outside one’s own existence. “One of the main reasons for our wanting to come is to get more people acquainted with the situation there and the people so they will feel involved enough to go back home and help with the movement.”⁵⁷

The first few workcamps had trouble accommodating to Southern habits and expectations, and the influx of strange if supportive white people was not uniformly welcomed. Jeff Broadbent, a member of one of the earliest workcamps, helped lay the first courses of block for the OFCCWL community center walls. “Next morning we had breakfast at the Goodins, charter members of Tent City. After much hesitancy, we finally persuaded Mrs. Goodin and one of her boys to eat with us.” “She had eaten with some white workcampers during the summer, but she was still pretty uncertain about the whole thing. Many of the colored people evinced this attitude.”⁵⁸ For Linda Lynes the challenge was mastering how to address her host and hostess and helping them understand how she

⁵⁶ The Hortenstein papers contain careful ledgers which track expenditures to the penny. Sadly, it seems she did not maintain similar ledgers for donations. Costs rose. By 1965 workcamp volunteers were paying \$17.50 weekly to participate.

⁵⁷ Virgie to Viola [McFerren], 1962 Nov 13, Hortenstein papers.

⁵⁸ Jeff Broadbent, “McFerren’s store: the center of the movement,” *Record (Antioch College)*, 1962 Dec 14.

expected to be addressed. “We quickly settled into the custom of calling adults by their first name prefixed with Mr. or Mrs. (pronounced “Miz”.) We insisted that they drop the Miss for us, because of our age, but this was hard to establish, because they had never addressed a white man without the formality of Mr.-Mrs.-Miss.”⁵⁹ Lynes chopped a Haywood County cotton field ten hours a day for nearly two weeks.

FHWC developed an active board of directors, but as its executive, Hortenstein effectively ran the organization, generating publicity, handling correspondence and finances, writing its newsletter, planning with local contacts, organizing and staffing projects, and personally visiting Tennessee several times a year. Most importantly she became the chief fundraiser for the organization. She developed and maintained an extensive mailing list of former workcamp participants, donors, and sympathetic sponsors. And the donations letters poured in: from Yonkers, Brooklyn, Gettysburg, Cincinnati, Los Angeles, Seattle, Nashville, Atlanta, Philadelphia, but also Hot Springs, Arkansas; Carmel, California; Westpoint, Mississippi; Norristown, Pennsylvania; Saginaw, Michigan; Salem, Virginia; Yellow Springs and Hiram, Ohio; Racine, Wisconsin. It was an unusual day if the Ohio housewife activist did not pull four or five envelopes from the mailbox. They came from women sending a few dollars of housekeeping money, Baptist congregations taking a stand for freedom, Quaker meetings supporting the work of peace. Most were small sums. Three dollars was common, ten was more common, but one elderly man enclosed thirty-five cents and a prayer, unable to afford more. A few donors could be more generous. Two deeded automobiles to the

⁵⁹ Linda Lynes, “Firsthand—Wayland Girl’s Own Story Of Helping Negroes Win Vote In South,” *Town Crier (Wayland, Mass.)*, 1963 Aug 1.

group. An investor transferred 30 shares of stock with a cash value of around \$1,100 and no strings attached.⁶⁰ Virgie herself seems to never have drawn a salary.

Despite an attempt by officials in both counties to keep a lid on news about continuing evictions, Operation Freedom and FHWC publicity began attracting interest in the nation's network of social activists. The situation in both counties grew increasingly tense as SNCC sent a four-man team from Albany, Georgia. They were met by Dave Brown, "a young man who quit his school teaching job" and came to southwest Tennessee on his own to do something constructive. They became added ingredients in the increasingly unstable mix of activism and repression.⁶¹

Not all activists were short-term volunteers. In March 1962, Quaker dairyman Art Emery visited Memphis to join a protest at a meeting of the U.S. Atomic Energy Commission being held in Germantown, east of the city. The visit introduced him to the social conflict in the counties to the east and the need for agricultural development in the black communities unrelated to cotton.⁶² After consulting with his wife, Carolyn, the Emerys moved their family from Iowa to Tennessee, preparing to put themselves on the front lines of justice and development. He initially planned to buy a farm. When that fell through Emery bought a D6 bulldozer with Operation Freedom's assistance, hired James Smith as his driver, and went into business as Emery Soil Service, expanding cropland by clearing field edges and woodlands.⁶³ His work for landowners of both races was initially

⁶⁰ These are drawn from the 1963–1967 letters retained in the Virgie Hortenstein papers, Wilmington College.

⁶¹ Eric [Weinberger] to Dick [Haley], 1963 Jul 15, series 2, 2:10 CORE records.

⁶² Ross [Anderson] to Ernie [Bromley, 1962] Mar 8, 19:1 McCrackin papers.

⁶³ McC to Wally [Wallace Nelson] and Juanita, undated [1962 Apr], 18:24 McCrackin papers. A letter to Carl Braden on his business letterhead is in 57:1 of the Braden papers.

a constructive step. Though he did not wear his loyalties on his sleeve it was inevitable that farmers wanted to visit about where “his people” hailed from, who he was, what he thought, and just why he was at work in Tennessee. Emery’s answer was direct when confronted. As a result, commissions from white landowners began dropping off as news of his loyalties became known.

It was not among just the white community that Emery’s views complicated business. His reception among the local activists illustrates how divided even the committed folks were. Sara Lemmons finally took Emery aside and “gave [him] some good advice . . . about measuring my words these days. John McFerren feels that I should have nothing to do with Somerville & Fayette County white business. Shep Towles & LT Redfearn differ with John and feel that we should make all the constructive contacts possible & always be ready to negotiate on the basis of fair play.” Emery was caught between conflicting advice. He was beginning to realize that the Fayette County situation was not just a friendly disagreement between neighbors, but a life and death struggle. “I am saying less and less as I meet more and more Mid-Southerners,” Emery concluded. “This integration issue is awfully explosive.”⁶⁴ Emery finally gave up the bulldozer business but was instrumental in several cooperative ventures. His first success was a thirty-member truck-garden cooperative, the short-lived West Tennessee Organic Vegetable Producers Cooperative.⁶⁵ This venture survived for several years but struggled

⁶⁴ Art Emery to Mack and OF friends, 1962 Feb 22, 19:4 McCrackin papers. The latter comments are not a single direct quote but are quoted from the same letter.

⁶⁵ “Newsletter--To those who have been supporters of Operation Freedom,” 1963 May 12, 18:24 McCrackin papers. A single sheet of blank letterhead is in 19:1 McCrackin papers.



Figure 6.3 Haywood Handicrafters workshop, ca.1962.⁶⁶

to locate reliable outlets for its produce. More successful was his effort to spark a regional fuel cooperative.⁶⁷

Another venture in cooperative development was the Haywood Handicrafters League. This business startup was the brainchild of Eric Weinberger, a peace activist and social justice advocate.⁶⁸ The concern operated out of a small building at 307 W. Margin Street in Brownsville and employed seventy to seventy-five women to hand-stitch leather handbags, purses, and wallets, which were marketed and delivered by mail. Their \$200

⁶⁶ Hortenstein papers. Photographer unknown.

⁶⁷ Emery, backed by the National Sharecropper Fund, drew on the expertise of Elmer O. Boll of the Burlington (Wisc.) Consumers Cooperative (“To Whom it may concern,” undated [1963 Oct], 19:1 McCrackin papers); the business opened at Whiteville, east of Fayette in Hardeman County, in 1966 as the Mid-South Oil Co-operative and was doing \$100,000 worth of business annually by 1969 (“Mid-South Oil Co-op,” *Fayette Haywood Newsletter*, n.30 (1969 Mar 6)).

⁶⁸ OpF minutes, 1962 Apr 30, Aug 1, 22:4 McCrackin papers. Weinberger’s efforts are related in detail in Dennis Weeks, “Go South Young Man,” *Liberation* 8, no. 7 (1963 Sep): 17–20.

share of profits represented a third or more of what a sharecropping family might make in a year.⁶⁹ The number of mail orders leaving the county raised concerns among those pushing the economic boycott. Leather supplies were hijacked and contacts were made to suppliers to pressure them not to provide materials. More than the supply-chain problems, the successful effort brought Weinberger attention in Brownsville as a local problem that required a solution. Had Weinberger operated the Handicrafters solely as a business venture he might have escaped notice, but he saw it as part of the broader social justice movement in Haywood County. And that was a problem.

⁶⁹ Back-cover ad, *Crisis* 69, n.4–6 (1962 Apr, May, Jun/Jul); “‘Tote Bags For Freedom’ 1st Anniv.,” *Tri-State Defender*, 1963 Mar 2. The income figure is specified in “A Heroic Businessman,” *National Guardian*, 1963 Oct 3.

Chapter 7

Direct Action and Direct Response:

The Activists (part 2)¹

Our elections are held according to state laws. Reliable, elderly men and women doing the holding and counting of ballots. These people do an excellent job, there is never a question of dishonesty or miscarriage of justice.²

If not [us] . . . who? If not now . . . when?³

Until the summer of 1963 supportive activism in both counties had been limited to indirect action, cooperative work, and efforts at individual training. County officials and landowners had not appreciated “outside interference,” but other than eviction for registering to vote, local activists experienced only a low level of opportunistic harassment. The response changed as activists’ tactics changed.

Though badly divided by personal agendas and undercut by informers for those in power, the HCCWL began showing signs of renewed cohesion by 1963. In June, an FHWC workcamp conducted a round of voter registration in Haywood County. As usual, some of the black families were threatened for housing the workcampers and many of the workcampers were stopped by police and fined heavily for minor or imaginary traffic violations. The camp closed, but the registration effort continued without the white activists and a renewed interest in voter registration spread to Fayette County the

¹ This and the preceding chapter are an extensive revision and expansion of a previously published article: “‘Of Some Importance, but Uneven and Limited’: External Support for the Local Civil Rights Action in Tennessee’s Haywood and Fayette Counties, 1959–1963,” *Southern Historian* 28 (2007): 55–73.

² H. C. Sims to Daniel S. Beagle, 1963 Nov 13, Haynie papers, UTK.

³ Cornell Student Committee for Free and Fair Elections in Fayette County, Tennessee handbill, 1960 Mar. Taken from a comment attributed variously to John F. and Robert Kennedy and later used by Mikhail Gorbechev.

following month.⁴ Harassment of local activists picked up as the white community saw a renewed challenge to the established order. A new development compounded the conflict: direct-action protest in the form of marches and sit-ins at local businesses conducted independently by young people. For activists from beyond Tennessee, the development of an independent will to resist the status quo was a relief. “This will to resist is more common among the younger people than the oldsters,” wrote one visiting activist, “but still not too common.”⁵ By now the rights efforts had been active for five years and nothing much had changed. The struggles were attracting a new, younger and less tolerant group, often the high school-aged sons and daughters of those registered to vote. Disappointed with the lack of substantive progress, this newly politicized younger generation of local activists was not content with indirect action and workcamps. They adopted direct-action tactics that raised the stakes in the bid for maintain stability over change. Direct action marred the glassy surface of whites’ affirming belief that segregation’s hard-edged strata was acceptable to both sides.

In mid June 1963 an impromptu group of thirty-eight high school-aged marchers walked from the Williston area toward the courthouse in downtown Somerville—the first protest staged in the open within either county. As they drew even with Somerville Elementary School and Armstrong’s clinic, a quarter-mile south of downtown, Sheriff Pattat stood in the road. An activist from New York made a series of on-the-spot

⁴ “News Release for Fayette County Workcamps,” 1963 Jul 20, 55:6 Braden papers.

⁵ Charles Haynie, letter dated [1963] Jun 25, in “Letters from Tennessee: Background of a Civil Rights Movement,” *Trojan Horse (Cornell Univ.)* 4, no. 1 (1963 Sep): 19.

recordings this summer,⁶ one of which captured one story of these young protestors only minutes or hours after the confrontation occurred.

First female voice: We stood there—well they stopped us, we kept on singing and then he said ‘Be quiet.’ Some kept on singing, and some stopped and then finally all of them stopped. And then he said, ‘what are you all doing down here?’ Well, I answered to him ‘we are marching for our freedom.’ And then he asked, [*aside*] what is it—

Second female voice [*Fannie Vinson*]: Do we have a permit for the march? So we said no.

First female voice: And so he said ‘whyn’t you just turn around and break it up now and go, ask your leader. All you’re doing like march without a permit.’ We were not going to turn around, we not going to ask anyone, ‘we’re our own leaders,’ just like that.

Male voice [*Charlie Haynie*]: Who said that?

First female voice: And I asked him was this law Constitutional, and he did have anything to say.

Second female voice [*Fannie*]: No!

First female voice: A boy in the group asked him who made the law? He said the citizens of Fayette County, and, then he didn’t have anything to say. Well then he pulled out this little scrappy piece of paper, wrinkled, partly torn, and read it—the chief. And then he said—Pattat said—why don’t you turn around and disperse yourself, you don’t have any reasons marching down here. And then one boy said, we have rights to go into any drugstores, any place in Somerville to be served as to whites. And so this boy also said—[*muddled words*] he [Pattat] said, we not [*stumbles over words*] this new law has been made: it say neither whites, nor Negroes, can march. And so, the boy say, ‘well why should the white people march?’⁷

This new willingness to confront authority with uncomfortably direct questions was deeply unsettling in a community which expected deference and mutually accepted *place*. Direct action got attention. The march was followed by a series of sit-ins, integration attempts, and group meetings all of which resulted in harsh repression by a mob of whites

⁶ Harpman Jameson to Dear Friend, 1963 Jul 16, 1:3 Haynie papers, WHi. These recordings are now UCD 831A/1, Charles A. Haynie collection, Wisconsin Historical Society. They audio quality is terrible but the immediacy and content is remarkable.

⁷ UCD 831A/1, WHi, at sound mark 9:51, partial transcript made by the author.

hastily deputized for legitimacy. The courthouse quickly accommodated with demonstrators and desegregated its drinking fountains and entrances, but direct action made even some activists uncomfortable. “I am still worried about the demonstrations, philosophically rather than practically,” wrote workcamp volunteer Pete Russell of the University of Illinois. “I admire the courage of the young people in Fayette and Haywood—a courage I do not have. But serious, very serious, problems and responsibilities arise, when one encouraged young people to defy a state and a county law which you feel is unjust.”⁸ By the first of August, confrontations between law enforcement and demonstrators escalated dramatically. Police began breaking up demonstrations with tear gas and fire hoses, and the Somerville mayor and alderman hastily passed a curfew ordinance as marches swelled in numbers. Several successive days of marching resulted in over fifty arrests and brought national news interest to the county for the first time since Tent City.⁹

By then, Fayette and Haywood struggles were attracting attention among the national rights community as well. The situation in both counties grew increasingly tense. Some of the intimidation imposed by Fayette’s white community members can only adequately be described as terrorism. Tommy Lee Woods was walking home at night and was ambushed by a group of white men, who stripped him nude and left him beside the

⁸ *Fayette Haywood Newsletter*, n.7 (1964 Jan 14).

⁹ “Smoke Bomb Explodes In Somerville,” 1963 Jul 24; “Curfew in Effect At Somerville,” 1963 Jul 27, *Press-Scimitar* (morgue file 80137 fd.A); details are provided in Charles Haynie, “Letters from Tennessee: Background of a Civil Rights Movement,” *Trojan Horse* (Cornell Univ.) 4, no. 2 (1963 Oct): 15–16. The story was picked up by the Associated Press wire service. cf. “Arrests, shooting won’t stop rallies, Negroes declare,” *Birmingham News* (Ala.), 1963 Jul 22; *Kingsport Times* (Tenn.), 1963 Jul 23. “38 Negroes Arrested In Somerville March,” *Press-Scimitar* (morgue file 80137 fd.A), 1963 Aug 3. “White And Colored Workcampers Being Harassed In Tennessee,” *Chicago Defender* (national edition), 1960 Aug 17.

road. In another incident near Macon, a group of white youths attacked a school bus of black children, breaking out the windows.¹⁰ No charges were ever brought against the members of either group, though the participants were widely known. Several times during the summer cars driven by blacks were shot at, and more than one returned home with bullet holes in door panels or windows.¹¹ Since the police and sheriff did nothing, few of the incidents were reported. Miraculously no one was ever injured or killed.

Within communities that had long survived by escaping notice, the confrontations and reprisals that followed direct action complicated the Civic and Welfare Leagues' ceaseless quest for membership. Success within the county was linked to the ability to act in large numbers with the strength of common goals. In both counties, the Civic and Welfare Leagues were hard pressed to maintain coherence, even among their leadership. Sustaining membership—especially participatory membership—was difficult for local activists, particularly among the elements of the population that could have contributed most to the effort but also stood to lose the most by participating. Later that summer the Rev. June Dowdy noted that *place* compromised unity in the black community.

One of our great problems is that so few of our professional Negroes have taken part in our efforts toward first class citizenship. There is hardly any other minister in the movement [and] out of 160 [black county] school teachers, not over a dozen have registered to vote. So our movement must be carried on by the poorer and the less educated.¹²

¹⁰ “32 Arrested In Fayette County For ‘Parading Without Permit’,” *Tri-State Defender*, 1963 Aug 10.

¹¹ cf. “Escape Death By Unknown Sniper,” *Tri-State Defender*, 1963 Jul 27. This event was unusual because the car carried a trio of Memphis attorneys advising jailed protestors in Somerville.

¹² June Dowdy, quoted in “Fayette County Sharecroppers Still Suffer,” *Tri-State Defender*, 1963 Jun 15. This observation was confirmed by the Gabriners in *Gabriner Gazette* #5 [letter], 1964 Jul 28, *Gabriner* SC 1203; Couto, *Lifting the Veil*, 128–129.

Activists behind the Greensboro and Nashville sit-in movements had been strengthened by support from the black middle class: academics, churchmen, and legal professionals. In these urban areas, institutions maintained a measure of independence from white patrons and power. Conversely, the tiny black “middle class” of educators and ministers in rural West Tennessee, which had been the core of the Brownsville NAACP chapter in 1940, had become wary about their socially exposed and dependent positions after the violent repression in June. They depended heavily or entirely on white patronage for their tenuous positions. Teachers, who had no more than personal verbal agreements with the county superintendent as a basis for employment, had the most to lose and least to gain from confronting inequities imposed by county officials. Ministers often preached in churches built on donated land, dependent on the good graces of whatever family had allowed them to build there. So long as they accommodated the expectations of the white community, their position—a slightly better standard of living and margin of respectability—was safe. Neither black community was populated solely by activists; the voting right efforts in both generated their own type of conservative moderates.

As emotions drew increasingly tighter in 1963, John McFerren was served with a paternity suit from Emma Jean Frazier. He and everyone that knew him were certain that it was a pressure ploy, especially when after the trial Sheriff Pattat quietly asked McFerren “Why don’t you compromise, and end the sit-ins?”¹³ To answer reprisals by business owners against those staging sit-ins, black citizens instituted boycotts of court-

¹³ “News Release for Fayette County Workcamps,” 1963 Jul 20, 55:6 Braden papers. There was no question Frazier’s child was not fathered by her husband, but Tennessee had just adopted “Newburgh NY” legislation which discontinued welfare payments for a woman with an illegitimate child unless a father was named and court action was pursued to secure support from him. Thus far I have not been able to locate the Tennessee statute. John lost the case despite a lack of evidence besides Mrs. Frazier’s word.

square stores that carved a deep gouge in the black patronage of Somerville businesses. Since blacks constituted 69% of the Fayette County population in the 1960 census, the boycott represented a substantial loss of income. Tensions continued to mount and confrontations increased in number and severity.¹⁴ Cars tried to run Art Emery off the road several times. He evaded them and escaped but once a pursuer ran off the road—and Emery was charged and fined exorbitantly for “leaving the scene of an accident.” He served jail time rather than pay the fine.¹⁵

In Haywood County, the stakes were raised once again in July 1963, when the local NAACP chapter called for desegregation of the Brownsville bus station after a biracial committee failed to agree on any measure of accommodation.¹⁶ Inaction was not surprising; an editorial in the local paper included them as “controversial news regarding race relations.” On 3 August Weinberger and a dozen others walked two blocks to the courthouse in Brownsville, carrying signs in Haywood County’s first civil rights march. A week later the *States-Graphic* reported the incident: “The Negroes were driven from the business district by police and Weinberger was arrested.”¹⁷ A little more detail was provided by other media outlets. The handful of demonstrators was met by Sheriff Hunter, deputy Buddy Sullivan with his police dog straining on a short-leash, and a collection of around fifty more hastily deputized men armed with clubs and guns.

¹⁴ “News from Fayette Haywood Work Camps Project,” [*Fayette Haywood Newsletter*; n.5], 1963 Sep 6, Hortenstein papers.

¹⁵ “News release for Fayette County Workcamps,” 1963 Jul 25, 55:6 Braden papers.

¹⁶ “Times That Try Men’s Souls [editorial],” *States-Graphic (Brownsville, Tenn.)*, 1963 Aug 2.

¹⁷ This account is drawn from subsequent accounts, including: “CORE Members Demonstrate,” *States-Graphic (Brownsville, Tenn.)*, 1963 Aug 9; “News from Fayette Haywood Work Camps Project,” [*Fayette Haywood Newsletter*; n.5], 1963 Sep 6, Hortenstein papers; Michael Munk, “A Heroic Businessman,” *National Guardian*, 1963 Oct 3; *Fayette Haywood Newsletter*; n.6 (1963 Oct); “Civil Righter Recovering At E. H. Crump,” *Tri-State Defender (Memphis, Tenn.)*, 1963 Aug 17.

Ironically, the Brownsville Police Department had appointed its first two black officers two weeks earlier.¹⁸

As the marchers crossed the street to the courthouse lawn, deputies waded into the group, yanking signs out of their hands. Sullivan set the dog on twenty-year-old Edna Mae Jones, who was bitten repeatedly in the stomach, and then on Weinberger, who was knocked to the ground. One of the men hosed Weinberger with a bottle of tear gas at close range and the concentrated liquid soaked into his clothes. He was bound by a “wristbreaker” arm clamp, dragged to the jail two blocks further, and dumped into a cell by a pair of deputies. His back blistered horribly from chemical burns. A local physician who glanced in at him suggested he coat them with petroleum jelly, but the custody officers refused him medication. While Weinberger was in the cell, Hunter beat and jabbed him at least once with an electric cattle prod.

CORE notified the Assistant Attorney General Burke Marshall, who asked the FBI to investigate. Two Special Agents from Memphis interviewed Weinberger in his cell on 5 August, the day of his arraignment, and collected physical evidence of the attack, but no action materialized. Weinberger was charged with assault and battery, disorderly conduct, and two other unnamed felonies. Each charge carried a one-year jail sentence. A trial date was set and Weinberger was released for medical treatment, spending four days in Memphis at the city’s segregated Gaston Hospital before returning home to Connecticut. The county sent him no notice about his trial arrangements but in October Weinberger returned, going directly to the courthouse and then the county jail on his own

¹⁸ “City Hires Two Negro Policemen,” *Stages-Graphic (Brownsville, Tenn.)*, 1963 Jul 12; “Brownsville Gets 2 Negro Policemen,” *Memphis World*, 1963 Jul 13. The general belief of those in the community was that “they will not arrest white men and one of the [HCCWL] student group has referred to them as just tale-carriers in uniform” (Eric [Weinberger] to Dick [Haley], 1963 Jul 15, 2:10 CORE records).

volition. Not wanting a conviction which could be appealed, county officials quietly delivered an ultimatum: he could serve the four sentences—sequentially—on what were patently false charges, or agree to leave the county for good. Segregationists in Brownsville claimed a victory, since protest marches ended and Weinberger decided to leave the county. But the public library finally began admitting black patrons, and soon after, the city bus station was no longer segregated.¹⁹

Weinberger's arrest came during a hardening of attitudes among the white officials in response to renewed voter registration and a tactical shift among the black activists they faced. In fact, the summer 1963 was a season of tense confrontations between officials and local black citizens of both counties. Court actions had resolved nothing. Biracial committees proved only tools to deflect or stymie real change. The children of local land- and business owners, with their small-town world changing around them fast enough that even they could not keep up, were becoming increasingly vocal in opposing activists, particularly those who were white. "Some of these people are young," wrote activist Jack McKart, harboring a liberal hope that understanding and forthright engagement would resolve distrust and insecure bullying.

They have no jobs; they drive around all day in new cars harassing people who try hard not to hate them. They had bottles in their hands at the bus stop, but they aren't even to the point yet where they throw them at you. They are all talk. If you could confront each one of them individually, they would each back down. Maybe their violence will never break out if we keep on meeting them face to face and do not return their abuse.²⁰

¹⁹ *Fayette Haywood Newsletter*, n.7 (1964 Jan).

²⁰ Jack McKart, "Somerville, Tennessee: Some Were Armed," *The Peacemaker* 16, no. 10 (1963 Jul 20): 5.

Tent City had seen only isolated incidents nearly three years earlier, but now confrontation became a common occurrence. Direct action increased the intensity of social discourse, illustrating for the white community the deep dissatisfaction with *place* and the casual assumptions of segregation that defined it.

One incident illustrating the tension over the shifting sense of *place* is the encounter between father and son farm owners Sterling and Thomas Dunn and their dairyman Will Todd Jr. As a dairyman, Todd worked a sixteen-hour day which began at 3:30am for fifty dollars a week. Late in September 1963 the younger Dunn arranged to exhibit cattle at the Mid-South Fair in Shelby County, and Todd agreed to do additional work while he was gone in return for two days off of work. Todd later told a Memphis newspaper:

“On Sunday morning [30 September], after we had finished milking the cows, I asked Thomas if I could take my two days and he said, ‘No,’” Todd said, “but I took off anyhow. I did not milk the cows on Sunday night.²¹ This morning Mr. Dunn came over to the house, and I could hear him cursing before I had a chance to get to the door. After talking a few minutes, he said, ‘Come on over to the barn and talk to me and Tom.’ When we got over there he asked me if I were going to milk the cows and I answered, ‘Yes sir, when I get my two days off.’” Todd said that Dunn replied that he was not ready to give him his two days, and when [Todd] insisted that he would have to have them before returning to work, Dunn said, “I guess you are the boss then.” “I said, ‘No sir, I am not the boss of your place, but I am the boss of myself.’”

Todd’s reply challenged Dunn’s integrity as an employer, but more importantly, it questioned his obligation as a paternalist, particularly as Todd “had been tricked before and had not been paid or given time off for extra hours.” Two months earlier Dunn had

²¹ Cows must be milked with clockwork regularity twice daily. Missing even a single milking can cause them to dry up until they calve the next year.

cut Todd's wages nearly in half after the laborer had independently bought his family a used car. Todd had been looking for other work since then, another challenge to Dunn's management.

“Mr. Dunn then said, ‘You are one of those smart niggers,’ and hit me upside the head with a pistol that he always carried in his car. He hit me with such force that the pistol slipped out of his hand. We started tussling over it, and his son said, ‘Daddy don’t let him get the pistol. He [Todd] might shoot someone!’” Todd says that the younger Dunn ran to the car and got a shotgun, and for fear that he might hit his father with a blast, began hitting [Todd] over the head until he broke the stock. Then he continued beating him until the barrel was bent.

Dazed by the blows, Todd was quickly bested. Sterling Dunn recovered the pistol and stood upright, pointing it at Todd's head as Todd's wife screamed at him not to shoot her husband. After a few tense seconds, Dunn pocketed the pistol, climbed in his vehicle, and he and his son drove away. The Todds fled to Memphis with their family, him needing medical attention and both fearing the possibility of a lynch mob; the Dunns drove into Somerville the following Monday afternoon and swore out a warrant on Todd for assault and battery, which was granted by General Sessions judge Paul Summers.²²

By the end of the year everyone seemed tense, angry, and exhausted. Three years of repression and intimidation on activists, police brutality, and the effective dissolution of the HCCWL prompted Virgie Hortenstein to reassess what her organization could do and what it could not. She recognized that the black community in both counties shared three fundamental challenges. Her observation, written into her informal “Fayette

²² “Father Of 10 Treated In Memphis For Wounds Suffered In Gun-Beating,” *Tri-State Defender*, 1963 Oct 5.

Haywood newsletter,” marked a slight departure in tactics and viewpoint, a low watershed that divides early efforts from later efforts in FHWC’s activism.

The first challenge Hortenstein identified was the high level of adult illiteracy, which made pursuing “equal opportunity” in a modern world impossible. Former black sharecroppers could not compete for jobs if they lacked basic competencies. Second, non-farm employment was nearly nonexistent in an area where the real numbers of all jobs continued to decline rapidly. Field mechanization and land consolidation pushed large numbers of black and white laborers out of work. Both counties were full of idle young people with no prospects for employment and nothing to do. Finally, the desire to participate in elections was not matched by the development of blacks as informed and engaged citizens. Many who had registered to vote once did not understand roll purges, the need to change one’s registration if they moved, or how to follow electoral issues.²³ These large challenges were compounded by at least two other, more intractable problems. Despite the acceptance that white volunteers now found among blacks, unity and leadership within the community remained a challenge. “The unity that came with the eviction crisis and for the voter-registration campaigns [*sic*] soon degenerated. Now not only had registration come to a standstill but those who had registered often did not vote.” The FCCWL had split into opposing factions in 1961; competing interests, needs, and opinions completely fractured the HCCWL a few years later.²⁴ “The first problem,”

²³ “Under Tennessee law, any registered voter who fails to vote during 4 consecutive calendar years has his registration canceled and must reregister. If, because of fear of reprisals, most of the Negroes who have registered to vote, as appears to be happening, after 4 years their registration is invalid.” *Report of the United States Commission on Civil Rights* (1959), 65.

²⁴ An analytical discussion of the HCCWL split can be found in the opening pages of “Report on Community Workshops,” District 9, 1964 Sep 1–11, “Corr[espondence] 1964,” Hortenstein papers.

Hortenstein explained, “is one of getting along together in times of quiet desperation after the times for dramatic courage and excitement are over.” The second was an issue that plagued American society: “How can the pangs of poverty be relieved without losing the sense of community? As people get a little for themselves, they begin to think of themselves instead of others, begin to compromise to keep what they have gained.”²⁵

American novelist John Steinbeck expressed the same thought a generation earlier: “The quality of owning freezes you forever into ‘I,’ and cuts you off forever from the ‘we.’”²⁶

The FHWC and its workcampers successfully avoided most of the direct confrontations that plagued Fayette and Haywood activists during 1963 and 1964, but like Operation Freedom, the organization endured its own programmatic metamorphosis. While service workcamps continued for another decade, during 1964 the FHWC began to add social and community development to its efforts. The January 1964 workshop was staged with the involvement of the Highlander Folk School. The meters were attempts to restart community by creating a situation “in which . . . groups would discover their most urgent problems, become motivated to solve them and start working on the solution. Always the program was to let the participants carry out as much of the workshop as possible. The objective was to help them develop themselves.”²⁷

²⁵ *Fayette Haywood Newsletter*, n.7 (1964 Jan); “Freedom Workshop,” 1964 Jan 25–Feb 2, draft report, 38:9 Highlander records.

²⁶ John Steinbeck, *The Grapes of Wrath* (1939; New York: Penguin, 1976), 165–166.

²⁷ “Freedom Workshop,” 1964 Jan 25–Feb 2, draft report, 38:9 Highlander records. The organizations co-sponsored and conducted a series of workshops in April about organizing registration efforts, and then a registration drive in July which there is not space to discuss here (Bernice V. Robinson, “Report of Workshops in Haywood County Tennessee, April 6–10 1964” and accompanying documents, 38:9 Highlander papers).

Though voter participation and education remained a priority, the mission of “helping themselves” required a new set of efforts to strengthen the black communities through education, organization, and job creation. Hortenstein connected with the Laubach Literacy Fund training program to begin planning an adult literacy drive. She also began pushing local activists in an independent job creation effort, since the businesses being courted by the county governments would not hire black labor. If black citizens wanted both jobs and to remain at home, they would likely have to create their own jobs. In September, FHWC sponsored a series of district-level meetings with lapsed activists in Haywood County, a piecemeal attempt to reassemble a county-level organization that could revitalize the HCCWL.²⁸

Despite roadblocks and constant pressure from authorities and individuals, the FHWC effort began paying off in small ways. In a November 1965 antipoverty meeting held at the OFFCLW Community Center, forty white citizens unexpectedly joined over 200 black neighbors. The meeting disbanded after electing an unprecedented board of directors on which blacks held a one-member majority. At about the same time two white women, both employees in the Fayette County antipoverty program, attended a worship service at one of the black churches. “Their loyalties were actually with the Negroes and against the actions of the whites who were ‘hard old nuts to crack’,” Virgie Hortenstein reported incredulously.²⁹ There were still years of conflict and confrontation ahead, but the FHWC operated and thrived on the audacity of such hope.

²⁸ The extant district reports (2, 3, 4, 5, 8) are in a folder labeled “Corr[espondence] 1964,” Hortenstein papers.

²⁹ *Fayette Haywood Newsletter*, n.16 (1966 Jan). Another account of the anti-poverty meeting with slightly different figures is found in “Call from Viola McFerren,” undated, 19:1 McCrackin papers.

Cornell-Tompkins effort

Perhaps the best-remembered and most publicly documented of the organized efforts in either county was the 1964 voting rights drive organized by “The Cornell-Tompkins County Committee for Free and Fair Elections in Fayette County, Tennessee,” largely because participants produced their own account of the effort, published by W. W. Norton, a major U.S. publisher.³⁰ This project had its origin in the experiences of organizer Charles A. Haynie, a mathematics student at Cornell University. Like James Forman of the Emergency Relief Committee two years earlier, Charlie Haynie had family ties in the South but had come of age as an activist adult while in college. He was also a member of the New Left, the socially inspired groups of white young people who typically rejected the Soviet model of history and society but were positively revolted by the militarism and often morally banal emptiness of suburban materialism in post-war American society. The New Left branch of American activism seemed populated with more idealists than ideologues, committed to the abstract promise of democracy offered to all, not merely the privileged. Haynie was a veteran of nuclear test-ban protests. While fundraising at Cornell for the Freedom Riders in May 1961, he and friend Paul Green were shamed by another student into personal involvement with the nonviolence action they had never experienced personally. The pair contacted CORE’s New York office and were immediately invited to Mississippi as the organization changed tactics from orchestrating protest rides to orchestrating mass arrests. Making the drive southward, Green and Haynie arrived in time to be swept up in the Jackson arrests and spent several

³⁰ *Step by Step: Evolution and Operation of the Cornell Students’ Civil-Rights Project in Tennessee, Summer, 1964*, ed., Doug Dowd and Mary Nichols (New York: W. W. Norton, 1965). Norton publisher George P. Brockway made a personal commitment to getting *Step By Step* in print.

personally cathartic weeks in jail. Charlie returned north for graduate school and then taught at Franklin and Marshall University.³¹

In the spring of 1963, Haynie attended the SNCC conference in Atlanta. Inspired by the conference workshops, Haynie “wondered how I could make a personal contribution other than, at a distance, with financial and political support.” More experienced activists discouraged him, but their advice did not mollify him. “I am not black, how would I fit into communities SNCC was trying to mobilize?” he wondered. “I had no previous experience of southern sharecroppers, nor of the South. I knew nothing about picking cotton or farming in general.” Toward the end of the conference Haynie met Anne Braden, the SCEF activist from Louisville, Kentucky, whose family stood against both firebombs and Red-baiting federal intimidation. She mentioned Fayette County, Tennessee, L. T. Redfearn, and Eric Weinberger, suggesting that Charlie and his new wife see if they could reinvigorate voter registration and political activism there. When the 1963 spring term ended in Pennsylvania, Carl Braden led the Haynies on an automobile trip to southwestern Tennessee. Walter Tillow, a fellow graduate student and SNCC conference attendee, and two other companions made the trip in a separate vehicle. Braden introduced the New Yorkers to their contacts in and around Somerville. It was the beginning of a life-changing adventure. Charlie and Roena (Bunny) Haynie stayed weeks in Fayette County with the L. T. and Frances Redfearn, long enough for suspicion about their activities to grow among other whites in the county. Bunny was several months pregnant. State law mandated that people staying more than a month in

³¹ Charles A. Haynie, *A Memoir of the New Left: The Political Autobiography of Charles A. Haynie*, ed. Aeron Haynie and Timothy S. Miller (Knoxville: Univ. of Tennessee Press, 2009), 39–46.

Tennessee were required to buy license plates or “tags” from the county, and driving a Chevrolet, they blended fairly well into the other vehicles on county roads, but their vehicle was well known. After a few weeks the Haynies left Redfearns and moved in with James and Fanny Bell Puckett, a few miles south of Somerville outside the small community of Williston.³²

On the night of 10 July, the Haynies and Tillow stopped to visit with Redfearn and noticed an unusual number of cars passing the usually isolated yard. When the Haynies left late that evening they recognized they were being followed. Not wanting whoever was following them to know where they were staying, they pulled into McFerren’s store, where the usual contingent of friends *cum* late-night customers was standing about. The car that followed the Haynies pulled up across the road, followed by several others. A number of young white men got out and it became clear trouble was brewing. In the tense standoff, someone telephoned the sheriff. Clarence Pattat drove out with a deputy, by which time the cars of whites had loaded up and driven off. Pattat sat in his car and asked a few questions but made no other investigation, even when one of the cars and its occupants flew past down the road—twice. Jack McKart’s later account of the confrontation for *The Peacemaker* emphasized how neither side wanted trouble. He did not know what happened a few hours later.³³

³² Haynie, *Memoir*, 51–53. Bunny recalls that they did not return as Charlie asserted. As noted earlier, Tillow and the Haynies were not the only ones active in Fayette County this summer.

³³ Jack McKart, “Somerville, Tennessee: Some Were Armed,” *The Peacemaker* 16, no. 10 (1963 Jul 20): 1, 4–5; Charles A. Haynie, “Letters from Tennessee,” *Trojan Horse* 4, no. 1–2 (Sep, Oct 1963): 3–7, 18–23; 14–23; Harpman Jameson to Dear Friend, 1963 Jul 16, 1:3, and “For Immediate Release,” 1963 Jul 11, 1:5 Haynie papers, WHi; “Despite Harassment, Voter Registration On In Tenn.,” *Memphis World*, 1963 Jul 27. I personally heard the “what happened next,” related here, directly from Bunny Haynie and Sadie Puckett-Harris in 2006 Oct; the following account is from my notes of that exchange.

The Pucketts lived at the end of a rough dirt U-shaped road whose ends attached to one side of the paved county road (cf. Figure 1.4). This U was a community itself, with houses set along either side. A couple weeks after their move to the Pucketts, the Haynies returned to visit the Redfearns. On the way they noticed that they had been trailed by a car, which kept its distance and did not turn on its headlights. Concerned about their safety, Redfearn offered to loan them a weapon he had carried while running moonshine, an evil-looking 16-gauge pump shotgun with a cut-down barrel and sawed-off stock. Before they left the house he gave them an impromptu primer in gunning as well. He told them that rather than stepping out a car door to face someone behind you, to kick the door open and dive for the ground; roll to make a harder target and use your elbows to keep yourself up; aim for the middle of a man. More than a little shaken by his matter-of-fact advice, Charlie drove quickly back toward town and pulled in at McFerren's store at the three-way. John was just closing up but told the frightened couple to drive on to Puckett's house without turning on their own lights. They did so and were relieved when no car lights followed them. Haynies got out of their car and were headed toward the house when they heard car doors slam behind them; the second vehicle's driver had killed his lights as well and followed them. Just then the second car and its occupants were backlit by the blaze of lights from a third vehicle. John had followed them in his car without his lights on, either. He arrived in time to kill his engine and coast up behind them before they got out and could hear him. McFerren turned on his headlights just in time to spotlight the occupants from behind, emerging with "all sorts of things" in their hands.

Meanwhile, the Pucketts had been expecting trouble and planned accordingly. Inside the Puckett house, Fanny saw what was happening in the yard and snatched up a

shotgun standing beside the door. As she kicked it open and stepped onto the porch she racked a shell into the chamber. Her fifteen-year-old daughter, Sadie, cued by her mother's attention and movements, grabbed up several soda bottles which had been previously filled with gasoline and plugged with a rag and were sitting by the door—Molotov cocktails. She hovered behind her mother, who was blocking the door, unable to see what was going on but waiting for a chance to “warm things up.” Sadie recalled that when the Haynies had been welcomed by her parents, her mother had solemnly promised them that she would take care of them like her own family; her present actions unquestionably suggested she meant to carry through on the promise. As the Haynies stood exposed beside their car in the yard and an armed, intense black woman stood on the porch, the blinding headlights of a third vehicle (its driver and potential occupants unknown to anyone in the yard) illuminated a surprised group that had not expected a confrontation. For several seconds there was tense confusion among everyone until the former occupants of second car realized their exposed position. Piling back into the vehicle, the driver punched the accelerator and the car fishtailed wildly out of McFerren's lights as he tried to get out of a certainly fatal crossfire and make a getaway down the lane. Moving too fast and probably too frightened to handle road obstacles safely, the car careened across a runoff channel or washout cutting across the dirt road. The car's racing motor and sound of its impact with the ditchbank made a terrible racket. Lights appeared in shacks up and down the lane as the car sped past them and off into the night. From the safe distance of memory Sadie recalled one regret with a grin—being a little disappointed that she didn't get to see how well her “firecrackers” worked. The next day the vehicle of a well-known local figure (neither Bunny nor Sadie will say who) was in the shop of a

local mechanic, who was repairing damage to the front end and axle from having run across an obstacle.

In his posthumously published memoirs, Charlie described the weeks spent meeting people among the small circle of black activists. When he tried to translate his frustrating experience of being red-baited in New York into something closer to those with whom he was associating, John McFerren gave him some advice about this foreign world of the rural South. “Just like white people, Charlie, we got good people, we got bad people. Only difference is that we can’t afford the bad people we got. We’re right up against the wall.”³⁴ In other words, white activists like the Haynies could afford the luxury of leaving Fayette County; most black families could not. As personally degrading as it was, accommodation to segregation and dependence was a survival tactic. Among the black community it was accommodation rather than segregation by whites that activists had to overcome.

Charlie and Bunny Haynie returned from Fayette County in September 1963 in time for him to begin the fall quarter at Franklin and Marshall University. The couple was physically and emotionally exhausted from their summer ordeal. Though he settled into the routine demands of an academic classroom, his time in Tennessee put Charlie Haynie as the intersecting point between a group of acquaintances who would expand on what had been done in 1963. One small success resulting from the Haynies’ 1963 stay in Tennessee was a tentative commitment for a slate of black candidates to run in the 1964 county primary election.³⁵

³⁴ Haynie, *Memoir*, 56.

³⁵ Joe [Griffith] to Haynies, 1963 Jul 7, 2:2 Haynie papers, UTK; Harpman Jameson to Dear

Charlie was committed to returning. He also remained in contact with University of Wisconsin students Robert and Vickie Gabriner. In the aftermath of Bull Connor's repressions in Birmingham, Bob Gabriner sent to Charlie a creatively typed reflection about the situation in Tennessee. Fayette County was overwhelmingly black and had enough citizens to carry an election. The first step would be to get them registered. "[T]he more i think of it the more i see fayette and the [1964] election as an important pilot project for the movement if there is a victory /there\ the tactics and goals can perhaps be modified and applied to other areas of the south."³⁶ Haynie was already committed to just such a plan. A month earlier Walt Tillow had talked to James Forman, now the Executive Secretary of SNCC, about securing organizational help.³⁷ In September and October Gabriner went a step further and explored the possibility of starting up a local radio station. Mass media would provide a platform for telling what was happening on the ground beyond county lines. The 1964 primary was more than just an election. Not only was L. T. Refearn running for sheriff for the third time, but June Dowdy, running for county assessor, became the first black candidate for office since Reconstruction.³⁸ With enough registered voters from the majority population, civically liberal candidates could carry important county offices for the first time in a century.

Friend, 1963 Jul 16, 1:3 Haynie papers, WHi. By the time the election came the next year only two candidates followed through on the commitment to stand for election.

³⁶ Bob [Gabriner] to Charlie, [1963] Sep 27, Haynie papers, UTK.

³⁷ Walter [Tillow] to Charles [Haynie], 1963 Aug 23, Haynie papers, UTK.

³⁸ Choosing to run a black candidate for county assessor constituted a significant challenge to the white establishment (cf. "Information on the Quarterly Court," [1964 or 1965]. 1:8 WTVP records). Systematically understated property values had been one means for the local elite to escape taxation and maintain various improvements as paternalism. In 1967 the state mandated a complete property reevaluation for several rural counties. Fayette and Haywood were two of them, ordered to reappraise *all* real properties and raise (and tax) values in line with other counties in the region. "County Court To Hear State Man Discuss Property Reappraisal," *States-Graphic (Brownsville, Tenn.)*, 1967 Jul 7.

Haynie reconnected with Dr. Douglas Dowd, a left-leaning economics professor at Cornell. Dowd became the catalyst for what would happen the following year. Dowd approached Cornell president James A. Perkins about Cornell faculty members becoming directly involved with social action beyond the campus. “It just may be that his conception of a university includes at least intermittent direct involvement in questions so clearly moral and compelling as this one,” Dowd wrote the Haynies. Perkins did not ask an inordinate number of questions and gave the go-ahead.³⁹ “The time has come to get off the ground on the Fayette County affair, so here goes,” Dowd wrote Charlie in mid October, three months after Haynie returned from Tennessee.

Dowd and the Haynies’ close friends, Joe and Patricia Griffith, began drumming up support among Cornell students and faculty. Dowd put together a printed invitation pamphlet in February for an event advertised at Bailey Hall on 2 March. Attendees were promised an opportunity to “Meet the candidates and others from Fayette County.” June Dowdy and L. T. Redfearn travelled up from Tennessee as the drawing card.⁴⁰ The evening news was flooded with the images and commentary about direct action and repression. Ultimately the group included not only Cornell students, but others from Franklin & Marshall University, Columbia University, and a few non-university folks from Ithaca, New York.

³⁹ Doug [Dowd] to Bunny and Charlie, [1963] Oct 11, Haynie papers, UTK; Douglas F. Dowd to President Perkins, 1963 Dec 4, James A. Perkins papers, #3-10-1022 box 8, Division of Rare and Manuscript Collections, Cornell University Library, Ithaca, New York. Thanks for Elaine D. Engst for locating material in this collection.

⁴⁰ *This is Fayette County, Tenn., Today . . . You Can Contribute to a Brighter Future*, (Cornell students, 1964), Haynie papers, UTK.

Like most college campuses, Cornell University was not merely a hotbed of liberal dissent and social criticism. The campus had an equally active group of conservative students, as committed to their views of American society as were activists of the New Left. This was the year of not only the Civil Rights Act of 1964, but also the right-wing resurgence that carried Barry Goldwater to a presidential candidacy.⁴¹ The strident differences between viewpoints virtually guaranteed that the Fayette County project would find not only support on campus, but also opposition. Members of the Conservative Club worked, wrote, and organized to oppose the voting-rights excursion to Tennessee, particularly after a 5–4 vote by the student government pledged \$1,000 from its discretionary funds to help support the effort. Conservative Cornell University students Robert D. Reynolds and Steven W. Demster, a Memphis native, made their own investigation of the situation in Fayette during spring break and brought back unflattering reports of both men. Those opposing the effort neglected that the activists' target was a primary rather than a general election, and instead emphatically called it an opposition effort to the established order in Fayette County, hinting that activists were formulating a leftist takeover. Conservative students were able to force a campus-wide referendum on the allocation, but were voted down by the student body.⁴²

⁴¹ Rick Perlstein, *Before the Storm: Barry Goldwater and the Unmaking of the American Consensus* (New York: Hill & Wang, 2001).

⁴² The argument over Cornell student funding is best covered in the long series of *Cornell Daily Sun*, articles, letters, and opinion pieces between 1964 Feb and Apr; also in two Donald Greet articles in the *Ithaca Journal*, 1964 Feb 1, Mar 6; George Sutton, "Memphis Student Discredits Cornell Civil Rights Group," *Commercial Appeal (Memphis, Tenn.)*, 1965 Sep 30, clipping in 1:4 WTVP records. The Cornell student referendum on the appropriation was approved by a narrow 5:4 margin. The Conservative Club may have been unaware that many blacks in Fayette County leaned heavily Republican; however, activists produced sample ballots clearly showing Dowdy and Redfean's names marked. Sample ballots, Haynie papers, UTK. Examples of the county absentee primary ballots on which the samples were based are in 10:5 Gabriner papers.

The voter registration/education project, which soon included Ithaca citizens and not only Cornell students, was controversial. Perhaps its most substantive testimonial came from 102-year-old Cornell professor Walter F. Willcox, who supported the effort publicly. Willcox told the local newspaper, “I can tell you after 100 years of experience that I have never seen the world so awake to the subject [of race relations, *i.e.*, injustice] as it is today. I think this is the best sign you could have and that is what pleases me as I come to the end of my life.”⁴³ In the middle of the civil rights movement it was hard to mount an argument against the opinion of someone who had personally witnessed the beginning of the Civil War and all of Reconstruction.

The fifteen or so people who had signed up for the summer project by early March had steeled themselves—at least in an abstract sense—for the possibility of being personally subjected to repeated violence. For six weeks between mid April and the end of May, Dowd presided over a short course in activism, a combination of group study, discussion, and lecture. Dr. Robin Williams of the Sociology Department at Cornell taught a session on the social structure of feudal society, which focused on dependence and paternalism. Charlie Haynie discussed Fayette County political history, with Quaker activist and FHWC workcamp leader David Brown providing a counterpoint about local non-political issues. The group read and discussed a series of writings by historian C. Vann Woodward. They held a brainstorming session about potential actions and tactics they could take once on the ground in Tennessee. They had a brief introduction to the crops and products sharecroppers raised. Finally, John Ferger provided a reality check for what they potentially faced, wrapping up their advance preparations with a crash course

⁴³ Donald Greet, “Fayette Election Drive Off to Good Start Here,” *Ithaca Journal*, 1963 Dec 12.

on hygiene, first aid, and emergency medicine.⁴⁴ They may have been idealists, but they were not fools.

Acting as an advance team, the Haynies, trundling along their infant daughter, Aeron, arrived back in Somerville on 25 May to arrange housing for the Cornell-Tomkins activists. The thirty-nine workers arrived in small groups and individual carloads between 8 and 25 June. After some inevitable last-minute changes, they were shuttled off to homes in thirteen of the fifteen election districts. As soon as they were housed, the workers were paired off with a local individual or two from their assigned district and immediately set to work walking country roads and talking to people in fields, yards, and on door stoops, trying to persuade adults to register or renew their registration. Voter registration was now held weekly on Wednesdays, but deliberation on the part of the clerks still kept voter registration to a slow crawl. On 1 July, for instance, the last registration held before the 1 August county primary election, approximately 500 people stood patiently in line while the clerks completed a total of 73 registrations.⁴⁵

The Cornell activists had enlisted knowing that violence was possible, if unlikely, but embarked on the project with full trust in federal protection. President John F. Kennedy complicated the matter of protective federalism when he publicly stated in 1962 that

We shall give every protection that we can to anybody seeking to vote. I commend those who are making the effort to register every citizen. They deserve

⁴⁴ “Fayette County Project proposed study schedule,” undated [ca.1964 Mar], Haynie papers, UTK; “Background and Reference Reading for Fayette Volunteers,” undated [ca.1964 Apr], Haynie papers, UTK, and “Fayette County Project, Summer 1964,” 1:6 Haynie papers, WHi.

⁴⁵ Viola and John McFerren to Jim Dobrowski, 1964 Jul 5, 55:6 Braden papers. J. Harold Flannery of the Civil Rights Division tried to persuade Fayette County officials to hold another registration day before the election—unsurprisingly, without success.



Figure 7.1 An unidentified Cornell-Tompkins volunteer discussing voter registration with citizens in Fayette County, June 1964.⁴⁶

the protection of the U.S. government, the protection of the states, the protection of the local communities. And if it requires extra legislation and extra force, we shall do that.⁴⁷

At the height of protest demonstrations the previous year Haynie and Tillow had sent a telegram asking for federal protection, if not direct help with registrations from federal authorities: “We who are part of a voter registration project working in Fayette and Haywood counties has begun to meet increase harrassment by law enforcement officers in Haywood County. Registration workers have been told ‘to get out of the county’, cars

⁴⁶ Photo by Nick Lawrence. Used by permission.

⁴⁷ *Public Papers of the Presidents: John F. Kennedy, 1962* (Washington, D.C.: Federal Register Division, National Archives and Records Service, 1963), 676–677, quoted in Lawson, *Black Ballots*, 279. In planning the action, and adviser had written the Haynies “Remember that the federal government is required to intervene if there is any interference with the services of the federal government” (Saul to Charlie and Bunny, 1963 Jul 24, Haynie papers, UTK).

have been followed and hea[v]y [f]igns imposed for alleged infractions of minor traffic laws. All this harrassment began hours after the negro community of Haywood County proposed to enter a negro candidate for sheriff in the Democratic primary this August.” Fearing a repeat of the violence which had erupted in Jackson, Mississippi, only weeks earlier, Haynie and Tillow asked the Justice Department “to protect citizens who wish to exercise their fundamental right to vote.”⁴⁸ To Charlie Haynie's call for federal protection, the Bureau replied a month later that “Maintenance of law and order in local communities is the responsibility of local authorities. This Department has no authority to provide protection and therefore cannot comply with your request.”⁴⁹

Now a year later and despite the President’s moral obligation, federal policy left the Cornell-Tompkins activists exposed to local intimidation—and it came. “The group has met some harassment already,” wrote the McFerrens to SCEF president Jim Dombrowski, “sooner than expected.” The catalogue was chillingly impressive.

June 16, two men were arrested for trespassing while talking to a sharecropper, at his home, about registration. July [actually June] 17 one young man was thrown out of the courthouse [Dan Packtor, who was physically *thrown* out by sheriff’s deputies, they forgot to mention], and was forced off the highway while driving. July 17, same day, a young man [Danny Beagle] was beaten by five white men when he stopped at a sharecroppers house to take him to register. Later that same day, two men were chased and shot at—bullets hit the back of their stationwagon.

⁴⁸ Haynie and Tillow to Attorney General (telegram), [1963] Jun 12, 1:3 Haynie papers, WHi. There was no party primary in 1963 and neither candidate wanted to run in an election at cotton-picking time. Haynie, *Memoir*, 70–71.

⁴⁹ Burke Marshall by John L. Murphey to Charles Haynie, 1963 Jul 25, 2:5 Haynie papers, UTK. The politics behind policy was examined in “The Problem of Protection,” a chapter in Michal R. Belknap, *Federal Law and Southern Order: Racial Violence and Constitutional Conflict in the Post-Brown South* (Athens: Univ. of Georgia Press, 1987), 106–127. Haynie’s action was a *pro forma* effort. “There is not a person working in the movement here, except myself, that even bothers to call the Justice department. The Negroes here, who have protested over the years in vain, have learned not to waste their money” (Charles Haynie, letter dated [1963] Jul 29, in “Letters from Tennessee: Background of a Civil Rights Movement,” *Trojan Horse (Cornell Univ.)* 4, no. 1 [1963 Sep]: 18).

June 22 the same men who were arrested on the 16th, were beaten and their car window smashed. June 23 some local Negro boys were chased and their car shot at. June 24 a coke bottle smashed the windshield of the car that was hit by bullets on June 17. June 28 another young man was beat up. July 3 we learned that a Negro had been hired to murder four outsiders and one local Negro in District 10. July 4 a worker was picked up and questioned by deputies at the home of a local white landowner.⁵⁰

Somerville city police and the Fayette County sheriff's department openly opposed both the intent and the tactics of activists. Neither body was particularly eager to protect outsiders from the local folks who had elected them. Deputies and police officers typically stood by rather than intervene when an activist was threatened or injured. In some cases they openly participated in harassment. But, this was an election year. With L. T. Redfearn running for sheriff for a third time and the number of black voters poised to exceed white voters for the first time, the Cornell-Tompkins effort can be credited for generating one notable break with local tradition: Sheriff Pattat arrived at carpenter John Harris's traditional Fourth of July barbecue, as he always did, but this time he did not merely visit briefly with Harris and help himself to the food; he campaigned among the picnicking black families, shaking hands and handing out campaign cards.

Violence, intimidation, and political expedience were not the only threats to unity and progress. There were corrosive problems within the group, as well. Haynie discovered that nearly a dozen of his fellow activists privately flouted to a greater or lesser extent the conduct rules to which all had agreed. A few days before the crucial

⁵⁰ Viola and John McFerren to Jim Dobrowski, 1964 Jul 5, 55:6 Braden papers. cf. *Step by Step*, 74-77.

election was held, the offenders were dispatched back to New York or home. “It depleted our funds, and I felt betrayed by these people,” Haynie recalled bleakly in his memoir.⁵¹

With the voter registration push over at the turn from June to July, effort turned to voter education and motivation.⁵² The workers participated in mass meetings, held group training sessions, demonstrated how to mark ballots, and organized transportation to the polls. Conducting these activities pulled the activists slightly out of sight of the white community and incidents of intimidation fell off as well. By the first week of August expectations and energy were soaring as high as the thermometer. For the first time poll watchers had been appointed to each polling station and credentialed on behalf of individual candidates. Activists and members of the civically aware black community were ready for the high ceremony of democracy.

On Thursday, 6 August the Fayette County primary election went off as it usually did, much to the surprise and chagrin of the activists. The district polls opened promptly at 9:00 am (more or less). Throughout the day the segregated sense of place, defined by the culture and expectations of segregation even in this most democratic of American rituals, was firmly maintained. White voters arrived and departed, wandering in and out of a polling location and chatting in the unhurried cadences and uncrowded spaces due the privileged. Black voters congregated in what shade was convenient to a polling place, standing in groups or sitting in clusters on the ground across the road or a short distance away. Only those actually in line to vote imposed their presence on the privileged in the

⁵¹ Haynie, *Memoir*, 76–77.

⁵² bob and vicki [*sic*] to Y'all, 1964 Jul 6, Gabriner SC 1203, WHi.



Figure 7.2 Clusters of white voters (left) and black voters (center) watched by white onlookers (right) gathered in the shade at Sorrel's Grocery, a rural polling station, 6 August 1964.⁵³

store, the gin, the courthouse, or the area. The polls closed promptly at 4:00 pm (or a little earlier). Redfearn and Dowdy were defeated in a landslide.

Though it had been agreed black voters would no longer be prohibited from registering or casting a ballot, nothing about elections had been questioned in *US v. FCDEC*, and despite the court case, very little actually changed. Until election practices standardized, no amount of voter registration activism would affect electoral outcomes. The overarching principle that social activists misread was that local elections were structured specifically to avoid contests for power. Activists, from James F. Estes in 1958 to the Cornell-Tompkins project in 1964, projected their own façade of shining expectations onto a very different reality. In practice, every aspect of the electoral process operated with the casual informality of well-entrenched custom, its practices run more by

⁵³ Photo by Nick Lawrence. Used by permission.

private convenience than by the state election code. It was a simple fact of life that the local Democratic Executive Committee met the required legal forms but ran elections the way they wanted, irrespective of election law. Charlie Haynie got a personal view into the workings of that mechanism shortly after he arrived in May. He went to the courthouse to see Joe Cocke: County Attorney, County Clerk and Master, local lawyer, and chairman of the FCDEC. “Mr. Cocke’s secretary turned ashen when I asked to see Mr. Cocke about the primary,” he recalled. “She said that there were no rules, that Mr. Cocke ran the primary the way he wanted to, and it was none of my business.”⁵⁴ Everything hinged on that point. Overall, Election Day practices provided a mixed record of misunderstanding, informality, intimidation, and obfuscation.

In the rural voting districts, where the only non-domestic structures were small stores or gins, it was common for commercial business to be conducted during polling. As a result, Mattie Harwood and others noted that individual poll sites opened inconsistently late, sometimes by an hour or two. Once open, officials were used to enforcing different privileges between the races and expected voters to operate within their *place*. For instance, at the polling station for Rural District 1, John McFerren noted that election officials maintained strictly segregated lines for voters, allowed only three black voters at a time to get their ballots, and disallowed them from speaking with each other; white voters “were allowed to talk to each other and to look at each other’s ballots before they were marked.”⁵⁵

⁵⁴ Haynie, *Memoir*, 60.

⁵⁵ John McFerren affidavit, 1964 Aug 9 (one of several with same date), 2:4 Haynie papers, UTK.

During their stay the Cornell-Tompkins activists had concentrated their effort on registration and the mechanics of voting, but evidently neglected to investigate precisely what their subjects understood about it. Many black voters who had registered in 1958 or 1959 but had not voted in 1960 or 1962 were rejected in the 1964 election. Not understanding routine voter-roll purges, they mistakenly assumed that voter registration, like other governmental registrations such as the military draft and Social Security, provided a lifetime credential.

The New York activists did drum into the local people the importance of oversight. Fayette citizens were recruited in each district to serve as poll watchers. Each was provided a printed credential, but as sharecroppers-turned-election-activists they faced a distinct set of challenges. Despite careful assignments, supportive moral effort, and credential forms, there had been no regular organization or training. On the day of the election poll watchers were allowed in some districts while others were not. Often, if they were challenged by an official, they had no idea how to respond, were unwilling to risk a confrontation, and simply wandered away. Some were told (wrongly) that they should have presented credentials several days ahead of the election, so they left in confusion, not knowing what else to do. Some were subject to subtle forms of intimidation, such as being disallowed from sitting, being warned they would not be readmitted if they left for any reason, or being positioned as far away from officials and ballots as could be contrived. Of those who were admitted, the poll-watchers' effectiveness was compromised by their lack of sophistication, general suspicion about whites, inconsistency in applying (or recognizing) standards, and lack of clear understanding

about the state's actual voting regulations. Affiants suspected anything that they did not personally understand.

Not all the irregularities reported by poll watchers reflected an illegality. Sometimes a questioned practice was merely a convention or circumstantial whim of an official. Reassured by the comfort of privilege, many election officials seemed uniformly casual about their service, but observers attested to real, systemic irregularities that pointed directly to voting fraud. Herbert Bonner was admitted to Piper's Store early in the morning and crossed the road to Piper's Gin when the polling venue was moved there without notice; the move allowed Frank Piper Sr. of Collierville (not even in the county) time to make out ballots during the process. Bonner also noticed that Ray Russell was serving as an official for the primary election while he was a candidate for district office in the county general election being held at the same time. Lucy Houston reported that voting officials in her district called a polling recess and did not allow voting to proceed. John McFerren reported officials in Rural District 1 standing directly over voting areas as voting progressed. Simon Wilkerson observed that the ballot box in his district had no lock installed on it until well after voting began. In separate districts Warren Bonner and January McGee watched non-officials being allowed to help with balloting activities, and Rena Mae Bates attested that district non-residents were allowed to be present in polling stations while voting was conducted.

The pattern of informalities, irregularities, and intimidation continued during voting counting as well. One opportunity ripe for exploitation was absentee ballots. These were required to be counted and reported by the districts, but virtually no oversight was required. Activists had neglected absentee ballots entirely. A. A. King noted that poll

officials repeatedly delayed accepting his poll-watching credential so as to count absentee ballots without oversight. A few district officials allowed poll watchers to see counts of ballots cast that day, but most polling locations simply denied them the opportunity to see absentee ballots at all. During the official count in more than one location, officials accepted questionably marked ballots for the preferred candidate without challenge, while ballots with questionable marks for the black-backed challenger were uniformly disqualified. Many locales flatly denied blacks a presence as the ballot count was made, while unofficial whites were allowed in. Even if black poll watchers were allowed, officials often made their role difficult or uncomfortable, telling them to stand rather than sit, allowing them to occupy only a single location or position, or positioning them as far away from the balloting as circumstance would allow. Willie B. Hardaway and Jessie M. Jones complained that officials did not demonstrate ballot boxes were actually empty after the official ballot count was completed. Charlie Jones, Hosie B. Smith, and Gertrude Beasley noted that stated vote totals in their districts did not match figures that were later published.⁵⁶

The best-documented Election Day experience was that of District 10, in the southwest corner of the county, along the Shelby County and Mississippi state line, where fraud by election officials and FCDEC member Sam Dunn was almost undisguised. Dunn was asked by several voters for help with their ballots. In the sheriff and assessor races Herbert Bonner noted that Dunn always stated “Did you want to vote for” and gave Pattat’s or Jordan’s name without mentioning opposition candidates L. T. Redfearn or

⁵⁶ Various affidavits, 2:4 Haynie papers, UTK. *Step by Step*, 96–98 itemizes irregularities, tactics, and outright fraud employed in the election.

June Dowdy. Earnest Pool saw Dunn sitting on the ballot box while they waited to vote. “All the time my wife and I were in line and could see inside [the polling station], . . . He would raise his leg to slip a ballot into the slot.” J. L. Wright watched voting officials Dunn, Felix Webb, and Clyde Russell unabashedly filling out ballot applications and ballots and depositing them in the pasteboard carton serving as a ballot box. When Wright complained to Russell, the site’s polling chief, his credential as Redfearn’s poll watcher was challenged and he was told to leave. When he refused, Russell and another voting official left the polling station and drove him to Joe Cocke’s office in Somerville. The County Attorney and local Democratic Party leader “said Redfearn couldn’t have a watcher, I was violating the law, and I would have to leave the polling place. He told Mr. Russell that Mr. Russell could either fine me or lock me up or carry me back where he got me.” Perhaps unwilling to risk the fallout from a demonstrably false arrest, Russell drove Wright back to Piperton.⁵⁷

The day was a dispiriting *dénouement* to weeks of hard work, personal sacrifice, and occasionally outright fear. Charlie Haynie was despondent, not only because of the election but because of the endemic problems the black community dragged along behind them.

Illiteracy was the worst enemy of the Negroes who voted; many were confused by the printed ballot, which was different from the sample (based on the absentee ballot) we had distributed, many more were simply overcome by the problem of walking through a group of white “bossmen” and marking a ballot. In every polling place there were from twenty-five to fifty ballots which had simply been folded and placed in the box—blank. Many of the Negroes who had placed blank ballots in the box told us they did that rather than vote for Pattat.⁵⁸

⁵⁷ J. L. Wright affidavit, 1964 Aug 8; Herbert Bonner affidavit, 1964 Aug 8, Haynie papers, UTK.

⁵⁸ *Step by Step*, 88. Haynie produced a contemporary assessment of the project’s efforts and

Writing about the project later, Doug Dowd and Mary Nichols made perhaps the truest observation describing the summer's experience: "illiteracy is a harsh tyrant."

The goal for the Cornell-Tompkins effort had been to train a local layer of district-level vote-organizing leadership and depart immediately after the election. After a final barbecue party at the Wagon Wheel campground, most workers left on 7 August, the day after the election. It was clear that much remained to be done and leaders of the project decided to commission an on-site representative to maintain a contact and activist presence in Tennessee. They settled on a friend of one of the Cornell-Tompkins project members, Debby Rib, a 1962 University of Wisconsin graduate with a record of social activism.⁵⁹ Her central task as an on-site organizer was to hold the district organizations together for the November general election. She was also the contact and laid the groundwork for a regional voter-registration effort the following year, the West Tennessee Voters Project.⁶⁰

In late October, a few of the New York activists returned south to help locals with the general election. Officials' conduct during the general election was essentially a repeat of the August primary—polling rules were bent or changed to suit the color of the voter, disqualifications were handed out seemingly arbitrarily, and poll watchers were shunted aside or disallowed all together. The activists became increasingly anxious about

disillusionment in "Events in 1964," undated, 1:3 Haynie papers, WHi.

⁵⁹ Debby Rib to Lloyd Barbee, 1965 Feb 15, 1:6 WTVP records.

⁶⁰ Daniel S. Beagle, Robert S. Gabriner, Vicki Gabriner, "A brief proposal for a political action project in West Tennessee," undated [ca.1964 Oct–Dec], Haynie papers, UTK. Her work was complicated by the campaign of first black Congressional candidate, Earl Macklin, whose brother, O.D. Macklin, was widely but quietly known as an informer and shill for the Citizen's Council.

the outcome as the day progressed. One finally telephoned Memphis lawyer A. W. Willis and asked for help.

I told him that the election officials could do absolutely anything they wanted and we could do absolutely nothing. He said that was right. He said the only thing we could do was to collect affidavits after the abuses had happened, affidavits from 'living witnesses', and to submit these, and the people if possible, to the FBI. That was all we could possibly do. The Justice Dept. said the same thing. The FBI, of course, wouldn't say anything.⁶¹

Herbert Bonner was once again disallowed from serving as a District 10 poll watcher in Piperton, for instance, but activist Ron Schneider learned in a conversation that afternoon that officials' objection was to Bonner himself and not to having a poll watcher. Bonner and others hung around the door all day and one of the election judges brought them sodas and pastries during the day. "Herbert had asked any negro who had a complaint about anything to come to him before he left the polling area. No one did."⁶² As word trickled in from the election districts and Debby Rib worked to document purported abuses, the activists began realizing that election had not gone as badly as they had feared. "Things looked awfully black," remembered Schneider.

⁶¹ Ron Schenider, "Return to Fayette County," 1:8 WTVP records. Documentation is much scarcer for the general election. Rib compiled and posted to Charlie Haynie a small group of affidavits documenting election irregularities similar to the ones collected in August. Envelope (and enclosed affidavits) from Rib to Haynie, postmarked 1964 Nov 17, Haynie papers, UTK; and Ron Schneider's nearly contemporary reminiscence. Since I lack any direct evidence besides supposition I will advance a conclusion as a parenthetical note rather than in text, based on Schneider's comment and the fact that the collected affidavits were evidently never submitted to federal authorities because they are all among the Haynie papers at the Univ. of Tennessee in Knoxville. I suspect when the documents were considered as a whole, given the untrained poll-watchers' predisposition to expect the worst from officials and given the relative lack of sophistication among the affiants, it is possible that Haynie and others concluded that despite widespread irregularities there were no clear statutory infractions which could be litigated.

⁶² Schneider, "Return to Fayette County." Officials' denial of Bonner was based on a purported criminal record. Bonner admitted being arrested and he and Schneider had asked the FBI to determine if his convictions would render him infamous, which would preclude him serving as a poll watcher. Bonner was told that, like anyone, he could formally protest officials action *after* the election if he felt it was unfair or illegal, but "that it was cheating to tell [Bonner their conclusion] before."

yet later that night, we discovered that at most precincts a good approximation of a fair election was conducted. Hardly any Rossville voter had any kind of complaint to make except that they had all voted on a counter and could see their neighbor mark his ballot.

All over the county they didn't tear off stubs [the numbered tabs used to keep track of ballots issued], which sounded extremely grave until I discovered that there was no number written on the stub, as Tenn. election law provides [*i.e.*, technically the ballots had not been issued and could not therefore be counted]. The officials were simply doing it all their own way, illegal but apparently just as fair as the legal way. It was characteristic of many precincts that irregularities would occur, but they would arise through ignorance or casualness, within what appears to be a general attempt at fairness.⁶³

Not all was bleak, either. "District 11 had a perfectly fair election, with a poll watcher," concluded Ron Schneider, who returned from New York in time for the general election in November. The experience had been a patchwork of inconsistencies and personal whim. "At District 14, voters were not even allowed inside afterwards to watch the count. At some districts there may very well have been fraud; we don't know and certainly can't prove it." Collectively the Cornell-Tompkins activists' and black poll-watchers' accounts of the August 1964 primary election and the November general election describe what seems like opportunistic attempts among white officials to intimidate black voters, exploit loopholes, and obfuscate voting requirements. It does not read like a coordinated process of intimidation and fraud, but it was certainly business as usual. Despite *US v. FCDEC*, the antiquated and easily manipulated polling processes themselves had never been questioned before and the employment of regular, uniform, and auditable practices was consistently low.

For their part, the activists had made several important errors at both elections. First, they had focused on securing credentials for citizens as voters and as poll watchers,

⁶³ Ron Schenider, "Return to Fayette County."

while neglecting provisions or training for responding to credentialing challenges. Second, they neglected to establish a regular, effective method for documenting vote fraud. Third, they had not trained new voters adequately to handle the new and intimidating circumstance of voting. In short, activists approached the situation in Fayette County with trust in a fundamental tenet of American political liberalism: an abiding faith that the electoral system, which works when people are involved. They had concentrated on expanding voter rolls in helping create civic identity among the majority segment of the county population by becoming active in an election. However, they overlooked the point that elections are a mechanism. Assuming that the engine of democracy ran smoothly in Fayette County and that they needed just the keys of voting to go forward, they neglected to notice the ignition had been hotwired and the steering had a lock. They were entirely unable to formulate an effective challenge to either the party or the arbitrary rules of custom and personal power exploited by local officials. Even though blacks were the majority population and were becoming civically active, until they grew more sophisticated *and* until election practices in Fayette County met state practice standards, they remained at the mercy of systems and institutions they could not effectively challenge.

Did the Cornell-Tompkins effort fail? From one perspective all that was accomplished was to set up a challenge that openly questioned the local political establishment and made privilege-sensitive officials dig in their heels and be as uncooperative as they could manage without crossing the line to outright illegality. They had managed neither to get an opposition candidate through the primary election nor to mount adequate pressure to guarantee or document a free and fair election. On those

counts they failed. On the other hand, Richard Denenberg argued for the relative success of the overall effort, noting that “Men and women who had never voted before, who did not know that they could vote, let alone how, cast their ballots and demanded that white men—of whom they had never before demanded anything—allow them to watch their votes being counted. . . . [Why] argue about success in terms of political victory? Fayette County Negroes were victorious the moment they declared themselves into its political life by depositing their ballots.”⁶⁴ Arguing for black access to the civic arena in terms of rights rather than relationships challenged the informal, personal arrangements that had long been the social glue in two tradition-bound rural agricultural communities. In those terms, they certainly succeeded.

* * *

In 2001 independent filmmaker Fetzer Mills learned of the Tent City story and produced a documentary on the subject. The film drew upon new interviews with several surviving participants. The title, *We Did It All Ourselves*, is taken from an observation by Harpman Jameson near the film’s conclusion. It encapsulates the struggle by a handful of poor, inexperienced sharecroppers to motivate a politically and economically repressed majority population, create a viable organization, and cope with economic and social reprisals from their former employers and creditors. The statement-cum-title, made forty years after the major events, highlights the sense of accomplishment felt by those who sacrificed much in a cause. It also illustrates how first-hand personal accounts collected years after an event sometimes rest on the shifting sands of memory.

⁶⁴ R.V. Denenberg, “Success in Fayette,” *Cornell Daily Sun*, 1964 Oct 23.

The disenfranchised black population of Haywood and Fayette counties did, in one sense, really do it “all themselves.” The Jamesons, the Mormans, the McFerrens, the Dowdys, Pucketts, Turners, Yanceys, and many others, set their course on egalitarian principles and did not waver. They endured and eventually faced down intimidation and economic reprisal to claim their rights as participants in the U.S. electoral system—but they did *not* accomplish the task entirely by themselves. It was evident from the outset that the straightforward, daily battle to encourage citizens to register as voters would be waged primarily by local people working one-on-one with their neighbors. Yet the situation complicated quickly and a measure of organization and logistical support was needed, greater than what was available locally. Jim Crow economics and politics proved inextricably entwined and too deeply entrenched to be challenged by a racial minority, even when that minority was a demographic majority.

Laying out his arguments about the success of the Fayette County civil rights actions in 1969, sociologist Harry Holloway prefigured Jameson's observation as he wrote that “the struggle for change has taken place chiefly at the local level; outside intervention on behalf of local Negroes has been of some importance, but uneven and limited.”⁶⁵ Holloway may have been factually correct but he missed the point—the sharecroppers of Fayette County and Haywood County had so little to work with *other than* their will and tremendous sacrifices that any measure of support from outside became meaningful to their struggle for civil participation. The aid that did come was critical. The press shined a raking light across the inequities of segregated society and the dependent/paternal strata. Donations allowed newly unemployed families to stay in the

⁶⁵ Holloway, *Politics of the Southern Negro*, 6.

area. Activists lent moral support across the racial divide and taught practical administrative skills. Despite their iron resolve and willingness to sacrifice, the local organizers in rural Haywood and Fayette counties could only accomplish a limited amount on their own; no one bucking intimidation to add their name to the county voter registration lists in 1959 was prepared to face down the complexities of the legal questions pressing on them. Neither individually nor collectively could they muster the material or economic support to hold the movement together and buy time for the courts to act. Economic pressure compounded the problems faced by both Civic and Welfare Leagues, and the white minorities knew it. To cope, the communities of displaced sharecroppers and the few black business owners needed help beyond what could be mustered locally. While they stood on their own feet, they also accepted help gratefully. The financial, commodity, and moral support of concerned people in Memphis, Chicago, New Jersey, Ohio, and elsewhere in Tennessee was critical—perhaps a determining factor—in holding together a community while it began the civil rights struggle in both Fayette and Haywood counties. The Civil Rights Act of 1964 banned discrimination in employment and public places, codified the definition of public space around a modern liberal definition of society as one of impartial access for its citizens, rather than a construct of mutually made private agreements. It did not change the circumstances in these two counties immediately, but it reinforced the views of activists in West Tennessee.

Political activism had a different meaning to the minority population in Haywood County and Fayette County. The white citizenry had long been stable and reasonably secure, if not particularly well-off. By the late 1950s, the world of corporate manufacturing, retailing, and media had crowded in to the point that whites were

uncomfortably aware that their dependence on the world beyond the county boundaries was increasing—and the pace of change was accelerating. Locally owned stores around court square were beginning to close while chains and franchises cropped up on the edges of town. Perhaps they expected to lose their grip over modernization and economic change. The voting rights actions, however, meant that they were also poised to lose their grip over the one social factor they had been certain would never change. For whites, the problem of blacks voting was not just that the “color line” of privilege was being challenged, but that it was being challenged at a time when so many other institutions were weakening. They were coming to see that the line between races and classes was not fixed. It could be pushed—and if it could be pushed, then they could push back.

Chapter 8

Expectations in the White Communities:

The Reaction

If the Government tries to decree with whom [we] must associate, then in the name of “civil rights” we’re denying civil rights—for a man has a right to choose associates with whom he is most comfortable.¹

A man’s freedom stops when it encroaches upon the freedom of his neighbor.²

At its heart the conflict over voter registration and voting rights was a collision between a majority group awakening to the obligations and privileges of citizens, and a minority group desperately wanting to maintain an exclusive hold over the privileges of citizenship and everything in the community touched by it. Understanding assumptions and expectations of the white populations in Haywood and Fayette counties is necessarily more interpretive than it is narrative, since there is little hard documentation from which to work.

The actions taken by white officials in dealing with the first applicants determined at least partially how they could respond as black activism spread. The voting registrar and Election Commission members stonewalled Currie Boyd and his handful of interested black Haywood County residents from the outset, which set a standard for reactions among the wider white community. Conversely, the Fayette County power structure could no longer assert that “niggers don’t vote” after Joe Patrick, Morgan Wright, and a handful of others registered without incident in Fayette County. Those who

¹ Paul Harvey, “Choice of Friends Is Still a Personal Matter,” *Citizen* 6, no. 5 (1962 Feb): 10. Yes, this is the popular radio personality of “Paul Harvey News” and “The Rest of the Story” in the 1970s and 80s.

² “The United Klans of America, returns to the prime purpose for which it was established,” undated clipping, Brownsville KKK papers.

simply showed up and registered to vote set a precedent that limited the responses officials could make as registration requests increased.

In both counties, voter registration challenged the exclusive privileges—certainly the assumptions and assertions—claimed by those who occupied the dominant *place*. The white minority was not eager to lose control. The deeply conservative nature of white society became evident as local officials, churches, business communities, and elites coordinated to maintain and reinforce the traditional strata of segregation, struggling to keep things “as they’ve always been” without resorting openly to measures that would attract state or federal intervention. Pro-segregation conservatism was not, however, uniform. The “solid South” was a myth preached by its strident proponents. If conservatism was a smothering blanket, it was also patchwork of shades colored by belief, opportunity, scheme, and fear. Mid-twentieth century rural conservatism reflected a deep history rooted in separateness. One was accepted by who you were (whiteness, birth); one qualified for leadership by the strength of one’s relationships or what one controlled. In the view of these modern rural conservatives, America’s democratic sentiment and tradition was personal rather than social.

The South’s rural aristocracy feared popular democracy. The state Redeemer governments imposed measures specifically to stifle the rising black educated class, the clearest challenger to the antebellum hegemony. The burden of poll taxes, which accumulated annually and kept poor voters disenfranchised until they were paid in full, shackled poor whites—“peckerwoods”—as conveniently as any black field hand.³

³ Southern Senators fought ardently to protect the poll tax against federal abolition. Jason Morgan Ward, *Defending White Democracy: The Making of a Segregationist Movement and the Remaking of Racial Politics, 1936–1965* (Chapel Hill: Univ. of North Carolina Press, 2011), 56–63, 78. cf. Frederick D.

Neither Tennessee county needed to rely on a poll tax to control its underclass of black field hands; longstanding tradition simply excluded blacks from elections. The invalidation of that mechanism in the *US v. FCDEC* decree chilled folks who really did not want life to change—or their control of county offices or “property” in the form of public schools and the local economy.⁴ If blacks could participate in elections, then the white elite’s grip over the community organization and its resources became instantly at risk. “Sure I reckon it’s all right for a nigger to vote if he wants to and it don’t harm nothing,” stated one anonymous white citizen of Fayette County. “But what if they all begin to vote here! We’d be swamped! You put yourself in our place and you’ll see why we got to keep them in their place.”⁵ At an abstract level, the personal, direct intimidation and warning exercised by whites toward both black tenants and white voting activists reflected the perspective of *place* that had fueled white action within dependency/paternal relationships for decades: *you* leave because *I* don’t like what is happening in my world. This was a key premise of paternalism and property-based individualism. Participation of any sort within society was an extension of personal social authority—*place*.

Voting rights activists were reminded only occasionally that the struggle involved losses on both sides. Highlander Folk School’s founder, Miles Horton, was chided by a supporter after a workshop on “The Place of the White Southerner in the Current Struggle for Justice” that “the die-hard white southerner is in a sense as much a victim of the

Ogden, *The Poll Tax in the South* (Birmingham: Univ. of Alabama Press, 1958); Jennings Perry, *Democracy Begins at Home: The Tennessee Fight on the Poll Tax* (Philadelphia: Lippincott, 1944).

⁴ “Court Decree Affirms Negroes’ Right To Vote,” *Fayette Falcon*, 1960 Apr 28. Partly this is from a lack of source material; nevertheless, I do not intend to claim that only the county elites had a segregated view of race or exclusive expectation of *place* or *public*. This chapter groups the white population artificially (and very roughly) by outlook on the central issue of voting rights, rather than by socioeconomic class.

⁵ “The Fayette County Project,” 1:2 Gabriner papers SC1203; 10:5 Gabriner papers.

system as the negro and that respect must also be shown for his infirmity and his suffering.”⁶ Change and the loss of exclusive, dominant *place* atop segregation’s strata was uncomfortable. Remembering his experience years later, 1965 workcamper Robert Hamburger summed up the situation succinctly: “if all the black people registered to vote in a county with close to seventy percent black people, then a lot of power was going to shift into the hands of people who had no power at the time.”⁷ The white community understood that perfectly. “Just to be honest, the white people of Fayette County believe they should have the say-so,” admitted the *Commercial Appeal*, a conservative Memphis newspaper in 1960. It quoted “one of the country’s leading and best informed” but unidentified citizens:

The changing economic climate and the changing political climate are of a piece, to be sure, but Fayette Countians speak of them differently. Economics are discussed matter of factly, but when the talk turns to the changing relationship between Negro and white the tone of conversation takes on a I-guess-it-had-to-come-but-it-really-is-a-shame note.”⁸

Voter registration among civically excluded and dependent blacks was much more than just dissatisfaction with a subordinate *place* under segregation. It represented dissatisfaction with traditional, beneficent paternalism. “Signing up to register don’t have anything to do with it,” commented Fayette County’s largest landowner, retired physician

⁶ Mary Baird to Miles Horton, 1960 Oct 5; David Scull to Horton, 1960 Sep 4, 80:2 Highlander records. Scull, another reviewer, chided Horton for reducing the complex issue to racial binary. The session was “The Place of the White Southerner in the Current Struggle for Justice,” 1960 May [25-28]. Baird and Scull were responding to a summary publication: *The New Agenda for the White Southerner In His New South*, Occasional Paper #1 (Monteagle, Tenn.: Highlander Folk School, 1960). A copy of the report is in the same folder.

⁷ Robert Hamburger interview, 2003 Feb 27, UTM Special Collections/Univ. Archives, Martin, Tenn.

⁸ “Whites Anticipate Change In Uneasy Fayette County, But Hope For No Friction,” *Commercial Appeal* (Memphis, Tenn.; *Press-Scimitar morgue file 80137 fd.B*), 1960 Mar 31.

John W. Morris, early in the embargo, “but it got some of us to thinking how maybe they weren’t happy around here with things the way they were.”⁹ The direction of change stirred a sense of nostalgic loss among many whites. Those who formerly contributed to black-benefit causes, such as re-roofing a church or outfitting a family whose home had burnt, began to fear that donations might instead be routed into a political-action fund. “They recall these things not in a sense of gratitude forgot, but more of a friendship lost,” claimed a reporter in the *Commercial Appeal*. “People in Fayette County feel generally that changes in their way of life are inevitable. They devoutly hope the changes can be made without unwarranted trouble.”¹⁰ But the Memphis newspaper intentionally soft-pedaled the issue. Whites recalled the beneficence of personal acquaintance but no real friendship across the color line: the local white elites planned, organized, enforced, and acted both individually and in concert to obstruct, punish, or nullify black voters they had known, worked with, relied upon, and trusted, sometimes for decades. Those on the lower levels of the communities’ white strata feared losing what little they had and went along.

Responses to black voting and its challenge to *place* varied among these rural white Midsoutherners. After all, whites harbored individual ideas and fears as did their black tenants, customers, employees, and neighbors. White responses may be grouped into three loose but reasonably accurate classes: those of assertive conservatives, embattled moderates, and discrete empathizers. A fourth group, the open supporters, included distinct and finite members. The assertive conservatism of the local elites, the

⁹ “Cold War in Fayette County,” *Sepia* (1960 Sep): 29.

¹⁰ “Whites Anticipate Change In Uneasy Fayette County, But Hope For No Friction,” *Commercial Appeal* (Memphis, Tenn.; *Press-Scimitar morgue file 80137 fd.B*), 1960 Mar 31.

uncomfortable stance assumed by moderates, the furtive support by quiet sympathizers, and the stolid position by supportive families shows how complex racial relations actually were. Not every white Southern family was a den of fire-breathing segregationists.

Assertive conservatives

The most visible attitudes and activities are by that class of whites who believed deeply in their stratified world of separate and unequal tracks of American citizenship. These were the most vocal or actively opposed voter registration among blacks. “We don’t eat with niggers, we don’t sleep with niggers, and we don’t go to church with niggers. Period,” Haywood County sheriff Tip Hunter told the *Tennessean* newspaper early in 1960.¹¹ Little is known about the concerns of the white community beyond glimpses provided by discrete incidents, so the passive idealist must be considered with the violent ideologue, the opportunist alongside the true believer. They are commonly lumped together as “segregationists” though we actually know comparatively little about their personal attitudes, other than they were uniformly unwilling to allow blacks to compete with them for political office, economic advantage, or social participation.

Eager members of this class were landowners who exploited federal farm assistance, the “soil bank.” The program attempted to prevent commodity market-price depression by limiting the amount of crops grown to what demand could bear. Paying farmers *not* to plant some of their land guaranteed the markets would not be flooded with unsalable goods, but would still provide farmers an income. By law tenants were to receive a share of an assistance payment, but in practice there was no way to police what

¹¹ James Talley, “Fayette Invokes Economic Force,” *Tennessean*, 1960 May 8.

land was being idled and who had worked it. In practice, the program “enable[d] the landlord to leave his grain acreage lying idle and draw payment on it, thus cutting down the total acreage and making less land available for the sharecropper.”¹² In some instances Fayette and Haywood landowners practiced outright fraud. The law required that tenants accompany landowners when the latter entered acreage for a soil-bank subsidy and by law tenants shared the payment. Eugene Knight's landlord simply refused to document him as a tenant and kept the entire subsidy, then did not evict him but refused to advance Knight money for seed, fertilizer, or living expenses.¹³ More commonly, local landowners simply used the federal soil-bank program as a pretext for denying their newly registered tenants land on which to grow either cash or subsistence crops (notably corn). Prevented from raising even subsistence, families could not feed themselves. Federal farm assistance thus unintentionally subsidized the repression and expulsion of landless farm workers; it removed the burden of costs for field mechanization from those who were generally profiting handsomely while casually exploiting their hired help.¹⁴

Whether in Haywood or in Fayette counties, those who desperately did not want social arrangements upset deeply resented the presence of white rights activists. “Anyone coming in expressing a concern of any kind, no matter how conciliatory in approach[,] is

¹² “Report from Tennessee,” undated [1961 Apr], Hortenstein papers. The Soil Bank in the context of Southern agriculture is treated summarily in Pete Daniel, *Lost Revolutions: The South in the 1950s* (Chapel Hill: Univ. of North Carolina Press for the Smithsonian Institution, 2000), 56–59.

¹³ Eugene Knight assessment, “Appropriations, [Jan 1965–Dec 1966],” McCrackin papers, box 21.

¹⁴ Gilbert Fite, *Cotton Fields No More: Southern Agriculture 1865–1980* (Lexington: University Press of Kentucky, 1984). This outcome was a repeat of what had occurred in the Mississippi Delta during the Depression.

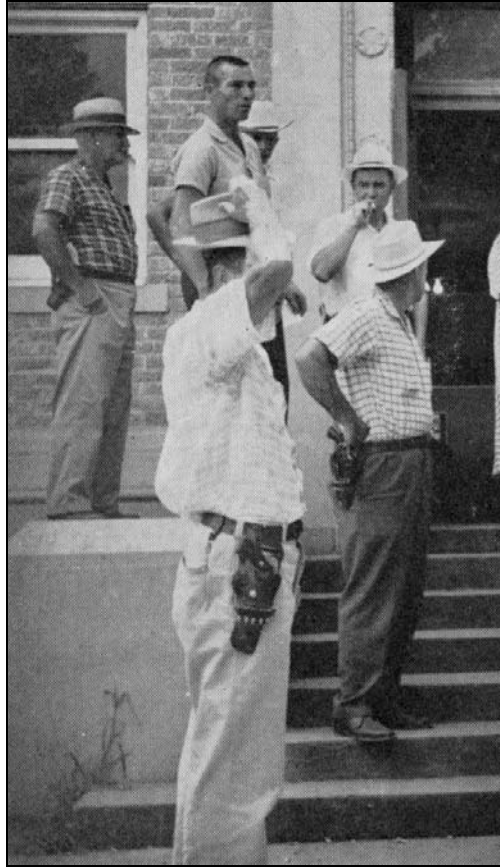


Figure 8.1 Fayette County sheriff deputies watching blacks queued in a voter registration line through the back (north) door of the courthouse, June 1960.¹⁵

regarded as an outsider who can't know the local problems and should go home and stay there," Maurice McCrackin reported. "The Sheriff assured me there was no need in Haywood County and things will work out just if only the outsiders will keep out."¹⁶ Sentiments did not improve even when visitors were involved only on cooperative work projects. Resentment transcended the immediate subject of voting rights. Robert Hamburger recalled walking with a coworker into a court-square hardware store in

¹⁵ *Tent City—Home of the Brave* (Chicago: Industrial Union Dept, AFL-CIO, [1961]), 5.

¹⁶ McCrackin, "Some thoughts on my arrest and imprisonment," undated [1961 Nov], Hortenstein papers.

Somerville in 1965. Recognizing who they were, the proprietor came slowly toward them, swinging a baseball bat in wide circles at eye level, all the time telling them how justifiably angry he would be if the snack cake wrappers they were holding “mussed up” his store. They got the message.¹⁷ As tensions mounted over direct action protests in 1963 and school desegregation after 1964, the confrontations actually increased. As late as 1969 Nashville minister and peace activist Baxton Bryant was nearly knifed by brothers John and Frank McQueen on a Somerville street in broad daylight.¹⁸

The blame for repression in these two counties transcended a small number of hard-hearted white officials. County officials and large landowners—those whose place atop the county establishment was most threatened by black-dominated local democracy—are the ones most frequently identified as the driving figures in both counties, but a large number of citizens (seemingly larger by virtue of the noise and confusion of confrontations) agreed with the measures taken. In fact, Fayette County adopted a populist approach toward segregation and economic reprisal. An informal, citizen’s council-like organization had formed and was functioning in Somerville at around the time the first black sharecroppers registered to vote.¹⁹ During jury selection for the 1959 Dodson trial the formality and tension of the courtroom was breached when defense attorney James Estes asked prospective juror Casey Duke Teague if he was or

¹⁷ Robert Hamburger interview transcript, p.11.

¹⁸ *Fayette Haywood Newsletter*, n. 32 (1969 Oct 14). The entire exchange was captured by photographer Brown Flynn; prints can be found in *Press Scimitar* morgue file 80137.

¹⁹ *Why Must Fayette County Organize?* (Fayette County Citizens' Council, 1964), 2:3 Haynie papers, UTK. I use *populism* guardedly because the proto-FCCC’s inclusiveness was—like conservatives’ use of *public*—that of a private, selectively inclusive group of like-minded peers. In this case the peerage consisted of those who were white, business owners and/or large farm operators, or county officials. So far as I can tell it did not include white tenants or workers generally. It was populist in that its proponents reached out to bring all (*i.e.*, Fayette County white elite) into involvement in its program.

had been a member of a White Citizens' Council. Teague responded that he did not know. "Asked if he saw anyone in the courtroom who might know," a Memphis newspaper reported, "Mr. Teague pointed to Asst. Atty. Gen. Preston Parks and said: 'Was that what that meeting was about that we attended?'" The courtroom broke up in laughter.²⁰ The group was functioning openly in Somerville immediately after the August 1959 primary election.

The proto-citizen's council represented a veritable Who's Who of the Fayette County political leaders and business elite. Active membership included former FCDEC chairman Basil Haddad, county commission member James Harvey "Preacher" Shelton, a Somerville dentist named Shivers, John Rosser of Rosser & Guthrie Furniture, Murray Parks, B.F. Goodrich Tire owner Billy Barnes, grocery owner Julian Pulliam, county sheriff David Myers, filling station owner and deputy sheriff Ted Davis, public accountant J. T. Greer (who chaired the county grand jury in 1961), general sessions court judge Paul Summers, and Ben Morris, son of Somerville physician John W. Morris. As the largest landowner in the county, Dr. Morris was interviewed repeatedly about local activities by investigators and news reporters. Morris was, as one local put it, "like an old coon. He's awful sharp. Never saw him at a meeting in my life. I think he's smart enough to stay away."²¹ The coalition was led by Somerville Elementary School principal and Tennessee General Assembly member David Givens. Its structure reflected the importance of grass-roots mobilization, the same lesson learned by the two Civic and Welfare Leagues. Coercive activity in each of the county's election districts was directed

²⁰ M. L. Reid, "Tensions Run High At Trial In Somerville," *Tri-state Defender*, 1959 Apr 11.

²¹ Hayden Williams transcript, 166-72-1 section 14, DoJ records.

by a chairman, vice-chairman, and secretary, who communicated with the fifteen to twenty-five participants living in the district.

Involving as many prominent individuals as it did, the embargo coalition was able to coerce other business owners who otherwise did not share its biases or needed customers badly enough to welcome anyone's business. The district leaders leaned on rural store and farm owners to maintain the embargo of registered black voters. Many who would otherwise have ignored the action in different circumstances reluctantly participated. A Chicago newspaper quoted one unnamed source in Fayette County, who "wouldn't say the smaller businessmen were forced to go along on this thing, but they know what the consequences are if they don't."²² The threat of reprisal for not subscribing to the anti-voter agenda was entirely real; even this measure had a curious fulcrum of moderation. A direct view into the workings of the embargo coalition exists in a transcript of Somerville drive-in restaurant owner Hayden Williams's interview with Justice Department supervising attorney J. Harold Flannery.²³ Williams's comments reveal how hard the embargo coalition had to work to keep white businesses suitably in line. The coalition maintained a grievance committee under the direction of local Rexall druggist Howard Rhea, which was the enforcement arm of the economic embargo on fellow whites. Reflecting the conservative perspective of society as a mutually agreed upon private relationships, the committee provided a forum for negotiations between boycotted business owners and the coalition members.

²² L. F. Palmer Jr., "Economic 'Heat' Hurting Whites," *Chicago Defender (national edition)*, 1960 Jul 2.

²³ Hayden Williams transcript, 166-72-1 section 14, DoJ records. Unlike the interview summaries made of conversations by FBI investigators, Williams' comments are an actual transcript from an hour-long audio recording of a 1961 Feb 2 interview and thus we can reasonably assume the 23-page document presents precisely what Williams actually said.

Even this activist group had its opportunistic “moderates,” and Rhea seemed to be one. For instance, several members wanted to include Somerville dry cleaner Herbert Fisher in its local embargo and called him to appear at a committee meeting to explain his business practices. Fisher, clearly an embattled moderate, demurred to the point that the general consensus among committee members was “well hell, if he’s not going to come to the meeting let’s just boycott him anyhow.” Rhea reportedly asserted that Fisher should not be boycotted until they had heard from him directly.²⁴ While the goals and intent of the embargo were clearly coordinated from above, individual coalition members and sympathizers seem to have assumed its boundaries could be extended where merited. Hayden Williams’s Highway 64 Grill was reportedly boycotted by “some of the boys from the gas company” because he employed the former cook of the Silver Moon Café, Katy Lee Yarbrough. Williams only found out why his business dropped off precipitously through customers: Mrs. Richardson, owner of Silver Moon, had personally telephoned “everybody in town.”²⁵

Though organized to coordinate economic pressure on black activists, the coalition also operated as a form of social coercion within the white community, employing local economics to enforce a traditional view of *public* service and social order. Far from being a closed club like the FCDEC, the embargo coalition established a dozen district-level organizations that involved hundreds of members from across the county.²⁶ It provided a strong, integrated, and mutually supportive base on which to construct first the embargo of 1960 and then the academy movement of half a decade

²⁴ Hayden Williams transcript, 2.

²⁵ Hayden Williams transcript, 4.

²⁶ Hayden Williams transcript, 10.

later. The weekly meetings in Somerville regularly drew 150 to 400 members—practically all of the town’s merchants, “all of them, every doggone time they met,” according to drive-in restaurant owner Hayden Williams. “They just about had to go, they were in the same shape I was in.”²⁷ Meetings typically featured a speaker, often drawn from the local business elite. One county-wide meeting held in May 1960 at Somerville Elementary School featured a guest speaker from the White Citizen’s Council national organization in Jackson, Mississippi and drew a crowd estimated at 1,500—“all they could get in the gymnasium.” Supervising attorney J. Harold Flannery confirmed several times that the Somerville coalition met weekly between September 1959 and May 1960 and only occasionally thereafter. By then the meetings had served their purpose, creating an exclusive network of awareness and cooperation between like-minded, locally privileged white people. It is clear that in Fayette County the embargo of black registrants and white moderates was a broad-based effort that did not result from the actions of a Star Chamber. These embargo coordination meetings in Somerville were discontinued entirely in November 1960, as evictions were beginning to draw national news attention. Organizers were fearful that a reporter might get into the meeting.

The Fayette County Citizens’ Council (FCCC) incorporated in March 1964, toward the end of the voting rights conflict, specifically to coordinate a response to the first stirrings of school desegregation. Passage of the Civil Rights Act of 1964 came in July, just as voter registration ended before the county elections in August and as the Cornell-Tompkins effort shifted to voter education. In Rhea’s Drug Store in Somerville, proprietor Howard Rhea posted a sign prominently over its single, previously white-only

²⁷ Hayden Williams transcript, 27.

water fountain reading “Fountain closed in protest of civil ‘wrong’ legislation. Act now! Join your local Citizens’ Council and help get this legislation repealed.”²⁸ Because of the size of the group it can be safely assumed that FCCC members, acting in their separate capacity as Democratic Party election officials, took a prominent role in the election irregularities documented by activists in August 1964. “The Fayette County Council,” the national Citizens’ Council magazine commented with pleasure, should be “remembered for its notable success in the summer of 1964 in offsetting political efforts of ‘invaders’ from Eastern colleges and news media to ‘Negrofy’ Fayette County.”²⁹

Besides the massive election fraud that sealed reelection for Clarence Pattat, the August 1964 city/county primary elections also provided a revealing example of the stratified paternalism among the Haywood County establishment. While June Dowdy ran for county assessor in Somerville, black former grocer and longtime activist Odell Sanders challenged the incumbent Democrat for his seat on the Brownsville city council. The council had made a calculated move to encourage a property-owning (and predominantly white) counterweight in the city to the growing black voting bloc in the county by passing an ordinance that allowed county residents who owned property in city limits to vote in city elections. This made Sanders, who still owned the building in which the Haywood County Grocery was located, eligible not only to vote in the city election, but also to stand for city office. After Sanders was defeated in the primary, the newspaper ran a relieved editorial captioned “Our Negroes Are Good Citizens.” “Good,” in the context of Sanders’ candidacy, meant that the black electorate did not vote *en bloc* to seat

²⁸ *Fayette Haywood Newsletter*, n.10 (1964 Oct 29): 4.

²⁹ Medford Evans, “Successful Councils at Work,” in “What the Citizens’ Council is Doing,” *Citizen* 10, n.6 (1966 Mar): 35.

the black activist, who it characterized as “unqualified” without an explanation—and without commenting about candidates with similar backgrounds who served on the council but happened to be white.³⁰ However, in April 1964, immediately after Sanders had filed his candidacy, the *States-Graphic* editor vigorously advocated the white citizenry organize bloc voting that they otherwise feared and decried among blacks, laying out how a candidate in a city election would be elected or defeated in an effort to preserve longstanding privilege.³¹

In Haywood County the middle-class Citizens’ Council movement never did get a foothold, despite early attempts by Fayette County figures to spark a similar structure in the county to the north.³² The Haywood County embargo seems to have been driven by a comparatively smaller group of county officials and landowners. However, the county elite were not the ones who carried out the best-known intimidations. Instead, Brownsville became a locus for the Ku Klux Klan, which drew almost strictly from lower-middle-class white society. Most of those known to have been Klan members were low-level managers, small farmers, and wage workers. Overt Klan activity in Haywood County began in 1965, during the conflict over school desegregation, but a small core of

³⁰ “Our Negroes Are Good Citizens” (editorial), *States-Graphic (Brownsville, Tenn.)*, 1964 Jul 10. It also praised the black community for not participating generally in recent direct-action marches and protests.

³¹ “Non-Resident, City Property Owners, Eligible For City Vote,” *States-Graphic (Brownsville, Tenn.)*, 1964 Apr 24.

³² “Preacher” Shelton, was also the primary figure in the similar meeting held at Stanton. “Bares Plot To Punish Tennessee Voters | Told: Oust Negro Tenants” (UPI), *Chicago Defender (national ed.)*, 1960 Dec 21.

Klan members and interested individuals were active in and around the county long before Klavern 10 was organized in Brownsville.³³

The stridence of segregation activists threatens to divert attention from the fact that this group of “assertive conservatives,” despite its influence, does not seem to include the majority of the white population in either county. In 1961 Cincinnati activist Virgie Hortenstein recorded a poignant example of how unevenly segregation was held by the white populace. In the first week of July she called upon Mr. and Mrs. W. K. Dickerson of Brownsville First Methodist Church. In Hortenstein’s telling, the town’s arguably most important churchman voiced a firm opinion of the racial conflict that reflected the interests of the establishment partisans. “This is our county and we’re going to keep it,” he asserted. Later in the conversation, however, Mrs. Dickerson spoke up.

She said she knew a colored woman that she wanted very much to be friends with and she wanted her to come sit in her living room where I was sitting. There was a wistfulness in the voice of the minister’s wife, a loneliness newly revealed. She might have added, “No, it is not proper for us to be friends. This can never happen.” She could not even add, “Not in my generation,” for here was her husband, who said, “this is a white man’s county and we’re going to keep it.”³⁴

Mrs. Dickerson was caught in the situation that faced many, perhaps most, white citizens during the voting rights agitation.

³³ This assertion about class participation is based on the names appearing in the Brownsville KKK papers and comparing them against county property and tax records. Ben Bridgewater, however, owned and operated a business in Brownsville and later served as the Grand Dragon of the Klan in Tennessee. Klavern 10 (Brownsville) was organized in November 1965. Brownsville KKK papers.

³⁴ “A Report on Visits with Eight Ministers in Fayette and Haywood Counties, Tennessee, July 1–3, 1961,” Visit No. 4, Hortenstein papers.

Embattled moderates

The embargo of black activists and white fence-sitters divided the counties' white society into unequal orbits. At the gravitational center were those who conceived and coordinated the embargo. This seems to be a fairly small group made up mostly of elected county officials and those with substantial business interests in the community. That group invited or coerced the participation of a much larger number of other white landowners and businesses, an attempt to enforce the idea of common interest and a single perspective among white citizens. To some extent the white-to-white coercion was successful. Whether willing, or reluctant but fearful of personal social or economic consequences, a large number of whites cooperated at least tacitly with the embargo of civically active black laborers. However the population was neither as uniform nor as united as its motivators would have wanted to believe. Some landowners quietly refused to participate in the embargo or pressure their laborers but did not take a public stand against the measures. Perhaps hoping to remain under the social radar and avoid having to choose sides, these landowners were vulnerable—and they knew it.

There was little or no middle ground between the competing polarities, a situation encouraged by activists on both sides of the conflict. Either blacks should vote or they should not; either one enforced the embargo or one was included in it. Oddly, many people in each county, both black and white, occupied the position that logically did not exist, dodging the activists on both sides and going as quietly and anonymously as possible about their daily business. Whites who did not agree openly with the assertive segregationists occupied an inherently weak position. Many succumbed to outright tyranny, accommodating to social pressure under fear of being subjected to the economic

reprisal meted to the black activist community. This was particularly true in Fayette County, where the populist nature of David Givens's segregationist coalition allowed it to practice intimidation by inclusion. Some may have disagreed either with the segregationists' social aims or the economic methods used to coerce activists back into place or out of the county, but were reluctantly willing to go along with embargo measures to avoid conflict. These circumstantial moderates recognized and often admitted the inequities in social arrangements but were interested less in resolving matters amicably by mutual compromise than in simply avoiding conflict with either side. These were those caught, as David Chappell put it, "between morality and politics," or more precisely in this context, between morality and socioeconomics.³⁵

Moderates included those who might not have participated in the tactics of establishment partisans, but caved in to pressure and evicted their registered tenants reluctantly or unwillingly. The reluctant action of one moderate, E. Bertram Coburn, is a good example. Countee Wilkes related how Coburn had dodged him for weeks until the two met by accident in October 1960. Later Wilkes recorded his account of their meeting.

"I'd been wanting to see you, Wilkes, for several days, but I just couldn't get around to it." And I said "Now, Mr. Coburn," I say, "you ain't been wanting to see me that you have been passing my field every day, and uh, you should have stopped." He said, "Well, Wilkes, what I had to tell you, that I can't hardly get it out," [he] said, "You have been retained for sixteen years with me. You haven't given any trouble. And I'm gon' have to—" and I said, "Well if you'd been wanting to see me, you could have told me." He said, "I didn't hardly come out with what I had to say," I said, "Well, it must not been for me, Mr. Coburn." He said, "Well now Wilkes, I'm going to have to let you go," he said, "but I will give you a good recommendation anywhere you go." I said, "Well, now Mr. Bert," I said, "I wouldn't accept a recommendation like that and nobody else would. You

³⁵ David Chappell, *Inside Agitators: White Southerners in the Civil Rights Movement* (Baltimore: Johns Hopkins Univ. Press, 1994), xxi.

giving me such a good recommendation is turning me off,” I said. “Other people would think something else [was] funny about the situation.”³⁶

Moderates might also include those who declined to evict their tenants despite pressure. Danceyville grower Katherine Davis refused to evict her long-time tenants after they registered to vote because they were dependable employees, not because she agreed with the civic involvement of the black populace.³⁷ Some who leaned sympathetically toward the black community (or at least away from repression by elements of the white community) were able to get around the embargo. One was retired Lt. Colonel and Fayette County native George B. Cummings. Cummings actually lived in Collierville, across the Fayette County line in Shelby County, but ran a small rural store with his farm operation south of Rossville. He told FBI investigators that he had been contacted “during 1960 by several white persons” who suggested he “cooperate with white people” and require any tenant who registered to vote to leave. These separate visitors each invited him to a series of meetings in a group that was never named. These unnamed persons suggested that “if Cummings did not cooperate with the white people, both he and his hands would have difficulty ginning their cotton and otherwise.” Cummings declined to participate, insisting that “he did not agree with their methods and would have nothing to do with their meeting or their proposals to require Negro tenants to move if those Negroes registered.” Reprisal was not long in coming. Alva Carpenter, the local deliveryman for the Curtiss Candy Company, ceased deliveries to Cummings’ store, followed by the supplier from Dixie Distributing Company out of Jackson, Tennessee.

³⁶ [Countee Wilkes], *They Chose Freedom* album, transcript p.5.

³⁷ Katherine Rawlins Davis interview summaries, 1960 Apr 13, 27, case 166-72-1 section 2, DoJ records.

Cummings contacted a manager of the latter firm who “indicated he was not aware that the beer truck was not stopping at Cummings’ store and that, thereafter, deliveries at his store were resumed.” To minimize conflict, but also to not support those pushing the embargo locally, Cummings trucked his seed cotton into Shelby County or to Mississippi.

Even Col. Cummings drew the line, however, at open political activism among his tenants. Cummings refused to evict his registered tenants, fearing that taking such action compromised others’ civil rights and might invalidate his military pension, but disagreed just as firmly with the pressure applied by black activists on unregistered tenants to register as voters. Cummings threatened to void an agreement on a rural church his family had helped build on land he now owned if voter education meetings or “discussion of ‘politics’ and racial matters” was held there.³⁸

Some moderates tried to avoid conflict by avoiding everything. Esther Green refused to sign the embargo petition presented her by Ko Ko gin operator Shelby Dixon, but then dodged any other involvement or comment about either side.³⁹ Whiteville landowner Albert Emerson, unwilling to evict cropper Thad Turner for merely political reasons, was pressured to sell the parcel Turner farmed. When the sale was complete, the buyer, Walter Stewart, promptly evicted Turner.⁴⁰

While some moderates fell in line with pressure to conform to the embargo, others resisted the measures individually. Such private interaction—such as a sales clerk one-on-one with a customer—could provide a moderate with a guarded opportunity to

³⁸ George Bradley Cummings interview summary, 1960 Apr 24, case 166-72-1 section 13, DoJ records.

³⁹ Esther Green interview summary, 1960 Apr 27, case 166-72-1 section 2, DoJ records.

⁴⁰ Currie Boyd interview, 1959 Dec 22, 166-72-2 sect 1, DoJ records.

selectively circumvent economic pressure. George W. Douglass related the experience of Thaddus Turner, who went to buy an iron at the Western Auto store in Brownsville. Turner had only half of the \$10 price in his pocket and wanted to charge the other half on account. The manager felt he needed to appear cooperative with the embargo but did not seem to support the measure; he was willing to extend himself personally to circumvent the boycott. “The manager told him he could not give Turner any credit on the books of the store, but that he would personally lend Turner \$5.00 from his own pocket to complete the purchase price.”⁴¹ In other words, the manager was willing to cooperate “publicly,” or within the closed circle of white business owners, but was privately willing to ignore the embargo—at least in Turner’s case.

Federal authority dealt the embargo’s architects a telling blow by filing *US v Atkeison* and *US v Beaty* in December 1960. The arguments upon which conservatives built their social structure was challenged as invalid, but the suits did not reassure timid moderates who avoided confrontation, and the cases terrified even those not named in the suits. To that point no local figures, including local attorneys, had experience with federal injunctive civil actions and did not know what to expect. The only familiar point of reference was the action of federal criminal courts. “What’s going on now, Mr. Williams?” Flannery asked Williams at the end of their interview. “Is the boycott still on?”

Mr. Williams: They have drawn up in a knot, half of them are scared to death.
Mr. Flannery: Is that because of the suit? Because of the case?

⁴¹ George W. Douglass interview summary dated 1959 Dec 23, case 166-72-2 section 1, DoJ records.

Mr. Williams: That's right. In other words, when you're staring the penitentiary in the face you just get out of the way and try to keep off base, that's all.⁴²

Williams's comment suggests that many local merchants and business owners were uncomfortable with the embargo and the rigid segregation it tried to enforce, even as the other, implied "half of them" were perfectly comfortable standing firm to maintain it. Though the informal citizens' council ceased meeting in November 1960, the law suits undercut widespread support for concerted conservative economic repression among the white population. However, tenant evictions continued unabated and the boycott effectively continued on an individual basis for several more years. In 1962 the Justice Department looked a second time into white economic pressure, but took no action.

More common were interactions like the one workcamper Linda Lynes experienced during her stay in Haywood County. The family hosting her was one of the few black families that owned a tractor. While she was working there, the tractor belonging to her host needed repair.

He told the girl who was living with me in his home that she and I had better stay indoors. He had called a white man to do the job, and while the white man was willing to include a Negro's tractor among his jobs (because as Mr. Tom put it, "A Negro's money is the same as a White Man'.") yet Mr. Tom said, "This man is mean, and he might not like it, you livin' with us."⁴³

Others were caught between fear of isolation and moral imperative. They opted to sit quietly, doing nothing. They did not support the segregation agenda, but "refused to give help to the Negroes because they felt the white people would resent it and they did not

⁴² Hayden Williams transcript, 166-72-1 section 14, DoJ records.

⁴³ Lynes, "Firsthand," *Town Crier*, 1963 Aug 1.

want to arouse that resentment.”⁴⁴ “If only a dominant few would take the pressure off,” wrote Bill Schiller, “then a lot of people who are afraid to speak up now would be willing to see the Negro get an even break.”⁴⁵ The dominant few did not act, however. The moderates had no visible example to follow.

One clear indication of the deep division in white viewpoints was described by Cincinnati activist Virgie Hortenstein in the summer of 1961. Though she sympathized with the plight of poor field hands, she tried to understand both sides of the conflict. Over three days in July she visited and interviewed eight white ministers in both counties.⁴⁶ She found, unsurprisingly, that ministers reflected the interests of their communities. Of the eight ministers, W. H. Dickerson, mentioned earlier, was an unabashed segregationist. One other was in the same camp. Five expressed comments that suggested their status as timid circumstantial moderates, foreseeing change as constructive and perhaps right, but unwilling to take the activists’ side. The last, Robert Rickard of Brownsville, might have been a quiet supporter of social progress until Hortenstein suggested he meet with the Rev. June Dowdy. Rickard hesitated; “He said he didn’t think he should see him just now, and he couldn’t exactly say why.”⁴⁷

⁴⁴ “A Report on Visits with Eight Ministers in Fayette and Haywood Counties, Tennessee, July 1–3, 1961,” Hortenstein papers.

⁴⁵ Bill Schiller, “Tell Experience in South,” *Daily Illini (Univ. of Illinois)*, 1963 Jun 6.

⁴⁶ “A Report on Visits with Eight Ministers in Fayette and Haywood Counties, Tennessee, July 1–3, 1961,” Hortenstein papers. I have been able to confirm that No.1 or No.2 is William H. Luras of the East Brownsville Methodist Circuit (leaving the other unidentified); No.3 is Rev. Call of the Brownsville Methodist Circuit; No.4 is W. K. Dickerson of Brownsville First Methodist Church; No.5 is likely William W. Ford of an unidentified Somerville church; No.6 is Robert Rickard of an unidentified Brownsville church; No.7 is likely E. M. Williamson of Brownsville First Presbyterian Church; No.8 is Benjamin H. Shawhan of an unidentified church in Mason. These attributions are based on letters to each dating 1961 Oct, referring to the content of their discussion and found among the Hortenstein papers.

⁴⁷ “A Report on Visits with Eight Ministers in Fayette and Haywood Counties, Tennessee, July 1–3, 1961,” Hortenstein papers.

In a society dependent on hierarchical personal relationships and obligations, it is remarkable how long relationships that crossed the racial line remained superficial. While dependence/paternalism relationships might generate a measure of trust between landowners and tenants, particularly long-term tenants, it rarely engendered friendship. To maintain their own standing in the embargo enacted by the *public* to which they belonged, some landowners had little problem releasing people who had worked their land for decades. Place was place. A few white landowners faced pressure to compromise long-standing relationships that almost looked like actual friendship. Jesse Jones, for instance, was served with an eviction notice, although he had been with this white landlord since 1925 and he was sixteen.

He and his landlord had for years eaten together at the table, slept in adjacent rooms. They had often saddled their horses together and then gone off each his own way to “court” his lady friend. And now Jesse Jones had been asked to move. But later the landlord repented, asked Jones to stay, as well as the other tenants who had registered. He gave Jesse Jones his customary loan and made it higher than before. And, Jesse Jones told us with his face all smiles[,] that the farmer had hired him for about \$200 worth of odd jobs as well!”⁴⁸

Maintaining contact with the black community was a quiet way of taking a stand while minimizing risk.

Coordinated coercive pressure was necessary for the embargo to have any effect. The solvency of many rural grocery owners hovered around the break-even point and they could not be choosy about customers. “Taking the dollar” from someone irrespective

⁴⁸ Operation Freedom, “Newsletter No. 2”, 1961 Jun 25, taken from [Richard Haley], “A first day’s impressions [Wed., 1961 Jan 11], 22:36 McCrackin papers.

of color was simply financial survival.⁴⁹ A few of these moderates were willing to give a frank opinion off the record. “Don’t quote me because it would ruin my business,” one unidentified merchant told a Nashville *Banner* reporter in January 1961, “but I think the Negroes and whites ought to get together on this thing. It’s the law that Negroes can vote and we might as well get along with it.”⁵⁰ But such moderates as existed in the county lacked cohesion and dared not risk what *place* they themselves occupied. In the context of these rigidly stratified societies, *place* did not refer merely to the social situation of black tenant laborers. It referred to whites as well. If it was the place of the local elite to protect the interests of the community (and their *place* atop it), then it was the *place* of those whites who were not elite to support them without question.

Reasons not to support the embargo varied. Some business and landowners feared the consequences from a loss of business. Some were ideologically influenced; they accepted segregation as a practical fact but believed in the inherent rightness of fair play. A few simply did not agree that segregation should be a matter requiring enforcement; segregation accepted by both sides as tradition was one thing, but attempting to enforce it from only one side of the relationship was not right. If there were only few of this latter group in either community, there were at least a few. The population of urban areas provided greater support for like-minded individuals; in rural towns an anti-segregation stance put the holder in a vulnerable and often lonely position.

⁴⁹ L. F. Palmer Jr., “Economic ‘Heat’ Hurting Whites,” *Chicago Defender (national ed.)*, 1960 Jul 2.

⁵⁰ Al Kuettner, “Fact, Fiction Mingle In ‘Freedom Village’ Claims,” *Nashville Banner*, 1961 Jan 9. Tennessean Wilma Dykeman and coauthor James Stokely later observed, speaking of the South generally, “Our political leadership might have come forward and led us, our newspapers could have been more constructive, our churches might have proclaimed the light with a little more heat, but nobody filled the vacuum until the White Citizens’ Councils got under way and the politicians saw they could make hay on the issue, and then the main chance was gone” (quoted in Daniel, *Lost Revolutions*, 181). No one wanted to risk being first.

Maintaining a moderate stance within a rapidly polarizing community left one in a lonely and exposed position. Whites who could be identified as moderates, like Hayden Williams, found themselves added to the segregationists' social and economic embargo not because they *supported* black voting, but because they *did not* support white tactics.⁵¹ Moderates employed a conservatism that was more temporal than social or political. They did not seem either to support or fear change. A "new normal" was not the problem—even if it involved a black electorate—but they disliked sharp or direct interruptions to daily life. They hoped comity and stability could be maintained, even at the expense of allowing a black civic and economic identity to grow and be adopted into the *public* community.

Discrete empathizers

The assistance contributed by activists' external groups and volunteers was important, but a few white citizens within the counties were willing to stand outside the cultural norm. Almost ignored in the Fayette/Haywood story are the white citizens of both counties who refused to stand up with their segregationist neighbors in repression. They were also unwilling to throw visible support behind the integrationist cause. A thin and irregular line existed between circumstantial moderates, who were unwilling to challenge convention but likewise unwilling to join the repression, and those few who quietly ignored or countered "public" pressure to participate in the embargo. Sociologist Harry Holloway called them "embattled moderates" but they are perhaps better described as *discrete empathizers*. None seem fired solely by ideology. Most simply felt that

⁵¹ "Mrs. DAVIS advised she felt there was some connection between actions against her and Negroes attempting to register in Haywood county but was at a loss to see the connection as she is opposed to Negroes registering to vote." Synopsis of Katherine Rawlins Davis interview transcript, dated 1960 Apr 13, case 166-72-2 section 2, DoJ records.

pressuring someone to move because they wanted to vote crossed a dividing line between fairness and unfairness. These quiet empathizers typically countered pressure within the limits of their private affairs, and they took some sort of action against evictions or the embargo on their own.

One of Hortenstein's churchly informants reported the story of a rural Presbyterian minister named Hyatt who preached in churches at Oakland and Hickory Withe and had taken an open stand against economic pressure. His Oakland church said nothing, but prominent members of the Hickory Withe church began leaving until there were not enough members to pay his salary. When he still refused to leave, they charged him before the presbytery with neglecting certain members of the congregation. The case was dismissed and Hyatt stayed on for a few months, but eventually he left to accept pulpits in Shelby County. The loss of a vocal supporter was a setback to activists. "The man was young and unmarried and would have made it so much easier for other ministers to speak out more," stated Hortenstein's informant.⁵²

The Haywood County landowners willing to enforce control of the black labor force by eviction were evidently not a majority. Not all landowners were cowed by pressure. If most did not take a stand against it, some did. Katherine Rawlins Davis and a neighbor, Mr. I. S. Carter, drove from Brownsville to Memphis on their own initiative to furnish federal investigators with first-hand information about the pressure tactics imposed on them: an informal group of businessmen, including neighbor Robert Archbell and Brownsville banker F. R. Chapman, had been urging landowners one-on-one to evict field hands who had registered. Stanton landowner Bond Morgan was

⁵² "A Report on Visits with Eight Ministers in Fayette and Haywood Counties, Tennessee, July 1-3, 1961," Hortenstein papers. Hortenstein to Rickard, 1961 Oct 25, Hortenstein papers.

presented with a petition that he would “remove from his farm any Negro who caused trouble.” The document was merely a paragraph long and did not specifically mention voting, but he signed his name because a large number of prominent neighbors had as well—he “went along with the majority.” Later, however, when personally approached by an unidentified individual who asked him specifically to “remove from his farm any Negroes who wanted to register in Haywood,” he took a stand and declined explicitly, but by then it was easy—his one registered tenant had left for Chicago.⁵³

Occasionally someone was willing to act quietly but openly, simply standing against *public* (*i.e.*, white) sentiment. Stanton undertaker Gillem Jones advanced crop loans to blacks denied loans by their landowners.⁵⁴ Retired farmer Robert R. Dulin picked up a load of wholesale stock from outside the county for Brownsville grocer Odell Sanders before the embargo finally choked off Sanders’s business. “He ought to have his right to make a living, same as white folks,” Dulin told a reporter from Nashville. “I’ve been criticized for what I did for Odell, but just like I told the sheriff, I’m not sorry.”⁵⁵ Activist landowner Shepherd Towles’ mortgage was carried in a private contract by a woman who refused to change the terms. “She has been approached by segregationists on the matter of foreclosure of the mortgage, but has refused to accede to such pressure. So far,” wrote Richard Haley. “Several white people in the county have held fast to their refusal to enter the segregationist covenant. None (so I’m told) has gone so far as to testify in court, but there is obviously less than 100% support of the White Citizens’

⁵³ Katherine Rawlins Davis interview summary dated 1960 Apr 13, case 166-72-2 section 2, DoJ records; Bond Morgan interview summary dated 1960 May 10, 166-72-2 section 2, DoJ records. Both men were later specifically named in the 1960 Dec petition for a temporary injunction.

⁵⁴ James Talley, “Fayette Invokes Economic Force,” *Tennessean* 1960 May 8.

⁵⁵ James Talley, “Fayette Invokes Economic Force,” *Tennessean* 1960 May 8.

program. Furthermore, there is reason to believe a substantial part of the support has been achieved through coercive social pressure, even the threat of inclusion in the boycott.”⁵⁶

There is no record of how many whites quietly supported their black neighbors in the struggle for civic individualism, dodging notoriety because the social and economic stakes were too high. Among the larger white community the number of this third class was certainly small, but not nearly as small as the number of whites who simply flouted pressure and supported black efforts for participation.

Open supporters

A tiny class of local whites brazenly refused to cooperate with the programs of economic pressure or massive resistance to investigations and the courts. These nonconformists can be counted on one hand; in both counties only three couples, all mentioned in earlier chapters, are known by name: Leo T. and Frances Redfearn in Fayette County, and Oren and Sara Lemmons in Haywood County; Art and Carolyn Emery moved their family from Iowa to Tennessee specifically to cultivate an economic structure in the hands of black activists.⁵⁷

In 1960 the Redfearns and Lemmons shared the lowest level of privilege in the white community. Oren and Sarah Lemmons had moved from Memphis to rural Stanton for the sake of his health and shared an interest in three local businesses with his brother. Their retail store and dry cleaning business in Stanton had long catered to both black and white clientele, as most small-town stores did. Like most rural families they lived in

⁵⁶ [Richard Haley], “A first day’s impressions [Wed., 1961 Jan 11], 22:36 McCrackin papers.

⁵⁷ No contemporary source mentions more than these three families, and most leave out Emerys entirely. cf. Prilla Smith, “The Poor Negroes and Their Shacks,” *The Establishment (Sarah Lawrence College)*, 1963 Feb 28; Virgie Hortenstein, “Work, Violence, and Faith in Fayette County,” *Friends Journal*, 1963 Jul; Roger Conant, “Northern ‘Agitators’ To Tent City,” *Daily Illini (Univ. of Illinois)*, 1963 Mar 2.

cyclical debt, yet they were relatively stable and moderately successful if compared to tenant farmers. Both were drawn into the voting rights actions in the early days of the white embargo. When fellow businesses owners presented the Lemmons with the agreement to embargo black families who had registered to vote, the couple refused to participate. At the preliminary injunction hearing under *US v. Beatty* in December 1960, Sara Lemmons was the only white person to testify in court about the coordination and aims of the white business community.⁵⁸ She, said one activist, “is an individual who got into this situation in the first place out of a simple impulse to do the right thing. I don’t think she foresaw all that would happen—although she knew it was a dangerous course.” “But she knows now that she stands 100 per cent with the Negroes in their quest for freedom—and this battle is of personal importance to her.”⁵⁹ “It has practically ruined my business,” she later told Maurice McCrackin, “but I feel like that people should take a stand, and stand up for what’s right in the community they live in, and then they might be an example to somebody else that would come forward and be—wouldn’t be afraid to take that same stand.”⁶⁰ The Lemmons stood up, but no one joined them. Despite financial help from Operation Freedom, by 1963 their three previously successful retail and dry cleaning establishments in both Stanton and Mason were among the business casualties of the economic boycott.⁶¹ With Operation Freedom’s support the Lemmons

⁵⁸ Paul Vanderwood, “Tells of ‘List’ In Haywood,” *Memphis Press-Scimitar* (*final ed.*), 1960 Dec 20.

⁵⁹ Anne Braden to Herman H. Long, 1963 Mar 28, p.10, 57:1 Braden papers.

⁶⁰ Voice 2 [Sara Lemmons], *They Chose Freedom* [audio recording], (Cincinnati: Operation Freedom, 1961).

⁶¹ [McCrackin] to Mr. Brattin, 26 July 1963, 18:24 McCrackin papers; Maurice McCrackin, “Whites Take Stand,” *Southern Patriot* 19, no. 2 (February 1961). The Lemmons tried farming unsuccessfully and eventually moved out of the county.

bought a farm outside Mason and moved a few miles south and west to Tipton County. There they hoped, idealistically but rather naively, to provide farmland for some of the families evicted from Haywood County. The strength of the Lemmons' support for their black neighbors did not equate with ability to plan, enact, or manage their affairs. The Bradens and Operation Freedom tried to help the Lemmons solidify themselves economically. Accustomed to both a life of cyclical debt and to an unsustainable model for economic paternalism, the Lemmons barely held themselves together with donated funds as they in turn made crop loans and extended run money to virtually all who asked.⁶²

In Fayette County, Leo T. Redfearn, on the other hand, was one local white man willing to stand openly with his black neighbors in their effort. "Red" farmed and had brushed with the law over moonshining. He and wife Frances Redfearn owned and farmed over 500 acres outright and their half-dozen tenant families farmed nearly 500 more on which they were making payments. Years later detractors argued Redfearn only supported black voting rights because he saw an opportunity to ride the voting bloc into local power against political rivals in the Democratic Party. He did run against the local establishment candidate in three county sheriff elections. In the reported election results he was soundly defeated each time, despite nearly wholesale support from the black community. He was also the only local white man willing to be photographed or cooperate openly with his black neighbors. If he was acting out of self-interest,

⁶² Mac [McCrackin] to Jim [Dombrowski], 1964 Mar 1, 24:14 Braden papers. Though titled "Operation Freedom" box 57 folder 1 of the Braden papers is filled with material on the Lemmons, including a biased but detailed summary compiled by sociologist Carroll G. Barber in "Confidential Report on the situation of Mr. and Mrs. O. M. Lemmons, Haywood County," 1963 Feb 18, which was strongly critical of the couple, and two private assessments of the Lemmons and their challenges in Carl Braden to McCrackin, 1963 Mar 5, and Anne Braden to Herman H. Long, 1963 Mar 23.



Figure 8.2 Fayette County Economic Development Committee, ca.1964. One of the six standing men is unidentified, but it is not known which (from left): Square Mormon, Houston Malone, Simon Wilkerson, Isaiah Harris, Boston Bledsoe. Seated: unknown (out of image), L. T. Redfearn, Harpman Jameson, James Carpenter, John McFerren, Rufus Abernathy, E. V. Braswell, NSF rep Allen Yancey.⁶³

Redfearn's stand was at least constructively opportunistic.⁶⁴ His huge and very costly gamble never paid a dividend. His visible support for black neighbors and white activists compromised the family's ability to maintain their hold over their property as well. Plagued by ill-health, Redfearn lost to foreclosures all farmland which he did not own outright, but he remained a citizen of Fayette County until his passing in 1996.⁶⁵

The stance taken by both families isolated them from the rest of the white community. After the Bradens first visited the Lemmons in early 1963, Sara wrote Anne

⁶³ *The South's Revolution, Challenge to the Nation* [brochure] (National Sharecroppers Fund, [1962]).

⁶⁴ "Cold War in Fayette County," *Ebony* (1960 Sep): 27–34; Viola McFerren to author, 2003 Feb 16; [McCrackin] to Wally and Juanita [Nelson], undated [summer or fall 1961], 18:24 McCrackin papers.

⁶⁵ Redfearn (1917 Aug 21–1996 Oct 30) is buried in Somerville Cemetery.

Braden that “Meeting you and Carl meant so much to me. We do not have any one to talk to over our problems with and give advice except the Redfearns.”⁶⁶

* * *

David Chappell observed that Southern black rights-movement activists “understood white southerners well enough to take advantage of covert white sympathy, and of fatal divisions among segregationists, in a wide variety of ways.”⁶⁷ That comment probably cannot be generalized to either the Fayette or Haywood branch of the struggle for two reasons. First, the relationships between urban whites and blacks was qualitatively different than that between rural whites and blacks. In agricultural settings there seems to have been very little interaction between members of the groups beyond individual dependence/paternal obligations and occasional service contacts in retail establishments. In urban areas, domestic labor offered opportunities for confidential one-on-one conversation, a private, negotiable world where cross-class and cross-race interaction could be much more personal.⁶⁸ Very few opportunities existed for that sort of labor in rural towns. Second, despite repeated attempts to solidify their organizations, activists in both counties were too dispersed and loosely coordinated. The HCCWL was too fragmented to draw upon the threads of support it found in Stanton and Brownsville; the Lemmons remained impotent champions, commanding neither assets nor tactical savvy for an extended conflict. In Fayette County, John McFerren’s deep-seated fear of

⁶⁶ Sara [Lemmons] to Anne Braden, 1963 Mar 22, 57:1 Braden papers.

⁶⁷ Chappell, *Inside Agitators*, xxi.

⁶⁸ Susan Tucker, “A Complex Bond: Southern Black Domestic Workers and Their White Employers,” *Frontiers: A Journal of Women Studies* 9, no. 3 (1987): 6–13; Judith Rollins, “Deference and Materialism,” *Between Women: Domesticity and their Employers* (Philadelphia: Temple Univ. Press, 1985), 155–203. “Love, economic exploitation, respect and disrespect, mutual dependency, intense self-interest, intimacy without genuine communication, mutual protection—all of these elements were contained in this extraordinarily complex relationship” (178).

being manipulated and his suspicion of almost any white face made it all but impossible to build coalitions of any sort. Fragmented and isolated, the potential strength that a coordinated effort might have had simmered in the conflict until it boiled away.

Half a decade later, as social gains made under civil rights activity became socially entrenched and the Black Power movement radicalized black political discourse, Richard Nixon perceived the growing fearfulness of the privileged families who had fled cities. Nixon saw an opportunity to rally a dissatisfied and fearful “silent majority” fueled by fears that white suburban enclaves might be required to integrate public services with the blacks that had flocked from mechanizing Southern farms to cities looking for work.⁶⁹ The right-ward movement of conservative Southerners was already in motion. As early as 1963 an ideological realignment became visible in West Tennessee and merited an editorial in Brownsville’s *States-Graphic*.⁷⁰ As the counties geared up machinery for the post-Kennedy presidential election, the *States Graphic* ran an editorial marveling at the number of local Democratic voters intending to cross previously inviolable party lines to vote for Barry Goldwater.⁷¹

Whether conservative, moderate, or empathetic, the single most substantive change for rural white society was to repudiate their side of dependency/paternalism

⁶⁹ “Recently Chicago’s Supt. of Schools Benjamin Willis testified before Congress on some of the problems created by this heavy migration into Chicago. Of the elementary school children who were over-age and required special handling, Willis estimated that 35 per cent had been born in the Deep South and had lived in Chicago less than five years.” Samuel Lubell, “Farm Jobs Vanish; Training Goes On,” *Cincinnati Post & Times-Star*, 1965 Aug 14.

⁷⁰ Rick Perlstein, *Before the Storm: Barry Goldwater and the Unmaking of the American Consensus* (New York: Hill and Wang, 2001); Matthew D. Lassiter, *The Silent Majority: Suburban Politics in the Sunbelt South* (Princeton: Princeton Univ. Press, 2006); *Painting Dixie Red: When, Where, Why, and How the South Became Republican*, ed. Glenn Feldmann (Gainesville: University Press of Florida, 2011); “Democrats” (editorial), *States-Graphic (Brownsville, Tenn.)*, 1963 Jul 19.

⁷¹ “Democrats, Republicans, and Independents” (editorial), *States-Graphic (Brownsville, Tenn.)*, 1964 Jul 24.

relationships. Once severed, local whites began denying outright that their traditional practices had played any part at all in creating the conditions of rural poverty endured by their former laborers. Surrendering paternalism stripped local conservative discourse of its only basis for direct social obligation. At the same time, the negative language used to describe blacks as dirty, uneducated, shiftless, and lazy became teleologic assertions that tarred the underclass as an unsuitable “other,” while insulating conservatives from prior responsibility for the poor’s circumstances. Under this line of reasoning the poor were in that condition not because they had long been denied opportunity, access, or education, but because the poor did not share the individual qualities conservatives ascribed to themselves.

Faced with roiling economic changes, feeling attacked politically, uncomfortably seeing their premises of exclusive *public* wither in court, white society in Haywood and Fayette Counties was in terrific flux. Surrendering paternalism to seize new forms of employment and agricultural production, generally whites wished the debate over black voting rights would just go away and everything would go back to “normal.” Of course, the conflict only broadened and intensified. As the debate over poverty and race became tangled in political discourse in the 1960s, these two West Tennessee counties provide microcosms of the nation’s larger struggles.

Chapter 9

Economic and Political Discourse in One Corner of Rural America:

The Issues

Social equilibrium of the United States [is] an unstable equilibrium, always in passage from one state to another.¹

It can be argued that the beginning and end of all attempts to understand the American past center around the effort to comprehend what Americans have meant when they used the words *liberty* and *freedom*.²

Historians necessarily think in terms of period or geography for the convenience of study and to stay within the limits of publication, but life does not have boundaries. Human society is a biome, complex and organic, with varied actors and circumstances both feeding and drawing upon the time, place, circumstance, and ideas. As in nature, there is no truly independent variable or permanent structure in human society. Social constructs such as segregation can never be absolute or impermeable, and no tradition passes unchanged into the future. In these two West Tennessee counties, the larger changes over the half-decade between 1959 and 1964 are an important context for the meanings at play in the question of both tradition and voting. The political question did not occur in a vacuum. Appreciating the human stories and the ideas that fueled them invites a return to some of the hard, impersonal numbers that create a contextual framework on which to hang them.

¹ Bernard DeVoto, "The Meal in the Firkin," *The Literary Fallacy* (Port Washington, N.Y.: Kennikat Press, 1969), 154.

² J. W. Cooke, "Jefferson on Liberty," *Journal of the History of Ideas* 34, no. 4 (1973 Oct–Dec): 563.

Economic discourse

As the voter registration effort began to take hold, Somerville grocer J. L. Howse asserted, “We don’t care what nobody else out there thinks. There’s nobody can help us and nobody can hurt us.”³ The view that his rural community was insular and functionally independent was about to endure a wrenching transformation by factors far beyond the issues of local politics. Fayette and Haywood counties were two of the last bastions of the South’s century-long traditional manual-labor cotton culture. James F. Estes argued early that “There is no great need for mechanization of farms in these counties because of the size of the farms and the terrain.”⁴ That assertion is difficult to sustain: terrain could be reshaped, and field size could change in a single season; in fact, field mechanization was poised to be a major factor in labor displacement. In the spring of 1960 one white farmer borrowed half the assessed value of his entire farm operation to buy a self-propelled cotton picker. “He figures he can pick his own cotton, plus some for his brothers, and make the investments worthwhile—but he figures that in any event he is forced to mechanize or lose out altogether.”⁵ By the end of the same year the local newspaper commented on the stark economies of manual v. mechanized labor. Using tractor-drawn field equipment, Aubrey Parks and a single field hand worked for a month to harvest sixty bales of cotton, “a good corn crop,” and other farm products.

³ “Cold War in Fayette County,” *Sepia* (1960 Sep): 27.

⁴ “Minutes of a Meeting of a Group of Interested Individuals,” LeMoyne College, 1961 Jan 21, III:A280, NAACP records.

⁵ Thomas Michael, “Whites Anticipate Change In Uneasy Fayette County, But Hope For No Friction,” *Commercial Appeal (Memphis, Tenn. ; Press-Scimitar morgue file 80137)*, 1960 Mar 31.

Experienced local growers later estimated that the same crops harvested by manual labor would have required at least seven hands working for two months.⁶

Agriculture changed more quickly in the twentieth century than at any earlier time in its 10,000 year history. Sprayer-delivered pre-emergent herbicides eliminated the need for weeks of laborious manual “chopping.” Insecticides reduced crop losses to boll weevil and corn worm. New techniques and fertilizers increased crop densities and boosted yields. Field equipment continued to specialize and grow larger; self-propelled single-crop combination harvesters (combines) reduced harvest times on acreages to mere days or hours. If local farms were to remain viable they had to adopt the equipment and practices. Traditional methods and technologies were obsolete. Farming, like industry, was quickly becoming subject to economies of scale.

But mechanization was only part of the equation. At least two other factors contributed to the rapid decline in manual farm labor. As shown in Table 9.1, one factor was clearly crop diversification. Cash-crop-producing commercial farms had not been self-sustaining production units for decades. Sharecroppers, however, still produced subsistence crops of corn and garden provender, so the decline of tenancy may be the chief factor in the drop in corn acreage planted in both counties. If corn was chiefly a subsistence crop, the acreage figures suggest how dependent both local economies were on cotton—and thus on tenant labor—at the cusp of the voting challenge.⁷ Labor-intensive but highly profitable upland cotton had been the single cash crop in both

⁶ “Mechanized Farming In County Growing Trend,” *Fayette Falcon*, 1960 Dec 15.

⁷ Four years later the Somerville newspaper noted that cotton and corn had become cash crops of almost equivalent value to county farms, but the statistics to which I have access do not suggest that the anecdotal report was accurate. However, with the decline in sharecropping, it is likely that corn shifted quickly from a subsistence to cash crop, and then became significant. “Corn Could Vie With Cotton As Top Cash Crop,” *Fayette Falcon*, 1965 May 13.

Table 9.1 Agricultural diversification over time, by planted acres.⁸

a. Haywood County.

Census	cotton	corn	soybeans	hay	total acres
1959	41,130	25,148	14,526	388	81,192
1964	40,156	20,794	42,526	493	103,969
1969	35,409	15,557	74,591	5,426	130,983
1974	60,808	5,322	74,878	3,965	144,973

b. Fayette County.

Census	cotton	corn	soybeans	hay	total acres
1959	41,479	32,513	5,060	807	79,859
1964	41,562	27,401	26,096	1,518	96,577
1969	32,384	20,820	56,300	10,261	119,765
1974	43,369	6,509	73,330	10,726	133,934

counties for over a century. That changed in a decade. Table 9.1 shows that between 1959 and 1969 soybeans clearly became a cash crop on a par with cotton. Even the Freedom Farm effort had to face the practical realities promised by crop diversification. By August 1961 its three relocated families had put 45 acres in cotton, but 185 acres in soy beans, “which will net a neat profit.”⁹ By 1969, soybeans had topped cotton in percentage of farm-allotted acreage. That would not have been possible with manual field labor. From an economic standpoint, field mechanization-borne crop diversification—not crop

⁸ “Acreage, Quantity and Sales of Crops Harvested,” Table 13, *US Census of Agriculture: 1964*, v.1 pt.31 (GPO, 1967), 378, 388, 408, and 376, 386, 406; “Crops,” Table 10, *US Census of Agriculture: 1974*, Final report, v.1, pt.42 Tennessee, section IV (Washington, D. C.: GPO, 1977), 149, 233. Figures include corn harvested for all purposes, but not soybeans cut for silage. The numbers for 1959 and 1964 reflect only alfalfa and grass hay, while those for 1969 and 1974 aggregate all hay crops. Grains are not raised in significant acreages in any year.

⁹ “Pay Off Baptists’ Freedom Farm Debt,” *Memphis World*, 1961 Aug 5.

succession—was a key factor in both economies. These changes in crops hastened the dispossession of the rural labor force.

A second effect was a dramatic expansion of agriculture in both counties. Table 9.1 also shows that planted acreages nearly doubled in both counties between 1959 and 1974.¹⁰ Such an expansion suggests that additional land was cleared from woodland to productive cropland. For example, black farmer Shepherd Towles owned 200 acres, but only about a third of the property was worked in crops of any sort (including hay) in 1960; the rest was either fallow or in woodland. One reason Art Emery chose to buy a bulldozer rather than go into farming himself was a ready demand for clearing and leveling land to expanded agricultural acreage.

The third effect of field mechanization, as tables 9.2 and 9.3 demonstrate, was land consolidation. By 1960 it was clear everywhere that small farms were no longer able to compete as independent producers against larger operations. As a result, tenancy evaporated. The reasons had nothing to do with race or crop: increasingly large and specialized field equipment was too expensive to acquire for small operations, and a small farm did not manage enough cropland to generate an adequate return on the equipment investment. As a result, adopting mechanization resulted in both field expansion (the size of individual agricultural plots) and land consolidation. Under sharecropping arrangements, landowners were able to get a cotton crop grown on small plots for rates close to nothing. Once they chose to divest themselves of their traditional power source, the cost involved in mechanization meant a financially stable operation

¹⁰ The total acreages in the counties are about a third larger than the figures shown for these four crops, and would have included pasture land and minor crops like grains. House lots and gardens were not included.

Table 9.2 Land consolidation over time, by farm size in acres.¹¹

a. Haywood County.

Census	1–9	10–49	50–99	100– 499	500– 999	1000– 2000	2000+
1959	469	2,159*	271	174	4	0	**
1964	444	1,363	221	229	30	2	**
1969	117	414	250	296	109	29	5
1974	36	254	168	308	93	43	11

b. Fayette County.

Census	1–9	10–49	50–99	100– 499	500– 999	1000– 2000	2000+
1959	604	2,314*	236	149	8	2	**
1964	490	1,407	192	207	32	6	**
1969	133	407	273	461	102	39	27
1974	61	226	169	375	66	53	34

* Figure includes 1,007 farms of 10–19 acres in Haywood County, and 1,267 in Fayette County.

** Class not enumerated in the census.

needed to distribute its per-acre cost as close as possible to a similar level. That required a farmer to either open or reclaim new land, or acquire cropland from another property owner by purchase, or more commonly, by rental. In Fayette County, the acreage allocated to cotton remained fairly stable, while in Haywood County, cotton acreage increased by a third. The expansion of agriculture either opened or reclaimed land for

¹¹ “Farms and Acreage,” Table 4, *US Census of Agriculture: 1964*, v.1 pt.31 (GPO, 1967), 286, 288; “Farms, Land in Farms, and Land Use,” Table 1, *US Census of Agriculture: 1974*, Final report, v.1, pt.42 Tennessee, section IV (Washington, D. C.: GPO, 1977), 145, 229. During this period of rapid change the census data may be skewed downward from the actual, as it was reported from farms active two years after the census date, after evictions began. No direct farm-size comparison across time is possible since the 1964 classes divide to account chiefly for farms under 100 acres, and the 1974 classes are divided to account farms over that acreage. Class data has been aggregated for comparison, a factor which somewhat obscures the stark changes to farms between 100 and 500 acres. These totals account for cropland, woodland, fallow, and pasture, not merely acres harvested.

Table 9.3 Declines in farm operators and tenancy, by color.¹²

a. Haywood County.

Census	white		black	
	all ops.	tenants	all ops.	tenants
1959	1,173	491	2,037	1,666
1964	976	315	1,456	1,109
1969	823	198	526	181
1974	670	106	243	36

b. Fayette County.

Census	white		black	
	all ops.	tenants	all ops.	tenants
1959	1,041	378	2,410	1,968
1964	884	204	1,611	1,201
1969	780	125	652	163
1974	740	93	244	49

field crops, or took it from other crops. The data suggests that field mechanization allowed acreage for these four crops to increase by nearly 60% over fifteen years. Voting rights coincided with the shift in agricultural production. The “price” of manual labor rose above what the white landowners were willing to allow. Field mechanization eliminated the social cost of traditional agriculture.

The most precipitous decline in the numbers of small farms and tenants in these two counties occur not during the major conflicts over voting rights from 1959 to 1964, but between 1964 and 1969, which coincides with the period of tension over school desegregation in both counties. The sharp decline might be incidental, however, since by

¹² “Farms and Acreage,” Table 4, *US Census of Agriculture: 1964*, v.1 pt.31 (GPO, 1967), 286, 288; “Farm Operators—Tenure and Characteristics,” Table 2, *US Census of Agriculture: 1974*, Final report, v.1, pt.42 Tennessee, section IV (Washington, D. C.: GPO, 1977), 145, 229.

1964 it was clear that field mechanization and expanding one's farm operations was the only way for a farmer to survive economically; the process favored those who had access to ready capital—white landowners. Thus, while the struggle for voting rights is an important story, it is not the *only* story of change or conflict in these two rural counties. Black Americans' pursuit of civil rights has been told typically in terms of political struggle. In Haywood and Fayette counties, it is clear that economic and technological change were also key factors in social and political change. The process was already well under way before the voting rights issue was raised in either county. Agricultural diversification and the shift to mechanized agriculture looks like means of increasing production and diversifying investment to compete with growers in other states, but there is little question that the decision to mechanize field production was pushed over the edge by the sudden appearance of black faces at the voter registration clerk's desk.¹³ Voting rights provided a political catalyst for socioeconomic change; it was not the change itself.

In the end, James Estes was wrong. Estes looked too closely at circumstance rather than trends or direction. Field mechanization was not only suitable for the hilly land of Haywood and Fayette counties but also represented the only hope for maintaining a viable agricultural industry in either county. The real problem facing Southern farmers, black and white, historian Gilbert Fite pointed out, "was not how to develop a progressive and productive agriculture, but what to do with surplus farmers who had no place in the rapidly changing rural economy."¹⁴ The key was to keep the population in balance with

¹³ "Mechanization Has Been Beneficial" (editorial), *Fayette Falcon*, 1965 Feb 11.

¹⁴ Gilbert C. Fite, *Cotton Fields No More: Southern Agriculture, 1965–1980* (Frankfort: University Press of Kentucky, 1984), 209. On the other hand, by comparing data between cotton-growing areas, an entirely different view emerges. Craig Heinicke and Wayne A. Grove, "Labor Markets, Regional Diversity, and Cotton Harvest Mechanization in the Post-World War II United States," *Social Science*

available resources. Either there needed to be more and different work opportunities, or fewer farmers, or both. To the deeply traditional, exclusively-liberal rural societies in West Tennessee, color and class simplified the preferred solution, but the fight for an inclusive political setting complicated its application.

Political discourse

“I’m exasperated,” one supporter wrote Carl Braden about Tennessee, “with those who don’t see the vote as a ‘right’—an immediate ‘right’ and not some favor to be granted in the bye and bye.”¹⁵ By the time James Estes spoke and Currie Boyd wrote in West Tennessee, the Supreme Court had already decided that the country’s founding documents did not countenance conservatives’ definition or defense of exclusive rights on these terms, finding in the 1954 *Brown v. Board of Education* decision that segregation’s premise of “separate but equal” was grounded in privilege rather than right, and was therefore inherently unequal. The decisions of the Warren Court enforced a reformulation of social assumptions not only about the terms in the U.S. Constitution, but of socially applied language as well: if one wished to conduct a “public” business, then privately held ideas about acceptability could not limit others’ participation—a business could *not*, in fact, choose to whom to sell. One person’s private rights, grounded in the dominating power of property or privilege or color, did not trump another’s “civil” rights based upon nothing besides their citizenship.

Passage of the Civil Rights Act of 1964 barred segregation in public accommodations. More importantly, it redefined the concept of the American civil *public*

History 29, no. 2 (Summer 2005): 269–297. One shortfall of this sophisticated mathematical study is that it considers market forces exclusively.

¹⁵ Ruth Rosenwald to Carl [Braden], 1963 Apr 29, Subject file, Operation Freedom, Correspondence, 1963–1966, 57:1 Braden papers.

from exclusive to inclusive in the legal code, making an accessible, inclusive civic *public* a collective and enforceable reality. The actions in both directions over voting rights in West Tennessee reflected that reinterpretation. Individual rights could no longer negate the open, accessible function of public amenities. In Brownsville and Somerville, liberal activists assumed that a rational, objective application of law would resolve evolved inequities. An acquaintance wrote the Gabriners just after the Civil Rights Act of 1964 was signed into law, asking how people in Tennessee felt about the measure. “The answer is self-evident,” Vickie wrote back, “the Negroes of Fayette County look toward the law for their salvation.”¹⁶ What activists failed to understand was that their opponents could mount a similarly rational, systematic attempt to counter legal change and stymie social change by abandoning their formerly held concept of an exclusive public and reorganizing around a different principle—exclusive private institutions rather than newly inclusive public ones. If *de jure* separate-but-equal public sphere could no longer be maintained, and if the traditional *de facto* definition of public space as a collection of exclusive and at-will private spheres was dismantled, then in private academies and clubs, conservatives could at least have separate institutions where individual privilege could be defended and the status quo maintained. After 1964, social conservatives in Haywood and Fayette counties set about constructing new institutions that could meet their definition of society as an exclusive preserve of like-qualified individuals. The \$300 annual membership fee to the new country club organized in Brownsville in the middle of

¹⁶ Bob and Vicki to Dear Folks, 1964 Jul 18, Gabriner collection SC1203, WHi.



Figure 9.1 *Commercial Appeal* editorial cartoon illustrating one perspective of the conservative-liberal discourse over the nature of rights and governance¹⁷

1965 was far above what most of the county's white citizens and virtually all its black ones could afford.¹⁸

In April 1964, shortly before the Civil Rights Act was signed, the *Memphis Commercial Appeal* published one of the clearest illustrations of the argument about the nature of rights in American society. A figure resembling former U.S. Attorney General Robert Kennedy swings a paddle labeled “political ‘civil rights’” (*i.e.*, federally imposed rights) toward an Everyman figure representing “Constitutional Private Rights.” Politics

¹⁷ *Commercial Appeal* (*Memphis, Tenn.*), 1964 Mar 11. Used by permission.

¹⁸ “Country Club Organized With 175 Stockholder Members,” *States-Graphic* (*Brownsville, Tenn.*), 1965 Jul 9.

is forcing an artifice on a figure with “certain inalienable rights.” The conservative, exclusive liberals of these two Tennessee counties joined millions of others who feared that dismantling their exclusive *public* necessarily challenged the existence of personal relationships at every level. “If the Government tries to decree with whom [we] must associate,” wrote radio personality Paul Harvey as the bill which became the Civil Rights Act was in its first debates, “then in the name of ‘civil rights’ we’re denying civil rights—for a man has a right to choose associates with whom he is most comfortable.”¹⁹ Civil rights-era conservatives in West Tennessee argued that the country’s founding document should be interpreted primarily as a guarantor for the rights of an individual to be free *from* interference by others, and particularly the government.²⁰ This was partly an argument of convenience, since those who did not wish to interrupt the nature of private rights were those with substantial private means, whose means gave them personal influence and standing. A challenge of the status quo, whether of segregation or of local party politics, was thus a challenge of an exclusive *public*’s “private rights,” which an objective outsider might more accurately characterize as privilege that matched their means.

Partly because society had been so rigidly stratified between a dominant minority and subordinate majority, the minority adopted a definition of *rights* that explicitly reinforced the one-sided justice of color-defined segregation. In this fight over civic participation, economics, or *place*, both sides invoked the Constitution to support their

¹⁹ Paul Harvey, “Choice of Friends Is Still a Personal Matter,” *Citizen* 6, no. 5 (1962 Feb): 10.

²⁰ This was the position of the Anti-federalists of the Constitutional period, among them Patrick Henry, Samuel Adams, George Mason, Melancton Smith, Richard Henry Lee, and future President James Monroe. Saul Cornell, *The Other Founders: Anti-Federalism and the Dissenting Tradition in America, 1788–1828* (Chapel Hill: Univ. of North Carolina Press, 1999).

invocation of rights.²¹ Black sharecroppers' assertion of being included in the right to vote, a right to participate in civic society, put differing interpretations of *rights* into direct conflict with each other. Those who held to exclusive view of the American *public* saw the Constitution as a guarantor of individual right against social demands. Liberals regarded the Constitution as a protection of collective rights against exploitation by the individually privileged within society. It is no accident that at the same time that access to voting was being argued and resolved in these communities, access to community accommodations was also at stake, including the local bus stations, courthouses, and libraries. Securing the right to vote did not secure access in an all-or-nothing triumph. Still to come would be access to community swimming pools, employment, housing, public offices, and government services—particularly public education. It proved to be a stuttering process, fought every step and filled with protest and symbolic efforts intermixed with genuine progress.

In 1964 Lyndon Johnson picked up the torch of Franklin Roosevelt's liberal federalism and attempted to clear the protective privilege obstructions thrown up by entrenched individuals and corporations. His solution was to Constitutionally and

²¹ English thinker John Stuart Mill expressed the idea of a "tyranny of the majority" and the primacy of individual rights. Constitutional author James Madison's fears of majority tyranny focused on the uneducated backcountry populace which, if handed a direct franchise, threatened to electorally overwhelm the property owners, the educated, and the informed minority—those suitable to govern. The Progressive school of history in the early twentieth century, Charles Beard, Carl Becker, and others, were among the first to see the national founding in terms of an economic elite maintaining economic stability by controlling the political structure. More recently the national context for Federalist concerns is illustrated by Woody Holton, *Unruly Americans and the Origins of the Constitution* (New York: Hill and Wang, 2007). Though now viewed as an exercise in inclusive liberalism, at the time it was written, the document was a conservative response to the threat of a very real "tyranny of the majority." In the context of the time it is an example of exclusive liberalism that was nearly defeated. cf. Richard Labunski, *James Madison and the Struggle for the Bill of Rights* (New York: Oxford Univ. Press, 2006). In Tennessee, Constitutional invocations on both sides are too numerous to list separately, but for examples of the arguments see "Strengthening Constitutional Government" (editorial), *Memphis World*, 1960 Apr 27; Henry M. Wriston, "Freedom For The Individual," *Kingsport Times*, 1960 Dec 21.

statutorily objectify “civil” rights, rights which had no other basis than citizenship upon which to be claimed and which specifically did not require personal assets or private power to exercise. The function of government was to offset the weight that wealth and privilege imposed on the existence of common citizens. For liberals, poverty and disenfranchisement of the sort which characterized Haywood and Fayette counties were social constructs and not strictly a result of the poor’s personal failings. Provide a modicum of economic opportunity, objectify the processes of power, and the hardworking poor would solve poverty themselves. Securing for citizens the right to vote was one of several fundamental tasks.

* * *

After the unsubtly rigged local primary election re-seated Fayette County’s “establishment” sheriff in 1961, Maurice McCrackin asked John McFerren if he and the other local activists were discouraged by its outcome. “We see it differently down here,” McFerren responded. “We have lived here all our lives. Through the years things have been so bad that we are encouraged by a little progress. We have made progress and we don’t feel downhearted or discouraged.”²² Had he known how long the struggle would go on he might have been less optimistic.

The voting rights efforts in rural West Tennessee’s Fayette and Haywood counties was merely the first salvo in a decade-long struggle over dominance and subservience, exclusiveness and inclusiveness, tradition and progress which escalated for a decade. In 1964 the set pieces for the next and harder-fought stage of the conflict, school

²² Mac [McCrackin] to Virgie [Hortenstein, 1961] Nov 2, Hortenstein papers.

desegregation, were already in place.²³ In 1965 the voting rights struggle would change gears (and tactics) with the West Tennessee Voting Project. The patient lines of black sharecroppers of 1961 and 1962 would be a memory by 1967, dignified shadows of a struggle now borne by lines of chanting young marchers. By 1969 the image of progress would include fire hoses and mass arrests. In 1965 the contest for school desegregation would also begin, and each county would resolve the matter in different ways. Haywood County agreed to desegregate, and systematically integrated its school system over time; Fayette County reinstated racial segregation by creating nearly a dozen private academies as the county desegregated its schools, and then fought a rearguard action to maintain social control as the public schools were slowly re-segregated.

Change would be fought from both sides every step of the way, but the sun rose and set over the expanding cotton, corn, and soybean fields without interruption. Both counties were modernizing and *place* was changing. Despite stubborn resistance from county officials and the counties' elites, even in 1964 the sharp bounds between civic strata breaking down, the hard edges of segregated life were already blurring. Ron Schneider returned to Fayette County with other Cornell-Tompkins activists in October, just before the 1964 presidential election:

We were driving past the lily white Lewis's Drive-In. Our eyes drifted toward it as we passed, for young whites often gathered there. Four negro young people were walking toward the door! Our heads jerked around. A young white couple was approaching the same door from the other direction. The couple let the negroes go in first, and followed after.²⁴

²³ Segregation in public education in Fayette County would not be resolved until 2012 in the *McFerren v. Fayette County Board of Education* consent decree.

²⁴ Charles Haynie, letter dated [1963] Jun 25, in "Letters from Tennessee: Background of a Civil Rights Movement," *Trojan Horse (Cornell Univ.)* 4, no. 1 (1963 Sep): 19; Ron Schneider, "Return to Fayette County," 1:8 WTVP records.

While they learned much in the voting-rights activities, the general population of black citizens in both counties remained poor, marginally literate, and unsophisticated. Most of the non-participating and unregistered adult majority still accommodated to their *place*. “The one quality that they tend to lack at the present, as a group,” Charlie Haynie wrote, “is resistance. They are still of the opinion that there isn’t much they can do for themselves, that surely some benevolent god, like the NAACP or SNCC or SCLC will come in and do all the work and make life better for them.” A year later, Ron Schneider had to agree. “The majority of the Citizen’s Committee doesn’t know what it can do, or how to do it, or doesn’t want to, and looks to the McFerrens as Mama and Papa,” he observed. “They need education and experience.” Both the education and the experience would come—after a time and at a price. Though there was still a long way to go, the hard boundaries of *place* would erode. By the close of 1964 the black majority population of Fayette County and Haywood County, Tennessee could, as John McFerren had said, at least be “encouraged by a little progress.”

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Note: Most mid-century urban newspapers were distributed in multiple editions for different markets on the same day. The existence (and disappearance) of simultaneous newspaper editions represents one of the greatest documentary challenges facing social historians. Unfortunately state libraries typically microfilmed only one edition of any paper, typically the evening edition, on the premise that in doing so they got “most” of the day’s important data. Research for this project has crashed repeatedly against the falseness of that assumption. The content of individual newspaper editions were compiled and edited for their respective circulation/reader markets, almost always determined geographically. For instance, the microfilmed “final edition” of the *Memphis Press-Scimitar* was named *final* because it provided stock market information at the close of the business day, not because the reportage was cumulative. Worse, while editions shared some common content, most articles appeared uniquely in only one edition or were shared between only two or three regional editions, usually under different titles and invariably edited to fit the column inches available. Focused on summarizing the day’s international news, the Final edition has fewer than a quarter the articles existing on this particular subject which exist in its own morgue file, most of which seem to be clipped from either the “Home” or “Midsouth” editions published earlier in the day for the city and regional markets. Similarly, the *Pittsburgh Courier* published National, Southern, New York, Northeastern, Midwestern, and City (Pittsburgh and surrounding area) editions. In the case of the *Courier*, the National edition was microfilmed to 1960 Dec, thereafter the paper’s Southern edition was filmed; the digital edition presently available through the ProQuest Historical Newspapers database is the City edition, which has virtually no content beyond Pittsburgh itself. Other than an occasional clipping, none of the reportage survives for the other editions of either paper. Thus, in citing individual articles the edition is stated for newspapers which were published in more than one edition and for which the edition is known. In the case of the invaluable *Press-Scimitar*, most of the detailed reportage exists only as morgue clippings and citation is made to the respective morgue files. Otherwise, all copies are of the microfilmed and/or digitally imaged editions. Because versions of syndicated stories are found in other newspapers, reports filed by United Press International (UPI), Associated Press (AP), and Scott News Service (SNS) wire services are noted when cited.

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Appendix

Chronological Context of the Fayette-Haywood Experience, 1940–2012

- 1940 May 6 Five black men inquire at the Haywood courthouse about voter registration procedures, aiming to vote in the presidential election; decide to wait until the July or August registrations
- 1940 May 23 Burton Dodson arrest/lynching attempt: Olin Burrow killed, Dodson flees
- 1940 Jun 15 Groups of Brownsville whites led by Tip Hunter begin hunting NAACP members in Haywood; Elisha Davis and Jack Adams are abducted, Davis is banished by threat and Adams is severely beaten
- 1940 Jun 20 Elbert Williams detained and lynched outside Brownsville
- * * *
- 1956 Jul Five black farmers attempt to register to vote in Brownsville in time for the presidential election and are put off by county officials
- 1958 Apr Burton Dodson extradited to Somerville from East St. Louis, IL
- 1958 Jun Estes speaks about citizenship and voter registration at Mt. Zion Baptist Church in Piperton
Currie Boyd attempts to transfer voter registration from Decatur to Haywood County; is rebuffed by clerk and stalled by election officials
- 1958 Jul 12 Currie Boyd writes Justice Dept. about being denied voter registration in Haywood County
- 1958 Oct Joe Patrick, Morgan Wright, and four others register to vote in Somerville
- * * *
- 1958 Nov 4 Whispering campaign dissuades registered black voters from participating in the Fayette County general election
- 1959 Apr 14 Estes represents Dodson at trial; asks venire about objection to black voter registrations
- 1959 May 18 Civil Rights Commission investigation of Fayette voter registration books

- Omar Carney caned in the Brownsville courthouse when picking up HCCWL charter documents
- 1959 Jun 20 FCDEC resolves to hold white-only primary in the upcoming Democratic primary election
- 1959 Jul 21 Estes drives a Haywood delegation to Nashville to meet with State Election Commission members
- 1959 Jul 29 Fayette County Democratic Executive Committee secretary Joe Cocke instructs election officials to deny black participation in the “white primary”
- 1959 Nov 16 *US v FCDEC* filed, first voting rights suit under Civil Rights Act of 1957
- 1959 Dec 2 Estes presents seven affidavits about registration denials in Haywood to US Attorney Rives A. Manker
- 1959 Dec 10 Asst. Attorney General Joseph M. F. Ryan Jr. orders additional investigation into Haywood situation
- * * *
- 1960 Jan 31 Estes, McFerren, Jameson, Boyd attend Volunteer Civil Rights Commission hearings in Washington, DC; Boyd and McFerren testify
- 1960 Feb 28 Fifth round of State Election Commission appointments seats a commission in Haywood
- 1960 Mar 2 First massive voter registration effort by blacks in Fayette
- 1960 Mar 15 Civil Rights Commission officials ask to see Fayette voter rolls; County Election Commission resigns protesting federal interference
- 1960 Apr Whites begin to refuse service/credit to black registrants on Fayette County blacklist
Stanton business owners O.M. and Sara Lemmons refuse to participate in the boycott, driven out of business by fellow whites
- 1960 Apr 25 Consent decree in *US v FCDEC* removes race-based registration and voting barrier in Fayette
- 1960 May 6 Civil Rights Act of 1960 passed
Public notice posted of pending district-level voter registration locations in Haywood

- 1960 May 16 Malcolm Smith halts Haywood voter registrations at his store
- 1960 May 17 First successful voter registrations by black citizens of Haywood at Hopkins' store in Tibbs (dist. 11) and Clark's Store in Forked Deer (dist. 10)
- 1960 May 20 Fayette election officials choose to serve to avoid missing the opportunity for an industrial development bond referendum
- 1960 May 23 Tense confrontation over registrations at Hunter's store in Dancyville
- 1960 May 12 Landowners post the first eviction notices to registered Haywood tenants
- 1960 Oct 21–28 Justice Dept. attorney John Doar visits Haywood to collect evidence specifically for suit
- 1960 Nov 18–20 Doar in Haywood a second time
- 1960 Nov 18 Doar files *US v. Beaty* in federal district court
- 1960 Nov 22–26 P. Sterling Stuckey and James Forman of the Emergency Relief Committee, a branch of the Chicago CORE chapter, visit Fayette
- 1960 Dec 1 Doar files *US v. Atkeison*, asking for preliminary injunction against pending sharecropper evictions
- 1960 Dec 14 Tents pitched on Shepherd Towles' land; Early Williams' family moves into tents, followed shortly by other evictees from Bynum Leatherwood's farm
- 1960 Dec 21 Mahalia Jackson sings by telephone at a Fayette County fundraiser
- 1960 Dec 23 Judge Marion Boyd denies petition for temporary injunctions on evictions; case appealed to Sixth Circuit Court
- 1960 Dec 28 Sixth Circuit Court issues the temporary injunction and a mandamus to the district court on the *Beaty* filing, but refuses to consider *Atkeison* First drive-by shooting at Tent City; Early Williams wounded
- * * *
- 1961 Jan 3–5 Peacemakers delegation under Cincinnati cleric Maurice McCrackin visits Tent City
- 1961 Jan 11 Operation Freedom Fund chartered to collect/disburse Ohio donations

- 1961 Jan 25 JFK blindsided in a press conference about Fayette County food situation
- 1961 Jan 27 “Kenwood-Hyde Park Committee to Aid Fayette County” organized in a racially mixed Chicago neighborhood
- 1961 Feb 6–12 June Dowdy and John McFerren make speaking trip to Chicago’s Kenwood-Hyde Park neighborhoods
- 1961 Feb 11 Relief coordination meeting in Dayton, Ohio; CORE assigns field organizer Richard Haley temporarily to Brownsville
- 1961 Feb Packinghouse Workers Union coordinates visit to Tent City
Disagreements over aid fund distributions splits FCCWL leadership; FCCWL chartered, OFCCWL chartered
Informants report whites’ goal to move 500 black families out of Fayette annually for five years
- 1961 Mar 18 National Baptist Association buys 400-acre Freedom Farm
Haywood County Grocery, a black-owned cooperative, opened in Brownsville
- 1961 Apr *Tent City—Home of the Brave* published by AFL-CIO
They Chose Freedom album released by Operation Freedom
Charlie Butts wanders in, helps Haley in Brownsville
- 1961 Apr 25 Consent decree in *US v Beaty*, extended to *Atkeison*, resolves evictions over registering to vote but not future evictions; clears action for trial on the merits
- 1961 May 7 NAACP chapter organized in Brownsville; ceremony presided over by Haywood native Mildred Bond, who had fled with her family in 1940
- 1961 Aug 3 Fayette primary election; Redfearn defeated for sheriff a second time
- 1961 Oct 29 Maurice McCrackin jailed in Brownsville on “intent to peep and spy” and stages a hunger strike through November that is covered in the national press
- 1961 Nov 7 Richard Hudson detained without charge or warrant in Brownsville; released later in the day
- 1961 Nov 14 Activist David Henry arrested for speeding, held *incommunicado* in the Brownsville jail

- 1961 Nov 16 Ernest Bromley asks Sheriff Hunter to see Henry and is knocked backwards through the doorway; Henry is beaten in jail by an unidentified man (released Nov 18)
- * * *
- 1962 Feb Eric Weinberger (Committee for Nonviolent Action) and Jeffrey Gordon (CORE) establish Haywood Handicrafters as an employment opportunity
- 1962 Mar 3 Weinberger and Gordon jailed without charge when leaving Brownsville
- 1962 spring HCCWL dissolves into competing factions
- 1962 Mar 22 Biracial committee in Haywood discusses black expectations for civil participation
- 1962 May 2 Haywood defendants agree to be bound by the terms of the proposed injunction enjoining landowners from interfering with employees' voting; Justice Dept. drops *US v. Beaty*
- 1962 May 8 Fayette County commission proposes a zoning plan which effectively excludes blacks from building homes on rural house lots
- 1962 May 25 Commission of Inquiry in the Administration of Justice in the Freedom Struggle, chaired by Eleanor Roosevelt, held in DC; takes testimony from Haywood deputy sheriff George "Buddy" Sullivan
- 1962 Jul 20 OFCCWL Community Center site dedication
- 1962 Jul 26 Fayette defendants agree to terms identical to May decision; district judge Marion Boyd issues a decree closing *US v. Atkeison*
- 1962 Jul 24–28 Three French and Swiss kids work in Somerville through International Voluntary Service
- 1962 Sep 29 Operation Freedom board elects to broaden its relief-loan services to Mississippi and to end sponsorship of volunteer work-camp projects
- 1962 Nov First FHWC work camp: setting blocks in OFFCWL Community Center
- * * *
- 1963 April Biracial committee established to discuss community concerns in Haywood County

- 1963 Jun Tent City disbands; evictions continue under the mechanize field production
FCDEC begins requiring candidates to pay a \$150 registration fee for participation in the primary
Flannery submits report to Burke Marshall on Fayette-Haywood situation
- 1963 Jul 10 John McFerren's paternity case goes to trial; open harassment of voter registration workers begins in Fayette
Haynies ambushed in James and Fannie Pucketts' yard
- 1963 Jul 11 John Lewis of SNCC addresses a crowd of 700 in Somerville
- 1963 Jul 20 Prayer vigil at courthouse results in intimidation reprisals and arrests in Somerville; Art Emery and David Brown jailed
- 1963 Aug Somerville city council enacts an ordinance prohibiting meetings on the courthouse grounds
- 1963 Aug 5 First demonstration march in Brownsville results in Eric Weinberger's brutalization and arrest
- 1963 Oct Eric Weinberger returns to Haywood for trial; drummed out of Brownsville
- * * *
- 1964 Jan Hortenstein expands FHWC mission to include literacy/citizenship education
- 1964 Jan 25 Highlander opens first of three workshops in rural Haywood
- 1964 Apr Bruce Hicks arrives from Oberlin College to take over direction of the Haywood Handicrafters
McFerrens secure a construction loan for a new store through the Small Business Administration with help of Bradens, after being turned down locally
- 1964 May-Jun Coordinated by Dowd and Haynie, the Cornell-Tomkins effort conducts a pre-primary registration drive
- 1964 Jul 17 Shooting by Tinsley's Grocery in district 3
Danny Beagle, Paul Seidel beaten up at Doyle farm
Dan Packtor physically thrown from Fayette courthouse by deputy sheriffs

- 1964 Aug 6 Fayette County local election; Redfearn defeated a third time for sheriff; Odell Sanders defeated in bid for Haywood county alderman seat
- 1965 Aug 7 Most Cornell-Tompkins activists leave Fayette for home
- 1964 Aug 10 Debby Rib begins service as on-site coordinator in Fayette
- 1964 Aug Fannie Puckett files suits JMcF for personal injury during construction on his new store
- 1964 Oct Small group of Cornell-Tompkins activists return to Fayette to monitor the general election
- 1964 Nov General election; Johnson defeats Goldwater, but the latter polls highly in Fayette and Haywood
- * * *
- 1965 May 1 Desegregation of individual restaurants tested in Somerville; scattered violence
- 1965 Jun 2 NAACP files *McFerren v. Fayette County School Board* in federal court seeking mandated public school desegregation in Fayette
- 1965 Jul 1 Fayette's incremental school desegregation plan is accepted by the federal district court; segregated private Fayette Academy established the same day
- 1965 Aug 6 Black Fayette parents meet with Tennessee State Education Commissioner demanding immediate school desegregation
Voting Rights Act signed by Lyndon Johnson
- 1965 Aug 11 White parents begin a public-school boycott protesting racial integration in classrooms; expires after about two weeks
- 1965 Sep First cross-burning in Brownsville
- 1965 Nov Ku Klux Klan klavern 10 organized in Brownsville
- * * *
- 1966 Fayette Community Center completed
Viola McFerren appointed to the National Advisory Committee for the U.S. Office of Economic Affairs
- 1966 Apr Fayette Academy secures land for construction

- 1966 May 16 Klan rally outside Brownsville; Odell Sanders' home bombed
- 1966 May 27–28 Tennessee Advisory Committee to the U.S. Commission on Civil Rights holds hearings on employment and schools in five West Tennessee counties
- 1966 Jun 23 First consent decree in *McFerren v. Fayette County School Board* commits Fayette to substantive pupil apportionment toward school desegregation
- 1966 summer Thirteen homes bombed or burned in Haywood
- 1966 Jul 23–28 West Tennessee Freedom March
- 1966 Aug 4 Six black citizens win seats on Fayette county commission; the Election Commission disqualifies both District 10 winners on technicalities
- 1966 Sep 6–7 Tennessee Christian Movement formed in Haywood and Fayette specifically to support non-violence
- 1966 Dec 15 Virgie Hortenstein jailed on a pretext in Brownsville to pressure FHWC
- 1967 Apr Hayward Brown family arrives in Fayette from Michigan, planning to open a series of manufacturing cooperatives as job-development ventures
- 1967 summer Ten homes and the Willow Grove Baptist Church burned in Haywood
- 1967 Jun 12–16 Judicial testimony in *US v. Haywood County Board of Education*
- 1967 Aug 4 District judge Bailey Brown rules against plaintiff in *US v. Haywood County Board of Education*
- * * *
- 1968 Apr 4 Martin Luther King Jr. killed at the Lorraine Motel in Memphis
- 1968 May 1–Jun 22 The Mule Train marches from Memphis in the Poor People's March on Washington, but is not admitted to Resurrection City on the National Mall
- 1968 Nov Hortenstein completes a proposal for West Tennessee Experimental Rural Community Human Development Centers to OEO

- 1969 Apr Hayward Brown opens the Fayette Cooperative Stamping and Machine Co. in Rossville
- 1969 May Organization of the Haywood Consumers' Cooperative stalled by state officials
- 1969 Jul 9 FHWC brings black children to the Brownsville City Pool; policeman Homer Lovelace and constable T. J. Mize harass the leaders
- 1969 Aug 12 Precilla Hobson and daughters Vernell and Vester are assaulted and beaten in Somerville by father and son Julian and Gerald Pulliam
- 1969 Aug 16 Fayette's black community begins a county-wide boycott of white-owned businesses on Saturdays
- 1969 Aug 20 Judge Robert McRae orders Fayette Board of Education to significantly revise the county school desegregation plan and provide for integration rather than tokenism
- 1969 Aug 24 Somerville police break up a public march
- 1969 Sep 6 Somerville police use fire hoses and tear gas to break up a protest march; curfew instituted
- 1969 Sep 19 Federal judge Bailey Brown lifts the city's limit on protest marches in Somerville
- 1969 Sep 25 Marches in Somerville
- 1969 Oct 4 Tense day of protests in Somerville over school desegregation; Rev. Baxton Bryan nearly knifed by the McQueen brothers
- 1969 Oct 14 Fire destroys the main building of W.P. Ware High School, the black facility, south of Somerville
- 1969 Nov 24 Fayette grand jury fails to indict the Pulliams for the attack on the Hobsons
- 1969 Dec 15 John McFerren severely beaten by five men on Fayette courthouse lawn
- * * *
- 1970 Jan White parents refuse to allow children to attend a formerly black school in Oakland as part of court-ordered desegregation, but eventually agree to do so
- 1970 Feb 7 Fayette submits a revised desegregation plan for public schools

- 1970 Apr 23 Fayette Board of Education dismisses 21 teachers without notice, all who had taught at predominantly black schools
- 1970 Oct 23 John McFerren Jr. is pushed into teacher Georgene Fowler by a white girl; Fowler slams him against a wall demanding an explanation and sets him a disciplinary assignment
- 1970 Nov 5 John McFerren Jr. suspended from school by the Fayette Board of Education for failing to complete his disciplinary assignment; NAACP Legal Defense Fund eventually files a case on his behalf, touching off a round of court actions about prejudice and reprisals in Fayette public schools
- 1970 Nov 6 Federal judge orders 12 of 21 Fayette teachers reinstated
- 1970 Dec 21 Scott Franklin murdered and store torched
- * * *
- 1972 NAACP requests subpoenas of Fayette's private-academy officials over allegation that while serving as county board of education members they had abetted circumventing public school desegregation order
Two Catholic nuns found Just Organized Neighborhood Area Headquarters (JONAH) as a community organization in Haywood, which evolves into a platform to back black candidates to Haywood county office
- 1973 Privately funded Fayette-Haywood-Hardeman Legal Services organized as a not-for-profit corporation
Meharry/Vanderbilt Health Clinic project held in Rossville
- 1982 Currie Boyd, William King, and Roy Bond elected to the Haywood County Commission
- 1983 Habitat for Humanity/Mid-South chartered for Shelby, Fayette, Hardeman, Haywood, counties
- 1985 Virgie Hortenstein dies; Fayette Haywood Work Camps disbands
- 1988 Currie Boyd loses a state senate race
- 1990 Currie Boyd loses his seat on Haywood commission
- 2012 Aug 21 Fayette signs a consent decree to settle *McFerren v. Fayette County School Board* and agrees to reorganize county schools to end *de facto* segregation in public education