

A STUDY IN NONDECISION: THE HUMAN  
RIGHTS COMMISSION IN HUNTINGTON

---

A Thesis  
Presented to  
the Faculty of the Graduate School  
Marshall University

---

In Partial Fulfillment  
of the Requirements for the Degree  
Master of Arts

---

by  
Nancy Potter Matthews  
August 1971

THIS THESIS WAS ACCEPTED ON August 17 1971  
month day year

as having met the requirements for the degree Master of  
Arts.

Simon D. Perry  
Chairman, Department of Political Science

John R. Warren  
Dean of Graduate School

TABLE OF CONTENTS

	Page
LIST OF FIGURES . . . . .	v
Chapter	
I. INTRODUCTION . . . . .	1
II. TYPOLOGIES: HUNTINGTON AND THE CIVIL RIGHTS COMMISSION . . . . .	7
III. THE WORK OF THE COMMISSION . . . . .	24
Public Accommodations . . . . .	30
Bailey's Cafeteria . . . . .	31
The White Pantry . . . . .	38
Employment Opportunities . . . . .	45
Employment survey . . . . .	45
Retail sales . . . . .	50
Recreation . . . . .	52
Housing . . . . .	54
Education . . . . .	57
IV. THE COMMISSION, THE CAMPUS, AND THE CIP . . . . .	61
V. THE KEITH-ALBEE INCIDENT: THE BEGINNING OF THE END . . . . .	77
VI. FROM INCIDENT TO ORDINANCE . . . . .	96
Precipitating Factors in the Mobilization of Bias . . . . .	100
The Commission Reaction . . . . .	111
The State Commission Steps In . . . . .	115

Chapter	Page
VII. COMMUNITY MOBILIZATION: THE LINES ARE DRAWN . . . . .	129
VIII. HUNTINGTON AND HUMAN RIGHTS: AN EVALUATION . . . . .	141
BIBLIOGRAPHY . . . . .	149
APPENDICES . . . . .	156
A. Sources of Information . . . . .	157
B. Interview Outline . . . . .	161

LIST OF FIGURES

Figure	Page
1. The Political Decision System in Huntington - The Place of the Human Rights Commission . . . . .	3

## CHAPTER I

### INTRODUCTION

Civil Rights was one of the most explosive political issues of the 1960's. Race relations was a concern to everyone, and a special concern to government at all levels and in all parts of the United States. This paper will show how Huntington, West Virginia, a medium-sized border city with a small minority population, faced the problem. In 1962, the Mayor established a Civil Rights Commission which served to insulate the City Council--the political decision-makers--from facing and resolving the problems of the Negro minority.

Politics is understood here as the distribution of advantages and disadvantages among people. Individuals differ in their ability to influence the political system so that these advantages are distributed unequally, and there is conflict concerning the allocation of resources. One way influence can be used by those advantaged in the system is by preventing decisional questions from arising or to restrict the domain of decision choices to those acceptable to the advantaged.<sup>1</sup>

---

<sup>1</sup>Robert E. Agger, Daniel Goldrich, and Bert E. Swanson, The Rulers and the Ruled (New York: John Wiley and Sons, 1964), p. 133.

In studying conflicts over the allocation of values, this case study will use the political system model of Peter Bachrach and Morton Baratz, for their study of power in the Baltimore poverty program. This model points out several barriers in the channel of policy choices to effective policy change in the political system. These barriers to the decision-making arena result in what Bachrach and Baratz label nondecisions.<sup>2</sup>

Nondecision-making is defined as the means by which demands for change in the existing allocation of benefits and privileges in a community can be stifled before they gain access to the relevant decision-making arena.<sup>3</sup> Nondecision, as detailed by Bachrach and Baratz, is seen as an added dimension to the elitist-pluralist views of power and decision-making in matters of public policy. The question they ask is not, "Who rules," but, rather, "What persons or groups are especially disfavored under the existing distribution of benefits and privileges?" And, concomitantly, to what extent is a political system maintained that delivers "unfair shares" in the allocation of values? This kind of analysis, they argue, can provide a broader focus for the

---

<sup>2</sup>Figure 1, p. 3. This model of the decision-making political system follows that of Bachrach and Baratz. Peter Bachrach and Morton S. Baratz, Power and Poverty (New York: Oxford University Press, 1970), p. 54.

<sup>3</sup>Ibid., p. 44.

<sup>4</sup>Ibid., p. 50.

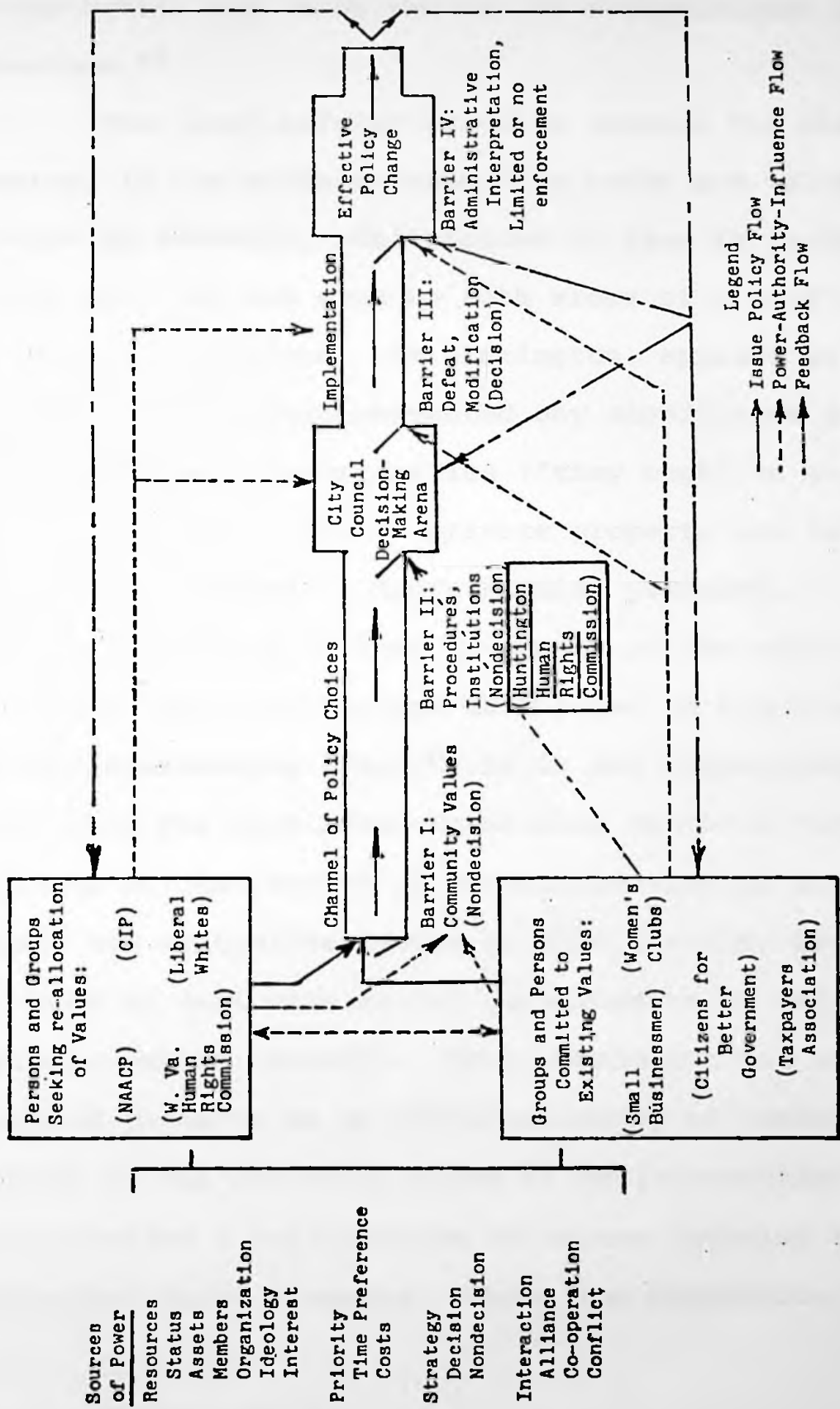


Figure I - The Political Decision System in Huntington - The Place of the Human Rights Commission



"study of power relationships between those who are favored by the system and those who are at a significant disadvantage."<sup>5</sup>

The first barrier by which demands for change can be thwarted is the existing community norms and values. These provide an automatic mobilization of bias in favor of the status quo, and are used by both sides of a conflict if it is to their advantage. In Huntington, appeals to the Protestant work ethic prevented any significant gains in Negro employment opportunities ("they ought to earn their way"), while the right of private property was raised to prevent any changes in Negro housing patterns.

The second barrier to change in the model is that of procedures and institutions that serve to block access to the decision-making arena.<sup>6</sup> It is the hypothesis of this study that the Huntington Commission on Civil Rights provided an institution of nondecision-making designed to defuse and neutralize issues so that the City Council would not have to deal with racial questions in an official decision-making capacity. This Commission was specifically designed to serve as an official agency of nondecision; a barrier to the political arena of decision-making that might have provided a reallocation of values favoring a disadvantaged Negro minority. Thus, the Commission was unable

---

<sup>5</sup>Ibid., p. 51.

<sup>6</sup>See Figure 1.

to effect any positive decisions despite the wishes of some Commission members to see change that would reorient community norms and the desire of other members to provide change in terms of prevailing norms.

This lack of power to effect any kind of change frustrated the Commission members who pushed for a modification of their official status from Mayor's Commission to status by ordinance. After a year and a half of discussion the City Council agreed, and this small but positive decision, affecting system output to the advantage of a minority, alarmed conservative members of the community who saw it as a first step from nondecision to decision in a sensitive area, one in which they were not willing to disturb the status quo. These conservatives prevailed upon the existing bias of the community--the threat of Communism, taxes, law and order, "get city hall," property rights, racial hatred and fears--to win their battle to bring the ordinance to a referendum vote. It was defeated by a vote of two to one, thus successfully forcing this issue out of the political system--where it has remained.

A case study of the Commission will be used to show how a community can force issues into a nondecision status where an advantaged group uses indirect means to exercise influence on policy outcomes in order not to antagonize its disadvantaged minority. In fact, while Civil Rights Commissions are generally seen as positive steps toward the settlement of racial problems, this model shows that, far

from providing access to the system, such a Commission only provides reinforcement for the status quo, or change only within an accepted area limited by existing community norms.

Gordon Allport points out that official Commissions to combat prejudice often turn into the "Mayor's Do-Nothing Committee." The members are too busy and too untrained to do much except deplore prejudice. There is a lack of concretely defined objectives. No one can "improve community relations" in the abstract, for goodwill contact without concrete goals accomplishes nothing. Minority groups gain nothing, he points out, from "artificially induced mutual admiration."<sup>7</sup> This was the problem in Huntington, but it was only partly a problem of personnel. The principal hindrance was the institution of the Commission outside the decision-making arena.

---

<sup>7</sup>Gordon W. Allport, The Nature of Prejudice (New York: Doubleday Anchor Books, 1958), p. 266.

## CHAPTER II

### TYPOLOGIES: HUNTINGTON AND THE CIVIL RIGHTS COMMISSION

Huntington, West Virginia, is a city of 73,000 located in central Ohio River Valley, bordering Ohio and Kentucky. Huntington is largely a railroad town, incorporated and named in 1871 by Collis P. Huntington, then president of the Chesapeake and Ohio Railroad. Today, the C & O is still one of the major influences in the city. Huntington ships the greatest tonnage of any port on the Ohio River, largely coal. Transportation is thus the largest business in Huntington, and it is built on "King Coal," the chief economic power in the state.

During the twentieth century, several manufacturing concerns have located plants in the area, largely because of the transportation network, the marketing location, or the accessibility of natural resources such as coal, natural gas, water, or what a local Chamber of Commerce brochure terms "native-born, intelligent, self-reliant labor." Huntington also serves as a market and service area for the surrounding tri-state area of approximately 500,000 people, so that retail business and the professions are active in the community. Marshall University provides the main source of community growth as it has more than doubled its building

capacity and enrollment during the past ten years. Today, 1971, about 10,000 students are enrolled.

The population is basically white Anglo-Saxon Protestant with a small Lebanese family clan that have Huntington as their headquarters. There is a small Negro community comprising about 5 percent of the total city population. This percentage has remained stable despite the loss of approximately 10,000 people in each of the last two census periods--a pattern that has prevailed throughout the state, especially in the very depressed southern coalfield counties.

Perhaps this declining population is the reason there are not more of the highly mobile people who are so prevalent in urban areas in much of the United States. Those who do come in transfer to a management position in a local plant of a national company, join the Marshall University faculty, or serve a period as manufacturer's representatives. The Chamber of Commerce calls Huntington the "Northern city of the South," and the ideology as well as many of the folkways are more Southern than Northern. The only employer that is still in the process of expansion in the city is the University, but University personnel, especially those that are new and young, are generally insulated from the community when they first arrive, and then leave before they have a chance to become involved in community concerns. This initial insulation is true of any newcomer to this conservative community, but seems especially true of

University people who are often more interested in University politics than in city politics.

Huntington is generally considered a stable community in which 65 percent of the people own their own homes. There are 176 churches in the city with a membership of 55,000. Often, the first question a newcomer hears is not the usual where do you work, or where do you come from, but, instead, where do you go to church? It is not considered, by most people, a town oriented toward innovation or change.

However, in the 1950's there was a flurry of civic activity that resulted, in 1958, in Look magazine naming and chronicling Huntington as one of its All-America Cities. Ten years earlier, said Look, this largest city in the state (92,000)<sup>1</sup> had suffered from galloping provincialism. Since 1948, the PTA's have led four campaigns to replace the forty one-room schools in the county; civic groups had promoted the building of four racially integrated swimming pools; \$600,000 had been raised for an art gallery; a doctor's committee had led a campaign for a three million dollar bond issue to build a hospital while another bond issue built an airport. (This was the last time bond issues were used for any civic improvements. There is no bonding in the school system which proudly states its pay-as-you-go policy.) But, continued Look, inept city government was in deep financial

---

<sup>1</sup>1950 census figure.

trouble with \$228,000 in unpaid bills, and the superintendent of streets under indictment for misuse of public monies. This financial chaos inspired the All-Huntington Association, spearheaded by the League of Women Voters, to lead a campaign to convince the voters to adopt Council-Manager government. "Today, Huntington is moving from chaos to a new era."<sup>2</sup>

The new era of 1958 has become the status quo of today. This reform coalition of middle-class clubwomen and businessmen felt that government by professionals would solve their problems--that of government by inept and politically-inspired persons--and replace it with persons who held the same reverence for efficient and business-like government, removed from the arena of partisan politics.<sup>3</sup>

Groups such as the All-Huntington Association have been characterized in one study as "community conservationists." According to this analysis, such groups see

---

<sup>2</sup>Look (February 17, 1959), 80.

<sup>3</sup>The All-Huntington Association still elects a City Council slate that carefully reflects the dominant reform ideology. Despite an undercurrent of dissatisfaction, mainly from those more favored under the old system, or from those who hold a more conservative view of the role of government, the All-Huntington Association has elected every Council since the inception of Council-Manager government in 1957.

There was one challenge to this reign in 1964, when a group of dissidents successfully petitioned for a new charter board in a dispute over taxes, and the unpopular city manager. A new charter was written--the strong Mayor-Council form--but was narrowly defeated at the polls, by fewer than fifty votes. A new charter board was elected which modified the charter to include Councilmanic districts, but with the

government as the most important institution for producing good community values. Their cultural values stress improved public schools and planned and guided development of land. They desire to operate in a spirit of harmonious cooperation on the part of the citizenry; they value civic pride, a strong sense of public spirit, and an efficient, corruption-free city government.

The "community conservationists" are often joined by the "progressive conservatives" (as they were in Huntington). This group accepts government as one of the legitimate mechanisms of resource distribution along with that of private institutions. They often see their rule as benevolent and in the best interest of the whole community.<sup>4</sup>

The administrators and civic leaders who constitute these two groups believe that "democracy has become institutionalized in the civic improvement process because open hearings are held on proposals; an advisory committee system recruits the normal leadership to help plan and manage civic improvements; and the public administrators involved are available at specific times and places to hear complaints or give information."<sup>5</sup>

---

Councilmen still elected at-large on a non-partisan ballot ensuring that only those candidates that can successfully appeal to the whole city may win.

<sup>4</sup>Robert E. Agger, Daniel Goldrich, and Bert E. Swanson, The Rulers and the Ruled (New York: John Wiley and Sons, 1964), p. 29.

<sup>5</sup>Ibid., pp. 669-70.



Council-Manager government with non-partisan, at-large elections establishes a political decision-making system that fulfills the model of nondecision by carefully screening the kinds of demands that are permitted to enter the system by the usual channels. A City Manager form of government, coupled with prevailing values of "good government," consensus, economy, and efficiency seriously limits the kind of decisions considered legitimate.

Robert Lineberry and Edmund Fowler studied policy outputs of reform cities and found that reformist governments mitigate against particularistic interests and refuse to recognize that persistent cleavages may exist in the electorate.<sup>6</sup> "Non-partisanship reflects a highly integrated community life with a powerful capacity to induce conformity."<sup>7</sup> Moreover, reformed institutions often demand an impersonal, apolitical settlement of conflict;<sup>8</sup> this was the role the Human Rights Commission in Huntington was to play. The Lineberry-Fowler study follows the model of nondecision in that "reformed, bureaucratized, and 'de-politicized' city administrators lessened the access of groups that were

---

<sup>6</sup>Robert L. Lineberry and Edmund P. Fowler, "Reformism and Public Policies in American Cities," American Political Science Review, LXI (September, 1967), 702. Reformism is seen as an attempt to "rationalize" and "democratize" city government by the substitution of community-oriented leadership rather than that built on competing particularistic interests.

<sup>7</sup>Ibid.

<sup>8</sup>Ibid.

segregated by residential areas or other identifiable voting blocs, so that interest was articulated by some other agency or not at all."<sup>9</sup>

Banfield and Wilson studied the policy outputs of several cities and found that "Anglo-Saxon Protestant middle-class ethos--a view of the world which sees politics as a means of moralizing life and the obligation of an individual to serve the public"--assumed that there existed a public interest that pertained to the city as a whole and that this interest should always prevail over competing, partial interests. "Interference in the management of public affairs, especially attempts to assert private or partial interests against the public interests, would not be tolerated."<sup>10</sup>

According to this typology, a group such as the Human Rights Commission is doomed before it starts insofar as it might introduce any meaningful change into the system; for its reason for existing was to effect change in the field of civil rights in favor of very particular interests. It would be difficult to convince most citizens of Huntington that their best interest lay in furthering the interests of a disadvantaged minority; and when City Council at last decided to offer a symbolic gesture, the citizenry would not even allow that.

---

<sup>9</sup>Ibid., p. 715.

<sup>10</sup>Edward C. Banfield and James Q. Wilson, City Politics (Cambridge: Harvard University Press, 1965), pp. 139-40.

The Banfield-Wilson study found also that non-partisanship (a part of the reform structure) tended to force the candidates to avoid controversial issues. "They are elected on the basis of whatever sources of power or symbols of legitimacy may be dominant in the community; and their policies tend to express the interests and values associated with those symbols."<sup>11</sup>

---

<sup>11</sup>Timothy Hennessey undertakes a critique of Banfield and Wilson's ethos theory in which he attacks the "unclear nature of the formulation [which] permitted the values of the individual investigator to enter into the research at the verification stage." He also finds that the ethos theory proceeds from the rather "misleading assumption that urban cleavages coalesce around two simplistic conceptions of the public interest, that of middle-class good government public-regarding interest, and the immigrant ethos of particular interests." Hennessey points out that this concept of public-regarding versus the private-regarding interest is contingent upon some theory of the public interest, which, he claims, is never really presented to test the theory of ethos. Hennessey also finds difficulty with the issues chosen by Banfield and Wilson to determine public or private interest.

Lineberry and Fowler are castigated for their addition of the process model to the ethos theory in which they make statements such as "the higher the level of Reformism, the less responsive the governmental structures to these conflicts and private-regarding demands." He accuses this study of using type concepts without defining variables.

Both the ethos theory and the research of Lineberry and Fowler indicate that reform structures in city government will tend to insulate the decision-making arena from demands of particularistic groups with special interests. Hennessey claims that these studies offer no theory of elite decision-making to see how these decisions are made. It is precisely this objection that is overcome by tying the ethos theory to a nondecision model in this study. The barriers to decision-making in the model provide the kind of insulation from private interests that these studies discuss. It is our contention that a nondecision model explains why a reformist

Reformed city government structures thus establish barriers to the decision-making system. Competing groups do not elect men that represent their views who then fight out their conflicts in the decision-making arena of city council. Instead the council is elected at-large, without party labels. This means, in practice, that councilmen must gain backing from the reform group and be slated in order to be elected. The reformers in Huntington retain their good government image so that any opposition group must run against the forces of good as well as the individuals running for the council seats.

In Huntington, the reformers have generally had the support of the community at large because the reform ideology has not differed to any significant degree from that of the majority of its citizens. The reformers see themselves operating as the guardian of the community, a guardian who is prudent, benevolent, and wise. In this environment community consensus becomes a necessary prerequisite to decision-making. What constitutes the public good must either be agreed upon by a majority of the citizenry or else the people must perceive the leadership as capable of divining the public good for them. As Auerbach and Walker found:

---

government is insulated from any but consensus demands. Timothy M. Hennessey, "Problems in Concept Formulation: The 'Ethos Theory' and the Comparative Study of Urban Politics," Midwest Journal of Political Science, XIV (November, 1970), 537-64.

It is difficult to devise policies which can solve social problems, and still more difficult to build coalitions which can enact these policies and support their enforcement. Democratic governments which wish to build trust must also convince the public that policies are the result of consultation and citizen participation, that the opinions of average people matter, and that individuals will receive a fair hearing from public officials.<sup>12</sup>

This study found that political trust must be very high in order for government decision-making institutions to legislate in favor of minorities. In a consensus decision-making system conflict is not considered desirable and necessary; dissident groups are somehow not viewed as working in the public interest but "out for their own good." The structure of the Council-Manager system serves to close off conflict before it reaches the decision-making stage of the political system so that only consensus decisions or non-decisions can occur.

Since the dominant political structure valued consensus, this was the primary focus of the Commission. A secondary focus was to fill the hearing role. In no way could the Commission innovate outside the accepted norms of the dominant consensus ideology, although the leadership (the community conservationists) was willing to try to modify community attitudes to agree with its own.

For instance, in the field of Civil Rights, the city leadership was more ready than the rest of the community to

---

<sup>12</sup>Joel D. Auerbach and Jack L. Walker, "Political Trust and Racial Ideology," American Political Science Review, LXIV (December, 1970), 1217.

acknowledge the force of national and state laws in the field, for they found that "what appears to be Constitutional law at the Supreme Court level becomes, in part, local politics at the level of community response."<sup>13</sup> This "community response level" accounts for the eventual local reaction against the work of the Commission despite higher governmental levels of authority that could act in the place of the local Commission if the local group did not function.

In other words, the city leadership was less likely than the community to fight the inevitable product of the larger political system over which they had no control and little influence. The leadership was likely to comply immediately on a token basis or offer little local enforcement rather than rail against unpopular gains made by the Civil Rights movement nationwide. In fact, whatever motives actually prompted its creation, the Human Rights Commission in Huntington served to ally the city government on the positive side of the racial issue while making no actual changes and giving up no real decisions.

The structure of the decision-making system of local government in Huntington and the norms of those people who were active during the decade of the 1960's served to work toward consensus within an accepted paradigm. This set up

---

<sup>13</sup>James R. Klonski and Robert I. Mendelsohn, "The Allocation of Justice: A Political Approach," The Politics of Local Justice, Klonski and Mendelsohn, eds. (Boston: Little, Brown and Company, 1970), p. 4.

the local government process so that only those decisions that had already achieved legitimacy were apt to be offered on racial issues.

The Civil Rights Commission in Huntington was structured by proclamation of the Mayor, as were many other citizen advisory groups. His proclamation of June, 1962, charged this Commission to work "for the elimination of discriminatory practices and policies in our community arising out of race, creed or national origin." Said Mayor John Durkin:

It is my hope that this Commission acting without any fanfare or undue publicity and with patience and goodwill will play a vital role in bringing about understandings and adjustments to the end that there may be elimination of all discriminatory practices. In this sensitive area it is my belief that private discussions can accomplish more toward erasing lingering prejudices than can laws and public agitation.<sup>14</sup>

This proclamation seems to embody the ground rules for an effective nondecision-making group; patience and goodwill are not tools designed to force controversial decisions.

The Mayor may have been influenced by a letter from Mr. John Kohlbecker, Chairman of the Mayor's Commission on Human Relations in Charleston, West Virginia, who sent this advice:

I think you have taken a fine first step forward, and if you pick the right men and women, they should accomplish a lot. . . .

---

<sup>14</sup>John Durkin, Proclamation Establishing a Mayor's Commission on Civil Rights, June, 1962.

1. The Commission should be appointed by the Mayor and not be approved by Council. It should not have any authority. Some of our members would like to have official status, but most of us think this would be a mistake, because we cannot afford to have any controversy in the Council as to whether or not the Commission should operate. Here in Charleston, our Commission is viewed by the public as having full authority, and that is the way we want to keep it. We believe in persuasion, not force.<sup>15</sup>

Mr. Kohlbecker concludes:

At present our position is that we do not favor sit-ins, stand-ins, or picketing. We feel that the colored people should work through the Commission. Thus far we have been successful; but, if you have not already found it out, you will learn that your big problem will be with the colored people, more so than with the white. There is quite a bit of jealousy within their ranks, and they like the idea of these public demonstrations. Each one wants to take the credit for any advances made in integration. I have taken a forthright and forceful stand on this matter, and up to this time I have been able to prevail upon our colored people that their ultimate best interests lie in cooperating with the Commission, and not trying to make its work more difficult through these public demonstrations which . . . can do nothing but harm. When the colored people rely on the Commission to produce results, then the Commission must sincerely . . . move ahead to attain its objectives. Of course, I realize that when persuasion will not move our white people then the Commission will need the help of something more positive (such as demonstrations) . . . but only as a last resort. Personally, as long as our Commission is accomplishing what it is here in our city, I will not tolerate such public demonstrations. My word to the colored people is simply this: Either go along and cooperate with the Commission, or do it their own way, and when they do not want to follow the Commission, then our Commission should be disbanded.<sup>16</sup>

---

<sup>15</sup>Letter, L. L. Kohlbecker, Chairman of the Mayor's Commission on Human Relations, Charleston, West Virginia, to Mr. John Durkin, Mayor, City of Huntington, West Virginia, May 25, 1962.

<sup>16</sup>Ibid.



Certainly this benevolent view of the work of the Commission would reinforce the ideology of the community leadership in Huntington since it was built on a consensus model within accepted community values.

In Gordon Allport's study of prejudice in the United States, he viewed many such Commissions and similar committees. He pointed out:

It has sometimes been held that merely by assembling people without regard for race, color, religion or national origin, we can thereby destroy stereotypes and develop friendly attitudes. The case is not so simple.<sup>17</sup>

And the Guideline for Bi-Racial Committees, a handbook designed for groups working in the area of Civil Rights explains:

The idea that large numbers of people of any group can be controlled or managed through 'leaders' is a myth. People can be aroused or calmed or led to rational or irrational forms of behavior through direct communication and appeal to their emotions or their reason. A committee of prominent, respected, and wise people representative of various groups . . . can decide what to communicate and how to communicate; their mere presence and participation on a committee does little to influence the behavior of what is presumed to be their following.<sup>18</sup>

These Guidelines warn against the agency conceived of as the "receiver of complaints" or the "repair service behind the scenes"; yet this was exactly the role the Huntington

---

<sup>17</sup>Gordon W. Allport, The Nature of Prejudice (New York: Doubleday Anchor Books, 1958), p. 9.

<sup>18</sup>George Schermer, Guidelines: A Manual for Bi-Racial Committees (New York: Anti-Defamation League of B'nai B'rith, 1964), p. 16.

Commission on Civil Rights was expected to play.<sup>19</sup>

The Huntington Commission was composed of persons known to be sympathetic to the cause of Civil Rights. The Commission operated as an integral part of the network of advisory groups that the Council-Manager structure devises to provide legitimacy as well as suggestions to the decision-making body, the City Council. The membership was made up of the "normal" leadership usually appointed to such Commissions except that professional level Negroes were appointed because of the special nature of the Commission.

The original appointees to the Commission included thirteen persons, four Negro and nine white. The Negroes included a minister of a Baptist church, a teacher, a service mechanic at a local industrial plant, and the wife of a dentist. The whites included a Protestant minister; two housewives, one Unitarian and one Jewish; two Jewish businessmen; two second echelon business managers; the then Mayor, George L. Garner, as an ex-officio member; and a representative of the Huntington District Labor Council, a Catholic. Later a Negro lawyer and several Negro ministers rotated off and on the Commission, as did Negro teachers and a Negro dentist. There were always representatives of labor, business, the Protestant clergy, the Jewish and Catholic communities, and, after the initial appointments, representation from Marshall University. In 1965, the Commission

---

<sup>19</sup>Ibid., p. 17.

devised the following statement on its membership policies:

Membership on the Commission should have as broad a basis as possible, representing different segments of our community. In so far as possible, we believe that it is advantageous to have some members of the Commission who have status and a following in the community. We recognize the importance of adequate racial and religious representation on the Commission as well as representatives of differing economic segments of Huntington. We believe 'new blood' should be periodically brought into the Commission, but that all members should have a basic commitment to the importance of our task.<sup>20</sup>

Thus the members of the Huntington Commission followed the pattern of civic leadership in race relations outlined by Peter B. Clark. In his study of civic leadership, Clark found that public policy in the race relations field was of special concern to only one set of civic leaders. They tended not to be the most influential, wealthy or prestigious leaders, but Jewish, Catholic or Negro businessmen or lawyers, or second-level corporation executives. Big businessmen tended to stay away from this area because it was controversial. Most work of such groups was done behind the scenes through private discussions with employers, politicians, and others whose cooperation was wanted.<sup>21</sup>

Huntington had therefore established a Civil Rights Commission composed of well-meaning people who recognized

---

<sup>20</sup>Minutes of the Huntington Commission on Civil Rights, October 12, 1965. Hereafter referred to as Commission Minutes.

<sup>21</sup>Peter B. Clark, "Civic Leadership: The Symbols of Legitimacy," quoted in Banfield and Wilson, pp. 248-49.

that there was a racial problem in Huntington and who hoped to be able to do something about it, a Commission whose failure was due to lack of tools to carry out its task since it was given no implements but the power of persuasion to try to influence either community norms and bias or public policy outputs.

## CHAPTER III

### THE WORK OF THE COMMISSION

The impetus to set up a local Commission to work in the area of race relations came from the State Commission on Human Rights, established in 1961 by legislative act. Although given no enforcement powers, the State Commission was able to make some agreements concerning non-discriminatory practices, especially in the area of public accommodations. In 1961, the state legislature had recognized that the racial issue was becoming more viable nationwide and thought the state had better be prepared to deal with it.

In its annual report for 1962, the State Commission outlined the environment in which it worked:

It must be recognized that important changes took place within the Negro community as a result of the intensive campaign last May in Birmingham. The use of police dogs and high pressure hoses in efforts to suppress the demonstrations brought a tremendous outcry of protest from citizens across the nation. This outrage solidified the Negro community into new determination. There is no longer much of any argument regarding pickets, sit-ins, and other mass demonstrations. These techniques of protest are now accepted as a part of the necessary activity. No voice who counsels patience, gradualism or delay has any hearing within the Negro community. The word is NOW. Leadership and initiative are being seized by the young. . . .

The mood of change which has reached all sections of the country has in many ways totally altered the

situation in which we work and the framework in which we seek to find new patterns. All past accomplishments are not enough. The burning issue is only what lies ahead to be accomplished.

It is a context of a revolution in the making. . . .<sup>1</sup>  
This report went on to indicate that the main thrust of the State Commission's work in its first year was to set up municipal commissions around the state such as the one in Huntington.<sup>2</sup> The report explains:

It is clear that a local human rights commission can make a valuable contribution to the furthering of human rights and interracial understanding. However, in order to do so, the city council, in making the appointment, needs not only to believe in the desirability of change, but also to be committed to the eradication of discriminatory practices.<sup>3</sup>

The state report neglected to mention the tools with which a local commission would be expected to work or the consensus necessary to transform change in ideas into change in practice. For, as one student has indicated, the Negro is not suddenly becoming a protagonist of change. He has always been a symbol of change. Every major change in the status and role of the Negro in the past has been a reflection of important modifications in other parts of the social system. "The objectives of every movement for change

---

<sup>1</sup>Annual Report, West Virginia Human Rights Commission, Charleston, West Virginia, 1962-63, p. 4. (The State of West Virginia operates on a July 1 fiscal year, and this is the ending and beginning date of the report.)

<sup>2</sup>Charleston, Clarksburg, and Parkersburg were the only municipalities in the state that had local commissions in the spring of 1962 when the state agency began its efforts.

<sup>3</sup>Annual Report, 1962-63, p. 15.

. . . have in common the fact that they represent interests and values that have failed to find full recognition in the existing power and status system."<sup>4</sup>

George Schermer indicates that there are two generally accepted views of Human Relations Committees

The first holds that government should be the regulator; that it should adopt laws and promulgate regulation which define fair practices, prohibit discrimination and require compliance. The agency is then established to administer the law. The agency is empowered to coerce due process.<sup>5</sup>

National Civil Rights legislation and West Virginia state law after 1967 fall into this category. So would the Human Rights Commission in Charleston after 1968, when a fair-housing law was passed in that city. This type of Commission is a result of decision-making in the political process. If a group or individual is opposed to this decision, the only recourse at this point is to seek to employ weak people on the staff, limit the finances so that the Commission is unable to operate, or otherwise work for the non-implementation of the legislation. In this way it is possible to turn a decision into a nondecision by forcing the Commission to operate at a disadvantage. On the state level, the Human Rights Commission was consistently hindered

---

<sup>4</sup>M. Elaine Burgess, "Race Relations and Social Change," The South in Continuity and Change, John C. McKinney and Edgar T. Thompson, eds. (Durham, N. C.: Duke University Press, 1965), pp. 338-40; quotation at 340.

<sup>5</sup>George Schermer, Guidelines: A Manual for Bi-Racial Committees (New York: Anti-Defamation League of B'nai B'rith, 1964), p. 21.

by budgetary limitations in the number of field staff it was able to hire to investigate complaints. It was not until 1971 that the State Commission was given a large enough budget to hire its own lawyer to take depositions and conduct hearings.

The second view of a Human Relations Commission

holds that the very essence of good human relations is the meeting of minds, mutual understanding, and cooperative action. This relationship cannot be established if an element of coercion is present. A governmental agency should serve as a promoter and expeditor of communication and provide the forum in which parties can meet.<sup>6</sup>

This second view was the one that materialized in the Civil Rights Commission in Huntington. It assumes consensus and no change in the existing system of values, for cooperative action without coercion implies operation within existing structures and norms, a nondecision situation.

The argument normally given to support setting up the latter style Commission is that "you can't legislate against prejudice." Allport effectively counters this by pointing out that such legislation is not basically aimed at prejudice at all, but is intended to equalize advantages and lessen discrimination. The establishment of a legal norm creates a public conscience and a standard for expected behavior that can check overt signs of prejudice. Thus, the legislation aims not at controlling prejudice, but only its

---

<sup>6</sup>Ibid., p. 22.



public expression.<sup>7</sup> Now if discrimination is the accepted practice in a community, this kind of legislation aims at causing overt change, a change in the publicly accepted norms of behavior, or in terms of the model, a decision output that will attempt real change in existing community practice.

In a border state like West Virginia or a municipality like Huntington with a very small Negro population, the color line exists by tacit agreement instead of law. Negroes were denied equal access to many parts of the public arena that white citizens took for granted; they were restricted to the lower levels of industrial occupation; they were seldom ever allowed to enter the white-only area of management; they were restricted to a specific residential area; and they were generally excluded from private circles of white association. In comparison to the deep South, there was less overt hostility and denigration, less conventional prejudice, but this merely made whites less aware of the color line while Negroes felt it just as keenly.<sup>8</sup> This general description of the color line in the North could have been written specifically about Huntington in the early sixties.

Census data for 1960 gives some interesting statistics

---

<sup>7</sup>Gordon W. Allport, The Nature of Prejudice (New York: Doubleday Anchor Books, 1958), p. 437.

<sup>8</sup>Herbert Blumer, "The Future of the Color Line," The South in Continuity and Change, p. 328.

about the status of Negroes in the state of West Virginia and the city of Huntington; these data tend to substantiate the existence of a color line. In West Virginia as a whole, non-whites held only two-thirds their "share" of professional technical positions; only one-fifth of their share of proprietary and managerial positions; and just over a third of their share of craftsmen and foremen's jobs. But they had five times their share of service jobs and a much larger overshare of unskilled employment.

One might expect this situation to be better in the cities where there is more opportunity, but in Huntington, Negroes held only 30 percent of the Negro share of professional positions; there were 19 percent as many Negro businessmen; 23 percent as many salesmen; and 60 percent as many craftsmen and foremen in the Negro population as compared to percentages for the white population. But there were 5.4 as many service workers, three times as many laborers, and about twice the number of unlisted occupations as there would have been had Negroes occupied their equitable share of the job categories based on population.

The figures for earnings showed similar disadvantages. Median family income in Huntington in 1960 was \$5,426 for whites and \$3,063 for non-whites. The figures for housing indicate 1,446 non-white housing units, with fewer than 40 percent owner occupied. Rent was less than \$30 per month in 85 of these households; 45 owner-occupied

places were valued at less than \$5,000. More than one-sixth of all non-white homes in Huntington were classed as dilapidated.<sup>9</sup>

It was in this kind of environment that Mayor Durkin created the Civil Rights Commission. Most of the appointments were made by his successor as Mayor, George Garner, who was probably the Commission's most faithful supporter on the Council.

#### PUBLIC ACCOMMODATIONS

Much of the early work of the Commission in Huntington was done under the advice of Harold McKinney, Executive Director of the West Virginia Human Rights Commission. The foremost concerns at the time were the opening of employment opportunities and equal treatment in public accommodations. Some immediate emphasis was put on public accommodations because of the West Virginia centennial celebration in 1963 and the hope that many people would be visiting in the state for its various events.

This led to involvement in behind-the-scenes talks with hotel and restaurant owners in Huntington who were not eager to change their established practice. Often it was enough to assure the owners that this particular group of citizens thought that equal service would not hurt their business (judiciously pointing out the few Negroes who

---

<sup>9</sup>Gazette-Mail (Charleston, West Virginia), August 20, 1967, p. 1C.

actually lived in the city) or to rely on the higher moral arguments that it was the right thing to do. Most eating establishments were willing to give verbal assurance that they would serve anyone, but were unwilling to display the State Commission decal that would tell patrons of their non-discriminatory policy. During the first year of the Commission's work, all the major downtown hotels and motels were termed "open."<sup>10</sup>

#### Bailey's Cafeteria

There were, however, two cases of outright resistance in which the Commission found it difficult to convince the owners to desegregate. The first involved the president of the Food Operators Association, Floyd Walker, owner of Bailey's Cafeteria, a Huntington "institution"; the restaurant has regularly been recommended to newcomers, transients, and friends. Mr. Walker was adamant in his stand against serving Negroes, despite the Commission's efforts. The Commission probably would have continued in its behind-the-scenes talks indefinitely except for the intervention of a group that was not bound by the established procedures of the political process.

A group of Marshall University students, under the leadership of a popular Negro basketball player, Phil Carter, and an articulate Negro journalism major, Pat Austin, decided

---

<sup>10</sup>Commission Minutes, May 21, 1963.

to picket Bailey's in May of 1963. Mr. Walker was outraged at the picketing and sit-ins; after closing his restaurant to keep out the group (known as the Civic Interest Progressives, CIP), he went to court to obtain an injunction to deny the CIP's entry to the restaurant and limit their number and style of picketing. This served to bring the issue of discrimination out into the open in Huntington and forced the Civil Rights Commission and the City Council to deal with the issue publicly. It also served to increase the conciliatory efforts of the Commission as the demonstrations became excellent newspaper copy.

Judge John Hereford denied the injunction with a ringing statement:

. . . during this Centennial year, in a state that was born as a result of slavery, it seems impossible that all citizens could not be able to eat in a public restaurant. Certainly this court is not going to uphold a practice that injures some of its citizens.<sup>11</sup>

This statement served as a public rebuke to Mr. Walker.

After the failure of the injunction petition, Dr. Royce McDonald continued to meet with Mr. Walker to work out a compromise. Several members of the Commission as well as other civic leaders, visited Mr. Walker urging him to desegregate. Many used the argument that there were few Negroes who would patronize that sort of middle-class establishment, others said that the publicity was worse than the projected patronage and pointed out that there was really

---

<sup>11</sup>Huntington Herald-Advertiser, May 12, 1963, pp. 1, 4.

no other restaurant like it in Huntington to take away his business. A young lawyer told him it was inevitable, legally, and he might as well comply gracefully.<sup>12</sup>

During the three-week period from the start of the demonstrations through the working out of the compromise, there was much agitation in the community about the demonstrations. Several groups undertook "symbolic" efforts.<sup>13</sup> The Huntington City Council issued a statement which said, in part:

It is the position of the City Council that all public or semi-public facilities be open to all persons without regard to race, color, or creed. Your City Council will continue to work diligently with all groups to achieve this objective.<sup>14</sup>

The Huntington Ministerial Association passed a resolution:

[We]. . . deplore the attitude of Bailey's Restaurant in denying usual service to certain citizens of our community because of their race, and the Association urges that the restaurant open to everyone.<sup>15</sup>

The Executive Director of the West Virginia Human Rights Commission stated that the refusal by Bailey's to serve Negroes was "giving the whole state a kind of a bad reputation."<sup>16</sup>

---

<sup>12</sup>Interviews, Paul Pancake, February 15, 1971; John Jenkins, May 7, 1971.

<sup>13</sup>Usage of the term "symbolic" or "symbolic reassurance" follows that established by Murray Edelman, The Symbolic Uses of Politics (Urbana: University of Illinois Press, 1967).

<sup>14</sup>Huntington Herald Dispatch, May 11, 1963, p. 1.

<sup>15</sup>Huntington Herald-Advertiser, May 12, 1963, p. 3.

<sup>16</sup>Huntington Herald Dispatch, May 5, 1963, p. 1.

The Huntington Commission was pressured by the CIP group to give some kind of support to their efforts. Before the Bailey's picketing, the CIP attended a Commission meeting and discussed their position. They asked for Commission support, but the Chairman told them that public support would not be wise; that "in order for a local Commission to negotiate, channels of communication must remain open; this might not be possible under circumstances such as picketing." He was asked by Phil Carter if the Commission could then be called neutral, and Rev. McDonald answered that, although the action might be different, the ultimate aims were the same.<sup>17</sup>

Mr. McKinney, the Executive Director of the State Commission, said that he was not against student demonstrations as they were sometimes the very thing to galvanize action. He felt that such demonstrations were likely to make the job of the Commission easier rather than more difficult.<sup>18</sup> During the picketing, the Commission offered this public statement regarding its position on the CIP demonstrations:

Members of the Commission have visited with Mr. Floyd Walker of Bailey's Cafeteria with the hope of persuading him to open accommodations of the cafeteria to all racial groups. At the time of the 'share-in' and picketing, the Commission was still in conversation with Mr. Walker about his policy of refusing to serve Negroes.

---

<sup>17</sup>Commission Minutes, March 19, 1963.

<sup>18</sup>Ibid.

The Commission recognizes the right of groups and individuals to picket and use other non-violent methods of protesting various forms of discrimination such as refusal to serve Negroes in public accommodations.

Further, the Commission stands ready to act as conciliator in the controversy at Bailey's, or any other area of public accommodation or employment . . . where its services might be utilized.<sup>19</sup>

All of these statements offer what Edelman calls "symbolic reassurance." They provide public statements of sympathy without changing the actual facts of the issue at all, except insofar as the persons involved are moved by publicity.

Symbolic reassurance is a method of nondecision-making, one that brought results in this case for, within a week, Dr. McDonald, Phil Carter, and Mr. Walker worked out a compromise that would allow Dr. McDonald to bring Charles Smith, a young Negro minister, with him to lunch. After this, the picketing would stop and there would be no mass influx of Negro patrons, but they could come in small groups at different times. There was to be no publicity.

Despite the great publicity given the picketing, there was no public announcement of a change in Bailey's policy. Mr. Smith was served, and over the next few months, several professional-level Negroes went to lunch at Bailey's with their white colleagues.

How much did the Commission members' efforts have to

---

<sup>19</sup>Statement of Position, Huntington Commission on Civil Rights, May 10, 1963, from the private files of Royce McDonald.



do with Floyd Walker's changing his mind? Dr. McDonald thinks that all the credit should go to Phil Carter. If he hadn't brought the pressure, Mr. Walker would not have changed his mind, he speculates. He sees his own role merely as midwife, working out a face-saving solution for both sides.<sup>20</sup> Roger Gross, a retail merchant and another Commission member who talked to Mr. Walker, thinks that Mr. Walker's main concern was his business; that he determined a continuation of the demonstrations would hurt his business more than agreeing to integrate, especially under the conditions he was able to impose as part of the agreement.<sup>21</sup>

This case highlights one of the peculiarities of the whole area of discrimination in this country. Gunnar Myrdal has pointed out that Americans feel a "moral uneasiness" at their failure to make their practice conform to the American creed of equality and opportunity for everyone. When this failure is made obvious, then Americans feel conflict.<sup>22</sup>

The United States has a high official morality while practice is often revealed as being very immoral. Thus individuals must rationalize this conflict in some manner. They may believe that they did not create the system and that therefore they are not responsible for it; they may

---

<sup>20</sup>Interview, Royce McDonald, April 21, 1971.

<sup>21</sup>Interview, Roger Gross, May 12, 1971.

<sup>22</sup>Gunnar Myrdal, An American Dilemma (New York: Harper, 1944), p. 60 and passim.

believe that they have no real choice, and since their role is so infinitesimal, they do not have any guilt. Or they will not admit that there is a problem at all. These people are so familiar with the caste and class lines that they regard them as normal. This group believes that Negroes want to live with their own kind, are happier in Negro churches and schools, and appreciate "white folks" looking out for their interests.

Another method of rationalization is bifurcation, to rationalize by making exceptions. This involves pointing to the few Negroes who do not fit the pattern and rationalizing that, if they could make good, so could all the rest, if they wanted to.<sup>23</sup>

Yet, this moral uneasiness also means that public agencies in areas outside the deep South feel they must give verbal support to anti-discrimination efforts, whatever their private practices may be. Despite the verbal assurance by the Council regarding non-discrimination, it was brought out by the Commission that the city discriminated informally in placing workers. While men did not request certain positions on their applications to work for the city, at this time, all members of the refuse department were Negro and all members of the street department were white. The application forms did have a place for race of the applicant. When questioned about this practice, the City

---

<sup>23</sup>This discussion follows that in Allport, pp. 314-17.

Manager could answer only that he could see no reason for the situation, while a City Council member suggested that since the refuse employees were paid on an incentive basis while the street department was not, perhaps the Negroes preferred to work in this department.<sup>24</sup>

### The White Pantry

The second public accommodations case was also brought to the Commission's attention by the CIP group, and by the same methods, picketing and sit-ins. But the White Pantry case was to prove a continuing source of conflict because the owner, Roba Quessenberry, would not bow either to the private pleadings of the Commission and the City Fathers, to the statewide publicity, the business inconvenience of the sit-ins, or to the severe public tongue-lashing of Judge Hereford.

This incident followed the demonstrations at Bailey's by about six weeks. During that period, the CIP had sent out test groups to many restaurants, Camden Park, the local amusement park, and the YMCA. In this way, they discovered that the White Pantry followed a stated policy of discrimination and decided to repeat their demonstrations. The White Pantry differed from Bailey's in that it was smaller and was open twenty-four hours a day (a fact the CIP felt would help their case).<sup>25</sup>

---

<sup>24</sup>Commission Minutes, October 2, 1962.

<sup>25</sup>Interview, Danie Stewart, May 11, 1971.

The demonstrations began in much the same way as those at Bailey's, but Mr. Quessenberry reacted much more violently than did Mr. Walker. During the six weeks between the initial sit-in on July 13, 1963, and the hearing on his injunction petition on September 6, Mr. Quessenberry burned insecticides, sprayed with ammonia, shut off the air conditioning, turned up the heat, and closed his restaurant in an effort to drive the demonstrators out of his restaurant and to keep them out.<sup>26</sup>

There were some other differences between the demonstrations at the White Pantry and those at Bailey's. In the first place, the picketing groups increased and included groups other than just the CIP. The NAACP in Huntington and many sympathetic Negroes from throughout the region came to Huntington to participate in the marching and lend verbal and physical support to those who sat-in, braving the abuse Mr. Quessenberry provided.<sup>27</sup>

In the second place, Mr. Quessenberry seemed to become personally involved with the demonstrators. This was partially due to the close quarters in the White Pantry, partly the personality of Mr. Quessenberry, but mostly due to the long drawn-out nature of the battle. Although the sit-ins began in July of 1963, Mr. Quessenberry was still

---

<sup>26</sup>Testimony, Quessenberry v. Cleckley, Cabell County Circuit Court, Civil Action No. 10514, September 6, 7, 1963, pp. 127-155.

<sup>27</sup>Interview, Danie Stewart.

spraying insecticide and closing his restaurant in September and October of 1964. It was not until the 1964 Civil Rights Act was upheld by the Supreme Court in December of 1964 that Mr. Quessenberry's attorney announced his client would attempt to abide by the law. Even then Mr. Quessenberry would not agree to serve Phil Carter, the CIP leader.<sup>28</sup>

If Bailey's had evoked concern in the community, it was very little compared to that engendered by the White Pantry. The demonstrations and Mr. Quessenberry's violent reactions were closely followed in the news media, not only in Huntington, but throughout the state. A parade of public figures visited the White Pantry to try to persuade Mr. Quessenberry to change his policy. City Council, the Civil Rights Commission, the State Human Rights Commission, as well as many private citizens all tried discussion.<sup>29</sup> The City Council received delegations of Negro citizens and members of the CIP asking that they take some kind of action on the case. At one City Council meeting various Council members deplored Mr. Quessenberry's attitude and castigated the City Manager (Mr. Hoisington) for continuing to eat in the White Pantry despite the adverse publicity.<sup>30</sup>

In September of 1963 Mr. Quessenberry attempted to obtain injunctive relief. The case was heard by the same

---

<sup>28</sup>Commission Minutes, December 15, 1964.

<sup>29</sup>Testimony, Quessenberry v. Cleckley, p. 156.

<sup>30</sup>Huntington Advertiser, August 27, 1963, p. 11.

Judge, John Hereford, who had summarily denied Floyd Walker's petition. This time he heard two days of testimony and handed down a verdict denying the petition in which he said:

I will say here and now as I said a few months ago in another case of like kind, that I don't think any lawyer could dispute the fact that the Supreme Court of the United States has by its decisions said that the American Negro has civil rights the same as any other citizen; that . . . the Constitution of the United States guarantees to them the same rights that it guarantees to me.

And yet, . . . there are little people in the world that would still deprive American Negroes, who are American citizens the same as I am, of the rights that were promised them 100 years ago but have been denied them for 99 to 100 of that period since the promise was made.

What this petitioner is doing is depriving the American Negroes of Huntington or elsewhere from coming into his place of business and enjoying the same privileges of his fine restaurant--although I have never been in it I am sure it is a fine one--declining to allow a person, just because his skin is a different color than mine, refusing to allow him the same privilege that I would be allowed if I walked into his place of business.

I say, that is something that the Supreme Court has, I think very definitely, watered down and placed in the area of condemnation. And if what the petitioner is doing was done by a governmental agency, by a state, by a city, by a county, that would be enjoined immediately from doing such a thing, from practicing segregation in a business that is operated by taxation. And yet the petitioner would come into this court and ask this court to protect him in his attempt to do that which the Supreme Court of the United States says that the state couldn't do or the county couldn't do.

Now, let us concede that as an American citizen he has rights the same as everybody else, and he has a right to be foolish if he wants to; he has a right to take the position that he is not going to permit integration in his place of business; he has a right to do all of those things. And I would be the first to

accord him those rights. But I am saying now I am holding that he has no right to come into a court of law and ask me as judge of this court, in a court of chancery, in a court of conscience, in a court of the heart--he has no right to come into this court and ask me to protect him in doing something that the Constitution of the United States, according to the Supreme Court, says is not proper and could not be done by a governmental agency.

So this court is not about to lend its good offices to help this petitioner or any other petitioner to enforce something that is contrary to the spirit of the Constitution and the decisions of the Supreme Court of the United States.

And I am going to go further and hold in this proceeding that when a man such as this petitioner gets a license from the State of West Virginia and from the City of Huntington--and the court takes judicial notice of that fact--to serve the public in the form of furnishing a place for people to eat, and when that business that he is operating has to be inspected by the health department of the city, they have to make an examination of the cleanliness of the place, the toilet facilities, the cleanliness of the kitchen, they have to go in there and inspect it and place a rating on the business, and that has to be done by a public official, and that public official is paid by taxpayers' money, including taxes that are paid by the Negroes, and then make the Negroes help pay for inspecting a restaurant that only white people can eat in, and that the door is slammed in the face of the Negroes, is, I think, unreasonable and unpardonable.

I think, in addition to that, that there have to be fire inspections that have to be conducted by public officials that are paid by the taxpayers, including taxes that are paid by the Negroes too. And to tax the Negro in order to pay the salaries of somebody that has to inspect a business from which the Negro is shut out, is not good Americanism, is not Constitutional, and is contrary, in my way of thinking, to the laws of the great State of West Virginia.

So I am about to say and am saying that when the State of West Virginia issues a license and the City of Huntington issues a license to do business and serve the public, that the Negro is as much a part

of the public as the white man, and that they would be obligated to serve him too.<sup>31</sup>

Although this seems a fairly clear-cut decision on the part of the judiciary, it proved to be another round of nondecision-making. For despite the public utterances of all sections of the community, Mr. Quessenberry still refused to serve Negroes in his restaurant. All the denial of the injunction meant was that the situation could continue despite the fact that the judge and the City Council disapproved. Their words provided the protestors with symbolic reassurance; after all, they had done all they could in the situation; Mr. Quessenberry would not listen to reason; and reason and moral suasion were the only tools they had available. When decision is built on consensus without coercion, a single dissenter can destroy the consensus and force a nondecision, as did Mr. Quessenberry.

The only other public accommodations case to come officially before the Commission was one involving a small bar and grill that allegedly had refused to serve a racially mixed couple. This was after the passage of the 1964 Civil Rights Act and after Commission members had talked to the proprietress. Their main thrust in conversation with her was that the law required her to serve everyone. The

---

<sup>31</sup>Decision, Quessenberry v. Cleckley, September 7, 1963, pp. 333-48. This decision was printed verbatim in the Sunday Herald-Advertiser, September 8, 1963.



Commission members felt she remained noncommittal.<sup>32</sup>

In this case there was nothing more the Huntington Commission could do but advise the complainant to carry the case to the state or national level. Obviously, it is impossible to push a case for every restaurant that chooses to discriminate. That is why, even today, Negroes who travel throughout this country try to eat and sleep in chain motels or restaurants located on main highways or in large cities. This is the only way they may be assured of obtaining service.<sup>33</sup>

Despite the all-encompassing nature of the 1964 Civil Rights Act in the field of public accommodations, this legislation becomes a decision in practice only where it is enforced. Where there is non-compliance with the law there is nondecision. A decision in the system must be tied to implementation.<sup>34</sup>

---

<sup>32</sup>Letter to Dr. Paul D. Stewart, Chairman, Huntington Commission on Human Rights, from Carl Glatt, Executive Director of the West Virginia Human Rights Commission, August 4, 1967.

<sup>33</sup>Interview, Dr. Thomas B. Wright, April 5, 1971.

<sup>34</sup>The importance of implementation of legislation illustrates how the status quo always has the advantage in a decision-making (change) situation. At all stages it is those that seek change that must make the greater effort. Without effective local laws the procedure to obtain change on a national level is very slow and often very expensive. In some areas of discrimination, such as school desegregation which depend on some form of monetary support that can be withheld, compliance may be exchanged for cash despite dislike of the change. But the slow pace of school desegregation since the Brown decision in 1954 illustrates the point that legislation alone is not the whole answer,

## EMPLOYMENT OPPORTUNITIES

During its first year of operation the Commission made various surveys to identify the actual discriminatory practices that might exist in Huntington. The Commission members were divided into subcommittees that investigated different areas. One of the major subcommittees was one that investigated employment opportunities.

Employment Survey

In the spring of 1963 this subcommittee made its report. This employment practices survey found eighteen businesses in Huntington that declared they had a stated policy of no discrimination in hiring; the actual employment figures presented an interesting interpretation of this statement. At American Car and Foundry there were 25 Negroes employed out of 900 employees. Heiner's Bakery employed 115 people, of whom four were Negro: a janitor, two truck washers, and a mechanic. Mootz Bakery employed 95 persons, none of whom were Negro. People's Manufacturing Company hired 115; 105 were women and one was a Negro, a matron. Pepsi Cola bottlers employed 34; none were Negro. The Dr. Pepper bottlers employed 40; none were Negro, although the

---

especially legislation at the national level. This was the main reason for the real fear in Huntington of a local open-housing law, despite the existence of such laws on the state and national level. Those who do not wish to see open housing recognize that local laws might make change a reality, instead of just a threat, because of local enforcement, thus causing a nondecision to become a decision.

manager stated he had offered work to two Negro students from Marshall University who did not accept his offer. At the Maidenform plant there were no Negro employees; only two had applied in the previous twelve years. At the Huntington Manufacturing Company, there were two Negro employees, both matrons; this company stated they would not hire Negroes because their employees wouldn't like it.<sup>35</sup>

At the Coca Cola bottling company 4 percent of the employees were Negro and the company stated they would not be willing at that time to hire Negroes in sales positions.<sup>36</sup> At Polan Industries, 10 percent of the work force was Negro; "since they were a defense plant, the law required no discrimination in employment." At Owens-Illinois, "there were no records available," but they stated they did have a "fair number" of Negroes employed. H. K. Porter had nine Negro employees, eight employed as janitors, and the other in charge of the mailroom. International Nickel had "hired their Negro draftsman." At the Huntington Water Corporation (a private company), there was a Negro employed as a janitor. The Ohio Valley Bus Company had 140 employees; six of whom

---

<sup>35</sup>One Commission member who was the local agent for the Ladies Garment Workers, the union at this plant, made inquiries from the main office of the company. He was told that the company had no discrimination policy and that there must be some misunderstanding in their Huntington plant. Commission Minutes, May 21, 1963.

<sup>36</sup>The employment figures are given in different statistical forms because the report was compiled by three different people, each used his own system of reporting.

were Negroes, four janitors and two mechanics; there were no Negro bus drivers, "None had ever applied." At another public utility, United Fuel Gas, there were two Negro janitors and a maid who worked with the home economist. Houdialle-Hersey had no Negro employees out of a total work force of one thousand. The plant spokesman stated that there were only four hundred of these men working now, and the other six hundred had to be recalled before the company could do any new hiring.

Appalachian Power had twelve Negro employees: one messenger, nine janitors, one receptionist, and a maid for the home economist. At International Nickel, there were Negroes employed, but the personnel people did not have a count. However, they did say that they were making a real effort to hire Negro clerical help, but that few were qualified, "and we want only the best."<sup>37</sup>

The industry report was summed up by a statement that apparently few Negroes apply for jobs, that those who do are unskilled, and that employment prospects in the city are not good for anyone. It was added that Negroes are often not aware of places where there are job openings and that the Negro leaders should "educate their people to these opportunities and to the responsibilities carried with them."<sup>38</sup> This report showed the real lack of opportunity

---

<sup>37</sup>Commission Minutes, November 7, 1962.

<sup>38</sup>Ibid.

for Negroes to be employed in the city in any but low-level positions.

There were some glaring omissions in the employment survey. One of the largest (and reportedly most discriminatory)<sup>39</sup> employers in the city, the C & O Railroad, was not surveyed. The number of Negroes employed in the large Federal civil service in the city was not surveyed, although the Army Corps of Engineers visited a Commission meeting to tell them the Corps would actively recruit Negroes who could pass the civil service examination. At that time, the representatives from the Engineers stated that there were only nine Negroes out of five thousand employees in this district.<sup>40</sup> The six banks in the city were not surveyed, nor were the grocery stores.

The C & P Telephone Company had a member on the Commission, and his reports indicated that the company was making a real effort to hire and train Negroes in all capacities. Marshall University was not surveyed. At that time there were no Negroes employed except as matrons or maintenance personnel.

In trying to investigate employment opportunities the Commission was faced with employers who claimed to be following a non-discriminatory policy, yet told all Negro applicants that they were not hiring and refused to give

---

<sup>39</sup>Interview, Charles Smith, March 26, 1971.

<sup>40</sup>Commission Minutes, October 18, 1963.

them applications. Without specific legislation covering fair employment practices there was little that could be done. Another problem indicated by the Commission survey was companies that do hire Negro help hire Negroes only in the most menial positions. Others "do not apply" or "are not trained" for the job. At companies like International Nickel there is another barrier for anyone applying for a job. In this company there is deliberate nepotism and many relatives work for the company. This means that the employees who are the first to know when the company is hiring are sure to let their family and friends know immediately, so the jobs may indeed be taken by the time someone else would apply, despite the company personnel policy.<sup>41</sup>

There was a discussion within the Commission about whether or not to publicize this survey information, and if it was publicized, whether to reveal the names of the companies involved. After much discussion it was decided not to print the information. It was felt that it would be better if the Negro leaders and others with contacts would make every effort to let qualified Negroes know the hiring policies of these companies and then follow up on any

---

<sup>41</sup>Charles Smith, while generally most uncomplimentary of the hiring practices of businesses in Huntington, did say he thought International Nickel had been sincere and concerned in their efforts to hire Negro personnel, especially in the past few years. Interview, March 26, 1971.

complaints in hiring practices after that. Negroes on the Commission remarked that most Negroes with job skills leave the area for better opportunities in larger cities, and it was agreed that job opportunities were not great for anyone in the city, black or white.<sup>42</sup> Whether or not the publication of the report would have changed anything, the Commission opted for nondecision in this case.

### Retail Sales

As a result of the employment practices survey it also was found that none of the retail stores employed Negro sales help. Commission members thought that this might be an excellent place for the Commission to work toward acceptance of Negroes in Huntington. Since these stores usually hired extra help for the Christmas selling season it was decided to try Negro clerks at this time. The Commission set up a special training program in selling techniques, grooming, and other facets of retail sales. Of the number trained, several were hired on an individual store basis for the 1963 Christmas season. Anderson Newcomb refused to participate in the Commission's effort, but the national chains, J. C. Penney, the Bazaar, and Sears Roebuck, were the most cooperative and hired Negro clerks on a permanent basis.<sup>43</sup>

---

<sup>42</sup>Commission Minutes, January 15, 1963.

<sup>43</sup>Commission Minutes, May 21, 1963; December 17, 1963; September 17, 1963.

The Commission was able to accomplish its purpose in the hiring of Negro clerks in retail stores. The reasons were varied. One was the character of the people involved who felt that it was the right thing to do. The Commission also helped by working out a positive training program and agreeing to find Negro replacements in case any of those hired might be fired or leave for any reason. The big chains like Penney's and Sears might have hired Negro clerks as part of their national policy without the Commission's urging, but there can be no doubt that its leadership in the matter made it easier for the locally owned stores to follow. This was a very real effort on the Commission's part and, although the total number of employees hired permanently was not large, it was a start and succeeded in breaking the color line in a very big employment area. This effort showed that there are ways a Commission that can only talk can accomplish some positive good.

With their work in retail sales the Commission discovered that fair employment practices were one of the easier areas of discrimination to begin to eliminate, partly because whites find equal employment the least offensive, and also because improvement in employment opportunities gives maximum satisfaction to Negroes. This is similar to Allport's study in which he found employers often are following what they consider to be accepted folkways, and are cooperative when assured that customers, employees, and the law prefer, or at least expect, no discrimination in



hiring practices. Although employees and customers will object if asked in advance, the actual practice of equality brings little objection. "Experiments have shown that ordinary stream of living equality will be taken for granted provided that the issue is not brought into consciousness and verbally articulated."<sup>44</sup> While this observation proved generally true in the Commission's work in Huntington, neither Allport nor the Huntington Commission dealt with the upgrading of employment opportunities that would involve Negroes in supervisory positions with white employees. This is often an area of greater conflict. There was little, also, that the Commission could do about the kind of jobs that were open to Negroes. Qualified applicants were needed to test the hiring policies, as was a fair employment law to give applicants some recourse in the event of discrimination in hiring.

#### RECREATION

Another one of the Commission's subcommittees studied recreation possibilities in Huntington and the surrounding area. They found Camden Park was segregated. The owners stated they remained segregated because they feared racial violence and because of the roller skating rink they operated which involved changing partners. Segregation was found to be the practice in all the roller

---

<sup>44</sup>Allport, pp. 434-35.

skating rinks in the city, mainly for fear of incidents over mixed couples or other "embarrassing situations."<sup>45</sup> None of the rink owners would agree to allow Negroes in the rinks until after the passage of the 1964 Civil Rights Law. The Commission was not able to influence their policy.

Most bowling lanes claimed to follow a non-discriminatory policy, as did all the movie theaters. The Colonial Lanes followed a policy of discrimination, and the management feared economic loss if they opened their lanes to all. However, the management did state they would allow Negroes in the Industrial Leagues and suggested this might be the best way to approach the problem. Mr. Lloyd Frankel, the manager, suggested that the Commission talk with the Industrial League bowlers if they were really interested in opening his business. If they integrated, he said, he would go along.<sup>46</sup>

Mr. Frankel used a nondecision approach that is a favorite of many institutions, the technique of forcing the individual attempting the change to take one more step, the person asked to make the decision says that he will go along if everyone else will. It then takes only one holdout to stifle change effectively.<sup>47</sup>

---

<sup>45</sup>Commission Minutes, April 16, 1963.

<sup>46</sup>Commission Minutes, January 15, 1963.

<sup>47</sup>This nondecision strategy is a special favorite of bureaucratic organizations. What student has not heard, "Well, I will sign that request if you can get the Dean to sign it." The student then finds that the Dean will not sign unless the department chairman will, and the department

## HOUSING

In Huntington, housing for Negroes has long been confined to a limited geographical area bounded by the railroad tracks on the north, 15th street on the west, running to Charleston Avenue on the south over to 18th street with a two block swing southward, then to 19th or 20th streets and Eighth Avenue again. Only since the very late sixties have professional people, lawyers, dentists, and teachers moved outside the ghetto area.<sup>48</sup>

In 1963 the Commission conducted a real estate survey. Brokers said they would show housing to anyone who asked, but also said they would abide by the wishes of the owner concerning selling to Negroes in white neighborhoods.<sup>49</sup> This problem was highlighted in 1965 by the efforts of Negroes in professional positions in the Women's Job Corp Center who were unable to find suitable rental housing in the city although price was not the prime consideration. A group of concerned citizens, Commission members and others,

---

chairman wants to talk to the student's adviser, and so on. They hope that somewhere along the way the student will give up and no one will have to make any kind of decision. Referring a problem to a study committee can have the same effect.

<sup>48</sup>Interview, Herbert Henderson, March 26, 1971.

<sup>49</sup>Commission Minutes, February 16, 1965. This report was compiled by a subcommittee headed by Mrs. Helen Gunn who added a note that she knew from personal experience that Negroes could not find housing in white areas, and so questioned the answers she had received for the survey.

attempted to help these people find housing. Finally Judge Hereford offered rental property that he owned and the Job Corps personnel were finally able to find a place to live.<sup>50</sup>

Even in a 1968 housing survey one Negro leader said he felt the community was still looking the other way and not helping the cause of open housing. By ignoring the problem, he said, the white community hopes that it will go away. "The very traditional and conservative approach to life in Huntington makes it most stifling."<sup>51</sup> In the same survey Mr. James Setzer, then President of the West Virginia Homebuilders Association, said he assumed the Huntington Board of Realtors did not see itself in the role of shaping or influencing community attitudes. Its chief responsibility in its own view, said Mr. Setzer, is to enforce ethical behavior in the buying and selling of property.<sup>52</sup> It was not until 1971 that the West Virginia legislature passed an open-housing law similar to the 1968 Federal statute.

There is a very obvious mobilization of bias in Huntington on the subject of open housing. Segregated housing patterns reinforce one of the major mores of this city; to break them is to evoke a major emotional reaction. This reaction is usually couched in the language of loss of

---

<sup>50</sup>Huntington Herald Dispatch, February 10, 1966, p. 1.

<sup>51</sup>Community Housing Survey, Huntington League of Women Voters, January, 1969, p. 11. (Mimeographed.)

<sup>52</sup>Ibid., p. 10.

private property rights and the freedom of an individual to sell his property to whom he chooses. As one student of the subject found, detractors of fair housing legislation believe it means "compulsion or loss of freedom of choice. . . . Their perspectives on the issue do not include the acceptance of the fact of discrimination."<sup>53</sup>

This barrier of community bias refuses to let the problem of discrimination in the buying and selling of property enter the policy-making arena, another example of nondecision strategy. The community attitude is perpetuated by whites who do not want Negro neighbors for fear their property might depreciate; by Negroes who do not want to move because they are afraid of white animosity toward themselves or their children; and by real estate agents who will not take the lead because they are "trying to do what is best for their clients." Whites will not sell because they are afraid their neighbors will object; thus change does not come.

The Commission was unable to effect any change in housing patterns in Huntington without an open-housing law to provide incentive. The state and federal legislation has helped the middle-class Black to move.

---

<sup>53</sup>Harlan Hahn, "Northern Referenda on Fair Housing: The Response of White Voters," The Western Political Quarterly, XXI (September, 1968), 493.

## EDUCATION

Another major area of concern to the Commission was racial problems in the school system. The Commission was hindered in its official dealing with the public school system because the Board of Education is an independently elected board, separate from the other political units in the city and county, and the Commission thus had no official status with the Board.

Initial desegregation in the Cabell County public schools followed quickly on the heels of the 1954 Brown decision. The Board of Education redrew the attendance lines so that while there were a few Negroes in some formerly white elementary schools, one elementary school remained all-Negro, and another was largely so. Moreover, the all-Negro school was given open status which allowed any child in the county to attend this school, but naturally the only students that took advantage of this provision were black. On the secondary level the pattern was the same. While Negroes were permitted to attend Huntington High, most of them continued to attend Douglas, the Negro junior-senior high school located in the Negro area. A few of the "achievers" did attend Huntington High, and Douglas was regularly raided for black athletes, but until it was closed in 1961, most Negroes did not attend schools with whites in Huntington.<sup>54</sup>

---

<sup>54</sup>Interviews, Helen Gunn, April 3, 1971; Hite Compton, April 21, 1971.

After Douglas was closed Huntington High had several racial disturbances. The Commission members, especially the Negro members, would often act as conciliators, but as individuals, not officially for the Commission. The Commission did attempt to offer their help to the school administration, but were rebuffed and told there were no racial problems in the Huntington schools.<sup>55</sup>

The Commission received various complaints of discrimination in the schools; some involved specific teachers, others were concerned with the lack of opportunity for participation in extra-curricular life of the schools (except athletics) and harrassment from a "punk" element, especially of any attempts at inter-racial dating.<sup>56</sup> This racial guerilla warfare finally culminated in the Keith-Albee incident, the turning point in the life of the Commission, on January 1, 1966. These racial incidents in the schools continued throughout the sixties, and it was not until 1967 and the spring of 1968 that the school system finally admitted that there might be some racial friction, and made some move to alleviate the complaints of discrimination. When this was done there was a backlash from the white community who resented the opening of the high school's clubs and the appointment of black cheerleaders and majorettes.<sup>57</sup>

---

<sup>55</sup>Commission Minutes, December 3, 1962; May 21, 1963.

<sup>56</sup>Interview, Hite Compton, April 21, 1971.

<sup>57</sup>Huntington Herald Dispatch, September 20, 1967, pp. 1, 9; October 4, 1967, p. 1.

The Commission did not have the confidence of the Board of Education in dealing with racial friction in the schools. The Board of Education, however, is one of the few decision-making bodies in the local political system to actually make a decision. Despite opposition from the white community, the school board did grant some of the complaints from the Negro community about discrimination in the schools. They did abolish closed clubs at Huntington High and did make provision for the selection of black majorettes and cheerleaders. Besides these positive steps, they did tighten the school administration by new personnel appointments, and other means to prevent trouble from students or non-students. The school board has also (1970) abolished the last all-Negro elementary school, after pressure from blacks, and zoned all Negro children into other schools. A Black Studies curriculum has been instituted in the high school and all textbooks are now passed for racial content.

While most of these improvements in the racial atmosphere in the Huntington schools has come from direct pressure from the black community or its leadership, some have come in response to national trends. Members of the local Commission acted in times of racial conflict in an individual capacity, although the State Commission sent representatives to investigate disturbances, and they talked unofficially with school personnel. The Huntington Commission proved ineffective in this area because the school board would not admit there was a problem, and when they did



finally admit it, the Commission was not granted the amicus curiae position to work toward solving it. The Board was not about to grant any of its decision-making to another group.

## CHAPTER IV

### THE COMMISSION, THE CAMPUS, AND THE CIP

The Commission had contact with Marshall University either through faculty members who were Commission members, or through concern with racial problems encountered by Marshall students. This was the era when college students were involved with the Civil Rights movement, and this was evidenced, in a small way, by the efforts of the Civic Interest Progressives at Marshall.

Besides the incidents at the White Pantry and Bailey's the Commission was involved in several other incidents brought to their attention by the CIP. Discrimination at Camden Park and the YMCA was documented by the CIP, as well as segregation at Colonial Lanes and various eating and drinking places around the campus itself.<sup>1</sup> The Commission talked to the establishments involved except for those catering especially to university students; these were referred to the university administration.

By 1964 the CIP had also decided to act as a party to any incident on the university campus involving Negro students. One of these involved the Kappa Alpha fraternity.

---

<sup>1</sup>Commission Minutes, March 19, 1963.

The fraternity had an annual "Old South" Ball in the spring, its main social function of the year. At this time the fraternity members would dress in Confederate uniforms, their dates in ante-bellum gowns, and they would parade to the campus, raise the Confederate flag, and declare control of the campus for the weekend to the playing of "Dixie." The CIP group had already objected to the playing of "Dixie" at university athletic events, and they petitioned President Stewart Smith to limit the fraternity events to their own grounds. President Smith answered that the fraternity had already been given permission to have their traditional ceremony and he would not ask them to change their plans.<sup>2</sup>

But the fraternity members turned the CIP protest into a non-event. The fraternity members marched onto campus wearing suits rather than their uniforms, and instead of raising the Confederate flag and singing "Dixie," the fraternity president asked the band to play the national anthem and the members recited the Pledge of Allegiance.<sup>3</sup> While the CIP had accomplished their stated goal, they had lost their real battle against the discrimination of the fraternity system. The fraternity received nothing but praise for their handling of the event while nothing really changed in the fraternity system. This is an excellent

---

<sup>2</sup>Huntington Herald Dispatch, May 2, 1964, p. 1.

<sup>3</sup>Ibid.

example of nondecision strategy.<sup>4</sup>

While the Huntington Commission was not presented with the problem of the Old South weekend, they were presented with the "Blue Mountain Blast," another fraternity social function. In March, 1965, a student delegation from Marshall asked for a hearing before the Commission on conflicting stories of an altercation at an off-campus fraternity dance the preceeding weekend, which the CIP had chosen to publicize as a discrimination case.

The dance followed a hillbilly theme and a band of Negro musicians had been hired to play. The fraternity president stated that two members and a guest who had been drinking heavily hit one of the band members after the dance, which resulted in retaliation and a general melee among the fraternity members and the band. The fraternity president felt that race was not involved, that the real problem was that the people involved were drunk.

The band members stated that it was a racial incident because much racial language had been used during the break and after the dance; the band members stated they had repeatedly asked the fraternity members to get off the stage and stop meddling with the equipment, but that they had refused to do so.

---

<sup>4</sup>The real implications of the nondecision show up in the years since that time. Up to 1970 Negro groups were still protesting discrimination in the fraternity system and the Dixie elements of the Old South weekend.

Members of the CIP testified, as did the West Virginia NAACP college chapter vice-president, all of whom used the incident to point out segregation in the social fraternity system; they asked that the fraternity be put on social probation and those persons directly involved be dismissed from school.<sup>5</sup>

It became obvious during the discussion that the group had come before the Commission because the Marshall administration did not consider the CIP a legitimate party to the event. The day after the Commission hearing, President Smith of Marshall made this statement:

It is not the prerogative of the CIP or any other group to dictate to the university administration what penalties should be given in this or any other incident.

It (the CIP) has a right to protest, but any interference in the university's authority to administer its rules is an encroachment upon the governing responsibilities of the institution.

. . . By assuming it can speak for the university, although not accountable to the university, the CIP group has placed itself in a highly ambiguous and indefensible position. When a decision is made, it will be our decision.<sup>6</sup>

---

<sup>5</sup>Commission Minutes, March 16, 1965.

<sup>6</sup>Huntington Herald Dispatch, March 17, 1965, p. 1. President Smith did eventually suspend two of the students involved, and put the fraternity on social probation. However, he ruled out racism as a factor and said the altercation was a result of student drinking, and his suspension was based on "university regulations concerning intoxication and general conduct, not on pressure from the CIP." Huntington Herald Dispatch, March 18, 1965, p. 1, ff. Refusal to recognize a group as a legitimate party to a dispute is also a nondecision strategy.

What the CIP had done, however, was to force the university administration to face the problem, and it also forced the campus and community to a public confrontation with a group charging bias and discrimination, something most of the community would rather not admit existed, or at least believed was the exception rather than the rule. Not only this, but the CIP charged that discrimination was inherent in the fraternity system, a direct challenge to the status quo.

The hearing before the Huntington Civil Rights Commission served to give these charges a public forum, publicity the university administration would probably rather have avoided. The Commission admitted they had no jurisdiction in the matter but they thought they could provide discussion of the attitudes involved, as well as a way for both sides to discuss the issue on an impartial basis. The Commission took no action on the matter, but deferred to the university. In this case, the public airing of the problem by the Commission forced the appropriate decision-making body (the university administration) to take action. The action taken resulted in a nondecision regarding the overall problem of fraternity discrimination, but did provide some recognition of a "discipline" problem if not a racial one. By calling the problem by another name nondecision was effected but the CIP had obtained publicity for their charges, a sympathetic hearing before the Commission, and some recognition, if not bargaining power.

The previous autumn the CIP had come before the Commission in a public meeting concerning their running battle with Mr. Quessenberry, the owner of the White Pantry. The CIP had again attempted to obtain service at the restaurant to see if Mr. Quessenberry was complying with the recently passed Civil Rights Act. Instead of complying, Mr. Quessenberry set off sulphur bombs, carried an electric cattle prod and obtained trespassing warrants against four of the CIP, as well as a peace bond against Phil Carter.

After the facts were presented the meeting was opened for comment from the audience. Various questions were asked about the case, and City Council members said their policy on public accommodations was a matter of record, and there was little more they could do. Councilman John Meek said that he felt people in business should have the freedom to sell to individuals, and it was regrettable that the CIP had chosen to try Mr. Quessenberry out again.

Chairman Smith then pointed up the moral law involved, and stated that it was the responsibility of the Commission to indicate to the community its feeling. He then asked for comments from Commission members. At this point, Rabbi Frank Sundheim and Mr. Roger Gross both said they thought a public expression of opinion on the part of the Commission might help the community to see the problem as it existed. There was some concern by members that the Commission should help mold community attitudes toward compliance with the Civil Rights Act of 1964. Mr. McKinney

of the State Commission suggested a resolution concerning the law and the following was adopted:

Having met to consider this particular incident, it appears to be an appropriate time for the Huntington Commission on Civil Rights to reaffirm its support of the Civil Rights Act and to request of our citizenry compliance with and moral support of this law. We urge in addition that citizens send letters to the Department of Justice calling for an investigation of the local situation and intervention if so warranted.<sup>7</sup>

This was the strongest public position to date for the Commission and, although still a nondecision, put the community on notice that the Commission was deliberately seeking to change accepted community norms. The CIP had succeeded in forcing action from a group by first providing publicity.

At its regular October meeting a discussion was held regarding the public meeting with the CIP. Rabbi Sundheim commented that he thought the idea of a public meeting was good but that after the testimony was heard the Commission should then close its meeting for deliberation and discussion. Another Commission member indicated she had been approached by the CIP and told that they felt the only way to show real support of the Civil Rights movement was to join in the demonstrations, that to sit back and not act was to show public approval of the status quo. There was much discussion in the meeting of the different roles to be

---

<sup>7</sup>Commission Minutes, October 1, 1964.



played in this situation.<sup>8</sup> This public meeting was the first recognition that the Commission was beginning to understand their somewhat ambiguous role, and the dawning of the feeling that the Commission should have a more satisfactory structure within city government. Again the CIP acted as a catalyst to start reaction within the Commission.

The last recorded incident involving the Commission with the CIP occurred on the Marshall campus itself. In May of 1965 a racially mixed group was returning from a picnic to the Marshall campus. The group was loud and boisterous and when approached by two men whom they recognized as city policemen, members of the group made remarks to them. The police were not in uniform, but had been hired by Marshall to handle traffic and other police-related work on the campus incidental to the end of the semester. The police were accused by the students of using foul and racial language against them and one of the policemen, Robert Linville, was accused of pulling his gun. Later two policemen in uniform appeared, but took no action since they said they had witnessed nothing but had conflicting stories from the students the off-duty police.

The CIP members who testified felt the incident would not have occurred if the students involved had not been Negro. After questioning the group the Commission voted to ask the City Manager for a thorough investigation

---

<sup>8</sup>Commission Minutes, October 20, 1964.

of the incident and a report.<sup>9</sup> The City Manager's report gives this account.

The University had requested the services of two off-duty policemen. On the night in question a group of approximately fifteen people, all but one of whom were Negroes, were returning from an outing in Ritter Park. The officers claim the group was loud and boisterous and used very profane language to them. The officers then stated they approached the group and inquired which one of them had used the profane language. At this point a large non-student allegedly said, 'Let me have him,' and started toward the officers. The officer stated that he was afraid that physical harm was about to be inflicted on him and to prevent it drew his gun. Loud verbal exchanges occurred until uniformed officers arrived on the scene.

Members of the group complained that the officers were drunk, so the uniformed officers took them to Cabell-Huntington Hospital where blood samples were drawn which proved to be negative on alcohol tests.

The City Manager stated that he did not believe that the officer should have drawn his gun, nor did he believe that some members of the group should have acted in a manner to make the officer fear physical violence. He concluded this report that he had advised President Smith of Marshall that off-duty policemen working for Marshall would not be permitted to carry guns, since nightsticks were, in his opinion, sufficient for protection and for maintaining order among students.<sup>10</sup>

---

<sup>9</sup>Commission Minutes, May 18, 1965.

<sup>10</sup>Memo from Edward A. Ewing to the Huntington Human Rights Commission concerning the Marshall University incident of May 15, 1965, dated June 23, 1965. Since that time Marshall has beefed up its own security forces but the issue of guns on campus is still a matter of contention between students and the university administration.

There is no way of knowing whether the CIP protest or the Commission's interest caused the new policy about off-duty police, but their efforts did encourage the City Manager to act in this instance concerning one of the main complaints about police, the fact that they used excessive force on Negroes.

In each of these instances the CIP acted as a catalyst or necessary ingredient to bring some sort of action from the Commission. This kind of symbiotic relationship is characterized by Michael Lipsky in his study of protest groups. The Civic Interest Progressives meets his definition of a protest group activity: "a mode of political action oriented toward objection to one or more policies or conditions, characterized by showmanship or display of an unconventional nature, and undertaken to obtain rewards from political or economic systems while working within the systems."<sup>11</sup>

Lipsky argues that the problem of the powerless in protest activities is to activate "third parties" to enter the bargaining area in ways favorable to the protesters. This is one of the few ways that powerless groups can "create" bargaining resources. Their appeal, then, is to reference publics, groups with bargaining power who will

---

<sup>11</sup>Michael Lipsky, "Protest as a Political Resource," Cities and Suburbs: Selected Readings in Local Politics and Public Policy, ed. Bryan T. Downes (Belmont, California: Wadsworth Publishing Company, 1971), p. 215.

enter the fight on the side of the protest groups and use their resources to bargain with target groups, those who are able to bring about the changes desired (the decision-makers). In the context of this study the Huntington Civil Rights Commission acted as a reference public for the CIP (the protest group) to try to influence the target group (the City Council or the Marshall administration or the restaurant owners) or whomever might change the discrimination situation. Judge Hereford would be another example of a reference public.<sup>12</sup>

Protest groups, according to Lipsky, serve to raise the saliency of issues through the communications media and appeals or threats to wider publics, but they are frequently barred from policy-making councils by their militant rhetorical style in which demands are phrased in a manner unacceptable to those whose attitude toward public policy is one of cautious concern that reflects not only their good intentions, but their concern for such things as property rights and due process. Thus, protest-oriented groups, whose primary talents are in dramatizing issues, lack the credibility to present "objective" data or "responsible" suggestions. They need a reference public to serve as arbiter and legitimizer.<sup>13</sup>

This was the role played by the Commission for the

---

<sup>12</sup>Ibid., pp. 215-16.

<sup>13</sup>Ibid., pp. 227-28.

CIP and each needed the other in order to accomplish their mutual goal of ending specific instances of discrimination. The Commission was unable to play this role in the fraternity disputes because it lacked status and a role within the Marshall community.

Lipsky points out also that the target groups (e.g., City Council) may dispense symbolic satisfactions instead of material ones. They are apt to substitute appearances of activity and commitment for tangible responses to protest activity. This may also satisfy the reference publics (e.g., the Commission) that attention is being paid to these problems. Publicist tactics thus may be seen as defensive maneuvers, a nondecision tactic. Another nondecision ploy of target groups is to appear unable to grant protest goals. They may claim they lack authority to grant protest goals as the City Council in Huntington did in the White Pantry and Bailey cases. At the time it was suggested that the Council take a stand favoring a local public accommodations law,<sup>14</sup> but the City Council found the easiest nondecision tactic was simply to postpone action, especially if postponement was accompanied by symbolic reassurances.

The Lipsky study shows, too, the importance of the communications media in protest activities. He says, "in granting or withholding publicity, in determining what information most people will have on most issues, and what

---

<sup>14</sup>Commission Minutes, September 17, 1963.

alternatives they will consider in response to issues, the media . . . set the civic agenda." The communications media also set the limits of protest action. If protest actions are not considered important, protest organizations will not succeed. "There is no protest unless protest is perceived and projected."<sup>15</sup> The CIP was able to generate publicity and make the public aware of the situations with which the Commission was trying to work. This concern for the media was a problem for the Commission. From the beginning of the Commission's existence there had been a split on how visible the Commission ought to be. The Executive order which initiated the Commission stated it should work without undue publicity but the Commission had found that it needed some publicity to make the public aware of the fact of discrimination and what might be done about it. Without some public awareness there could be no change.

The most outspoken advocate of the need for public awareness of the Commission's efforts was Reverend Smith. He perhaps realized that this was the only method of coercion the Commission possessed. When he became Chairman of the Commission in September he initiated public hearings of discrimination charges and public coverage of meetings.<sup>16</sup> The public meetings, at which the CIP brought complaints, were a result of his policy. Thus the CIP was able to

---

<sup>15</sup>Lipsky, p. 234.

<sup>16</sup>Commission Minutes, September 15, 1964.

generate the media coverage that the Commission had been unable to obtain.

Prior to this time the Commission had found it difficult to bring their information on race relations problems in Huntington before the public. Mr. Raymond Brewster, editor of the newspaper, told Commission members he did not feel this kind of information was "in the best interest of the community, the paper, or the Commission"<sup>17</sup> After the Supreme Court upheld the 1964 Civil Rights Act the Commission requested editorial support of the Act, but this time Commission members were told by Mr. Brewster that such support would no longer be timely; that such decisions were self-explanatory; and that there was a possibility of stirring up more animosity than goodwill if the papers did any agitating on the issue.<sup>18</sup>

At this same meeting the Commission discussed community attitudes in general and what the Commission might do to build public concern about the problems. The Chairman remarked that he felt most citizens were unable or unwilling to admit that problems in race relations exist in Huntington. The Commission members agreed with the Chairman's sense of urgency and agreed to try inviting various persons to its meetings to try to inform them of patterns of discrimination

---

<sup>17</sup>Commission Minutes, April 16, 1963.

<sup>18</sup>Commission Minutes, January 26, 1965.

in various facets of community life.<sup>19</sup> This kind of discussion permeated almost every meeting of the Commission. It took an outside group to provide the Commission with the vehicle it needed to bring the problems before the citizens of Huntington and the relevant decision-making groups.

But Lipsky warns that protest groups must build their own political resources if they are to achieve long run success, for the "image of power, unaccompanied by material and observable rewards, leads to impressions of helplessness and reinforces political apathy. . . ." He also points out the ease of changing discriminatory laws relative to the changing of discriminatory institutions.<sup>20</sup> Lipsky's study seems to indicate that it is impossible for powerless groups to exercise any influence in a nondecision situation due to community bias and institutional barriers, such as those in Huntington.

The CIP was not active after 1965 due to the graduation of Pat Austin and Phil Carter, the real leadership of the group. Marshall University had previously appointed its own Human Relations Commission but there continued to be charges of discrimination on campus, especially concerning fraternities and sororities. The protest group role has not been filled effectively in Huntington since that time. Occasionally the publicist

---

<sup>19</sup>Ibid.

<sup>20</sup>Lipsky, p. 234.



aspects have been occupied by black groups at Marshall or Negro youth at Huntington High but both of these groups are concerned with school policies and problems exclusively, not with the general problem of discrimination, as was the CIP.<sup>21</sup>

---

<sup>21</sup>Phil Carter and Pat Austin both went on to work professionally in protest group activities. They worked as trainers for community organizers in the poverty program and then as field personnel in the Civil Rights movement. Interview, Marion Gray, April 22, 1971.

## CHAPTER V

### THE KEITH ALBEE INCIDENT: THE BEGINNING OF THE END

On New Year's Eve, and early New Year's Day, January 1, 1966, Huntington was forced again to face the fact that there was a racial problem in Huntington.

The occasion was unplanned. It was not a protest action in the sense the Civic Interest Progressives planned protest to highlight discrimination, but it still provided the vehicle to spotlight some of the problems that the people of Huntington preferred to keep outside the normal decision-making arena. The incident, itself, was predominantly a disturbance in which teenagers started fighting and name-calling at the annual New Year's Eve monster movie at a downtown theater, but the effect on the community was the same as that of the summer riots in the larger urban ghettos in the sixties.

The Huntington Civil Rights Commission<sup>1</sup> became involved in this incident through the efforts of the Chairman. Reverend Smith had been called out by the police

---

<sup>1</sup>There is some confusion about this time in the name of the Commission. The name Civil Rights Commission is carried on the minutes before March, 1966, but other public announcements and correspondence use the name Human Rights Commission. Human Rights Commission is used at all times after March 15, so footnotes will show the name as used on the source.

department to help "cool" the situation, especially after Negro youths from the theater assembled at a corner in the 16th street (Negro) area. The Chairman decided that it was appropriate for the Commission to hear testimony, in open hearing, of "statements by several persons who felt undue force had been used by various members of the police force during the incident."<sup>2</sup>

The incident occurred on New Year's Day, 1966, a Saturday, and on Monday evening the public meeting was held in City Hall Auditorium. The Chairman read the following statement:

This meeting has been called tonight for the expressive [sic] purposes of airing grievances of some of our citizens who were involved in altercation with the police Saturday morning around 2 a.m.

The Human Rights Commission is a group of citizens interested in problems in human rights. Any citizen of our calling has the privilege to address this group if he feels his rights have been denied.

This meeting has been called tonight upon the request of five families who feel that this is the most appropriate avenue of redress.

The position of the Human Rights Commission at this time, will be of listening. It must be made clear at this time and I beg each of you to listen and listen well.

. . . this meeting was called for the purpose of redress by some of the citizens involved who feel that some of the policemen were brutal to them unnecessarily in the performance of their duty. . . . It will not be used as another opportunity for persons

---

<sup>2</sup>Report of the Huntington Human Rights Commission on the New Year's Eve incident at the Keith Albee Theater, adopted at a special session February 1, 1966.

who have been seething with gripe to get it off his chest. It will not be used as an opportunity of professional speech makers to get an audience.

But it will be used as a democratic right for men of reason to deal with the problems that perplex our society. . . .<sup>3</sup>

In the nondecision-making model, this kind of meeting would be considered illegitimate and outside community norms, and so it was. Three young people gave statements, including the son of one of the Commission members, Bobby Gunn. Each stated that he had been hit by police officers then "driven around" and that he was not arrested. Two were sixteen-year-old boys, and the third was a fourteen-year-old girl, the only one who admitted she had done any fighting. Bobby Gunn had not been in the theater, but had approached it about 2 a.m. to see what was going on.

The mother of an eighteen-year-old boy testified on behalf of her son, who had returned to college. She stated he was coming down the stairs of the theater, assisting a girl and had his hands outstretched to protect her from the crowd when he was snatched by police and thrown out of the theater. When he tried to explain, he was charged with disorderly conduct. He was roughed up, but not seriously hurt. The mother wondered why, when he was in the process of explaining to the officer, with his hands visible, a gun had to be drawn on him.

---

<sup>3</sup>Commission Minutes, special meeting, January 3, 1966.

Reverend Bracey asked why there were so many police cars on 16th Street and 8th Avenue later? Why were they there when the trouble was downtown?

A deputy from the sheriff's office answered that there were two breaking-and-entering cases along 8th Avenue which had to be answered. He asked whether the charges made were answerable or would be printed in the newspaper before officers had a chance to reply.

The Chairman stated that the statements had been publicly heard; if charges made were true, something must be done about them; if they were not true, this must be found out.

Mr. Ewing, the City Manager, made a statement in which he expressed regret for the incident. He indicated that police stated the girl was not hit with a nightstick (the audience disagreed with him). He stated that at 4 a.m. people were gathered at the corners of 16th Street and 8th and 9th Avenues; hence the presence of police to protect life and property. There were fights going on in several places at once, and the police themselves were afraid of what might happen. He expressed the hope that all might learn from the problems aired there.<sup>4</sup>

The Commission then went into executive session, where it was decided to hold another special meeting to hear the policemen's side of the incident. Mr. McKinney of the

---

<sup>4</sup>Ibid.

State Commission stated that this is not necessarily the problem of the Commission alone, but that the Commission could highlight the broader community problem by its handling of the incident. Mr. George Chamberlain of the State Commission brought out that he understood the kids went there looking for trouble and that this was just part of the total picture of trouble in Huntington. He said he thought that Huntington was second only to Bluefield in its potential for racial trouble.<sup>5</sup>

The next night the Commission met again to hear the police side of the incident. Statements were given by attorneys for the police officers involved:

Upon advice of counsel, the officers involved feel that testimony given at this time before this Commission would be improper in view of the fact that criminal charges are pending and unresolved against individuals arrested at the scene of the riot. It is further felt that since no specific charges have been made against the conduct or actions of any police officer, that comment at this time would prove useless.

The officers involved state that neither they nor any other officer, County or State, to their knowledge, used excessive force or took any action not warranted by the circumstances existing at the time and such action and force as were used was necessary to preserve the life and property of innocent persons and of themselves. . . .<sup>6</sup>

Statements of like nature were presented by the Fraternal Order of Police, the Chief of Police, and the City Manager. The City Manager's statement ended with the comment:

---

<sup>5</sup>Commission Minutes, executive session, January 3, 1966.

<sup>6</sup>Commission Minutes, January 4, 1966.

The reports I have received indicate that the incident under discussion was triggered by lawless elements of our community. The city administration is going on record as not tolerating hoodlism [sic] by any lawless gangs or individuals. We have instructed our police department to carry out this policy and the administration will back them in pursuance of this policy.<sup>7</sup>

This caused the Chairman of the Commission to remark that the Commission does not necessarily reflect the feeling of the statements issued by the city administration. He asked that there be no intimidation of the young people who had appeared the previous night, and remarked that the Commission could be only as effective as permitted by Council. He added that all municipal agencies have a mutual need; ". . . if the police have a rightful cause, it will vindicate itself." At this point counsel for the officers involved left with a large contingent of policemen in uniform.<sup>8</sup>

This was the beginning of the polarization of opinion between the police department and the Commission in Huntington that was to force the City Council to back one side or the other; and since in this instance they upheld the police department, the Council then felt it must eventually give the Commission the ordinance status it sought,

---

<sup>7</sup>Ibid.

<sup>8</sup>Ibid. Mr. John Jenkins, one of the attorneys involved, said that the whole proceeding had turned into a kangaroo court with no concern for the rules of evidence, much hearsay testimony, and no definition of the term brutality. He felt that the hearings were conducted in a manner that had already presumed the officers guilty. He felt the Commission was just interested in hearing testimony that confirmed this. Interview, May 7, 1971.

despite the fact that they knew the police and some citizens would object. What the Council failed to comprehend, eighteen months later, was the depth of feeling and very real fear of change in existing norms that this whole incident had evoked.

The Commission met several additional times that month to hear testimony of those who had witnessed the theater fracas. This was done after much discussion by the Commission, in executive session, of the disastrous public hearing with the police. The Commission members generally seemed to feel that the Commission had been bypassed publicly in this whole matter. Mr. Gross said that the lines of communication between the city administration and the Commission seemed closed; if these lines were open, he remarked, the Commission would have been notified of the officers' statement and could have been prepared for the situation. He thought the effectiveness of the Commission had been nullified by Mr. Ewing's statement, which seemed to indicate the case was closed.<sup>9</sup>

Mr. McKinney of the State Commission was concerned that the Commission make the city administration aware of the depth of anti-police feeling in the Negro community. He thought the Commission should document the feeling of the community because this is the background against which the police work: "The city administration has to take some

---

<sup>9</sup>Commission Minutes, executive session, January 4, 1966.



positive action rather than just denying allegations. The Commission has a real right to inquire into the details of what actually happened."<sup>10</sup>

Mr. Chamberlain of the State Commission indicated that Negroes believe there is discrimination against them by the police department; they believe there is police brutality; this belief makes for reality. He said that the city must understand that the Negro has no confidence whatever in the police force and that the depth of this distrust must be exposed so that the city may take some positive steps, such as better police training.

Mrs. Hite Compton, a Commission member who taught at Huntington High School, said she had been visited all day by students who exhibited great feelings of helplessness. They do not condone hoodlumism, she said, but they feel they have no protection, no redress. Many told her young people merely standing on a street corner would be berated by the police.<sup>11</sup>

At this point, Mrs. Robert Emerson, a lawyer's wife, and one of those who had worked for Council-Manager government in Huntington, defended the police position in not speaking in public session before the Commission. Most of the Commission members agreed with her and tried to decide how to obtain more specific information. Mr. Smith tried to push for a civilian review board, but the members finally

---

<sup>10</sup>Ibid.

<sup>11</sup>Ibid.

agreed to the following statement:

The public hearings relative to the Keith Albee incident left the Civil Rights Commission with insufficient information to make a fair and impartial finding in this matter.

Out of respect for the rights of the police officers involved, the Commission will continue its hearings in closed session, in order to hear all sides of the issue.

Of utmost concern to the Civil Rights Commission and directly involved in the matter, is the integrity and respect of our Police Department by all segments of the city.<sup>12</sup>

At a closed meeting of the Commission a Negro girl appeared who provided eyewitness testimony for Luther Wade's story of the policeman drawing the gun. Mr. Chamberlain brought up the fact that this was the same officer involved in the gun pulling incident at Marshall the previous May.

At this point the City Manager and the Chief of Police arrived and the discussion centered on the police operation methods and police training. Both indicated that there is need for training in crowd control. The police department also said that they had not received information that there was to be trouble at the theater, although this seemed to be general information among the young people.

Captain Azel Bryant said the "trouble" goes back to

---

<sup>12</sup>Ibid. Several Commission members still resent the embarrassment caused by the public hearings being conducted in this manner. Mr. Smith engineered the hearings without their consent, and they felt the public hearing was a real tactical error that resulted in the demise of the Commission. Interviews with Mr. Garner, Dr. Paul D. Stewart, Mrs. Emerson, and Mr. Roger Gross all mentioned this incident in this manner if not in these words.

incidents the previous summer at a public pool that involved name-calling which were continued at the stadium with the boys trying to get even; rocks were thrown at cars. Police did not create the problems, he said; the problems come from both sides.<sup>13</sup>

After a subcommittee heard other witnesses, the Commission issued a report in which it detailed the events in the theater and then offered the following recommendations:

1. The police department should seek ways to perform . . . which will lessen rather than increase racial tensions which exist in the community such as

a) institute a program of instruction in fundamental human relations for its members and for all departments and agencies which represent the city in its relations with the general citizenry,

b) make a concerted effort to make the department personnel reflect the composition of the community,

c) ensure that the management of large public functions have adequate police personnel present at such functions, and

d) ensure in the case of general public disorder or disturbance that a general over-all plan be followed and that a chain of command be established and identifiable in the handling of such disorder.

2. The Commission recommends that representatives of the Negro community and members of the Police Department combine forces to open channels of communication for better understanding by exchanging opinions on

a) making the police more aware of the problems, needs, and desires of the Negro community; and

b) providing methods of guiding youth to greater respect for proper authority.

---

<sup>13</sup>Commission Minutes, special meeting, January 11, 1966.

3. The Commission recommends the adoption of an ordinance enlarging the responsibility for the Human Rights Commission to improve intergroup relations in the city of Huntington and empowering it to hear complaints of discrimination, to initiate and carry out programs of public education in these matters and to work toward greater quality of opportunity for all citizens in the areas of housing, employment, and education.<sup>14</sup>

At the February 1 special meeting, the Commission also discussed the request of the City Manager that they act to prevent a recurrence of this kind of incident at a scheduled rock and roll show. It was decided that Commission members would try to reach the young people to "exercise mature judgement and understanding, [in order to] avert what could be an unfortunate and regrettable incident."<sup>15</sup> The city government was willing to have the Commission act to prevent situations, but less willing to act on the Commission's recommendations.

The City Council heard a report on the incident from Councilman Garner in which he saw his role quite differently than did the Commission. He said:

. . . the City Council is pursuing an honest effort to equally serve all of its reputable citizens, we must

---

<sup>14</sup>Report of the Huntington Human Rights Commission on the New Year's Eve incident at the Keith Albee theater, adopted at a special meeting of the Commission, February 1, 1966.

<sup>15</sup>Commission Minutes, February 1, 1966. As it turned out the show was canceled so no one had to act. Members of the Commission did meet with the Superintendent of Schools on February 3, but he told them he felt there was no racial problem in the schools; moreover, he was not certain what the school system's role ought to be since the incidents had not occurred on school property, nor were they school sponsored. Commission Minutes, February 15, 1966.

acknowledge that the integration of Negroes in the public, private and educational institutions has not met the standards that many Negro citizens desire. Subsequently, this body must be willing to take positive and firm steps toward guaranteeing equality of law enforcement, equality of employment, equality of advancement, and equality of opportunity. In return, this body has the right to expect lines of communications [sic] to be left open for the Negro citizens to assist in accomplishing these objectives by consulting with, advising and working closely with City Council or their elected Councilmen.

. . . findings indicate a substantial lag in police department training for situations in which the police had not been previously confronted. Mr. Ewing instituted remedial procedures.

. . . accounts indicate a complete disrespect for police officers (inside the Keith Albee) and it is understood, but not condoned, that the pressures of the situation could have precipitated use of racial epithets.

Relative to the charge of police brutality, Council wishes to make these observations. Historically, any pressure groups when under the surveillance of law enforcement bodies find that a sympathetic public reaction can more readily be attained by claiming police brutality. Council admits that rather strong measures were taken to control the throng at the Keith Albee by approximately seventeen police officers. We raise the question, What would you, as a police officer, have done under similar circumstances? By evidence submitted, we find that policemen in their directions to citizens were ignored and taunted. Why? Certainly this disregard for law is objectionable to a great majority of citizens. The general public is seldom aware of citizens' brutality and the Huntington Police Department is frequently confronted with this. However, giving credence to the claim, we find the City Manager has instituted proper measures in order to equitably enforce the laws.

The Councilman's report then commented on some of the major points in the report issued by the West Virginia Human Rights Commission:

Most of the questions raised appear to us to be a matter of judgment, with a conclusion based on

individuals who were faced with a decision. The . . . policeman waving his gun and the assemblage of cruisers in the Sixteenth Street area fall in this category. . . .

This Council was unaware of the strong anti-police feeling of the Negro community. The reports of police mistreatment on the occasion are refuted by numerous volunteer statements that indicate to Council that the officers present were left with no alternative during the melee . . . the riot equipment was purchased almost two years after being told it is a good deterrent to crime.

We sincerely regret that it took the Keith Albee incident to appraise this Council of the sentiment in the Negro community about the police department and the city administration.

. . . we not only strongly advise the staff to actively recruit Negroes for city employment, integrate all departments, discipline of not only police guilty of discrimination, but other employees when they show like treatment, review the training investigation and all procedures of the police department. . . . Within propriety, we will initiate steps to improve racial tolerance among high school youth.

Our police department has been charged with police brutality. This Council, in this report, has approved recommendations, both of the staff and the two Commissions, which we hope will prevent any future such changes. We wish to point out that policemen are employees of the public and provide twenty-four hour a day service. Their's is a hazardous occupation. Presently, there are two members off duty. . . . Both are victims of public brutality.<sup>16</sup>

This public statement is carefully hedged to back the police while pledging to do better if the charges should be true. It is a statement that attempts to uphold both sides, but the tone of the statement is such that the policemen are the "we" and the Negro community is the "they." The

---

<sup>16</sup>Minutes of the Huntington City Council, February 19, 1966. This statement was received by the Council without comment.

Councilman felt the attack on the police department was also an attack on the city administration, and, therefore, he defended both the Council and the department, since to defend the Council, he felt he had to defend the police. The Commission members were understandably concerned about the lack of any but casual mention of the work of the Huntington Commission, and certainly no word about the investigation that they had conducted. As the last Chairman of the Commission put it, "The citizens didn't look to the Commission for guidance on these questions . . . we didn't carry much weight in the minds of the public, or perhaps around City Hall, either . . ."17

The Commission had been set up to filter racial conflict before it reached the public decision-making arena, and when the Commission attempted to deal with the very real problem in other but a quiet, behind-the-scenes manner that accomplished nothing except to keep the problems quiet, it suddenly lost any legitimacy it might have had. Mr. Smith and his use of an incident to dramatize the problems of discrimination and racial tension mobilized the bias of the white community to defend the police and their handling of the incident and to try to tie the incident itself up to "hoodlum" elements, a general disrespect for law and order,

---

<sup>17</sup>Tape of radio broadcast on WMUL, the Marshall University radio station, May 11, 1968. This tape contains interviews with Dr. Stewart, Mrs. E. Wyatt Payne, and others on the work of the Commission and the coming ordinance vote. Hereafter referred to as WMUL tape.

or the necessity of a show of force to prevent worse trouble.

The event also served to polarize the community. In a statement before City Council, Jack Darrah, a sometime pamphleteer for those who opposed the city administration, made the following statements:

If we can accept eye-witness accounts of reliable spectators, the Keith Albee incident was a revelation. . . . our policemen (were) under constant physical attack by black and white hoodlums of both sexes. . . . It was indeed a miracle that order was restored, and because of the methods used to accomplish the task, a blanket of fear now hangs over Huntington. Why? Simply because you gentlemen knowingly permitted the Human Rights Commission with its NAACP overtones to publicly imply that the riot could have been a race incident and that civil rights of certain Negroes had been violated. In effect, you allowed a Negro oriented group to take over the full investigation of an incident that was basically one of law enforcement, and as a result, many whites are now convinced that City Hall is under the domination of a minority which numbers less than six percent of our total population! . . . Why are we concerned with such an implication?

Mr. Darrah goes on to quote from an article on crime in the cities in Fortune magazine, in which police brutality is shown to be unprovable and conviction impossible, and that charges of brutality impaired police morale and hindered recruitment. He quotes the Fortune article's statistics on crime: "Negroes commit a greatly disproportionate share of violent crimes in the United States. In 1964, Negroes, numbering 11 percent of the population, accounted for 52 percent of reported arrests for murder, non-negligent manslaughter, forcible rape, robbery, and aggravated assault." He asks, what can we expect if the Negro becomes the dominant force in society? He answers with a quote from an African



diplomat in Rhodesia "For the whites in Rhodesia there is only one solution. Let them leave the country--the sooner the better--or perish!"

And he asks:

Is it any wonder that white citizens are frightened with what is now taking place in City Hall! It isn't that any of us do not want to extend all rights and privileges to all members of the Negro race, but it is a fact that we demand that they all obey the laws which now govern our society. If we obey them, we--the whites--have the right to expect Negroes to also hew the line! But after witnessing members of Council being browbeaten on several occasions by various people, we are steadily losing confidence in their ability to cope with the situation.

Mr. Darrah then listed alleged incidents of beating, rapes, rock-throwing, muggings, etc., that had occurred recently in the 16th Street area, and asked why the events had been suppressed. He stated that the white community resents the militant attitude of the Human Rights Commission. The problem, he said, is with a minority of Negroes who are troublemakers who are hurting the Negro cause and setting it back many years. It is groups like the NAACP, he said, that force us to treat Negroes as a race and not as individuals. "Continue to use force," he warned Negroes, "and we will reply with a far greater one. If you continue to allow the present organizations to represent you, you can expect a white group to develop whose number will dwarf yours by comparison. We don't want this to happen--do you?" He admonishes further:

Councilman George Garner does not speak for the white community as a whole. I have no objection to any Negro

being hired in City Hall--provided he or she can meet the standards required. But to say that all departments must be integrated simply because he is partial to Negroes, is to me . . . discrimination against my color. It must be remembered that whenever a Negro is given a job, a white has lost out.

Mr. Darrah then ends his speech with a charge that Council has allowed the Human Rights Commission to establish precedent in law and order enforcement:

We are here tonight to explain that responsible citizens--black and white--do not, and will not condone this attitude . . . on your part. Unless Council takes immediate steps to enforce law and order, regardless of race, and publicly states this intention, the people will use whatever means necessary to see that this wish is carried out.<sup>18</sup>

Racial tension reached the decision-making stage in Huntington, but the City Council made no real decisions other than to institute better police training procedures.<sup>19</sup>

This incident had the same kind of effect on the city of Huntington that the President's Commission on Civil Disorders later found to be true in the large urban riots in 1967. The President's Commission found that these civil disorders "involved Negroes acting against local symbols of

---

<sup>18</sup>Statement by Jack Darrah to Huntington City Council, February 19, 1966. (Mimeographed.)

<sup>19</sup>It should be noted that at this time there was considerable trouble in the police department and a new man had been brought in to try and improve police procedures. The force had been accused of being involved in politics, members had been indicted in bribery, robbery, and wire-tapping investigations, so their troubles were not only in the area of race relations. Interviews, George Garner, Edward Ewing, Paul Pancake and Roger Gross. Mr. Gross made the observation that police salaries and the kind of work will always attract men from the community level who show the greatest discrimination.

white American Society, authority, and property. . . ."

There were "prior incidents which increased tensions that involved police actions. . . ." There are three levels of intensity of Negro complaints, and the first level involves police practices, unemployment and underemployment, and inadequate housing. "Actions to ameliorate Negro grievances have been limited and sporadic; . . . they have not significantly reduced tensions." Moreover, "the city's formal grievance mechanism was regarded by Negroes as ineffective and generally ignored." And then this indictment: "White racism is essentially responsible for the explosive mixture. . . . At the base of this mixture are . . . most bitter fruits of white racial attitudes:

Pervasive discrimination and segregation in employment, education and housing have resulted in the continuing exclusion of great numbers of Negroes from the benefits of economic progress.<sup>20</sup>

These statements made in the Kerner report had been made in many meetings of the Human Rights Commission in Huntington from 1962 to 1967, but it seemed no one was listening. Mr. Smith and members of the State Commission often referred to the racist attitudes prevalent in Huntington but the other Commission members had been more willing to believe that education and encouragement could help solve the problem. Mr. Darrah's statement, while probably not generally

---

<sup>20</sup>"Summary of Report of the National Advisory Commission on Civil Disorders," commonly called the Kerner Report, and hereafter referred to by that title (New York: Bantam Books, 1968).

articulated in such strong language, did represent a significant opinion in Huntington. The Keith Albee incident served to bring all sides of the problem out in the open.

## CHAPTER VI

### FROM INCIDENT TO ORDINANCE

It seemed most of the Commission's public exposure came through its efforts in racial incidents over which it had no control. Although the Commission had been in existence in Huntington for three and a half years, most persons had heard little or nothing about it until the Keith Albee incident of January 1, 1966. Before this time the Commission had taken the role of arbitrator or friendly persuader. In the Keith Albee incident the Commission took the role of advocate and found that instead of being the personification of good, it was fighting an unpopular fight with another city department, the police force. The City Manager and the City Council upheld the police and thus cut their support of the Huntington Commission. This led the Commission to seek status within the city administration that would put it on a par with other city departments, and perhaps give it a more equal footing with the police and other city departments. The police department was able to mobilize citizen support in its disagreement with the Commission, and thus carry the day and stifle the Commission's hopes for equality for almost two years.

While the Keith Albee incident galvanized the

Commission members to take concrete action concerning the Commission's status and structure, there had been considerable discussion previously about the purpose of the Commission and its proper functions. Reverend Smith and the CIP tried to give the Commission a more public role. Mr. Smith had instituted the public-meeting concept before the Keith Albee incident and used it to focus attention on problems brought to the Commission by the CIP. But the Commission was able to provide only a public forum for problems of discrimination--symbolic rather than material rewards.

In September, 1965, Reverend Smith resigned as Chairman of the Commission, saying he felt he could better devote his time to ACTION and the NAACP. Both the Commission members and the City Manager expressed their dismay and asked Mr. Smith to continue as Chairman, which he consented to do.<sup>1</sup>

---

<sup>1</sup>The Federal poverty program co-opted Black leadership in Huntington. The structure of the Community Action agency also served to diffuse Black demands. Southwestern Community Action initially involved three counties, in which Huntington was the only Black community. This caused formation of ACTION, a semi-autonomous delegate agency, which managed the Black part of this coalition. ACTION was tolerated in Southwestern because it was necessary to show Black involvement in order to qualify for Federal money, and not much supervision or interference was given to the "Black share" of the total funding. At various times Black leadership was active in symbolic as well as real leadership control. However, after the passage of the Green Amendment in 1967, the Cabell County Court took responsibility for the local community action program and initiated a sweeping study, particularly of the fiscal controls within the agency. When fiscal methods proved not in accord with accepted business practices, Southwestern was reorganized and now provides merely centralized bookkeeping for poverty funds, most of which are contracted out to the delegate agencies.

The next month the Commission again discussed its status and voted to appoint a subcommittee to meet with the Mayor, the City Attorney, and the City Manager to "define more clearly the activities of the Commission." Councilman Garner attended this meeting and expressed concern over the Commission's pessimistic view regarding its operation. He indicated he felt that relations between the Commission and the city administration had been good.<sup>2</sup>

In November, the Chairman appointed a subcommittee to work out specifics and define the purposes and functions of the Commission.<sup>3</sup> In December, the subcommittee reported it had not yet met.<sup>4</sup> The Keith Albee incident occurred on January 1, and the Commission was occupied with testimony on January 3, 4, and 11. At the regular meeting of January 18, 1966, the subcommittee presented its report, which Mr. Gross, the chairman, explained was basically a plan for internal structure of the Commission, since, in his opinion, the lack of organizational structure had weakened the handling of the Keith Albee incident.<sup>5</sup>

---

<sup>2</sup>Commission Minutes, October 19, 1965. Mr. Garner's comment seems to indicate that at this time the City Council members thought the Commission was doing exactly what it was set up to do. They did not understand the need or were unwilling to grant more power to the Commission. They expected the Commission to deflect demands, not make decisions, and certainly not make demands on Council in behalf of other groups.

<sup>3</sup>Commission Minutes, November 16, 1965.

<sup>4</sup>Commission Minutes, December 21, 1965.

<sup>5</sup>Commission Minutes, January 18, 1966. Mr. Gross and

The subcommittee report proposed creation of the Commission by ordinance which would define its powers and duties. The subcommittee also recommended a set of by-laws defining the working rules of the Commission. Discussion centered on whether the commission should have the power of subpoena and whether such power would be legal. The Commission finally voted to delete subpoena power, and the subcommittee was instructed to meet with the City Manager and the City Attorney to draft the ordinance.<sup>6</sup>

The meeting with the city officials was held, but because the section on subpoena had not been deleted from the sample ordinance copies, discussion at this meeting also centered on the legalities of granting subpoena power to the Commission.<sup>7</sup>

At its regular February meeting the Commission discussed the by-laws which named officers, delineated their duties, and set up standing committees, including an

---

Mrs. Phillips, who were members of this subcommittee, said that the Commission members were very concerned about the Chairman's handling of the Keith Albee incident and wished to have by-laws to prevent a similar situation. Interviews, Mrs. Phillips, April 9, 1971; and Mr. Gross.

<sup>6</sup>Ibid.

<sup>7</sup>Commission Minutes, February 1, 1966. The city law director later filed an opinion with the City Manager in which he said "the authority to investigate and inquire into all matters of concern to the city or its inhabitants" did not include the power to subpoena and require testimony under oath. He cited several cases and the West Virginia Code, stating that the power of subpoena is not a delegable power. Memo, E. Henry Broh to Edward A. Ewing, February 8, 1966.



executive committee to set the meeting agenda and make policy recommendations to the whole Commission. The by-laws were approved after some discussion, and the Commission voted to ask the Mayor to put discussion of the Commission ordinance on the Council agenda.<sup>8</sup>

#### PRECIPITATING FACTORS IN THE MOBILIZATION OF BIAS

The Commission's actions in behalf of the Negro community in the Keith Albee incident led to a general mobilization of bias against the Commission. Mr. Darrah attacked both the Commission and the Council, and the police department was defensive about the police brutality charges stemming from the incident.

The Council, caught in the middle, was also concerned about the Commission's report on the Keith Albee incident and was generally ambivalent about the work of the Commission. When Reverend Smith again resigned the Commission chairmanship in March, no one urged him to reconsider, and Dr. Paul Stewart, a Marshall University professor, became chairman.

In April the Commission heard more allegations of police brutality, this time from Mr. C. M. Gray. While the Commission took no action beyond asking for a report of the occurrence, this action did not help the Commission's

---

<sup>8</sup>Commission Minutes, February 15, 1966.

already poor relations with the police department.<sup>9</sup> The Council was becoming more and more concerned about the rift between the Commission and the police department, so Mayor Robert Hinerman requested the Commission to consider the appointment of a police officer to the Commission.<sup>10</sup> The suggested appointment was discussed in May and June by the Commission, but it was decided that it would not be a wise idea since it might intimidate persons who wished to appear before the Commission.<sup>11</sup> Reverend Smith tried to push the Commission to initiate meetings between police personnel and the Negro community, as had been suggested in the Commission's report on the Keith Albee incident, but the

---

<sup>9</sup>Commission Minutes, April 19, 1966. Mr. Gray objected to the treatment he received when apprehended for a traffic violation by Patrolman Linville. He said he was subjected to an "uncalled for public search." Mr. Gray also objected to being treated in a "highly disrespectful and un-American manner." Mr. Gray's letter detailing his complaint was dated April 6, and on April 13, the Police Board of Inquiry and Recommendations found the allegations were not justified and Patrolman Linville had acted in accord with proper police practice. The police report included the finding that Mr. Gray was indeed "frisked" but this was just standard police practice [for traffic violations?]; other officers testified Patrolman Linville was not belligerent. This police board had been instituted as a direct result of the Keith Albee affair to hear allegations of misconduct directed at the police department. It was hoped that this board would hear police-related complaints instead of the Commission. Letter, C. M. Gray to Edward A. Ewing, April 6, 1966. Report of the Police Board of Inquiry and Recommendation to the Chief of Police, April 14, 1966.

<sup>10</sup>Commission Minutes, April 19, 1966.

<sup>11</sup>Commission Minutes, May 17, 1966; June 21, 1966.

Chairman referred the request to the newly established sub-committee on community tensions.<sup>12</sup>

It was July before the City Council formally discussed the Commission ordinance in a caucus session. The Council requested several changes and returned it to the City Attorney for redrafting. The discussion centered on Commission functions in relation to the police department, and the City Manager was quoted as saying he didn't want the Commission turned into a civilian police review board.<sup>13</sup> This newspaper report of the Council discussion on the Commission's status and the impending ordinance increased the efforts to mobilize community bias against the Commission.

One factor was the police chief's opposition. The day after Council consideration of the ordinance he expressed his reservations:

If the ordinance directly or indirectly gives the Human Rights Commission power to investigate charges of civil rights violations for police brutality, I am definitely opposed.

As Mr. J. Edgar Hoover has said, the police executive must have full responsibility for the performance, discipline, and control of his officers.<sup>14</sup>

The same news article stated that the proposed ordinance would "not only boost the prestige of the Commission but also broaden its investigative powers."<sup>15</sup> The police

---

<sup>12</sup>Commission Minutes, May 17, 1966.

<sup>13</sup>Huntington Herald Dispatch, July 12, 1966, p. 9.

<sup>14</sup>Huntington Herald Dispatch, July 13, 1966, p. 1.

<sup>15</sup>Ibid.

chief then sent a memorandum to members of Council expressing these same thoughts and stating that he thought the proposed ordinance could be reasonably interpreted in such a way that the Commission might develop into a civilian police review board, "maybe not today, but sometime in the future." He pointed out that citizens who believe their civil rights have been violated have recourse to the local office of the FBI, which will forward its findings to the Department of Justice for further consideration. He also mentioned that the department had established its own board to investigate complaints of misconduct by police officers.

Chief Kleinknecht went on to explain that there was no need for an additional "untrained" body to conduct investigations. Such a body, he said, would harass department members and be used as a threat by law violators so that a police officer might avoid arrests if he thought the Human Rights Commission might investigate the matter. He cited an FBI report on riots in cities that had civilian review boards where "the police were so careful to avoid improper conduct that they were virtually paralyzed. The rioters were thereby emboldened to resist and completely defy the efforts of the police to restore order."<sup>16</sup>

The memo was accompanied by expressions of support from commanding officers within the department, and a copy

---

<sup>16</sup>Memorandum from G. M. Kleinknecht, Chief of Police, to Members of City Council, July 15, 1966.

of a syndicated column of David Lawrence was attached in which it was pointed out that civilian review boards made up of minority groups are apt to vote their prejudices and emotions rather than according to the facts in the case.<sup>17</sup> The six-page memo played on community fears of riots and thus mobilized community biases against giving the Commission the power to investigate police practices.

Chief Kleinknecht was helped in his efforts by Jack Darrah, who devoted the July 11 issue of the Spotlight to a story of Patrolman Linville and his run-in with a group of Negroes on 16th Street in which he pulled his gun "when a man reached toward the open window of the police cruiser." Patrolman Linville is then quoted:

Those people have absolutely no respect for the law, nor do they have any for the uniform of the one organization whose job it is to protect the public. If there was any way to do it and make the charges stick, I'd swear out warrants for everyone involved.

Mr. Darrah then castigated the Supreme Court which, he charged, had taken away a "policeman's most powerful weapon" since he could no longer arrest a man for questioning, under fear of false arrest suits. He asks rhetorically, "Would you take a chance if you were a policeman?"<sup>18</sup>

In the following issue, Mr. Darrah devoted most of

---

<sup>17</sup>Ibid.

<sup>18</sup>Spotlight, No. 9, July 11, 1966. Mr. Darrah generally limited his attacks to the city administration. He had previously opposed administration fiscal policies, especially attempts to obtain additional revenue.

the newspaper to attacks on the ordinance, which he claimed would make the Commission a "legalized vigilante committee."

He informed his readers:

Not only is the Human Rights Commission out to dominate City Hall, it also hopes to gain city-wide power to investigate the activities of 'community organizations, labor organizations, fraternal and benevolent associations and other groups in Huntington, in programs devoted to eliminating group prejudice, intolerance, bigotry, and discrimination.' If the ordinance passes, a lodge can no longer blackball an applicant; women's organizations must throw open their doors to any applicant--just as long as he can pay the tab. Nobody can be free to pick and choose his friends--or enemies.

Mr. Darrah adds that everyone is a bigot by definition since the dictionary says a bigot is one who is obstinately or intolerantly devoted to his own church, party or opinion.<sup>19</sup>

By the next issue a letters to the editor column had been instituted and several letters were printed attacking the proposed Human Rights ordinance. A letter from Mrs. E. Wyatt Payne was presented in an obvious effort to mobilize community bias:<sup>20</sup>

. . . City Council considers making the Human Rights Commission a LEGAL arm of the government. This is preposterous and perhaps comes in the category of the communist policy of 'legal illegality.' The members of the Human Rights Commission were never voted for by the citizens of Huntington, therefore, by what stretch of the imagination or 'legal procedure' could they--by arbitrary action of the duly elected

---

<sup>19</sup>Ibid.

<sup>20</sup>Mrs. Payne is a noted Huntington clubwoman who lectures nationwide about the Communist menace. Her husband is in the real estate business.

Council--become a LEGAL arm of our city government.  
It cannot!

Mr. Kleinknecht correctly said such action is not legal and is to be commended for . . . [protecting] our police department from investigation by a civilian review board. However, . . . where does that leave the rest of the community? Are other arms of government, private clubs, businesses and private property to be left helpless and vulnerable to investigation without due process of law? Actually, the community, as a whole, through their elected Council, should be protecting the police and themselves from such an encroachment on lives and property.

Council . . . should remember that the communists started this anti-law movement when they said publicly in California, 'We declare War on Law Enforcement.' It is their policy and program. Shall we aid and abet the enemy or protect the rights of all citizens in Huntington, including the police department? If it is not legal for them, the police, it is not legal for anybody. Act accordingly!<sup>21</sup>

Mr. Darrah, Mrs. Payne, and Senator Byrd echoed the feelings of many of their fellow citizens. People in Huntington were concerned with the threat of riots, police protection, and the danger of the communist menace. They were also concerned with the more subtle issue of private property rights. Many people have most of their assets tied up in their homes, and the threat that Negroes moving in the area might hurt this investment was implicit in every appeal

---

<sup>21</sup>Spotlight, No. 10, n.d. In the August 11 Spotlight (No. 11), Mr. Darrah proudly notes that the Linville story had been printed in the Congressional Record by West Virginia Senator Robert Byrd with this comment: "In these days of civil rights ferment, riots and street violence, growing crime rates, and U. S. Supreme Court decisions which straitjacket the police throughout the country, it may be of interest . . . to call attention to an incident which happened recently in Huntington, W. Va. as printed in the Spotlight, a weekly newspaper. . . ."

to property rights. Moreover, Huntingtonians were concerned about Negro children going to school with their children, and about Negroes joining their clubs and churches or even eating in the same restaurants with them. These were not familiar practices in Huntington and the people were not going to encourage them. Those opposing the ordinance played on these fears in order to mobilize opposition to the Commission's effort to improve its status. The mobilization of bias forced the City Council to shelve the Commission ordinance at this time.<sup>22</sup>

Similar fears were found in a study by Auerbach and Walker of political trust and racial ideology. They found:

The desires of blacks for symbolic reassurances of good faith are becoming increasingly difficult to grant because of mounting white resentment. Symbolic gestures have fanned the fires of white resentment.<sup>23</sup>

Murray Edelman, in his provocative book, The Symbolic Uses of Politics, points out that some form of symbolic reassurance is needed to fulfill a symbolic goal (e.g., the Commission goal of eliminating prejudice). This may be done by offering occasional incremental increases in benefits or

---

<sup>22</sup>The Council was attempting to pass a capital improvements levy that summer, and Mr. Darrah and others were opposing the levy as well as the Commission ordinance. In the August 27 issue of the Spotlight he links the levy vote, urban renewal, and the ordinance as part of a plot to "force Negroes to leave their neighborhoods in search of new homes all over Huntington." One suspects the Council hoped it might blunt some of the opposition to the levy by abandoning the Commission ordinance.

<sup>23</sup>Joel D. Auerbach and Jack L. Walker, "Political Trust and Racial Ideology," American Political Science Review, LXIV (December, 1970), 1216.



by relying on vague assertions that the objective is being achieved. In the political arena, groups remain active despite the realization of tangible benefits for which the groups were first formed to achieve:

The Negro's claim to specific social, economic, and political benefits and demands for an equitable voice for constituents in Congress and for specific controls over elective officials continue as major themes in American politics. They must do so, for in this more general form they constitute formal categories which represent important values in our culture . . .<sup>24</sup>

According to this analysis, political restiveness occurs when the state is not symbolically aligned with those who feel threatened.<sup>25</sup> In this case the City Council in Huntington was caught between two such groups. In trying to provide symbolic reassurance to Negroes in Huntington, the Council was attacked by those whom Edelman characterizes as "vigilante groups" made up of people who suffer from anomie, or lack of symbolic reassurance. They deal with their fears and justify these feelings by finding a conspiracy of hostile elements. This outlook is basically pessimistic in that even victory would not produce a better situation, but only remove a potential threat. Victory, moreover, never occurs since the fear is based not on observable conditions, but on an emotional concern with an enemy difficult to

---

<sup>24</sup>Murray Edelman, The Symbolic Uses of Politics (Urbana: University of Illinois Press, 1967), pp. 164-65.

<sup>25</sup>Ibid., p. 167.

identify, one which pervades society and prevents the restoration of a former social order that the vigilantes, in this world, can only dream about.<sup>26</sup> It is the fears of the prosperous, the established and those who identify with a real or imagined social order in which their norms would be

---

<sup>26</sup>Ibid., pp. 167-68. An example of this kind of reminiscence are the remarks of Catherine Bliss Enslow about social life in the city for the centennial edition of the Huntington newspaper:

Entertaining was done in the homes. . . . In those days all the families had many servants who took pride in providing the most beautiful food and service. . . . The servants were always 'on call' because they actually lived on the property of those for whom they worked. They were clothed, fed and cared for by their employers and paid well too. . . . As Huntington began to grow the social elegance continued but the formal home parties disappeared. . . . Much of this was and is due to the fact that the families do not have the servants they once had and many cannot afford them if they could get them. Huntington Herald-Advertiser, Centennial Edition, July 11, 1971, pp. H 1, 2.

Compare this nostalgia with Senator Byrd's speech on the Senate floor in 1967, demanding that rioters no longer be handled with kid gloves. He spoke of his own poor childhood in a poverty-stricken family during the Depression; no one in the mining community where he grew up rioted and looted because they were poor. Then he made this statement, which is similar to Miss Enslow's longings: "Some would want us to believe that these rioters want jobs. I happen to believe that most of them . . . are allergic to work. Look at the classified section in the Washington paper . . . one will find advertisement after advertisement calling for domestic help. Most of these domestics can get \$12.00 for 8 hours work, their transportation and lunch provided, but too many of the employable women do not want to work . . . Many of these people would rather draw welfare checks than go to work." Speech on the Senate floor, July 25, 1967, U. S. Congressional Record, 85th Congress, 1st Sess. (1967), CIII, 20158-20163.

legitimate that make up the movement.<sup>27</sup> In terms of the nondecision model, this group would be one that seeks to uphold the status quo or would prefer a return to an earlier system in which their norms were operative.<sup>28</sup> As Edelman explains:

Fundamental norms as created by reference groups persist, leading interested groups to claim increasing increments of the values the norms embody. How fast successive levels of benefit are sought or how intensely deprivations are resisted hinges upon what is legitimized and upon what is made to appear possible. Political acts and settings, leadership, and language all influence legitimations and assumptions about possibility.<sup>29</sup>

Bachrach and Baratz apply their nondecision model to the same phenomenon, explaining that prevailing community norms and biases as well as institutional barriers prevent

---

<sup>27</sup>Edelman, p. 168.

<sup>28</sup>Edelman compares the vigilante's concern for maintaining the status quo to the concern of other groups interested in mass action in overturning the status quo to achieve a new order based on the values of the group concerned. The opposition groups, supporters of rebellion, political strikes, and farmers' demonstrations, compare their current living standards with better ones. Men do not revolt, he explains, when they are destitute or ground down, but after they have experienced improvement in their living standards so that it becomes reasonable to assume that improvement is normal and to be expected. They then begin to take as their reference groups not their peers, but those better off than they. There is restiveness and revolt if there has not been assurance that normal government procedures will elevate them to the status of the new reference groups. These were the two groups that the City Council in Huntington was trying to appease at the same time, the vigilantes who wish to maintain the status quo or return to a former order (Darrah and Mrs. Payne) and Blacks who represented the political strike group and wished some sort of reassurance from the Council.

<sup>29</sup>Edelman, p. 173.

demands of some groups from reaching the decision-making arena. The ethos theory of Banfield and Wilson, or its application by Lineberry and Fowler, shows how political institutions filter the process of conversion in a decision-making system. All of these studies indicate that when there is a demand for change, there is a concomitant mobilization of bias in favor of the status quo, and it was this mobilization of bias that worked against any positive change in the racial situation in Huntington in the 1960's.

#### THE COMMISSION REACTION

The Huntington Commission was most discouraged following the City Council's failure to act on the ordinance proposal. They were concerned with the references to police review board, and incensed at the police opposition. In a Commission discussion, Mrs. Roberta Emerson indicated that the reason for creation of the Commission was to take the pressure off Council in the area of human relations and the Council would be ill-advised not to give the Commission certain responsibilities and the authority to carry them out; if a Commission had no authority, all the complaints relating to human relations would fall on the Council. Mrs. Phillips raised the question of the need of Councilmen for more background on Human Rights agencies. Members felt it would be helpful to be able to sit with Council in consideration of the ordinance in order to give the

philosophy behind it. There was also discussion of the Spotlight stories.<sup>30</sup>

In November, Dr. Stewart wrote the Mayor stating the Commission was at a very low point as only three people attended the November meeting. He said he felt the "uncertainty in status" and the lack of new appointments were contributing factors. He asked that the Mayor take some action so that the Commission would not be written off as insignificant and not pertinent to the times.<sup>31</sup>

In December, the Huntington Business and Professional Men's Club, a Negro organization, petitioned City Council to deal with the continuing problem of the police and the Negro community. The club asked that police officers treat Negro citizens with courtesy and "reasonable treatment"; that "over-policing and excess force" cease to be used in the Negro areas; and that a liaison group be established between the Negro populace and the police. It did not condone the provocative behavior of young people toward the police, but felt that police conduct was encouraging such behavior.<sup>32</sup> This letter was a result of rock-throwing incidents in the 16th Street area, and indicated that middle-class Negroes

---

<sup>30</sup>Commission Minutes, July 19, 1966.

<sup>31</sup>Letter, Paul D. Stewart to R. O. Robertson, Jr., November 28, 1966.

<sup>32</sup>Letter, Huntington Business and Professional Men's Club to City Council, December 10, 1966.

felt there was no change in police-community relations, despite a previous announcement that such a program was being instituted in the police department. In another rock throwing incident a police car was hit and the officer got out of his car with his shotgun. When the rocks continued to be hurled the policeman fired his shotgun in the air which dispersed the crowd.<sup>33</sup>

Another Negro brought a charge of police brutality before the Commission. He claimed he was being harassed because he dated white girls. The man was related to one of the Commission members and the City Manager expressed concern that the Commission heard testimony before a court hearing on the case. The policemen involved also felt the Commission hearing was unwarranted interference.<sup>34</sup> Incidents like these further widened the breach between the Commission and the police.

The Commission was also concerned with another incident on the Marshall campus. This one involved a letter printed in the Parthenon, the Marshall student newspaper, in

---

<sup>33</sup>Commission Minutes, April 18, 1967. There are repeated instances of this kind of complaint and Commission discussions of them in many Commission minutes. A report of the National Crime Commission in 1967 criticized the police for using firearms too frequently, arresting Negroes for offenses for which they would not arrest whites; and for unjustified searches and seizures of minority groups. It seemed the problems in Huntington were but a reflection of the larger problem throughout the country. Huntington Herald Dispatch, April 30, 1967, p. 2.

<sup>34</sup>Commission Minutes, March 21, 1967; April 18, 1967.

which derogatory remarks were made about Negroes over the signature of Richard Lee Rockwell, the name of a well-known fascist who resided in Virginia. The letter caused an uproar both for the language used and the monstrous blunder on the newspaper's part in letting it be printed. A strict letter policy was no sooner announced than a letter sent to President Smith and signed by Joseph Slash, a Negro supervisor in the public school system, in which allegations of discrimination on campus and especially by Marshall professors was made, was published. Mr. Slash immediately denied any knowledge of the letter, and claimed his name had been used without his permission. The Commission discussed the letters and the question of whether it could get involved in what seemed strictly a University matter. A committee was appointed to express the Commission's concern over the letters and request an investigation and report to the Commission from the Marshall president, Dr. Stewart H. Smith.<sup>35</sup>

As a direct result of this request, a representative of the Marshall Human Relations Committee, Dr. John Shay, Dean of Student Affairs, attended the next Commission meeting and discussed the situation on the Marshall campus. Dean Shay said that although the official University policy is to welcome the Negro student, the students at Marshall reflect the prejudice of the society from which they come;

---

<sup>35</sup>Commission Minutes, February 21, 1967.

the core of social life on campus is centered in the fraternities and sororities and these organizations do not have any Negro members.<sup>36</sup> Dean Shay said that Negro students had asked for a statement of policy regarding Negroes at Marshall which he gave:

Ancestry is a criterion for neither admission nor success at Marshall. Any student with a satisfactory record of academic performance and social conduct will be admitted to the University. Once admitted, every student becomes a part of the University community. As such he is encouraged to participate in the activities of the community provided that such participation does not hinder his academic work. The total University environment is designed to expose each student to a diversity of ideas and individuals. Hence no student may be excluded from any activity recognized by the University because of his ancestry.<sup>37</sup>

Mr. Paul Pancake said the subcommittee appointed to meet with President Smith had not met because Marshall seemed to have dealt fully with the issue.<sup>38</sup> The Commission was not involved in any other matter concerning the University.

#### THE STATE COMMISSION STEPS IN

In May there were racial incidents at Huntington High School that the Board of Education could not ignore. Over two hundred persons crowded the small Board meeting room to protest the laxity of the school administration in dealing with fighting and name-calling among white and Negro

---

<sup>36</sup>Commission Minutes, March 21, 1967.

<sup>37</sup>The Parthenon, February 22, 1967, p. 1.

<sup>38</sup>Commission Minutes, March 21, 1967.



students at the school. Chief Kleinknecht pledged the police would strictly enforce the municipal loitering law in the area around the school, and the School Board immediately instituted strict disciplinary measures, including the posting of men teachers in the halls, shortening the lunch period, and expelling any student who loitered or "stirs up trouble." The Board agreed to take under advisement the problem of Negro participation in extracurricular activities, but the principal concern was getting the students back in school since absenteeism was double the usual number. While most of the school personnel termed the incidents behavioral problems, representatives from both the State and City Human Rights Commissions said they felt the racial aspect was the principal factor. The Huntington High principal said the current tension apparently stemmed from a cross-burning incident involving students, and the fact that there were no Negro cheerleaders or majorettes.<sup>39</sup>

These disturbances and the subsequent tension precipitated the direct intervention of the State Commission

---

<sup>39</sup>Huntington Herald Dispatch, May 3, 1967. This trouble in the "integrated" school bears out Allport's finding that casual contact between groups that is frequent but superficial does not dispel prejudice, but increases it. Prejudice screens and interprets the perceptions of out-group members so that frequency of superficial contact strengthens adverse mental associations. The two groups do not effectively communicate. This analysis shows that it takes more than integration of facilities to dispel prejudice. Gordon W. Allport, The Nature of Prejudice (New York: Doubleday Anchor Books, 1958), pp. 251-52.

into the racial situation in Huntington. On May 2, a special delivery letter from Carl Glatt, the Executive Director of the State Human Rights Commission was sent to R. O. Robertson, Jr., the Mayor, in which Glatt asked for a meeting the following week with the Council, the City Manager, the Police Chief, and one or two members of the Huntington Human Rights Commission. He listed reports that seemed to indicate an accelerated pattern of overt violence in Huntington and a concern with the widespread pattern of discrimination in the total community life. He mentioned exploitation of Negroes, lack of employment opportunities, and growing fear, dislike, and distrust of individual police officers and the police in general. Glatt warned that "there is trouble brewing in Huntington," and he suggested both short- and long-range plans should be explored to deal with these problems.<sup>40</sup>

The first in a series of meetings was held on May 8, a second the following week, the third on June 13, and a fourth on June 28. At the first meeting the State Commission presented information brought to its attention about discrimination in Huntington, which they said was indicative of the feelings of the persons involved. City officials asked for another meeting to answer the reports. At this meeting the State representatives strongly objected to the

---

<sup>40</sup>Letter, Carl Glatt to R. O. Robertson, Jr., May 2, 1967.

defensive stance of the city representatives in which they vindicated police practices and denied responsibility for the problems in housing, recreation, schools and private employment. The State Executive Director later apologized to Mayor Robertson for his strong reaction to what he felt was an "incorrect refocusing of this presentation."<sup>41</sup> Councilman John Damron felt there should be a meeting at which members of the Negro community might present their views, so at the June 13 meeting city officials heard and spoke with selected members of the Negro community, most of them had never before exchanged words. Mr. Glatt commented that this opened up lines of communication that had not existed previously, especially with some individuals whom the police had classed as trouble-makers.<sup>42</sup> At the last meeting, June 28, the State Commission members suggested definite steps to explore employment opportunities for Negroes, a concrete program to improve housing for Negroes, and the establishment of a police community-relations program.<sup>43</sup> Moreover, the State Commission warned:

It is our opinion that problems of race relations in Huntington are more critical than in any other city or area in West Virginia. Just under the surface there continues to be smoldering discontent which can be sparked into a major conflagration of racial violence

---

<sup>41</sup>Letter, Carl Glatt to R. O. Robertson, Jr. May 24, 1967.

<sup>42</sup>Letter, Carl Glatt to R. O. Robertson, Jr. June 26, 1967.

<sup>43</sup>Huntington Advertiser, June 29, 1967, p. 13.

by the least misunderstanding or relatively minor street incident. There is a national atmosphere conducive to racial outbreaks any place . . . where the problems have been ignored such as they have been ignored in Huntington, and this contagion can quickly come to Huntington this summer unless official action is taken at the local level to mitigate against it.<sup>44</sup>

This letter went on to suggest that Huntington initiate both short- and long-range plans to improve race relations.

As a direct result of these meetings, the West Virginia Human Rights Commission prepared a summary of suggestions for action by the City of Huntington. It indicated the overall feeling of frustration and ineffectiveness felt by members of the Huntington Human Rights Commission stemming from "real or imaginary lack of interest on the part of the Huntington City Council for not dealing with the burgeoning problems with which it is faced." The report stated that the abortive attempt to provide full enforcement powers by ordinance had led the Negro community into a steady state of disrespect and lack of confidence in the local Commission. The recent problem-solving efforts of the Commission were seen as "putting out of fires" rather than an effective program of prevention and improvement.

It was suggested that the Commission be reconstituted by ordinance with full investigatory and enforcement powers

---

<sup>44</sup>Letter, Carl Glatt to R. O. Robertson, Jr., June 26, 1967.

as well as provision for one full-time professional employee and one full-time clerical employee. It should have status.

The report demonstrated the dearth of Negroes employed at any but service occupations in public employment in the city. A formal statement of non-discriminatory employment policy was suggested. It was also recommended that the City Council and the local Commission sponsor a series of meetings with top-level business leaders to initiate moves to bring qualified Negroes and business opportunities together with a well-advertised effort that could bring change.<sup>45</sup> Recreation was mentioned, but the State Commission felt it did not have enough information to offer constructive suggestions in this area. Housing patterns revealed a ghetto situation in which much of the housing was substandard. Public housing was termed inadequate and segregated except for minimum token integration. It was suggested that the city initiate a vigorous program of rehabilitation and attempt to locate new housing, both public and private, to meet the needs of lower-income and minority groups and to bring about integration of neighborhoods in Huntington.

The situation in the public schools was detailed, but the Commission said that its letter to the Board of Education requesting an opportunity to discuss the situation

---

<sup>45</sup>Summary of Suggestions Relative to the City of Huntington by the West Virginia Human Rights Commission, June 26, 1967.

had gone unanswered. The report recognized that local schools were outside the jurisdiction of local government, but suggested that local government should offer leadership around which the "community might rally" to insist that local schools be brought up to date in promoting better relationships.

Comments on the police situation comprised the longest part of the report, and several steps were suggested, including recruitment of Negroes for the force, community recognition of new recruits, and community support in finding candidates. A police community-relations department and better police training also were suggested. The report stated:

We feel that the police may be the unfortunate focus of all the unsolved race problems and social injustices that the community has failed to deal with over the years, and that the department is incapable of coping with them unless exposed to initial training and in-service training emphasizing human relations, civil rights, and police community relations.<sup>46</sup>

Dr. Wright reported to the Huntington Commission on this set of meetings and remarked that while Mr. Glatt had detailed some long-range plans, the city administration seemed more interested in short-range activities that would avert any possible difficulties during the summer. The Council had promised to provide a recreation facility in the vicinity of the A. D. Lewis swimming pool to serve the Negro community. There was no radical reordering of the status

---

<sup>46</sup>Ibid.

quo, merely gestures to mollify the Negro community and bring a "cool summer."<sup>47</sup>

Thus the immediate reaction of the City Council to the report of the State Commission was defensive and concerned with the situation that summer. There were riots in major urban areas and rumors of impending riots circulated throughout the summer in Huntington. The rumors became so prevalent that local Negro leaders denied them and disavowed implication of the NAACP in any plot to create unrest. Mr. Henderson stated that the widespread atmosphere of fear and distrust was deliberately created and planned by people who hoped to gain by such a disturbance. These malicious rumors and gossip were not originating in the Negro community. "The NAACP is dedicated to racial progress by peaceful and dignified means. . . . We have not requested outside help . . . and do not intend to do so."<sup>48</sup> A similar statement

---

<sup>47</sup>Commission Minutes, July 18, 1967.

<sup>48</sup>Huntington Herald-Advertiser, Sunday, July 31, 1967, pp. 1, 5. The rumors were supposed to have started in many ways. One account had a busload of agitators headed toward town. Mr. Ewing told this interviewer that it proved to be a busload of Job Corps boys from the center in Ironton, Ohio. Another story had "known agitators" coming into town. Mr. Ewing said he might have been indirectly responsible for that rumor since he had met Phil Carter and Pat Austin, former CIP leaders, at the Huntington airport as he was leaving to attend a meeting in another city. He talked briefly with them, and then called Chief Kleinknecht and asked to have them watched. He also mentioned that they told him they were enroute to Rochester, New York, so he informed officials of that city who were also at the meeting that these agitators were bound for their city. Interview, March 2, 1971.

Miss Austin and Mr. Carter later held a public

was made by the Ironton-Lawrence County, Ohio, chapter of the NAACP.

The spread of this type of rumor is, according to Neil Smelser, a precipitating factor in the mobilization of a hostile outburst. When the rumors assume a threatening form, danger is indicated. In the course of racial disturbances in American cities, rumors of carloads of armed Negroes heading toward the disturbance from other cities are not uncommon. Smelser writes that "such rumors display all the components of a hostile belief system--anxiety, generalized aggression, and omnipotence--and the attachment, by short-circuiting, of these generalized elements to specific persons, places, situations, and events."<sup>49</sup> Such rumors were prevalent in Huntington.

There was also an effort in Huntington to blame the resulting tension on specific persons and events. Jack Darrah headlined an August edition of the Spotlight, EXTORTION!, and accused Negroes of blackmailing government leaders in the "greatest protection racket of all time." There is a threat, he said, that "hell is due to break loose

---

meeting in Huntington to protest this treatment and the subsequent letter from Chief Kleinknecht to the FBI requesting their dossier which was read into the Congressional Record by West Virginia Senator Byrd. Letter, Ann M. Adams, Commission on Human Relations, Pittsburgh, Pennsylvania, to Carl Glatt, West Virginia Human Rights Commission, October 30, 1967.

<sup>49</sup>Neil Smelser, Theory of Collective Behavior (New York: The Free Press, 1962), p. 248.



if the demands of the ghetto dwellers are not met." Why doesn't the moderate Negro leadership back the police and insist that police shoot to kill rioters? We must not give in, he implores, to the demands of the so-called Negro moderates and their liberal white friends.

Mr. Darrah then explained the police problem, which, he said, is caused by poor salaries, Supreme Court rulings, threat of civil rights suits, and the general public disregard for cops. He informed his readers that Herbert Henderson, the state president of the NAACP was slated to be the next judge of the Municipal Court. He went on to quote unnamed business leaders and members of the police department in their disgust at this coming appointment. If this rumor is not denied, he warns, we can assume that it is based in fact.<sup>50</sup>

More racial trouble broke out at Huntington High School in October. The Board of Education met with Negro students to hear a list of demands, including black cheerleaders and majorettes and the opening of all clubs to any students that qualified (the same requests taken under advisement by the Board the preceeding May). This time the

---

<sup>50</sup>Spotlight, Vol. II, No. 4, August 25, 1967. Similar views were expressed by Senator Byrd in a speech on the Senate floor in which the urban riots were blamed on lazy welfare mothers, defiant young hoodlums, and those who have been given a license to break the law because of their social or economic condition. He constantly refers to by-gone years when everyone worked, most people were poor, and no one rioted to improve their condition but worked hard and saved to succeed. Congressional Record, July 25, 1967, pp. 20159-20160.

Board granted the student requests and a backlash developed from white students and their parents who objected to opening the school clubs. One parent defended the club system as a good training ground for college campus Greek letter organizations.<sup>51</sup> This decision by the Board of Education caused a great deal of resentment in the community. Many parents of white students perceived the Board as knuckling under to a small minority that used demands to get its way, and this feeling caused further deterioration of the already tense situation.

Less than three weeks later a Fair-Housing Group was formed which announced it planned to work in the city for "fair housing legislation and practices."<sup>52</sup> The fair housing issue had already been brought to public attention when the Huntington Commission had voted to request support from the Huntington Ministerial Association toward passage of an open-housing ordinance in the city.<sup>53</sup> A similar effort, concurrently underway in Charleston, West Virginia, was given much publicity in Huntington.<sup>54</sup> This campaign mobilized

---

<sup>51</sup>Huntington Herald Dispatch, October 4, 1967, pp. 1, 9.

<sup>52</sup>Huntington Herald Dispatch, October 20, 1967, p. 13.

<sup>53</sup>Huntington Herald Dispatch, October 18, 1967, p. 1.

<sup>54</sup>On November 5, the Charleston City Council passed an open-housing ordinance. After such a proposal had failed at the Council meeting the previous month, a group of civic and religious leaders mounted a campaign, including bonfires and parades, to bring pressure on the City Council to

another segment of the community to oppose the Commission's efforts. Many people had no children in high school and thus were unconcerned with school problems; others had no personal interest in police problems; but everyone lived somewhere, and most people were concerned with fair housing. This issue probably mobilized more opposition to the Commission than any other, for it enabled those opposed to couch their opposition in terms of property rights and freedom of choice instead of race.

However, despite the opposition, the choice had already been made by City Council to pass the Human Rights Ordinance. A proposed draft of the ordinance was reviewed by the Commission at its September meeting with only minor changes suggested.<sup>55</sup> On October 23, the first reading of the ordinance was on the Council agenda, with final reading and a public hearing scheduled for November 14. Council had already thrashed out specifics of the ordinance. It did not provide the power of subpoena and Council generally felt that instead of delegating power away from Council, as opponents claimed, the ordinance served to give Council more control over the Commission.

---

reconsider and pass the ordinance. The campaign was colorful and received much TV and newspaper coverage in the Huntington area.

<sup>55</sup>Commission Minutes, September 19, 1967. The lead paragraph in the news report of the meeting reads: "An ordinance which would give the Huntington Human Rights Commission status as an official agency of city government

The Council had undoubtedly been influenced by the meetings with the State Commission the previous spring. It had also worried through the rumor-filled summer and was grateful for the work of the Negro leadership in cooling down some rock-throwing crowds in the 16th Street area. The Human Rights Commission ordinance was one area of the State Commission's recommendations that Council found relatively easy to enact. Councilmen recognized the need for communication with the Negro community and thought the Commission was still the proper vehicle to discuss and solve problems. Councilmen also were shaken by the pressure from the State Commission and had decided they would prefer to have racial troubles handled by a local group which might be able to solve problems before they became incidents or events.<sup>56</sup> The meetings with the State Commission had forced the Council to face the issues and provide reassurance to the Negro community and the Huntington Commission in order to avert the threat of racial trouble. Thus the Council chose to give symbolic reassurance and nondecision.<sup>57</sup> This

---

with broad powers to investigate aspects of race bias and bigotry won tentative approval from Commission members . . . ." Huntington Advertiser, September 19, 1967, pp. 1, 2.

<sup>56</sup> Transcript of a public meeting on the Human Rights Ordinance sponsored by the League of Women Voters, March 29, 1968.

<sup>57</sup> It is also possible to entertain an alternate explanation of the City Council's action. At the first consideration of the ordinance in 1966, the Council seemed to feel that the Commission would become more powerful if the

reassurance brought counter-action by opponents of the Commission who organized a petition campaign to bring the issue to a referendum and then defeat it at the polls.

---

ordinance were enacted, and thus was reluctant to grant it more power. The benign neglect did serve to decrease the Commission's influence, and it is possible that Council anticipated this development. When the Council did finally enact the ordinance giving the Commission status, it could have deliberately have done so because it knew the Commission would not become effective because of the anticipated defeat at referendum. In this case Council would have made a very real political decision to eliminate the Commission because the Commission had become an advocate for Negro demands rather than an agency of nondecision.

## CHAPTER VII

### COMMUNITY MOBILIZATION: THE LINES ARE DRAWN

The community mobilization to fight the enactment of the ordinance and then defeat it by referendum was carried out by the Citizens for Better Government, a group of dissidents including the vigilantes and others distressed at the stance of the Commission or unhappy with City Hall. This group interpreted the Council nondecision in passing the ordinance as a decision that affected them adversely; one that endangered their property and the status quo. They mobilized to fight the enactment of the ordinance, and after its enactment, to defeat it by referendum.<sup>1</sup>

This mobilization for action under conditions of hostile belief is seen by Neil Smelser as a necessary

---

<sup>1</sup>Members of the steering committee included Mrs. Payne; Mrs. Earl Mosser, another prominent clubwoman; John Beckwith, owner of the largest grocery in town; John Brothers, a real estate broker; and Harry F. Thompson, a young lawyer active in Republican politics and sometime candidate for public office, who was named chairman. This group began immediately to gather signatures to force the ordinance to a referendum vote. The committee's feat was truly amazing. Within thirty days of the passage of the ordinance, at the height of the Christmas season, the group was able to gather over nine thousand signatures. When a tedious check disallowed over one thousand of the names, the committee then collected another three thousand within ten days. This time the Council gave in and after only a cursory check put the issue on the May primary ballot.

condition of hostile outburst. According to his theory these conditions occur when the participants are bent on attacking someone considered responsible for a disturbing state of affairs. Among the factors on which such outbursts depend are structural conduciveness, structural strain, and the growth and spread of generalized belief.<sup>2</sup>

Smelser analyzes structural conduciveness in relation to three aspects: (1) the structure of responsibility in situations of strain; (2) the presence of channels for expressing grievances; and (3) the possibility of communicating among the aggrieved.<sup>3</sup>

Smelser finds that the structure of responsibility in a situation of strain in these affairs is clearly associated with the growth of hostile outbursts. Under conditions of tension those perceived to be responsible are expected to take remedial steps. In post-disaster situations, for example, responsibility is usually laid where people are thought to have the power to alleviate the conditions that brought the disaster. This usually results

---

<sup>2</sup>Neil Smelser, Theory of Collective Behavior (New York: The Free Press, 1962), pp. 224-26. Actually Smelser includes six factors in his analysis of collective outbursts. In addition to those included in this study are the following: (1) precipitating factors (which release the energies of a collectivity--the passage of the ordinance by the Council could be viewed as a precipitant in this study galvanizing the vigilantes into action); (2) mobilization of participants for action; and (3) the operation of social control.

<sup>3</sup>Ibid., p. 227.

in shifting the blame upward in a hierarchy of authority. In conditions of established religious, class, or ethnic cleavages within a community, a group or collectivity is often assigned responsibility for causing trouble. These cleavages, according to Smelser, "are frequently accompanied by stereotypes and prejudices--generalized attitudes identifying the despised group and specifying the kinds of threats for which the group is responsible." These cleavages and the generalized attitudes that accompany them, "form a set of structurally conducive conditions for the flow of hostility."<sup>4</sup>

These conditions were present in Huntington during the ordinance campaign. The vigilantes blamed their hostile feelings on a wide variety of groups including the Supreme Court, City Council, the Black community, "outside agitators" and communists, as well as the Commission. But the Commission was the only group that the vigilantes were able to attack successfully. They were joined in their mobilization of bias by those afraid of fair housing and others nostalgic for a past era. These people, too, had no enemy they could fight except the Commission.

The second aspect of Smelser's structural conduciveness involves the presence of channels for expressing grievances. This focuses attention on the opportunities for aggrieved persons to express hostility. It is dependent on the availability of alternate avenues of protest, since

---

<sup>4</sup>Ibid., pp. 228-31.



hostile outbursts often occur when there is a closing of important legitimate avenues of dissent. When there is no institutionalized means of expressing grievances, there is often violence.<sup>5</sup> This aspect was also operative in Huntington on two levels: the first involved the Black community, which was cut off from the legitimate decision-making arena by the institutionalized nondecision agency, the Commission; the second involved those opposed to the Human Rights ordinance, who, while they had access to the Council (the decision-makers) felt they lacked an advocate in the decision-making channels such as the Black community had in the Commission. They felt the Commission blocked their demands to the Council on this issue. It was easier to get rid of the Commission than to impeach the Council; moreover, most of the community had little quarrel with the work of the Council except in the area of race relations where the community felt the issue was not legitimate.

Another group opposed to the passage of the ordinance was made up of those who disagreed with the community conservationists and wished to return to another municipal system--not Council-Manager.

The third aspect of structural conduciveness which relates to hostile outbursts is the availability of an adequate medium of communication for spreading the hostile

---

<sup>5</sup>Ibid., pp. 234-39.

belief and mobilizing for attack.<sup>6</sup> Black churches have served this role in mobilizing Black masses in the Civil Rights movement; and this is why Black clergymen, such as Reverend Smith, are often leaders in such movements. ACTION has occasionally filled this role for the Black community; but the Black leadership in Huntington has been fractured, and this has diluted their efforts.

In the context of the campaign to mobilize bias against the ordinance, the Spotlight served as the house organ. The Huntington daily press kept the activities of those involved in the campaign on the front page, so there was little problem of adequate media coverage. In the same way that publicity was the lifeblood of the CIP protest, it also sustained the campaign against the ordinance. A member of the Better Citizens Committee explained the group's success in terms of its use of the media. "We gained the advantage," he said, "while those supporting the ordinance didn't even think we had a chance to get the signatures to put the ordinance to referendum."<sup>7</sup> Another medium of communication that was used effectively in the campaign was the women's clubs. These groups had already organized calling committees and were readily mobilized to serve as a link between the leadership and those working actively

---

<sup>6</sup>Ibid., pp. 249-51.

<sup>7</sup>Interview, Harry Thompson, June 11, 1971.

to defeat the ordinance.<sup>8</sup>

On the other hand, part of the problem of those supporting the ordinance was that they lacked both an effective organization and a means of communication. It was not until the weekend before the referendum question appeared on the ballot that the newspaper supported the ordinance editorially. The opposition made much greater use of the news media.

The only group that tried to mobilize support was the League of Women Voters, which attempted to reach other groups but found little success. The groups with which the League traditionally allied, the other women's groups and the men's service clubs, were either working against the ordinance or had their membership so badly split on the issue that they were unwilling to get involved. Although the Ministerial Association supported the ordinance, as did several ministers individually, the churches were generally also divided and despite expressions of support from some

---

<sup>8</sup>Mrs. T. Smith Brewer said she felt this effort by the women's clubs really made the difference in the referendum effort. She explained the rationale behind the clubwomen's efforts. Most people in Huntington, she said, are Christian people and want to be fair, but they resent any group being given special favors. They are willing for any man to earn his way. The majority of people in this town, Negro and white, are good people; they are solid citizens who own their own homes and are not interested in stirring up trouble. Good Christian people have their cause in Jesus Christ, and this is the reason they don't get all wound up in other causes as the Unitarians do. Communism appeals to people who don't have a cause like Christ to live for. Interview, Mrs. T. Smith Brewer, April 19, 1971.

church governing bodies, the churches generally handled the issue gingerly, if at all; often holding Sunday evening discussions of the ordinance, occasionally scheduling a sermon on the "Good Samaritan" or the Golden Rule. None of the efforts in individual churches were coordinated.<sup>9</sup>

The Commission itself which might have provided some leadership, disbanded in November after passage of the ordinance. The Mayor appointed a new Commission in January which never met, so this leadership was reduced to the individual member's efforts in his church or civic group.

The City Council, especially Mr. Hinerman, Mr. Robertson, and Mr. Garner, went on speaking engagements to discuss the ordinance as often as they were asked. However, they weren't asked very often.<sup>10</sup>

The Black community was split and somewhat apathetic about the ordinance. Mr. Henderson castigated the ordinance as a "toothless tiger," useless and worse than nothing.<sup>11</sup>

---

<sup>9</sup>Mrs. Brewer also spoke about the divisive effects support of the ordinance had on some major Huntington congregations. First Methodist and Fifth Avenue Baptist Churches still sustain a schism in their membership dating to the ordinance effort. This was confirmed in part by George Sublette, a member at Fifth Avenue Baptist and Baptist campus pastor, who said that between \$20,000 and \$30,000 had been withheld from the local church budget annually since the pastor's strong stand favoring the ordinance. Many other members have since joined other congregations. This is the congregation to which Mrs. Payne belongs, as well as Judge Hereford. Interviews, Mrs. Brewer and George Sublette, May 6, 1971.

<sup>10</sup>Interview, Robert Hinerman, April 7, 1971.

<sup>11</sup>Interview, Herbert Henderson.

Reverend Smith said Negroes welcomed the referendum campaign because it served to uncover the "insidious prejudice" prevalent in the community. The referendum, he said:

. . . will serve to identify the local bigots who force responsible Negroes into militant black power camps. . . . It will provide an opportunity for genuine responsible whites to refute those who would prostitute ignorance in order to gain cheap publicity. And it would also serve the purpose of notifying the white community that the day of paternalism is over.<sup>12</sup>

But this statement is hardly one of support for the ordinance. The only Black support statement came from a small Negro sorority.<sup>13</sup>

Other community support generally came in the form of a public statement from an organization.<sup>14</sup> Except for the League efforts and the financial contributions generated by Robert Emerson, there was little mobilization of support except symbolically.<sup>15</sup>

---

<sup>12</sup>Huntington Advertiser, November 21, 1967, p. 11.

<sup>13</sup>Huntington Herald Dispatch, December 9, 1967, p. 12.

<sup>14</sup>Besides the League and the Negro sorority, support statements came from the Huntington District Labor Council, the Greater Huntington Chamber of Commerce, B'nai B'rith and the Huntington Ministerial Association. The Session (governing body) of Beverly Hills Presbyterian Church (the Commission Chairman's church) and the First Presbyterian Church (the Ministerial Association Chairman's congregation) also endorsed the ordinance.

<sup>15</sup>Robert Emerson and his wife, Roberta, were instrumental in the effort to establish Council-Manager government in Huntington. Mrs. Emerson agreed to serve on the Commission when her husband refused, although both remained interested in civil rights problems. Mr. Emerson is an attorney and spearheaded the financial support for the League of Women Voters' efforts as well as speaking in behalf of the

There was greater mobilization of opposition than mobilization of support for the ordinance. This was partly the result of greater effort by the opposition and partly because of the natural advantage enjoyed by the status quo in such situations. It is always easier to block decisions than it is to initiate, enact, and implement them.

Smelser also considers the conditions of strain that underlie hostile outbursts. Such conditions can be institutionalized to follow cleavages in society such as the labor-management or Negro-white dichotomy. Such strains, then, are built into the social situation and combine with stereotypes that assign responsibility for evil to other groups. This combination is apt to precipitate hostile outbursts.<sup>16</sup>

Economic or political pressure from Blacks often threatens established norms such as the color line, and heightens structural tension between the two groups. In such cases hostility tends to focus on a particular issue as it did in Huntington.<sup>17</sup> Police brutality became the mobilization cry for the Black community while the dangers of the Commission ordinance and the threat of open housing were combined to provide the focus for white hostility. Smelser shows how such strains often result from real or threatened

---

ordinance. Mrs. Emerson was very active in the League during the Council-Manager campaign. They can both be classed as community conservationists.

<sup>16</sup>Smelser, p. 241.

<sup>17</sup>Ibid., p. 243.

deprivation. White dissidents in Huntington saw their norms and position in the decision-making system threatened by the ordinance, and they lacked reassurance from the decision-makers. In fact, Council passage of the ordinance in the face of their opposition violated their concepts of legitimacy.

Unlike the vigilante group and its supporting coalition, the Blacks were faced with actual, rather than imagined, deprivation in their social, economic, and political life. They, too, were denied even symbolic reassurances by Council, for the ordinance as finally passed suffered from the rising expectations of the Black community, who saw it as too little for their needs. The community conservationists were concerned about system maintenance and wished to mollify Black demands as well as encourage the realization of their ideals of equal opportunity for all. A situation of strain, therefore, was clearly present in Huntington at this time.

The growth and spread of generalized belief, Smelser's third factor, was precipitated in Huntington by the riot rumors, the fair-housing efforts, the racial trouble in the schools, and the police-Commission conflict. Black hostility was generated by the pervasive discrimination in the community, the rising expectations of Blacks due to national legal and legislative gains, the lack of adequate means to express and redress grievances, as well as the frustration they engendered, symbolized in the street

incidents and the generalized hatred of the police.

These precipitating facts served to confirm or justify existing generalized fears or hatreds. Rock throwing in black neighborhoods brought police repression. Police actions encouraged additional animosity from the Negro community. Each group fulfilled the expectation of the other. Failure of protest actions to achieve any long-term results may also precipitate hostile outbursts.<sup>18</sup>

The mobilization for action on the part of those opposing the ordinance in Huntington was swift and successful. The Citizens for Better Government was able to use pre-existing structure--women's clubs, the Spotlight, the police department, church and civic groups--to supply the energy for the mobilization campaign. They thus accomplished their objective by direct intervention in the decision-making system.

The defeated ordinance proponents accepted the decision. The community conservationists were committed to work within the existing decision-making channels. Their primary concern was system maintenance and methods outside the normal decision-making channels were unacceptable to them. The Black community, already excluded from the decision-making channels, was unable to generate support for protest activities. The ordinance did not rank very high on their list of priorities. The social controls which had

---

<sup>18</sup>Ibid., p. 249.



institutionalized the legitimate grievance channels remained operative for both Blacks and whites.<sup>19</sup> Neither opponents nor proponents were willing to use mobilization methods outside prevailing norms.

The decision at the polls was considered by all parties to be legitimate and was not challenged by the City Council, the Black community or the community conservationists.<sup>20</sup> Moreover, their present opinion, three years later, still considers the ordinance defeat a valid expression of community feeling. There are no plans at the present time (1971) to push for a reorientation of community norms and biases in the area of race relations.

---

<sup>19</sup>Ibid., p. 261.

<sup>20</sup>The ordinance lost by a vote of 2-1, overall, and passed by a few votes in only seven out of a total of eighty-five precincts.

## CHAPTER VIII

### HUNTINGTON AND HUMAN RIGHTS: AN EVALUATION

It has been the contention of this study that the Human Rights Commission in Huntington (1962-1967) served as a barrier to decision-making in city government on questions of race relations and civil rights. Such a commission has been seen as designed to deflect decisional questions away from City Council so that they might be settled outside the actual policy structure in an informal manner. A human rights commission is generally considered a positive policy-maker, a way to deal with problems of discrimination, when actually such a commission may merely serve as an institutionalized nondecision agency, a barrier to the real arena of policy choice, a part of the status quo maintenance system.

Part of this nondecision structure is built into a council-manager form of city government. Whether as a result of the ethos philosophy of its middle-class leadership or merely as an unintended result of the structure itself, it does seem that a commission unable to make policy makes nondecisions instead.

It has been argued that there are parameters based on community norms and biases that limit the kinds of questions considered legitimate for policy consideration. In Huntington, between 1962 and 1968, Black grievances were

not a matter of community concern. What did concern the community was the threat of militant action on the part of disadvantaged Blacks, and so both material and symbolic efforts were undertaken by policy-making agents only in response to a protest from groups outside the normal channels to policy-makers. The CIP group at Marshall and the Huntington High students used picketing and other high visibility methods to make grievances more visible to a community that would have preferred to ignore them.

As a community, Huntington professed belief in equality of opportunity while actively pursuing discriminatory practices. By publicizing the gap between theory and practice, such groups as the CIP and the Commission were able to alter the prevailing bias of city government and a part of the community so that, in a small way, both material and symbolic efforts could be undertaken to widen the opportunities for Black citizens. Employment opportunities were enlarged, particularly in entry jobs. While these opportunities often merely encouraged tokenism, in a city with such a small black population and a previous pattern of great discrimination, even tokenism served to widen opportunity. Public accommodations were opened, partly as a result of Federal and state legislation but also partly as a result of local efforts which altered prevailing community norms. Discrimination was no longer accepted public practice.

It is a fact of the Civil Rights movement that sympathetic white groups have not often altered prevailing community norms significantly. Change has usually come from Black protest efforts, which, in Lipsky's terms, activate reference publics (third parties) to influence public policy in behalf of Blacks. These reference groups such as the Huntington Human Rights Commission, seek to influence policy outputs for a variety of reasons, but usually only in response to protest group action which serves to provide the reference groups with leverage to press for protest group demands. Without such demands a group such as the Huntington Commission cannot mediate, and mediation is what it was set up for.

Change in this kind of environment comes only in response to a threat. Policy leaders are willing to permit change in order to preserve the system and maintain equilibrium. Leaders must balance competing demands for change only to preserve the larger system from destructive trends since the status quo exerts great influence toward inertia.

In this situation the leadership will usually attempt symbolic policy outputs designed to reassure the reference public and the protest group without actually changing the system output at all. This was seen most clearly in Huntington in the Marshall University reactions to the continuing charges of discrimination on the campus. The fraternities and sororities at Marshall were not the

only source of discrimination on the campus, but their members served to symbolize the system. Charges of discrimination against the Greek system served to deflect demands from the wider problem of discrimination on the campus and in the community. The police-Black community problems fall in the same category. Whether the police mistreatment of Blacks is real or not, the reaction against police methods serves to channel community energies into an area that does not involve the community as a whole or even the whole of city government.

Co-optation of Black leadership was another non-decision strategy which was followed in Huntington, both in naming some Black leaders to the Commission and in the advent of the Federal poverty program which usurped the energies of the remaining Black leadership. This left the already non-militant Black community with no leadership to present demands and grievances, no way in which to act. The Community Action program in Huntington served not as a way for disadvantaged groups to gain power to influence local policy, but instead served to channel demands through this framework to the Federal government. The Black leadership felt that the Federal programs offered both symbolic and material benefits to the Black population. This program co-opted the leadership so that after 1966 and the Keith Albee incident, the only agitation for concessions from local decision-making

agencies or the Commission itself came from young people in school situations, on complaints in the area of police harassment. The rock-throwing incidents in Black neighborhoods are the Huntington equivalent of an urban riot, serving as symbolic expressions of Black rage against white power and authority.

Especially since the defeat of the Human Rights ordinance, Blacks in Huntington see little reason to try channeling their demands through local government. They have undertaken to push the school board on school desegregation and have forced the closing of Barnett, an all Black elementary school; they have been provided with a token allotment system of admittance to other (largely white) schools. With no system of transportation provided, this has resulted in transfer privileges used mainly by middle-class blacks who can provide transportation for their elementary-aged children. Even this small accomplishment was gained only after a march on the school board offices by Blacks plus the filing of a court suit charging segregation. It seems there is no change in the status quo without some sort of overt demand except when it benefits the system to change rather than oppose change.

Another problem encountered in Huntington has involved charges of tokenism. There have been recent attempts on the part of the city government to offer what it considered real concessions to the Black community. The best example of this was the appointment of a Black dentist, Dr. Thomas B.

Wright, to fill an unexpired term on the City Council from the district in which most of the Black community live. This professional-level Black family had recently moved to an upper-middle-class white neighborhood, and the Council members felt fortunate that the district lines included his neighborhood as well as the Black ghetto. This evoked little public comment in the white community, but there have been "Uncle Tom" and tokenism charges from the Black community. There is a real question whether Dr. Wright will choose to stand for election to Council. The first move would come from the All-Huntington Association who would have to offer him a place in the slate, and there is then no assurance he could be elected in an at-large election for Council.

A volunteer group has partially replaced the Human Rights Commission in providing education and symbolic reassurance. The Cabell County Human Relations Council has concentrated on providing reassurance to the Black community that there are members of the white community who are concerned, still, about discrimination and equal opportunity. It also provides a face-to-face meeting place for racially mixed groups, still not a natural occurrence in Huntington. The Council has undertaken production of a play for presentation to church groups and other community organizations depicting some of the problems of Blacks in a white world. This kind of effort is still somewhat radical in

Huntington, and so the Council is performing a much needed community service in this context.

Neither Black leaders nor present members of City Council see a re-activation of a Human Rights Commission by the City Council. Council members still nurse their wounds on the issue, and the Black community no longer thinks this kind of Commission would meet their needs adequately.

The same people that provided the opposition to the Human Rights ordinance continue to provide opposition to liberal or radical ideas. Mrs. Payne and various conservative church leaders regularly oppose radical or liberal speakers on the University campus; they tried to prevent Ralph Ginzberg, Herbert Aptheker, and Bishop James Pike from appearing at the student sponsored Impact week. There is a former Cuban refugee, the wife of a doctor, who lectured to many civic groups about the Communist menace, not only in Cuba but in West Virginia and particularly at Marshall University, "where everyone knows" there are Communists on the faculty. Neither Black leaders nor Council members feel that there has been much change in attitude in Huntington in the area of race relations.

At this time there seems to be little effort by the Black community to exert demands on the city government and no active reference group to speak in their behalf. The ordinance campaign effectively relegated Black grievances to a position outside the decision-making channels of local government, and any changes come by way of Federal and state



government. Although there is no longer any institutionalized agency of nondecision to deal with questions of human rights and discrimination; the prevailing community norms and biases seem to be effective in preventing any entry of such questions to the policy-making channels of local government. What the ordinance defeat did accomplish was to destroy the one reference public that protest might influence. Although the community is probably more open today than it was in 1962, there is no longer any organized group to listen to the powerless Black population and articulate their demands and grievances. This has left the Black community with little chance to make demands on local government and has made the efforts toward change one way, from city government to the Black community with no way for feedback to occur.

BIBLIOGRAPHY

## BIBLIOGRAPHY

### A. BOOKS

- Agger, Robert E., Daniel Goldrich, and Bert E. Swanson. The Rulers and the Ruled. New York: John Wiley and Sons, 1964.
- Allport, Gordon W. The Nature of Prejudice. Garden City, New York: Doubleday Anchor Books, 1958.
- Bachrach, Peter, and Morton S. Baratz. Power and Poverty: Theory and Practice. New York: Oxford University Press, 1970.
- Banfield, Edward C. Political Influence. New York: The Free Press, 1961.
- Banfield, Edward C., and James O. Wilson. City Politics. Cambridge, Massachusetts: Harvard University Press, 1965.
- Brink, William, and Louis Harris. Black and White. New York: Simon and Schuster, 1966.
- Casstevens, Thomas W., and Lynn W. Eley (eds.). The Politics of Fair Housing Legislation. San Francisco: Chandler Publishing Company, 1968.
- Downes, Bryan S. (ed.). Cities and Suburbs: Selected Readings in Local Politics and Public Policy. Belmont, California: Wadsworth Publishing Company, 1971.
- Drake, Thomas M., and David G. Temple. Human Relations: A Reader for West Virginians. Institute for Labor Studies and Manpower Development and Bureau for Government Research, Series 69, No. 5-3. Morgantown: West Virginia University, 1968.
- Edelman, Murray. The Symbolic Uses of Politics. Urbana: University of Illinois Press, 1967.
- Foss, Phillip O., and Duane W. Hill. Politics and Policies: The Continuing Issues. Belmont, California: Wadsworth Publishing Company, 1970.

- Gameson, William A. Power and Discontent. Homewood, Illinois: Dorsey Press, 1968.
- Kaufman, Herbert. Politics and Policies in State and Local Governments. Englewood Cliffs, New Jersey: Prentice Hall, 1963.
- Klonski, James R., and Robert I. Mendelsohn (eds.). The Politics of Local Justice. Boston: Little Brown and Company, 1970.
- McKinney, John C., and Edgar T. Thompson (eds.). The South in Continuity and Change. Durham, North Carolina: Duke University Press, 1965.
- Myrdal, Gunnar. An American Dilemma. Vol. I. New York: Harper, 1944.
- Rosenberg, Bernard (ed.). Analysis of Contemporary Society. New York: Thomas Y. Crowell Company, 1966.
- Rossi, Peter M. "Community Decision-Making." Approaches to the Study of Politics, ed. Roland Young. Evanston, Illinois: Northwestern University Press, 1958.
- Schermer, George. Guidelines: A Manual for Bi-Racial Committees. New York: Anti-Defamation League of B'nai B'rith, 1964.
- Smelser, Neil. Theory of Collective Behavior. New York: The Free Press, 1962.
- Strickland, D. A., L. L. Wade, and R. E. Johnston. A Primer of Political Analysis. Chicago: Markham Publishing Company, 1968.
- Summary of the Report of the National Advisory Commission on Civil Disorders. New York: Bantam Books Reprint, 1968.
- Thometz, Carol E. The Decision-Makers. Dallas: Southern Methodist University Press, 1963.

#### B. PERIODICALS

Advertiser (Huntington, West Virginia), August 27, 1963; June 29, 1967; September 19, 1967; October 26, 1967; November 13, 1967; November 14, 1967; November 21, 1967; March 14, 1968.

Auerbach, Joel D., and Jack L. Walker. "Political Trust and Racial Ideology," American Political Science Review, LXIV (December, 1970), 1199-1219.

Gazette-Mail (Charleston, West Virginia), August 20, 1967.

Hahn, Harlan. "Northern Referenda on Fair Housing: The Response of White Voters," Western Political Quarterly, XXI (September, 1968), 483-495.

Herald-Advertiser (Huntington, West Virginia), May 12, 1963; September 8, 1963; April 30, 1967; July 31, 1967; May 12, 1968; July 11, 1971.

Herald Dispatch (Huntington, West Virginia), May 5, 1963; May 11, 1963; May 2, 1964; December 18, 1964; March 17, 1965; February 10, 1966; July 12, 1966; July 13, 1966; May 3, 1967; September 20, 1967; October 6, 1967; October 18, 1967; October 20, 1967; October 24, 1967; October 27, 1967; November 2, 1967; November 9, 1967; November 10, 1967; November 14, 1967; November 22, 1967; November 30, 1967; December 9, 1967; December 12, 1967; January 3, 1968; February 26, 1968; March 29, 1968; April 18, 1968; May 6, 1968.

Herald Dispatch and Advertiser (Huntington, West Virginia), April 20, 1968; May 4, 1968.

Herson, Lawrence, J. R. "The Lost World of Municipal Government," American Political Science Review, LX (June, 1957), 330-346.

Lineberry, Robert L., and Edmund P. Fowler. "Reformism and Public Policies in American Cities," American Political Science Review, LXI (September, 1967), 701-716.

Look, February 17, 1959, 80.

Parthenon (Marshall University, Huntington, West Virginia), February 15, 1967; February 22, 1967.

Spotlight (Huntington, West Virginia), No. 9, July 11, 1966; No. 10, n.d.; No. 11, August 13, 1966; No. 12, August 27, 1966; Vol. II, Issue 4, August 25, 1967; Vol. II, Issue 7, December 4, 1967; Vol. III, Issue 1, April 8, 1968.

Wolfinger, Raymond. "Community Power and Policy Making in American Cities," American Political Science Review, LXII (December, 1968), 1268-79.

## C. PUBLIC DOCUMENTS

Durkin, John. Proclamation Establishing a Mayor's Commission on Civil Rights, June, 1962.

Huntington (West Virginia) City Council Minutes, January 24, 1966.

Huntington (West Virginia) Commission on Civil Rights Minutes, September, 1962-November, 1967.

Quessenberry v. Cleckley. Cabell County Circuit Court. Civil Action 10514, September 6-7, 1963.

U. S. Congressional Record. Vol. CIII.

West Virginia Human Rights Commission. Annual Report, 1962-63. Charleston.

## D. UNPUBLISHED MATERIALS

Correspondence

Adams, Ann M., to Carl Glatt. October 30, 1967.

Ewing, Edward, to Huntington Human Rights Commission. June 23, 1965.

Glatt, Carl, to R. O. Robertson, Jr. May 2, 1967; May 24, 1967; June 26, 1967.

Glatt, Carl, to Paul D. Stewart. August 4, 1967.

Gray, C. M., to Edward Ewing. April 6, 1966.

Huntington Business and Professional Men's Club to City Council (Huntington, West Virginia). December 10, 1966.

Kleinknecht, G. M., Memo to Members of City Council (Huntington, West Virginia). July 15, 1966.

Kohlbecker, L. L., to John Durkin. May 25, 1962.

Otto, John F., to Royce K. McDonald, July 11, 1966.

Stewart, Paul D., to R. O. Robertson, Jr. November 28, 1966.

Interviews

Brewer, Mrs. T. Smith. April 19, 1971.

Compton, Hite. April 21, 1971.

Early, Bert. May 16, 1971.

Emerson, Roberta. April 26, 1971.

Ewing, Edward. March 2, 1971.

Garner, George. March 23, 1971.

Gray, Marion. April 22, 1971.

Gross, Roger. May 12, 1971.

Gunn, Helen. April 3, 1971.

Helvey, Frank. April 1, 1971.

Henderson, Herbert. March 26, 1971.

Hinerman, Robert. April 7, 1971.

Jenkins, John. May 7, 1971.

King, Hardin W. May 8, 1971.

McDonald, Royce. April 21, 1971.

Pancake, Paul. February 15, 1971.

Phillips, Harmony, April 9, 1971.

Smith, Charles. March 26, 1971.

Stewart, Danie. May 11, 1971.

Stewart, Paul D. March 16, 1971.

Sublette, George. May 6, 1971.

Thompson, Harry. June 11, 1971.

Wright, Thomas B. April 5, 1971.

Miscellaneous

Darrah, Jack. "The Public Be Damned," n.d. (mimeograph, distributed at City Council meeting, November 13, 1967).

- Darrah, Jack. Statement to City Council, n.d. (mimeograph, February, 1966).
- Huntington (West Virginia) League of Women Voters. Community Housing Survey (mimeograph, January, 1969).
- Payne, Mrs. E. Wyatt, and others. WMUL Radio (Marshall University, Huntington, West Virginia) documentary (tape, May 11, 1968).
- Police Board of Inquiry and Recommendations Report to the Chief of Police (Huntington, West Virginia), April 14, 1966.
- Transcript of a public meeting on the Human Rights ordinance sponsored by the Huntington League of Women Voters, March 29, 1968.
- West Virginia Human Rights Commission. Summary of Suggestions Relative to the City of Huntington (mimeograph, June 26, 1967).



APPENDICES

APPENDIX A  
Sources of Information

## SOURCES OF INFORMATION

Information was gathered for this paper primarily through personal interviews of one to four hours in length of several people involved in the Huntington Human Rights Commission during the period it was active in Huntington. Names were obtained by the reference method with one person recommending interviews in turn with others. The three chairmen as well as the two secretaries of the Commission were interviewed. Mr. Robert Hinerman, Mr. Edward Ewing, and Mr. George Garner, all actively involved in city government during the time of the Commission, were interviewed. Mr. Herbert Henderson was interviewed for his perspective on the impact of the Commission and its role in relation to that of the NAACP in which he has been active, currently serving as state president.

An attempt was made to interview Mrs. E. Wyatt Payne, the most active and articulate member of the opposition to the Commission ordinance, but efforts to set up an interview were unsuccessful over a four-month period. Mrs. Payne broke one interview appointment, and then suggested an attempt to interview Mr. Harry Thompson, who was the official chairman of the group. Mr. Thompson was interviewed, but he acknowledged that he did not become involved until after the ordinance had already been passed by Council. It was

possible to secure a tape of an interview with Mrs. Payne justifying her stand on the ordinance for a production of WMUL Radio, aired a week before the ordinance vote. In an interview, Mrs. T. Smith Brewer, a well-known and respected Huntington clubwoman, was able to give her side of the ordinance opposition effort.

The minutes of the Commission from the city files on the work of the Commission were available. Mrs. Harmony Phillips, the last Secretary of the Commission, kept a well-organized and complete file of minutes, correspondence, and pertinent clippings which proved invaluable. Dr. Royce McDonald and Dr. Paul Stewart, former Commission Chairmen, also opened their personal files for this research. Mrs. C. M. Gray, a regular and persistent newspaper clipper lent her boxes of articles on the work of the Commission.

Many other persons indicated interest and offered insights and information that led to the right person or other source of information. Without this kind of help, it would have been impossible to gather the information and opinions that are the basic research of this study.

The original intention was to do an analysis of an opinion questionnaire of racial attitudes of the persons interviewed. Questionnaires were either taken at the time of the interview or left with a stamped-addressed envelope. A follow-up mailing was sent to those who had not returned the questionnaire by the time the interviews were completed (four months after the beginning of the period), enclosing

another questionnaire, an explanatory letter, and another stamped envelope. The problem with this effort was the necessity of an almost 100 percent response in order to achieve any kind of meaningful statistical relevance since the number of cases was so small. While responses were generally good, several key people, including key Black leaders and both Mr. Thompson and Mrs. Payne did not return the questionnaires. All the replies received, except that from Mrs. Brewer, were from persons on the same side of the ordinance campaign; and while they indicate slight differences in reasons for action, they are basically very similar. The only difference that seems significant is that members of City Council or the city administration did not concur in the general statement that police brutality does exist in Huntington, while the majority of those who are not city officials did agree that it exists. Because of this one-sided response, a more complete analysis of these questionnaires was omitted from the study. The interview guide is included in Appendix B.

APPENDIX B  
Interview Outline

## INTERVIEW OUTLINE

1. Background:
  - a. Historically, what groups or forces have governed Huntington politically and socially?
  - b. How would you characterize the politics of the community? (Style, Republicans v. Democrats, what groups make up each party?) What groups have dominated the non-partisan city elections? Who forms the opposition? Is there actual inter-group competition for political power locally? What is the traditional role of Negroes in community political life?
  - c. What were the facts of discrimination in terms of employment, schools, housing, and so on?
2. Human Rights Commission:
  - a. What led to the formation of a Mayor's Commission on Human Rights?
  - b. What kind of work did it do?
  - c. What issues came before it?
  - d. How did it handle the problems brought before it?
  - e. How effective was it?
  - f. Were there outside influences that affected the role it was able to play?
  - g. What was the attitude of the community at large toward the Commission? The black community? City government?
3. The ordinance:
  - a. What led to the desire for the Commission to be set up by ordinance instead of just by executive order?
  - b. What was the goal of those seeking to have this ordinance enacted?
  - c. From where did the opposition come?

- d. Why was there opposition?  
Was it all local?  
Were there outside influences?
  - e. What was the role of the Commission in the ordinance vote?
  - f. What was the role of City Council?  
Other parts of city government?
  - g. Was there any coordination of effort to defeat the ordinance?
  - h. Any coordination of effort to defeat the referendum?
  - i. What techniques were used by both proponents and opponents?
  - j. What techniques seemed to have the best results?
4. The election:
    - a. An analysis of the election returns
  5. The aftermath of the referendum:
    - a. Where do you think Huntington is now in its race relations?
    - b. Do you think the whole ordinance campaign had any effect?
    - c. Are conditions any better for Negroes now in Huntington? Why? Local efforts? Outside push?
    - d. What is the present view of Negroes now toward city government?
    - e. Will Council consider some revival of the Human Rights Commission?
    - f. What is the view of city hall toward Negro rights?



