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Black cloud over Danville: The negro movement in Danville, Virginia in 1963

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BLACK CLOUD OVER DANVILLE;

The Negro Movement in Danville, Virginia in 1963

Black Cloud Over Danville
The Negro Movement in Danville, Virginia in 1963

**A Thesis
Presented To
the Faculty and Department of History
University of Richmond**

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

by

**Gordon Brooks Powell, Jr.
June, 1968**

**LIBRARY
UNIVERSITY OF RICHMOND
VIRGINIA**

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P r e f a c e

It is the purpose of this work to show how the racial disturbance began and why it came to a close in Danville, Virginia in 1963. This work asks: "Why Danville, what happened, what killed it, and what was the aftermath?" The central vehicle for answering these questions is the Danville Police Department.

Research was done, over a period of some fifteen months, through a series of court records and transcripts, interviews, newspapers, observations, books, and other sources related to this topic. It should be pointed out, that in as many cases as possible, this author attempted to determine the validity of sources by checking them against police reports and court transcripts concerning related dates.

Gratitude is expressed to the following people in connection with this thesis:

Eugene McCain, who as Chief of the Danville Police Department, opened many of his files to my examination. The many participants on both sides of the 1963 struggle who volunteered their time and information were indeed helpful. Thanks also go out to the Danville Community College for the time and clerical help they provided in the final stages of this work. Special gratitude is extended to Dr. R. B. Westin of the University of Richmond, Virginia, who used a teacher's gift of assistance and encouragement.

To Sallie L. Newlin Durham,
my beloved Grandmother, who
devoted so much of her life to
me.

1883 - 1964

CHAPTER I

INTRODUCTION

The Nature of the City of Danville, Virginia

The city of Danville, Virginia, nestled in a beautiful valley of the Dan River, is the home of approximately 50,000 people, one third of whom are Negro. It is located three miles north of the North Carolina line in the heart of the Piedmont section. Founded in 1793 and chartered in 1833, Danville launched its future from the pads of tobacco and textiles.

One may enter from the north by the great textile plants of Dan River Mills and strong-smelling tobacco factories along the Dan. Or one may enter from the south and drive past the tumbled down Negro shacks of Jackson's Branch, past the poor little Winslow Hospital for colored and the fine Memorial Hospital for whites, past Mount Vernon Church, where mill officials and tobacconists lift up their Sabbath Prayers. Approaching Danville from the east, one is repulsed by the same filthy sights and rank odors. But keep going, because soon one will cross the Main Street Bridge and look north and examine the muddy, dye-stained river that fathered the name of this warm little city. From this direction, one approaches Main Street from the bottom of its hill. Proceeding up the grade, the travelers cannot but linger to look at prosperous-appearing facades of the big stores which sandwich in the small, old, but clean shops. Midway up the hill, and one block to the

left, stands the great stone face of City Hall, decorated by a life-size, yet seemingly miniature, statue of Mayor Harry Wooding. Old Harry, who had been mayor in Danville from 1898 to 1933, must have been chafed by the show that took place in 1963 on the steep steps behind his back.

At the top of the hill and two blocks to the right, one can see pigeons roosting in the shade of the eaves of the colored High Street Baptist Church.

This is home. It is, also, the home of wealth and poverty--both the products of self-made men. Danville has one disease that makes things both possible and impossible--the annual plague of seasonal unemployment when the tobacco factories shut down each May to September.

Until 1950 Danville had a mayor council form of government. On the 15th of September, 1950, T. Edward Temple took office as the first City Manager. Temple, on that day, stressed that the door to his office was open to all citizens. With the establishment of the City Manager Form of Government, nine City Councilmen came into office, one-half to be elected every two years.

CHAPTER II

BEFORE THE FACT Negro Movements Before 1963

By a unanimous nine to zero vote, the Supreme Court of the United States of America ruled, on May 18, 1954, that the states of this nation no longer had the right to separate Negro and white pupils in different schools. For many years, seventeen Southern and "border states" had imposed compulsory segregation in the public schools. Virginia was one of those states. In Danville, Virginia, announcement of the High Court's decision spread rapidly throughout the city. Much of the comment on that decision followed party lines; hence, the Democrats blamed the Republican administration of President Dwight D. Eisenhower, while the Republicans placed the blame on the Supreme Court. The Danville Republicans pointed out that ^{SEVEN} ~~eight~~ of the nine Supreme Court justices were Democrats. On that historic day, the Supreme Court was composed of five Democrats appointed by President Franklin D. Roosevelt, two Democrats appointed by President Harry S. Truman, and the two Republicans were appointed by President Eisenhower.

As of March 1, 1954, the Danville Public Schools had 7,708 students. Of this total 2,274 were Negro.¹ Danville's Negroes showed little interest in the 1954 ruling and Danville did not experience the

¹The Danville Register, May 18, 1954, (Danville, Va.). Hereafter cited as the Register, See Also 74 Supreme Court 686.

effects of the decision until the fall school term of 1963. By the end of that month, private schools in the Danville area had noted no change in the number of applications for the term beginning in September of 1954. It was nine years later that the first Negro enrolled in a previously all white public elementary or high school.² After the 1954 Supreme Court decision ruling public school segregation unconstitutional, there was a rising tide of friction between whites and Negroes. Among the major focal points of the struggle in the earlier years were Montgomery, Alabama, during the 1956 bus boycott by Negroes, and the 1957 integration of Little Rock, Arkansas. After that, eruptions came thick and fast. In 1960, at Greensboro, North Carolina, began the great wave of Negro lunch counter sit-ins which spread over virtually all the deep and middle South. Nor did Danville escape as the public library and parks became the targets of the Negro users.

There were "Freedom Riders" from the North who sped south to take part in the general crusade. The most violent of all clashes over college desegregation occurred in 1962 at the University of Mississippi, Oxford, when a Negro named James Meredith tried, and later successfully, registered for classes. Two persons were killed and a number of others were hurt. As time passed, and people were brought close to these situations through various news media, massive

²The Register, August 9, 1963, (Danville, Virginia).

demonstrations were staged. Demonstrations by the score were undertaken in later 1962 and early 1963 in Jackson, Mississippi, where a Negro leader was slain. In early 1963 street disorders took place in Birmingham, Alabama; Atlanta, Georgia; St. Louis, Missouri; Tallahassee, Florida; Philadelphia, Pennsylvania; Chicago, Illinois; Cambridge, Maryland; and at Fayetteville and Lexington, in North Carolina. At first modest, orderly and infrequent, demonstrations began to rise like an angry bonfire lights the sky and they ignited the spark of protests at every crossroad. That spark caught Danville, Virginia in the early 1960's.³

In the summer of 1960, a group of young Negroes organized an attempt to break down racial segregation in the city's public libraries. At that time the city operated two public library facilities - one for whites and one for colored. On April 2, 1960, at the all white main library, and at the city owned Ballou Park, approximately twenty-five Negro boys and girls entered the library and asked for registration cards and the privilege to take out books. The librarian informed the group that the library was closed, several hours before the normal closing hour. After taking seats and remaining for some twenty minutes, the group left. Around three o'clock of that same day, fifteen Negroes went to the city owned Ballou Park on West Main Street, which had been previously reserved for whites only. There, that group

³The Raleigh News and Observer, April 23, 1963, (Raleigh, North Carolina).

played basketball until it began to rain. The youths then went to the park pavillion where they stayed until Danville's City Manager, T. Edward Temple, arrived and informed them that the park would close in twenty minutes at 3:45 P. M. and that anyone remaining after closing would be arrested for trespassing. When questioned by police concerning their presence in the white facility, the group said that they had no comment. The police then assigned two men to one radio-equipped car to remain at the park. Later that day, the head of the Danville branch of the National Association for the Advancement of Colored People, Reverend Doyle J. Thomas, stated that they wanted to test the strength of segregation laws in Danville in relation to tax-supported institutions.⁴

According to Thomas, the group decided on the library because they were given homework assignments in school "which required materials not available at (the all-Negro) John M. Langston High School or the Branch (Negro public) library. The public park was chosen because there were no Negro facilities that compared to it."⁵ Shortly after the group left the park, city officials erected "closed" signs at all three entrances to the park and stated that the park and library would be closed until city officials could meet. Again, only two police officers kept watch over the park.⁶

⁴The Register, April 3, 1960.

⁵Ibid.

⁶Ibid.

The next day that meeting of city officials was held. The city agreed to reopen all library facilities, except the Central library, which was the target of Saturday's incident, would reopen only to those patrons who held library cards as of April 1, 1960. Although the parks were not reopened, the city fathers adopted a resolution which stated that when the parks did open, they would be limited to those living in the neighborhood in which the parks were located. Two separate resolutions, one pertaining to the library and the other to the parks, empowered the City Manager with the authority to close both facilities if they could "not be operated under the limitations placed on them."⁷ The texts of the resolution reflect the official attitude of the municipal government:

Whereas, it is the judgment of the council that the utilization of such neighborhood facilities by persons from other neighborhoods will bring about overcrowded conditions therein which may provoke a breach of the peace and good order of the City of Danville.

Now therefore be it ordained by the Council of the City of Danville:

That it is the policy of the council that any recreational facility can be used by members of the neighborhood in which such facility is located; and

That the City Manager be charged with the responsibility of carrying out this pronounced policy, with full powers to close any and all recreational facilities should it appear that their administration has become impracticable, or that a breach of the peace is imminent or likely, to report the same to council.

⁷"Minutes of the Danville, Virginia City Council," April 3, 1960. On file in City Manager's Office. Hereafter cited as "City Council Minutes."

Concerning the library, council decreed, that:

Whereas public library facilities are overtaxed by the demands of its patrons,

Now therefore, be it ordained by the Council of the City of Danville, Virginia, as follows:

That the Central library building located in the Memorial Mansion be used only by the present holders of library cards issued from the Central Library; and that no further cards be issued until further order of the council; and,

That the City Manager be charged with the responsibility of carrying out this pronounced policy with the full power to close all library facilities should it appear that it's administration has become impracticable and to report the same to council.⁸

On Wednesday afternoon of that week, several Negroes sought admission to the Central library, but were denied use of the facility because they did not have library cards. Police were called by the librarian after a second and third group arrived, but there were no arrests. However, police remained on the lawn of the library until it's 9:00 P.M. closing hour, at which time the Negro groups left.⁹

At the monthly meeting of City Council, held on April 11, council entertained the comments of about twenty-five of Danville's white citizens. A spokesman for the group stated that the next probable step that the Negroes would take would be to seek a Federal court order requiring the city to open the library to all patrons, white and colored. They then submitted that they wanted to see all library

⁸Ibid.

⁹The Register, April 3, 1960.

facilities closed if such an injunction were to be issued. After hearing of the proposals made at that council meeting, Negro leaders in Danville, for the first time, publically criticized the reported "good relations" in Danville and said that relations were of a "master - servant" type.¹⁰

As predicted, on April 13, 1960, five members of the city's Negro community were named plaintiffs in a suit which sought the abolition of segregation in Danville's public libraries. The City Manager, the City Librarian and the City of Danville were named co-defendants in that suit. Specifically, the plaintiffs sought to have the Federal Western District Court, under Judge Roby Thompson, enter an injunction which would prohibit the city from "denying, on the basis of race or color, the admission.... of the.... Negro citizens.... to any library operated by the defendants."¹¹ Later that week, Danville Mayor, Julian Randolph Stinson, in a speech to the City's Kiwanis Club, called upon the white citizens of the community to present a united front in finding a solution to the recent racial problems. Stinson further stated that "recent incidents destroyed the close cooperation between the two races and that there now appears to be no chance for compromise."¹² The Mayor added that the city had attempted to meet the demands of the Negroes in terms of separate schools, recreation and library facilities but that the Negroes were no longer seeking services, but integration.¹³

¹⁰Ibid., April 12, 1960.

¹¹Ibid., April 14, 1960.

¹²Ibid., April 12, 1960.

¹³Ibid., April 22, 1960.

This author and a group of approximately ten other Danville residents began, during the week of April 25, circulating petitions in favor of opening all of the library facilities on a permanently integrated basis. That group, which presented its petition to the City Manager, felt that a functioning library was necessary to the cultural life of the city. Efforts of the petitioners were denied by municipal officials.¹⁴

Going on elsewhere across the South, were other efforts by the nation's Negroes to force the South to abandon its tradition of segregation. In Greensboro, North Carolina, lunch counter sit-ins became common. Sit-in demonstrators were arrested in Little Rock, Arkansas and Nashville, Tennessee. Jackson, Mississippi was experiencing a city-wide boycott of white merchants as Negroes strengthened their protests against segregation. Efforts had spread to Danville, Virginia also.¹⁵

On May 6, Federal Judge Roby Thompson handed down an order calling for the integration of Danville's public library on a partial basis. Only those Negroes who held cards permitting them use of the colored branch of the library were given permission to use the white library. In his decision, Judge Thompson stated that when the city began re-issuing cards to new white patrons, the same had to be done for Negroes

¹⁴Ibid., April 26, 1960.

¹⁵The Danville Commercial Appeal, May 5, 1960. (Danville, Virginia.) Hereafter cited as the Commercial Appeal.

who wanted access to the library services. In explaining his decision, Judge Thompson cited a Greensboro, North Carolina, precedent. In the Greensboro case, the Fourth Western District Federal Court held that municipally operated swimming pools had to be integrated because it was ruled that a municipality must not exclude the use of any of its municipal facilities. The same rule of law applied to the Danville case.¹⁶ Chief of Police, Eugene C. McCain, after talking by phone with Greensboro Police, saw no need to take any unusual measures for the maintenance of law and order.¹⁷

Because of a fear that the City Manager would exercise the authority vested in him under the resolution, Dr. Martin Donelson, a white Danville surgeon and spokesman for the body of petitioners favoring an integrated library, appeared before council at its May 10, meeting. Dr. Donelson stated that over 350 citizens had signed petitions for re-opening the library on an integrated basis and that he was then seeking such a decree from council. No comment was made about his proposal.¹⁸

In the afternoon of the next day, city council decided to submit the issue to a public vote in the form of an advisory referendum. The referendum, which was not binding on council, was scheduled for June 14. The issue was to be put to the voters in the following choices:

¹⁶The Register, May 7, 1960.

¹⁷Personal interview by Author with E. C. McCain, Chief, Danville Police Department, Danville, Virginia, April 23, 1968.

¹⁸The Register, May 7, 1960.

1. Close the public library system.
2. Close the library system if it appears that private library facilities will be reasonably available.
3. Open the library to all citizens.
4. Permit the council to work out a "modified plan" to keep the library open (such as a reference library).
5. Close the library building for public use and dispense books by bookmobiles.

The referendum was scheduled for four days before the Thompson injunction was to go into effect. The purpose of the timing was to give council a chance to close the library facilities before integration became enforced by the Federal Court.

Balloting on election day saw an organized contest between those who favored a closed public library and those who favored library facilities open to all citizens. Although the white citizens who urged full integration of the library were quite vocal, their ballot influence was small. Precinct workers estimated that a total of approximately one thousand Negroes voted, and it can be reasonably assumed that a majority of them voted for proposal number three, which would open the library to all. If that estimate is correct, or substantially so, then no more than six hundred white voters cast their ballot for number three. Proposal number one, which was to close rather than to integrate, received two thousand, eight hundred twenty-nine votes. If proposals numbers one and two were combined, three thousand, three hundred thirty segregation votes can be said to have been cast.¹⁹ With such an expression of voter opinion, council was emphatically advised.

¹⁹Ibid., June 15, 1960.

On the day after the advisory referendum, city council, in an hour long meeting behind closed doors, voted to keep the library closed. Obviously, the results of the previous day's opinion vote had an impact on official thinking. Two days later, Federal Judge Roby Thompson announced that his ruling of the previous month which enjoined the city from operating totally segregated facilities was still in force.²⁰

Supporters of an integrated library called a meeting on the night of June 20, to discuss their next course of action. That group decided that it would seek the signatures of five thousand citizens in an effort to persuade the city fathers to re-open both the library and the park. Dr. D. Lurton Arey, a member of city council agreed to submit those petitions to council and call for a councilmatic re-vote on the question at the meeting of city fathers scheduled for the 27th of June.

On the other side of the coin, backers of a possible privately financed library called a meeting for June 23. That group, which had applied for a state charter which would name them the Danville Library Foundation, decided to execute a five-year lease on a large, Victorian, private home situated directly across the street from the public library, which was housed in the Last Capitol of the Confederacy building. Of the forty present at that meeting, twenty-five signed as guarantors of the one hundred twenty-five dollar per month lease on the house.

In an attempt to emphasize their steadfastness of purpose and success at the referendum, attorney for the organizer of the Danville

²⁰Ibid., June 19, 1960. See also "City Council Minutes," June 15, 1960.

Library Foundation, C. Stuart Wheatley charged that the Donelson group was wasting its efforts because "our city council is not ready to substitute government by petition for government by ballot."²¹ At the June 27, meeting of council, petitioners for an integrated library again lost their bid. Councilman D. L. Arey, their spokesman, presented petitions bearing the names of three thousand, one hundred fifty-one white people over age sixteen. When Arey moved that council conduct another vote on the library issue, he failed to receive as much as a second to his motion.²² With the public library system under lock and key, privately owned bookstores noted sales increases of from fifteen to twenty per cent after the beginning of May.²³

Towards the end of August, Negro attorney, Miss Ruth Harvey, in an afternoon church meeting, put in a plug for a bi-racial committee when she said that the Negroes instead of Danville wanted the white leaders to plan with the Negroes instead of for them. Also, Miss Harvey explained that local leaders did not wish to stir up the public, but that she would "be hard pressed to not carry forth suits to integrate the local public schools."²⁴

By the last week in August, city council, which had been daily under pressure to reopen the library and park, agreed to meet with Negroes and try to work out a plan for their reopening. It was agreed

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²¹Ibid., June 24, 1960.

²²"City Council Minutes," June 27, 1960.

²³The Commercial Appeal, July 4, 1960.

²⁴Ibid., August 22, 1960.

that council would call for another vote on the issue if the Negroes would sign papers which would withdraw injunction proceedings in Federal Court which demanded total integration upon reopening. The city wanted a gentlemen's agreement and not a Federal mandate. All of the parties involved signed that paper except attorney Harvey. Miss Harvey refused to sign before she could "contact the people."²⁵ At the regular monthly meeting of council, on September 8, 1960, Councilman Arey asked the Mayor what progress had been made toward reopening the two disputed facilities. Mayor Stinson replied in one word -"Nothing." Arey then announced that he would call for a vote at a meeting scheduled for September 12. Finally, at that meeting, the fathers, by a five to four margin, decided to re-open the park and library because the Negroes had all agreed to drop their injunction suit.²⁶ The park was opened unconditionally. The library created the dawn of what has become known as "vertical integration." This is the term applied to the practice of removing all of the chairs in a public place and consequently, all patrons must stand, thus the 1960 issues were settled, for a while. Throughout the entire chain of events, the Danville Police Department made no arrests and "saw no need to take precautionary steps for the prevention" or control of mass demonstrations. Other than one phone call to the Greensboro, North Carolina, Police Department, and the assignment of

²⁵Ibid., August 29, 1960.

²⁶"City Council Minutes," September 12, 1960.

two officers to patrol the public park, the Danville Police Department was unaffected by the efforts of the local Negroes.²⁷

The year 1962 saw the Code of the city of Danville revised and brought up to date by City Attorney James A. H. Ferguson. All segregation ordinances were discarded.²⁸ Also, that year, a Negro cab operator, Julius Adams, purchased a burial plot in a previously all-white public cemetery. This man, in 1963, became a civil rights leader in Danville.

In 1962, Lynchburg, Virginia, a city comparable to Danville in complexion and population and situated sixty-two miles to the Northeast^{west}, had an omnibus desegregation suit filed against it.²⁹ Also, in that year, Negro ministers and other local citizens, petitioned the Danville City Council for integration of public schools, representation on public boards, and the desegregation of City Hall facilities and public eating places. In August, two of these petitioners went to observe the demonstrations and desegregation movement in Albany, Georgia. They were the Reverend A. I. Dunlap and Mr. Julius Adams, the Negro taxi operator. An incident occurred during their return trip to Danville from Albany that may have affected the future of Danville's race relations. It appears that Dunlap's 1960 Cadillac developed battery trouble, and the occupants of the car drove into a service station in a small Georgia town.

²⁷ Personal Interview with Chief McCain, April 23, 1968.

²⁸ The Commercial Appeal, September 16, 1963.

²⁹ Ibid.

They received the following reception: "Nigger, get that car out of here!"³⁰ When the pair arrived in Danville, Dunlap called Len Holt, a Negro attorney from Norfolk, Virginia, and told him to file an omnibus integration suit against Danville at once.³¹

The plaintiffs for that suit were Dunlap, Adams, the Reverend L. W. Chase and the Reverend L. G. Campbell. The suit called for the integration of the following: teacher assignments, all city employment, all public buildings, public housing projects, the Memorial Hospital, cemeteries, the City Armory and the City Nursing Home.³² The suit was dropped when street demonstrations in 1963 diverted efforts into other directions.

As the year 1963 opened, activities of the integrationists became bolder. In March, 1963, the Reverend Martin Luther King, Jr., made a talk in Danville sponsored by the Southern Christian Leadership Conference. This organization was planning a Danville branch and King was in Danville to conduct a membership drive. Speaking to the 2,500 persons assembled, King said, "Justice will flow over Danville like a stream from mighty water."³³ Accompanying Doctor King was Carl Braden, editor of the Southern Patriot, a civil rights publication from Knoxville, Tennessee.³⁴

³⁰Ibid.

³¹Ibid.

³²Ibid., August 23, 1963.

³³Ibid.

³⁴Ibid., March 14, 1963.

In early May, 1963, citizens read in local newspapers of racial disharmony in Birmingham and Greensboro. On May 31, these same readers could become observers by going to "downtown Danville" and seeing these same events taking place at home.

CHAPTER III

THE FACT

The Racial Movement in Danville, Virginia in 1963

When City Manager T. Edward Temple learned that the city's first mass demonstration was planned for the 31st of May, he consulted police officials and decided to rush a parade permit to the demonstration's point of origin, the Spring Street Municipal Parking Lot, where approximately fifty demonstrators had gathered.³⁵ The permit was issued in hopes that city cooperation would discourage further demonstration efforts. Temperatures on that day fluctuated under and over the 90 degree mark. These people, who claimed to represent the Negroes' thirty per cent of the city's 50,000 population, marched down Spring Street, turned right on Union Street and proceeded across Main Street to the steps of City Hall. Their procession was accented not only by their number but also, by their singing and shouting for "Freedom." They then settled down on the one hundred thirty steep steps that lead to the door of the Municipal Building.³⁶ The Police Department, headed by Chief Eugene C. McCain, a veteran of twenty-three years of law enforcement, received instructions from the City Manager to provide full protection to the demonstrators and to direct vehicular traffic to make it possible for the demonstrators to have

³⁵ The Register, June 5, 1963

³⁶ Ibid.

"an orderly route of march."³⁷ According to McCain, there had been no intelligence reports or rumors of the march until several hours before it began.

On the afternoon of Saturday, June 1, a second march was conducted along the same route and to the same destination. Whereas the previous day's demonstration occupied only about two hours, the second day's activities continued for about five hours. Periodically, the demonstrators would sing, chant and shout in the June sun. The main difference between the first demonstration and Saturday's demonstration rested in a legal issue - on the second day, no permit for parading was requested, and no permit was voluntarily issued.³⁸

After an uneventful Sunday, June 3, demonstrations began again the following day without a parade permit. One thing that set the demonstrations on that day apart was that the march through the downtown area was conducted at 4:00 P.M., the hour of shift changes in the local Dan River Mills. An additional event also set this demonstration off as usual.

As the demonstrators marched North on Main Street, they prepared to cross Main Street at an intersection. Approximately one-half of their number, including some six Negroes carrying a coffin, had crossed Main Street and reformed their demonstration ranks

³⁷ Temple, T. E. "A Statement and Report of the Racial Demonstrations Which Have Transpired in the City of Danville, Virginia, During the Past Two Weeks," (Danville, 1963), p. 3. Hereafter cited as the "Temple Report." Xerox copy in possession of author.

³⁸ ibid.

on the sidewalk. The other half of the demonstrators halted on the opposite sidewalk as a result of the change of traffic signals and the subsequent movement of vehicular traffic. At this point, demonstration leaders, including Reverend Alexander I. Dunlap and Reverend Lawrence G. Campbell, dashed into the streets and forced vehicular traffic to stop by standing in the traffic lanes. These leaders signaled the balance of the demonstrators to enter the street against the traffic signals. As soon as the balance of these demonstrators had entered the street, a further signal was given and the entire group spilled into the street completely blocking Main Street from curb to curb and halting the flow of rush hour traffic.³⁹

On Wednesday, June 5, again without a parade permit and without being arrested, the group marched into the downtown area to and into the Municipal Building. The approximately one hundred twenty-five people went to the outer chambers of the City Manager's office, where they sang, shouted and cheered. When requested by the Chief of Police to leave, they replied that "the only way we will leave is to be carried out."⁴⁰ When the 5:00 P.M. closing hour arrived, Chief McCain again ordered the group to leave the building. Upon their refusal to heed the command, Chief McCain ordered that the two ministers, Dunlap and Campbell, be arrested.⁴¹ For the first time since the demonstration began on May 31, arrests were made. Also, a young Negro girl was arrested that day for battering the Chief of Police over the head with a sack of bottle tops.⁴² At that point, the Police Department sought law

³⁹Ibid., p. 4.

⁴⁰Ibid., p. 5.

⁴¹The Roanoke Times, June 6, 1963. (Roanoke, Virginia).

⁴²Ibid.

enforcement recommendations from Danville Corporation Court Judge A. M. Aiken. Judge Aiken refused to make any suggestions because he would foreseeably try those charged with law violations. He did, however, agree to make an appeal for law and order if so requested by the Police Chief.

As evening fell over the city, the racial situation grew more intense. The demonstrations were carried into a residential area some ten blocks from the Municipal Building where the size of the crowd swelled to some two hundred participants. There they sat down and blocked all five lanes of a major Federal highway. The Judge of the Corporation Court, City of Danville, then came to the scene, manned a loudspeaker and ordered the group to disperse in the name of peace and order. The Judge's order was not heeded, and instead the entire group of about two hundred marched one block to the Danville Public Library. As the group assembled on the Library lawn, two firetrucks came to the scene and "fire hoses were made ready for use to disperse not only the Negro crowds but the crowds of whites also."⁴³ The crowds then dispersed under the pressures of police and the threat of water.

Readers of the June 5, newspapers were informed that, according to Mayor Julian R. Stinson, who had been in office since 1958, the city had been negotiating with some of the arrested leaders on the matter of jobs for Negroes in the city government before the demonstrations began. More

⁴³The Temple Report, p. 7.

than twenty Negroes had applied for jobs as police officers but only one had qualified. This lone man, competing for one opening, placed seventeenth out of a group of thirty tested.

On the morning of June 6, the City Attorney, James A. H. Ferguson, presented to the Chief of Police a list of procedures that it "may be necessary to enforce." They were:

1. Call an ambulance without cause and false fire alarm
2. Pedestrians must cross at intersections
3. No pedestrian shall disregard approaching car at intersection
4. Obey signs, signals; also obey traffic officer
5. Throwing dangerous missiles
6. Resisting arrest
7. Concealed weapon
8. Loitering
9. Desk Sergeant to act as Justice of Peace
10. Obstructing movement of traffic
11. Encouraging child under 18 to commit misdemeanor
12. Discharging firearms within a building
13. Malicious bodily injury by throwing acids
14. Throwing missiles at occupied cars
15. Disturbing religious worship
16. Disturb, molest or interrupt schools
17. Riot after Judge's command to disperse
18. Charge against Judge for failing to do duty
19. Death of person during dispersal of riot
20. Damage to house during riot
21. Riotous and Disorderly Conduct
22. Carrying Concealed Weapons
23. Giving false report to police officers
24. Incite one race to war against another
25. Right to work, blocking free ingress and egress to business
26. Combination to injure trade, reputation or business⁴⁴

⁴⁴"Demonstrations of 1963," file, Danville Police Department, Danville, Virginia.

In the early afternoon of June 6, demonstrators again marched, without requesting a parade permit, to the Municipal Building. During this demonstration, Mayor Stinson, City Councilman Charles A. Womack, the Reverends Campbell and Dunlap and other interested persons agreed to conduct a committee meeting at City Hall concerning the Negroes' grievances and demonstrations. Upon learning of this, the demonstrators who were gathered on the City Hall steps left and retired to a local Negro church. While the demonstrators were in the church and the bi-racial meeting was being conducted at City Hall, Corporation Court Judge A.M. Aiken entered an order, "granting a temporary restraining order and preliminary injunction prohibiting unlawful demonstrations and actions."⁴⁵

The "committee" meeting of Negroes and whites was neither authorized nor condoned by the majority of City Council because the Negro delegates to the meeting had previously been arrested for racial activities and Council had previously agreed that "it would not be proper for a person to be arrested one night and placed on a committee the next day."⁴⁶ That was the official attitude of the seven members of Council. The bi-racial meeting was never held.

On June 7, 8, and 9, (Friday, Saturday and Sunday) attention was focused on events other than street demonstrations. Judge Aiken, on June 7, called for a seven man Corporation Court grand jury to

⁴⁵The Danville Bee, June 6, 1963. (Danville, Virginia). Hereafter cited as the Bee.

⁴⁶The Register, June 7, 1963.

investigate conditions in Danville and to subpoena witnesses. There were six white members and one Negro. The lone Negro was M. Conrad Martin, President of the Negro First State Bank. As with all grand juries, no record of the proceedings were kept. The first statement from the grand jury came on June 8. The jury asked for three indictments under Section 18.1-422 of the Code of Virginia against the three individuals who had been leading the demonstrations.⁴⁷ These three were Dunlap, Adams, and Campbell. The sole Negro Juror asked for and received permission to state a minority opinion.⁴⁸ Martin said that hearsay evidence was accepted and that two members of the jury gave personal observations to the other jurors in an attempt to influence them.⁴⁹ The colored citizens used much of the night of Sunday, June 9, "contacting wire services and news media about the Danville protests."⁵⁰

The Monday morning, June 10, newspapers included a heavy black print statement from Mayor Stinson's office requesting that all citizens of the Southside Virginia community "stay away from the areas of demonstrations for one's own safety."⁵¹ In spite of Judge Aiken's injunction, at approximately 9:30 A.M. a crowd of Negroes again gathered on the City Hall steps for a singing and clapping session of about thirty minutes in length. They then left the Municipal Building steps and marched some twenty abreast through the business district and back to

⁴⁷Code of Virginia, 18.1-422. (1960).

⁴⁸The Register, June 8, 1963.

⁴⁹Ibid., June 9, 1963.

⁵⁰Ibid., June 10, 1963.

⁵¹Ibid., June 10, 1963.

the Municipal Building steps. Following the established precedent, several leaders were arrested and taken to the jail located at the rear of the Municipal Building. The crowd followed the arrested and the arresting officers.⁵² Acting in the absence of Chief McCain, who was at his office, Police Captain Norman Boswell stated that "people who don't clear this area will be arrested."⁵³ According to Boswell:

At this point the mob became violent and uncontrollable. They struck and spat upon officers. Because of these mob actions, it was necessary to call out the fire department and disperse the crowd with fire hoses.⁵⁴

Regarding the fire hoses used by police on June 10, Mrs. Gloria Campbell, wife of Reverend L. G. Campbell, gave the following testimony in Federal District Court. Mrs. Campbell said:

When we arrived in this alley between City Hall and jail, I was on the second row. We sang, 'Jesus, Keep Me Near the Cross.' And after we had gotten in this alley, a long line of police formed between the City Hall and jail. At this point, the Reverend McGhee said 'Let us pray.' He prayed aloud and alone. At this point I saw police come to Bob Zellner and smash his camera. Then I saw police go to Reverend McGhee and arrest him while he was still praying....

At this point, I heard a voice saying, 'I am tired of you people! I have told you to stay away! Let them have it!'

Then I heard loud laughter. At this time I saw a fire truck pull up the street about fifty feet, and I saw fire hoses being unwound out in the street. It was a most horrible moment to wait for the water to hit us. All of a sudden a great force of water hit me from my back, and I was thrown to the pavement. Water shot up my clothes. I was beaten on my back by a policeman.

⁵²Ibid., June 10, 1963.

⁵³"Testimony of Mrs. Gloria Campbell, " Corporation Court, Danville, Virginia, May 17, 1967.

⁵⁴"Temple Report, " p. 9.

We saw policemen standing all around us with long nightsticks. They looked as if they had never been used before.

I saw bodies washed under parked cars just as trash runs down a street after a hard rain.

I heard terrible sounds. Screams like people were being burned up in a fire. As I tried to get up, I was beaten in my back. . . . As we got down in front of the A and P Supermarket, (on the same block) Mr. Don Smith's car was parked there and he let me get in the car. We turned around and headed back to the Bibleway Church.⁵⁵

In reply to Mrs. Campbell's statement, Police Chief McCain said that the fire hoses were the fastest and most readily available means of mob dispersal. In addition, he related that no other means of dispersal, other than weapons was as effective in showing police determination to act rapidly in the face of a situation "bordering on a riot."⁵⁶

Forty-seven out of the fifty arrested required medical treatment at the city owned, Negro Winslow Hospital. The injuries ranged from lacerations of the head, fractured wrists, and shoulder injuries to complaints of dizziness and vomiting. "An unknown number of patients were treated as outpatients by the staff of Winslow Hospital and discharged without a record being made of their injuries or injury."⁵⁷ Winslow Hospital revealed only the following nature of injury^{IES} and treatments involved:

⁵⁵Ibid.

⁵⁶Personal Interview with Chief McCain, April 25, 1964.

⁵⁷"Temple Report," p. 7.

| Name and Address | Extent of Injuries | Admitted or Discharged |
|---|---|--------------------------|
| 1. Albert Chambers, Age 19 Danville, Virginia | Lacerations of head, fractured wrist | Admitted |
| 2. Juanita White, Age 44 Danville, Virginia | Abrasions on legs laceration on knee | Discharged |
| 3. Barbara Graves, Age 19 Danville, Virginia | Laceration of scalp | Discharged |
| 4. Richard Coleman, Age 32 Danville, Virginia | Laceration of scalp | Discharged |
| 5. Hubert Graves, Age 23 Danville, Virginia | Possible fracture of wrist | Discharged |
| 6. Mary A. Graham, Age 17 Danville, Virginia | Laceration of scalp | Discharged |
| 7. Eddie Bethel, Age 16 Danville, Virginia | Laceration of scalp | Discharged |
| 8. Floyd J. Stone, Age 19 Danville, Virginia | Back Injury | Admitted |
| 9. Frank Davis, Age 17 Danville, Virginia | Laceration of scalp | Discharged |
| 10. Jessie Warren, Age 21 Danville, Virginia | Lacerated scalp; possible dislocation of shoulder | Discharged |
| 11. Charles Russell | Multiple lacerations of scalp | Discharged ⁵⁸ |

⁵⁸"Temple Report," p. 16.

A telegram, addressed to Danville officials, arrived from the office of the Honorable William M. Tuck, Member of Congress from Virginia's Fifth Congressional District on June 11. In this correspondence, Tuck commended the city officials for "the forthright manner" of dealing with the situation. Tuck added that he was sure that these demonstrations could "be traced directly to troublemakers in Washington and elsewhere who have been preaching enforced integration against the will of the most thoughtful people of both races."⁵⁹

Local police, having worked an average two hours per man per day overtime, had arrested seventy-six people. At the request of the Danville Police Department and the City Manager, State Police Captain J. W. Burrows announced during the afternoon of June 11, that troopers would arrive in Danville to "supplement the City Police force."⁶⁰ Shortly after this announcement, thirty state troopers, a United States Department of Justice official, the highest ranking officer of the Virginia division of the F. B. I., and reporters for newspaper wire services, radio and television arrived in Danville.⁶¹

These visitors were greeted by a group of six casualties from the previous night's fire hose confrontation. All were seated on the steps of City Hall carrying banners or wearing signs around their necks indicating that they had been victims of police brutality.⁶² Another

⁵⁹The Roanoke Times, June 11, 1963.

⁶⁰The Register, June 11, 1963.

⁶¹Ibid.

⁶²"Temple Report," p. 4.

demonstration was conducted that afternoon, but its purpose was different from past demonstrations. This time, a march composed of many bandaged pickets, was led by the Negro Reverend L. W. Chase. Chase, who had previously disapproved of and refused to join the marches, led his first such effort. Sixty persons participated and crossed streets only at and with the traffic lights, and marched two abreast on the sidewalk. They strictly followed the outline of Judge Aiken's June 6, injunction. Reverend Chase commented that "this demonstration led by me is not to condone anything that happened earlier. In part, it was to show that we can conduct a peaceful demonstration." There were no arrests in view of the fact that the participants were encouraging "peaceful demonstrations."⁶³

On June 11, Councilman Womack, who had called the June 6, bi-racial meeting, left the city on vacation, a usual trek for him at that time of the year.

In the late afternoon of the following day, June 12, marchers again assembled at the front entrance to the Municipal Building. While the main group of demonstrators were at the Municipal Building, other groups of Negroes went to three local restaurants. They were unable to gain entrance at two, but were seated at a third. None were served. On the request of the restaurant owners, warrants were sworn and arrests made for trespassing at the two restaurants where the demonstrators were not allowed entrance.

⁶³The Register, June 12, 1963.

The next day, when Mayor Stinson returned from a Richmond conference with Governor Albert S. Harrison, he announced a new "get-tough" policy toward mass marches. Stinson stated that: "Beginning now there will be one standard for dispersing mobs--whether they be white or colored--we won't issue any more blanket licenses to violate the laws."⁶⁴ At approximately 9:00 A.M. of that day, the Reverend L. W. Chase issued a news release to the effect that the Danville Negroes were ready to fill the jails.⁶⁵ As if true to form, two hundred Negroes were sitting upon the usual steps at 2:00 P.M. Across the street, lined up in the shade of a building was a small group of white spectators. A white man in this group was arrested and charged with carrying a concealed weapon. At this point, the police told the demonstrators of this incident and emphasized the danger in their remaining on the steps after dark, even with police protection. Almost one half of their number left before dark fell. However, almost one hundred continued their demonstration until 11:00 P.M. By that time, a period of almost eight hours had elapsed. "At darkness, the police barricaded streets leading to the Municipal Building and did not allow pedestrian or vehicular traffic to enter the area" of the Municipal Building.⁶⁶ The barricade served as a precaution to prevent any possible clashes between the Negro demonstrators and the white spectators. At 11:00, the Chief of Police announced that if the demonstration did not cease, and

⁶⁴The Bee, June 14, 1963.

⁶⁵"Temple Report," p. 13.

⁶⁶Ibid., p. 15.

the crowd disperse, that the fire trucks would be called and fire hoses used during the dispersal action. The crowd left.

Within an hour of the dispersal of the demonstrators, a police cruiser was subjected to heavy gunfire in a predominately Negro area. The police cruisers and a State Police armored car were dispatched to the scene to aid the cruiser under fire. Policemen made a complete search of the area, but were unable to apprehend any persons involved in the shooting.⁶⁷

City Ordinance Number 63-6.2 was adopted by City Council on June 14, 1963, which was "an ordinance limiting picketing and demonstrations; providing punishments for violations thereof."⁶⁸ This ordinance stated that all assemblies must be

Without noise and boisterousness... clapping, and singing, that marchers must walk in single file lines, with each person remaining ten feet behind the one in front of him, no more than six people permitted to picket at one time, that no picketing or demonstrating shall take place in a public building, that no one under eighteen years of age shall participate and that all involved shall be afoot and not in vehicles.⁶⁹

This ordinance struck at the very heart of the tactics used by the protestors.

Warrants for the arrest of two local Negro leaders and one white leader were issued on that Friday morning. Two of the three, the Reverend Chase and John Robert Zellner, a white field secretary for

⁶⁷Ibid.

⁶⁸Code of the City of Danville, Virginia, 63-6.2. See also "City Council Minutes," June 14, 1963.

⁶⁹"Temple Report," p. 16.

the Student-Non-Violent Coordinating Committee sought sanctuary in the Negro High Street Baptist Church. They remained inside the church throughout the day and night. The police made no attempt to enter the church and apprehend them.⁷⁰

At about 10:00 A.M., several city and state officials met with seven Negro leaders to discuss the situation and to hear certain demands from the Negroes. The city officials were: City Manager T. E. Temple, City Attorney James A. H. Ferguson and Chief of Police Eugene C. McCain. The State officials were a Captain Burrows and a Major Burgess of the State Police. The following Negroes attended: Dr. Milton A. Reid, Regional Director of the Southern Christian Leadership Conference, and minister at Petersburg, Virginia; Reverend Doyle Thomas, pastor of the High Street Baptist Church; Reverend L. W. Chase, Mr. and Mrs. C. Hughes, operators of a Negro funeral home in Danville and Leonard Holt, Negro attorney from Norfolk, Virginia, who was a member of the Congress of Racial Equality.

The Negro leaders made the following demands:

1. Appointment of a Bi-Racial Committee
2. Desegregation of all public accommodations, i. e., hotels, theaters, and medical facilities
3. Desegregation of public schools
4. Employment of Negroes by the city, i. e., police force, clerical and secretarial positions in the Water, Gas and Electrical Departments, etc.

⁷⁰Ibid.

5. The dropping of all charges against those leaders who had been arrested.⁷¹

As the meeting adjourned, one of the Negro Delegates, Len Holt, of Norfolk, was arrested by local authorities for participating in a previous demonstration.

On Sunday, June 15, seventeen demonstrators left the High Street Church, led by Reverend Chase and Robert Zellner. These two individuals had been in church all night as warrants were outstanding for them and they appeared to be evading arrest. When the group marched down from Floyd to High Street, "Chase and Zellner were arrested.... The remainder came down Main Street where they were arrested. They all continued singing and clapping. After having been stopped they lay down on the sidewalk and had to be carried by hand or on stretchers to vehicles for transportation to jail."⁷² All were charged with violating the court injunction and the new city ordinance. Bond, on the first charge was set at five hundred dollars and at three hundred dollars on the latter charge.⁷³

Sunday, June 16, 1963, was quiet except for a meeting held in the High Street Baptist Church. The speaker of the evening was Wyatt T. Walker.⁷⁴ Walker, a former Negro minister at Petersburg, Virginia, was an assistant to the Reverend Martin Luther King.⁷⁵

⁷¹"Temple Report," p. 17.

⁷²"K-Reports," Department of Police, Danville, Virginia. (These are daily reports made by police officers.) (Hereafter cited as K-Report)

⁷³"Temple Report," p. 19.

⁷⁴"K-Report," June 15, 1963.

⁷⁵"Demonstrations on 1963," file, Danville Police Department.

The end of the first two weeks of disorder, the efforts of the Negroes were aimed at Dan River Mills, the area's largest industry. Dan River which employs more than 10,000 persons (of the 48,000 population) had Negroes in twelve per cent of their working force. For the first time since the textile strike of the early 1950's pickets marched to and fro in front of the mill gates. On June 17, 1963, they were civil rights pickets asking for better jobs for Negroes.

Also that week, a Negro newspaper, The Carolina Times, of Durham, North Carolina, ran a front page story on the alleged police brutality of June 10, in Danville. The story, under the by-line of staff writer Harold Foster, described a victim of the police in the following way:

He wears a bandage around his head to protect ten stitches. His bandaged and swollen left arm is supported by a sling. He is a victim of the brutal beatings of the Danville police force.

(His) words and appearance sum up, in short, the progress and protestors' attitudes in this racially tormented city.⁷⁶

That week, also, saw the arrival and brief stay of two more groups, the Black Muslims and the American Nazi Party. The latter showed up with three men and one girl. This group carefully observed the new picketing ordinance as they marched in front of the U.S. Post Office. "The men were in khaki uniforms, and one sign read, 'Whites can March, too. Fall in for the white race.'"⁷⁷ The Black Muslims,

⁷⁶The Carolina Times, June 15, 1963, (Durham, North Carolina).

⁷⁷The Register, June 16, 1963.

who declined to answer any questions of the press, stated that they "did not plan to participate in the demonstrations, but were here to introduce the Negroes to their beliefs."⁷⁸ The Chief of Danville Police Department wrote the United States Department of Justice and informed that Federal agency of the demonstration at the Post Office. In a letter of reply, Thomas B. Mason, United States Attorney for the Western District of Virginia, located at Roanoke, advised the Danville Police Department that the Danville police had "authority to take appropriate police action in the event of any violations of law on the premises of the federal building."⁷⁹

Attention on Monday, June 17, 1963, was focused on the first demonstration trials in the Corporation Court of the City of Danville. Judge A. M. Aiken presided.⁸⁰ Of the more than one hundred persons scheduled to be tried in that court, only two persons were tried on Monday. One pleaded not guilty, "was convicted, and sentenced to ninety days, half of which was suspended on the condition of good behavior for two years. The other pleaded guilty and his entire sentence was suspended. Both were fined twenty-five dollars. Although the convicted defendant requested the privilege of bond, the court refused and he was sent to the city farm."⁸¹ With the exception of two defendants who pleaded guilty, all of those

⁷⁸Ibid.

⁷⁹Letter to Chief E. C. McCain, Danville Police Department, from Thomas B. Mason, August 9, 1963. On file at Danville Police Department.

⁸⁰The Register, June 16, 1963.

⁸¹"Temple Report," p. 19.

arrested were convicted of contempt of court for violating the injunction of the Corporation Court and began serving time immediately thereafter. It was to the Police Department's advantage to have trials conducted while demonstrations were in progress because courtroom experiences gave officers first hand knowledge of information they had to bring into court in order to secure convictions.

On Tuesday morning of that week, Mayor Stinson announced that it had long been a standing policy of the city "to accept applications for city jobs without regard to race, creed, or color...."⁸² During that afternoon, the Mayor and City Manager conducted a meeting with William A. Geoghegan, an assistant United States Attorney. Geoghegan stated that he had been sent to Danville to use his "good offices to bring about an accord between the two races" and to alleviate tension. As the meeting neared an end, word was sent to city officials that thirty Negroes had renewed activity in downtown Danville.⁸³ Also on that Wednesday, June 19, the Danville School Board was notified by the Virginia Pupil Placement Board that four of Danville's previously all white public schools were to be integrated.⁸⁴ This was the result of transfer applications made by ten local Negroes. "All applications had been received from sons and daughters of Negro leaders of the demonstrations."⁸⁵

⁸²The Bee, June 18, 1963.

⁸³"Temple Report," p. 21.

⁸⁴The Register, June 19, 1963.

⁸⁵"Temple Report," p. 21.

As Wednesday's daylight hours drew to an end, the Board of Directors of the Danville Retail Merchants Association made a statement of its policy. It stated that:

(1) the Board of Directors of the Retail Merchants Association and each member of the organization pledge complete support and confidence in the city officials and to the Mayor for their dedicated efforts to restore law and order in the city, and

(2) that members continue to process applications for jobs without consideration of the applicants' race, creed, or color.⁸⁶

Finally, Judge Aiken announced that due to a heavy docket, the trials of the one hundred-six remaining contempt of court defendants were postponed until June 23. However, Judge Aiken announced that he would accept guilty pleas on June 20, 21, and 24.

On Thursday, June 20, Chief McCain, Attorney John Carter and State Police Major Burgess flew to Richmond to attend a hearing in the office of Judge Harry Snead, where a petition had been filed by Danville Negroes to permit bond for individuals who had been convicted of violating the injunction issued by Judge Aiken.⁸⁷ Carter, one of the city's most vocal opponents of the demonstrations, volunteered his legal services to the city. During the summer 1963, Carter was a constant companion of City Attorney Ferguson. While this group was in Richmond, one Negro defendant took advantage of Judge Aiken's offer to accept guilty pleas. This defendant pleaded guilty, paid court costs and received a suspended sentence.

⁸⁶Ibid.

⁸⁷"K-Report," June 20, 1963.

Friday morning, the Grand Jury, which had been convened on Thursday, indicted nine protestors for violation of Section 18.1-422 of the Code of Virginia. This section provides punishment for persons found guilty of "inciting the colored population to acts of violence and war against the white population."⁸⁸ Among them were John Robert Zellner, Leonard Holt, Dr. Milton A. Reid and the Reverend L. W. Chase. Other events of that day included the disposal of several cases growing out of demonstrations. Zellner was fined fifty dollars for violation of the State riotous and disorderly conduct law (Code of Virginia, Section 18.1-254) and acquitted of the charge of assault placed on him when he discharged a flashbulb in Chief McCain's face during the June 10, fracas.⁸⁹

By the end of that week in June, the following weapons were taken from demonstrators by members of the Danville Police Department:

1. one club with metal claw and marble ball on the end
2. a night stick
3. brass knuckles
4. a baseball bat
5. four ice picks
6. a saw blade
7. two guns and assorted bullets
8. one blackjack

⁸⁸"Temple Report," p. 23.

⁸⁹Ibid.

9. one switch-blade knife
10. one sack filled with rocks
11. one machete
12. one-half a pair of scissors
13. a bludgeon club (2-1/2 feet long)

One of the events which received national coverage on C. B. S.

Evening News unfolded on the morning of June 22, when police officers forced open a door to the High Street Baptist Church. The police asserted that three men, under indictment by the Special Grand Jury, were fugitive from justice under the act providing punishment for inciting the colored population to violence against the white population. The men, who were sought and ultimately arrested, were John Robert Zellner, Daniel Aaron Foss, and Avon W. Rollings.⁹⁰ Foss, a resident of Bronx, New York, was a photographer for the Southern Patriot and the Student Non-Violent Coordinating Committee. Rollings, who was from Knoxville, Tennessee, was a field secretary for the Student Non-Violent Coordinating Committee.⁹¹

According to two sources, newspaper reports and testimony of the Danville Police Chief, both Zellner and Foss had been observed in the church by police surveillance men. The police, via messenger, had requested the two white men to come out of the building so that warrants

⁹⁰The Lynchburg News, June 23, 1963. (Lynchburg, Virginia).

⁹¹The Bee, June 22, 1963.

for them could be served. The pair made no appearance outside. At this point, police officers entered the church through its unlocked front door.⁹²

Upon entering the nave of the church, the officers observed a colored woman sitting at a typewriter situated on a table in front of the pulpit. Another woman, standing nearby, dashed to a door leading into a small room near the pulpit, closing and locking it after her. However, through a window built into the wall of the room, police could observe several persons, among whom were Zellner, Foss and Rollins, with the latter holding a revolver pointed toward the door. After repeated demands that the three exit from the room, McCain said that officers finally had to spring the lock in order to make the arrests.⁹³

In a statement to the press, Mayor J. R. Stinson said that the building was used as a residence by "both white and colored agitators." He further pointed out that the church was used as a headquarters, and that under the circumstances, the police had no alternative but to make the arrests within the church. He also noted that he was aware that lawbreakers had historically sought and obtained protection in churches but there were no laws in the state of Virginia forbidding law enforcement officers from arresting on church property. Stinson also pointed out that even if there had been such a statute, that those arrested were not using the church as a place of worship, and whatever right that tradition had placed on those seeking sanctuary had been forfeited. Although the gun alleged to be in Rollins hand was not on his person at the time of his arrest,

⁹²The Bee, June 22, 1963.

⁹³"Temple Report," p. 25.

no search of the church was conducted. Again, the police displayed their constant determination to arrest all law violators.⁹⁴

The pastor of the church, Reverend L. W. Chase, said, "The Gestapo-like tactics of the Danville police department reached a new low as they invaded...the church... Like a foreign embassy, the church has been inviolate for those who seek refuge from persecution."⁹⁵ Chase personally delivered his statement to the press. Mayor Stinson's statement was released through Robert M. Gardiner, Public Relations man for Dan River Mills, Inc., who on June 16, had been appointed temporary public information officer for the city.⁹⁶

Several days later, Mayor Stinson, Chief McCain and City Manager Temple, received a letter from all eight of the Trustees of the church. The letter, dated June 27, said:

On June 22, 1963, several police officers...entered the High Street Baptist Church and violently broke down a... study door which was locked. All this was done without any evidence of a search warrant or any prior request to open the door accompanied by an identification of the officers to the people within the study.

The officers additionally used vile language in front of the Reverend Mr. Campbell and others within the church. They also made false and conflicting allegations as to the possession of a weapon when in fact no such weapon or any instrument that could be mistaken as such was presented.⁹⁷

⁹⁴The Bee, June 23, 1963.

⁹⁵The Lynchburg News, June 24, 1964.

⁹⁶The New York Times, June 23, 1963, (New York, New York) Ben A. Franklin, Staff Writer.

⁹⁷Letter from Trustees of the High Street Baptist Church, to Danville Chief of Police, June 27, 1963.

Further statements in the letter expressed disgust at such "flagrant actions by minions of the law." The letter, which expressly registered protest of such police action, called for reprimanding of the officers involved. Danville police offered no apologies. Reflecting on this event, Chief McCain stated that he would do the same thing again if a warrant was outstanding for someone in a church or any building.

The following day, unemployment checks for those on relief and awaiting trial were cut off by state officials. According to the Commonwealth, one had to be able to work in order to receive these checks. According to the state's definition, persons awaiting trials and possibly jail time were not "available" for work.⁹⁸ This move obviously weakened the financial condition of the movement.

The struggle in Danville, also, stretched into a near head-on collision and legal fight with a major television and radio network. Officials of the municipal government gave consideration to a suit against CBS TV over a film report on the CBS Evening News. On June 15, CBS televised an interview with Reverend William A. Gray, pastor of the Saint Paul, African Methodist Episcopal Church. Reverend Gray had recently replaced the Reverend A. I. Dunlap, who had moved to a position with a North Carolina college. The telecast involved a series of questions by a CBS reporter concerning the dispersement of crowds via the use of fire-hoses. Reverend Gray related that:

⁹⁸Information from interview with Mr. Lonnie D. Bennett, Director of Danville Office of the Virginia Employment Commission, July 27, 1965.

These people were brutally beaten by the Police Department of Danville. Young ladies' heads were smashed into the ground while they were being whipped, and the men were beaten with blackjacks. Even innocent persons were beaten and persons who had already been arrested were taken out of the cells and beaten.⁹⁹

The city never pressed that suit.

While Sunday, June 23, saw no demonstrations, on the following day Federal Judge Thomas Michie opened hearings concerning those arrested for violating Judge Aiken's temporary injunction barring mass demonstrations and the ordinance passed by the city council for the purpose of restricting the activity of pickets. Judge Michie ruled that arrests could continue to be made under the ordinance aimed at curbing demonstrations, but that their trials could not be held at that time.¹⁰⁰ In another action, a petition was filed by the Negroes which sought to declare the state statute dealing with inciting the colored population to riot against the white population invalid on the grounds that it restricted freedom of speech. The defendants in this suit were Judge Aiken, Chief McCain and other city officials.

Attention was focused, on Tuesday, June 25, on three events. One event, announced in the morning edition of The Danville Register, proclaimed, in a four column story, that the Reverend Martin Luther King was coming to Danville the following week to speak at a protest rally.¹⁰¹ Upon learning of this, City Attorney James A. H. Ferguson

⁹⁹The Bee, June 22, 1963.

¹⁰⁰Ibid., June 26, 1963.

¹⁰¹The Register, June 30, 1963.

began the legal machinery for banning King's talk on the basis that it's timing would tend to incite the colored population against the white population. Judge Michie immediately ruled that he would issue no injunction restraining King's rally. However, Judge Michie did enter an order which restrained King's speech to a peaceable assembly.¹⁰² King cancelled his appearance on June 27, 1963.

The third event was the postponement by Judge Aiken of those defendants awaiting trial for violation of the new city ordinance banning picketing and those awaiting trial for violation of the Aiken injunction limiting mass demonstration.¹⁰³

Leaflets prepared by the Danville protestors were circulated on Wednesday morning. These leaflets, printed on 14x8 sheets said:¹⁰⁴

Stay out of downtown Danville; This is a fight to the finish for your freedom; Stay out of downtown Danville; If you don't fight with all your body, then you don't deserve freedom.¹⁰⁵

The police department collected as many samples as possible and photographed those handing them out.

That afternoon witnessed the arrival of Harold I. Flannery, a lawyer in the Civil Rights Division of the Department of Justice. Upon his arrival, Flannery sought and received an audience with Mayor Stinson. During the conversation between the two men,

¹⁰²The Roanoke Times, July 3, 1963.

¹⁰³"Temple Report," p. 28.

¹⁰⁴Ibid., p. 30.

¹⁰⁵"Leaflet of Unknown Origin," in the files of the Danville Police Department.

Flannery specifically requested that the city move its colored branch of the library to the main library... He then asked the mayor if he would... guarantee to hire one Negro policeman by midnight.... Stinson said he would not since no qualified applicants had applied.¹⁰⁶

The following day, Thursday, June 27, Len W. Holt, attorney for the defendants was again arrested for inciting to violence. Because Holt was unable to raise \$5,000 bond, trials scheduled for the next day were continued because the defense attorney was in jail. A day later, on Friday, Holt raised the necessary bond fee and was released. On Saturday, Dr. Milton A. Reid of the Southern Christian Leadership Conference announced that Dr. Martin L. King, president of the Southern Christian Leadership Conference, would address a statewide protest rally held at Danville's Negro-owned Peter's Park. Police records noted no unusual activity on Sunday of that week.¹⁰⁷

The first day of July brought about more plans and events in that city so sorely beset by racial strife. Reverend L. W. Chase requested a parade permit from the City Manager to allow a march of demonstration from the High Street Church to the site of King's rally on July 3, Peter's Park. City Manager Temple did not issue the permit at that time, stating that a decision would be soon forthcoming.¹⁰⁸ According to section 5-9 of the 1962 revised code of the City of Danville, when the city is notified that a large number of people plan to use facilities that are

¹⁰⁶"Temple Report," p. 32.

¹⁰⁷Ibid., p. 34.

¹⁰⁸Ibid., p. 36.

not normally in use, the city Building Inspector must make an inspection.¹⁰⁹ In the case of the use of Peter's Park, this was done. This inspection revealed that "the decay of the structural members, because of inadequate maintenance, makes the grandstand unsafe" and that the grandstand in the outdoor park could not be used for seating.¹¹⁰ It should be noted that the request for a parade permit also conflicted with a request by the city seeking a Federal injunction against demonstrations.

On Tuesday, July 2, the Reverend Chase withdrew his request for a parade permit. Meanwhile, in Charlottesville, Virginia, Judge Michie announced that he was granting a Federal Court injunction against the following:

1. Obstructing... traffic by marching. . . .
2. obstructing the use... of public facilities and private property; and
3. committing... injuries upon any person, . . . or property, . . . private or public; and,
4. creating unnecessarily loud, objectionable, offensive and insulting noises which are designed to upset the peace... of the community; and
5. inciting any person to riot. . . ., and
6. participating in, financing, sponsoring, encouraging or engaging in meetings. . . whereby the violation of the laws of Virginia, City of Danville, or the terms of this restraining order are... advocated.¹¹¹

The police were thus armed with Federal rulings.

¹⁰⁹Code of the City of Danville, Virginia, Section 5-9.

¹¹⁰"Temple Report," p. 36.

¹¹¹Ibid., p. 39.

The judge's declaration went further to specifically state that the injunction in no way prohibited peaceful and lawful assemblies. In other developments, the Justice Department of the United States filed an "Amicus" or friend-of-the-court brief with Federal Judge Michie in an attempt to remove the criminal contempt charges of Corporation Court Injunction violating against the one hundred five demonstrators from the jurisdiction of Danville's Corporation Court to the Federal Courts.

The assertion of the Justice Department was that the defendants could not get a fair trial before Judge Aiken because he (1) wore a gun and (2) he found previous defendants guilty before they were tried. Judge Aiken answered that he wore the pistol at the insistence of the Chief of Police, and that he never wore it in a courtroom. He further said that the second charge against him was based on evidence gathered for a memorandum on the subject of bail.¹¹²

On the eve of the July 3, statewide march on Danville, O. T. Bonner, Superintendent of Danville Public Schools, agreed to grant the protestors use of the Negro Langston High School athletic field for the July 3, rally. There was no charge for use of the property.¹¹³

On July 3, the mass meeting scheduled for that day was held on the Negro high school athletic field. Virginia State Police Investigators B. F. Sherwood and M. R. Winn, and Danville detectives C. L. Boone and Wade C. Groff, were assigned to report on that meeting. According to their account of the meeting:

¹¹²The Register, July 3, 1963.

¹¹³"Temple Report," p. 40.

After introduction, Rev. L. W. Chase, pastor, High Street Baptist Church spoke about the cause. He stated that he 'wants (the Negro) to get Virginia back in the United States.' He announced that at 2:00 p. m., July 4, 1963, a mass meeting would be held at the Bible Way Church and he wanted 1, 000 people present to plan future action.

After introduction, Rev. A. I. Dunlap began a fund raising drive by asking 50 persons to donate \$10. 00 each—100 persons to donate \$5. 00 each. He announced that police officers were present and 'if policemen can take our picture, they should give us something.' The officers did not donate.

Rev. Dunlap then introduced the problem in Danville to the principal speaker (Reverend Fred Shuttlesworth). He referred to Judge Aiken as a 'pistol packing judge' and 'one who decides the guilt of a person before he is tried.' He criticized the press for inaccuracy of reporting in Danville. He criticized the police for brutality. . . . (He) introduced the next speaker.

Rev. Fred Shuttlesworth, Atlanta, Georgia, assistant to Rev. King, apologized for the absence of King. . . . He was very critical in his remarks about the Federal and State Courts. . . . He bragged at length about the 30 or more times that he had been in jail. . . . He said 'I'm tired of seeing the United States feeding bullets to the Negroes and bread to the Hungarians and Cubans'. . . . He received much applause from the crowd. Rev. Shuttlesworth's speech was designed to stimulate and excite the group of Negroes present. . . . At this time, about 7:30 p. m., the meeting was ended.¹¹⁴

Approximately 400 persons attended this rally.¹¹⁵

On Thursday, July 4, the day set aside by the Negroes for a rally of one thousand supporters, only two to three hundred showed up. The only announcement of any significance was a statement by Chase that a boycott of Dan River Mills, Inc., was planned.

¹¹⁴Report by J. W. Burrow, Commander, Division IV, Virginia State Police, July 5, 1963.

¹¹⁵"Temple Report," p. 41.

The following morning, twelve pickets marched through the main business area of the city, carrying placards which made the following statements:

1. Don't shop where you can't work.
2. Dan River Mills supports segregation.
3. Stores practice unfair hiring.
4. Let the light of Freedom shine.
5. Everyone register and vote to win freedom.
6. We want all our freedom here and now.
7. City--hire Negro firemen and policemen.
8. White citizens--search your souls for the truth.
9. Police are brutal--register.
10. Stay out of downtown Danville.

The next day, Saturday, July 6, was almost a copy of Friday.¹¹⁶ Although no arrests were made, police records noted some minor law violations of the picketing and parading procedures. On Sunday, there were no public demonstrations.¹¹⁷

The second Monday in July brought about increased activity in the streets. Pickets not only marched in the business area of downtown Danville, but also were active at the front of the Personnel Building of Dan River Mills. Placards on that occasion noted the following:

¹¹⁶Ibid., p. 45.

¹¹⁷The Commercial Appeal, July 6, 1963.

1. We Call For A World-Wide Boycott of Dan River Mills.
2. Mothers March for Freedom
3. Chief McCain beat me
4. Chief McCain broke my nose, split my face and
knocked out my teeth.
5. Negroes want first class citizenship.¹¹⁸

In the early afternoon of the following day, pickets repeated their marches in front of Dan River Mills' Personnel Office. No arrests were made.¹¹⁹

On Wednesday, the 10th, pickets located themselves in front of the gates of Dan River Mills and sat down. Although this action prohibited the free ingress and egress of mill vehicles, the trucks were re-routed to avoid use of the gate blocked by pickets. Although police officers informed the pickets that they were trespassing, no arrests were made.¹²⁰

At about noon on July 11, a group of six pickets appeared before the Municipal Building. Two of the group were white. When the entire group was ordered by police to disperse, the four Negroes left. The two whites, who refused to leave, were arrested for violating a city ordinance.¹²¹

At approximately 4:00 p. m., the Reverend M. L. King arrived by commercial plane at Danville's Municipal Airport. At a press conference, King stated that he was in Danville to lend his full support to the Negro

¹¹⁸"Temple Report," p. 48.

¹¹⁹The Register, July 10, 1963.

¹²⁰"Temple Report," p. 48.

¹²¹"K-Report," July 11, 1963.

effort. That night, at the High Street Baptist Church, a mass meeting of movement participants got underway at 8:00 p.m. Almost two and one-half hours later, a demonstration of seventy-five participants left the church on a march toward city hall.

Chief McCain, in conference with the Fire Chief and ranking officers of the state police, had planned action to be taken to meet such a mass march should it develop. Local and state police authorities were equipped with riot equipment and deployed to various locations around and near the Municipal Building. Two fire trucks were brought to the scene and hoses connected but not charged.¹²²

The entire march lasted some seventy-five minutes. There were no arrests.¹²³

During the early evening of Sunday, July 14, a group of pickets, led by a Negro soldier from Danville who was home on furlough, marched in the private driveway of Mayor Stinson's home. All of the members of the demonstration were arrested, including the soldier bearing an American flag.¹²⁴ Regarding the soldier's participation in the march, the Honorable William M. Tuck, Member of Congress from Virginia's and Danville's Fifth Congressional District, in a letter to Secretary of the Army, Cyrus R. Vance, said the effect of the soldier's participation was to "put the imprimatur of the United States government upon lawlessness of a mocking and startling variety, which all good thinking people should, and no doubt, resent."¹²⁵ The following day, Secretary of Defense,

¹²²"Temple Report," p. 50.

¹²³"K-Report," July 11, 1963.

¹²⁴The Commercial Appeal, July 15, 1963.

¹²⁵The Bee, July 19, 1963.

Robert McNamara, issued orders which prohibited any further such participation by members of the armed forces.¹²⁶

Police registered no incidents on Monday, July 15, as the city awaited a decision from Judge Simon E. Sobeloff of the Fourth United States Circuit Court of Appeals in Baltimore, Maryland. Attorneys for the Danville Negroes had filed a motion requesting Federal restraint of the enforcement of Danville's Corporation Court injunction against mass demonstrations and the city ordinance restricting the size and nature of picketing. The plaintiffs were also appealing for the removal of the trials from the State court of Judge Aiken to the court of a Federal District judge. There was no word from Judge Sobeloff's bench until the following day.¹²⁷ On July 16, Judge Sobeloff announced that he had completed the hearing of plaintiff and defendant arguments, and that no decision would be rendered for at least ten days. The purpose of this was to allow both sides time to prepare and file written briefs for the Federal Judge's consideration.¹²⁸ The cases had not been remanded. Six days later, on July 23, Judge Sobeloff announced that no decision would be made until a re-hearing could be held on September 29.¹²⁹ The city continued to hold trials for those charged with violations other than those prohibited by the injunction and ordinance.

In the late afternoon of July 16, a group of four pickets alighted from two automobiles parked in the service parking lot at the private

¹²⁶Ibid.

¹²⁷"Temple Report," p. 52.

¹²⁸Ibid.

¹²⁹Ibid.

Danville Golf Club. To the bewilderment of this author and a nearby homeowner, the pickets began to march in the private driveway of a tobacco warehouseman who had been out of Danville for the entire summer conducting business in Whiteville, North Carolina. When approached by the homeowner's son, who inquired as to their presence, one picket informed him that they were picketing the home of William J. Irwin, the President of Dan River Mills, Incorporated. The pickets were then informed that they were not on Mr. Irwin's property and they immediately returned to their cars. They were then informed by a Negro cook who was employed by the Danville Golf Club as to the correct location of the Irwin home, which was situated about one-fourth of a mile away, yet "next-door." The pickets motored, in an auto displaying a CBS news card attached to a sunvisor, to their destination and proceeded to picket for some one-half hour on the private, circular driveway at Mr. Irwin's house. The pickets attracted no crowd at all, and only this author, news representatives, city policemen and a Federal Bureau of Investigation agent watched the pickets.¹³⁰

The following day, at the office of Dan River International, 111 West 40th Street, New York City, a subsidiary of Danville's Dan River Mills, approximately one hundred marching pickets carried signs calling for an "end to segregation in Danville" and for Dan River to "call off the dogs and stop police bullies."¹³¹ Among the demonstrators was the

¹³⁰Personal Observation by this author, July 16, 1963.

¹³¹The New York Times, July 18, 1963.

Reverend L. G. Campbell of Danville. When questioned about their effort in New York, Campbell stated that Dan River Mills, Incorporated "more or less controls the town through its economic, political and social position."¹³² Campbell thus held Danville's major industry responsible for the racial discontent in Danville. In reply to Campbell's charge, Malcom A. Cross, Director of Public and Industrial Relations for the Danville based outfit, said that Dan River Mills employed one thousand, one hundred Negro workers in its total Danville work force of over nine thousand eight hundred. Cross added that according to a union agreement, the company made classifications and promotions "on the basis of seniority, efficiency and qualifications to perform the job."¹³³

There were no marches or picketing in Danville during the middle and latter weeks in July. However, other significant events did take place. It was announced that voter registration efforts had added two hundred eighteen new names to the voter rolls since June. Only twenty-five of these registrants were white people. At that time, Danville had eleven thousand, one hundred fifteen registered whites and two thousand, twenty two Negroes on the rolls of qualified voters. The drive, which met with some degree of success, had been spearheaded by Herbert Coulton of the Southern Christian Leadership Conference.¹³⁴

¹³²Ibid.

¹³³Ibid.

¹³⁴The Commercial Appeal, July 22, 1963.

On July 23, in a letter from the Federal Appeals Court clerk, the Danville city officials were informed that the Fourth United States Circuit Court of Appeals would make no decision on the legality of the Corporation Court injunction until late September when a new term of that court would be called. This announcement assured the city that there would be no interference with the injunction and ordinance until early fall. This further assured that arrests could continue to be made under the injunction until the Federal Court decided to rule on it.

On that same day, Reverend L. G. Campbell announced that he had secured three hundred signatures of persons pledged to march on July 28, in Danville. Campbell labeled the 28th as "D-Day" in Danville.¹³⁵ Almost immediately the city announced its response. In addition to extra state troopers, a tractor trailer truck was secured by the city to serve as a huge "paddy-wagon."¹³⁶ However with the announcement that same day from Judge Sobeloff's office concerning the Aiken injunction, it remained to be seen how many would participate in "D-Day," knowing that they would be arrested and perhaps not released from court control until late September - and then only if the Federal Court granted the order, requested by the demonstrators' attorneys, to invalidate the restraining injunction.

¹³⁵Ibid., July 27, 1963.

¹³⁶The Register, June 27, 1963.

When "D-Day" arrived, spectators saw only seventy-seven out of the predicted one thousand marchers arrive in downtown Danville and sprawl out in the one hundred degree heat of the Southern summer sun.

The Negroes marched two abreast for five blocks before Chief of Police Eugene McCain stepped in front of them and diverted them into a side street. When the demonstrators dropped to the ground, they were carried into police vans by patrolmen.¹³⁷

Again the protestors were charged with parading without a permit and violating the anti-protest injunction. Because of the capacity crowd in the city jail, arrangements were made with Halifax and Pittsylvania County authorities to have Danville's prisoners housed there. Plans were also made to confine prisoners in the city owned armory, at the city prison farm, and in the fall out shelter at city hall.¹³⁸ As the prisoners arrived at the city hall building, they were unloaded from the large truck and taken into the municipal court for processing and then to their destination for confinement.

Among the participants in the "D-Day" effort, were the minor children of Reverend and Mrs. Chase. That same evening both parents were arrested for contributing to the delinquency of juvenile children. Mrs. Chase was arrested in a public place and her husband was arrested in his home at 4:55 a.m. the next day.¹³⁹

¹³⁷The Commercial Appeal, July 29, 1963.

¹³⁸"Temple Report," p. 55.

¹³⁹Ibid., p. 57.

Reverend Chase was led from his home, barefoot and wearing a bathrobe after he shut the door of his home in the face of the policemen who were there to serve the warrant on him. After the door was opened Chase refused to accompany officers and he had to be led out dressed as he was.¹⁴⁰

On July 29, the Reverend Chase was released from jail under an eight hundred dollar bond. In a dramatic effort to draw attention to his predicament, Chase refused to don a coat, trousers and tie for his trip home from the jail, and instead chose to walk from the jail to his home clad only in a bathrobe. The next demonstration did not occur until Thursday, August 15, 1963.

Corporation Court Judge A. M. Aiken, on August 3, in a sweeping act, declared that the previously temporary injunction against mass demonstrations was now permanent. Three days later, on August 6, 1963, Commonwealth's Attorney Eugene Link asked Federal District Judge Leon Brazille, of the Fifteenth Judicial Circuit to approve a motion which would distribute Danville's cases over other courts of record throughout the state. Judge Brazille agreed to do so because the Corporation Court was so crowded as to preclude any immediate and speedy trial, which placed an intolerable burden on the administration of justice by the court for each of the said defendants.¹⁴¹

Upon learning of this action, Negro attorneys appealed to the United States Fourth Circuit Court of Appeals for the third time.¹⁴²

¹⁴⁰Ibid.

¹⁴¹The Register, August 6, 1963.

¹⁴²Ibid., August 8, 1963.

The result of this action was a toss-up. Federal Judge Sobeloff entered an order "banning all further trials of those 346 defendants charged with violating the permanent corporation court injunction," but on the other hand, arrests could still be made under the terms of the injunction.¹⁴³ It amounted to further arrests but no further trials for the time being. Upon receiving the news of Judge Sobeloff's decision, the Corporation Court began its annual vacation.

Other stories unfolded that week including the following:

1. The Congregation of the First Christian Church of Danville dismissed its pastor for his comments supporting the Negro movement.
2. Dan River Mills, Inc. announced that it was quietly moving toward erasing color lines in mill employment. No specifics were given.
3. The manager of the Danville branch of the Virginia Employment Commission announced that a total of seventeen unemployment compensation checks had been cut off for participation in demonstrations in Danville.¹⁴⁴

By the end of the week of August 10, the integration movement in Danville had dwindled to a trickle of annoying phone calls. Local newspapers, municipal offices and private homes were telephoned day

¹⁴³Ibid.

¹⁴⁴The Commercial Appeal, August 8, 1963.

and night. When the party called would answer the telephone, the caller would usually say "freedom," and then hang up. During one business day at the office of the Danville Register and Bee, "freedom" calls, in a tally kept by the switchboard operator, numbered over one hundred.

As if to give evidence that tensions had begun to relax, the wooden-horse barricades were removed from the city hall steps on August 13.¹⁴⁵ "Dollar Days," an annual event in downtown Danville, drew shoppers from the entire Southside Virginia area. That event was held at the end of each season of the year. On Thursday, August 15, three separate groups of pickets walked among the bargain hunters carrying signs that called for a boycott of downtown merchants. The groups conducted their actions within the provisions of the picketing ordinance.¹⁴⁶

The following day, it was announced that George Lincoln Rockwell, head of the American Nazi Party, planned a rally at the city-owned auditorium in an effort "to seek recruits... to go to Washington to protest the scheduled civil rights march..." on August 28.¹⁴⁷

That rally, which was scheduled for Sunday, August 18, in order to be held at the city owned facility, required the consent of the city manager. After a conference of several hours with an agent of Rockwell, the city agreed to grant Rockwell use of the city auditorium. The

¹⁴⁵The Bee, August 13, 1963.

¹⁴⁶Ibid., August 15, 1963.

¹⁴⁷Ibid., August 16, 1963.

consensus of legal opinion was that the city had no legal way of barring the scheduled speech. Schulyer Davenport Ferris, Rockwell's advance agent, assured the officials that no weapons would be carried by the Nazis. Ferris then requested and received permission from the city to distribute Nazi literature among the citizens of Danville.¹⁴⁸

The day after city officials gave Rockwell permission to use the auditorium, Corporation Court Judge A. M. Aiken announced that Rockwell's speech would be handled in the same manner as the court had handled Reverend King's mid-summer speech. This was the result of a petition of restraint filed by City Manager Temple and Chief of Police McCain through the office of City Attorney Ferguson. Ferguson, in his petition stated that "the American Nazi Party is given to anti-Jewish, anti-Negro, white supremacy, hate tactics as exemplified by their literature and speeches... and that riots or near riots have occurred when such speeches by the named organization have been made in the past."¹⁴⁹ Consequently, upon issuing the injunction, Judge Aiken expressly stated that this restraining order did not prohibit Rockwell from speaking in the city auditorium as scheduled, but did restrain Rockwell

from any speech or action which would tend to incite any acts of war and violence of the white race against the Negro race... or any acts which would tend to cause a breach of the peace... and from any acts which would tend to incite to riotous action or amount to a common nuisance.¹⁵⁰

¹⁴⁸The Register, August 16, 1963.

¹⁴⁹The Register, August 17, 1963.

¹⁵⁰Ibid.

Judge Aiken did as much as he could do to prevent Rockwell from inciting any excitable persons.

After another two day lull in demonstration activity, protests resumed on August 19. Shortly after lunch time, a colored man and a white man sought service at a Danville cafe. When they were refused service, the pair left without any incidents. That same evening, a pair of Negroes, carried a sign which said "integrate or disintegrate."¹⁵¹ The pair was charged with violating the state "injury to business" statute. There were no further demonstrations until August 24. On that day two pickets, carrying boycott of business placards, marched for some forty-five minutes. Neither of the two were arrested. Again, there were no demonstrations on August 25, and 26.

On the 26th of August, Danville Public Schools opened their doors for another annual session. This time things were to be different. It was a historic day in that white and black were together in four previously white schools. Seven of the eleven Negroes entered the previously all white George Washington High School. As a precautionary measure, Police Chief McCain stationed plain clothes officers and uniformed officers at various places near the schools.¹⁵²

Segregation of the public schools on August 27, ended quietly and without any incidents. Superintendent of Schools, O. T. Bonner, who visited each school during the day, said that he "expected it to be that

¹⁵¹"K-Reports," August 19, 1963.

¹⁵²The Register, August 25, 1963.

way.¹⁵³ However students at the all Negro Langston High School were subjected to leaflets calling for volunteers to demonstrate on Thursday, August 29. Wednesday, August 28, was the day scheduled for the famed march on Washington, D. C.¹⁵⁴ The Reverend L. G. Campbell related that he had asked for the Thursday demonstration but was turned down.¹⁵⁵

The demonstration scheduled for Wednesday, August 28, included all of the Danville integration leaders. By midnight of August 28, several bus loads carrying the Washington marchers through Danville to their homes in further points south, stopped at the various bus stations, refueled and continued their trip home. No one stopped in Danville to participate in the demonstration scheduled for Thursday at 10:00 a.m. The show went on even in the absence of marchers from other areas. At the Negro high school, twenty students staged a brief lay down strike. No action was taken against these students. In the downtown streets, a total of twenty-five were arrested when police ordered the group to stop demonstrating and disperse. The entire group "went limp." All were charged with violating the Corporate Court injunction banning demonstrations. Later that afternoon, Rev. A. L. Dunlap announced that no demonstrations were scheduled for Labor Day weekend. There were no demonstrations, arrests or incidents on August 30, or 31.¹⁵⁶

¹⁵³Ibid., August 27, 1963.

¹⁵⁴Ibid., August 28, 1963.

¹⁵⁵Ibid., August 27, 1963.

¹⁵⁶Ibid., August 30, 1963.

Sunday, September 1, the first day of the Labor Day weekend passed without any incidents. In the event that demonstrations had been held, there would have been few observers in the downtown area because of the business holiday. On Monday morning of the following week, City Manager Temple's Office revealed that the city government had spent over \$61,000 on the demonstrations since June 1. A breakdown of the expenses revealed that overtime pay to policemen and other law enforcement officers during the three summer months totaled \$48,099.84. The greatest expense of that nature occurred in June when over \$20,000 went toward overtime pay. The figure diminished by about \$8,000 each month. Additional costs of feeding and housing those arrested totaled \$6,189.02 for the June through September period. Other costs appeared as follows:

| | |
|------------------------------------|----------------------------------|
| Miscellaneous costs | \$1,200.00 |
| Extra clothing and bedding | 775.00 |
| Night sticks and laces | 241.25 |
| Two public address systems | 339.91 |
| Tear gas | 216.96 |
| Film developers | 642.51 |
| Extra gasoline, Police Department | 600.00 |
| Office supplies, Police Department | 200.00 |
| Office supplies, City Attorney | 100.00 |
| Travel expenses | 800.00 |
| Court costs and transcripts | 1,000.00 |
| | <u>\$6,115.63</u> ¹⁵⁷ |

¹⁵⁷The Commercial Appeal, October 10, 1963. See also ^{"LAW ENFORCEMENT"} file in office of Director of Finance, City of Danville, Virginia.

CHAPTER IV

A. The Factors Against the Fact Why the Demonstrations Terminated

Why did the Danville movement, with large demonstrations and annoying picketing peter-out? There were three reasons. First, and most significant, was the police factor. A cursory examination followed by a detailed study of that summer revealed two patterns. With regard to the marchers, they would usually have a pre-set time to march, usually break the law, resist police control by going limp, and then delay their punishments by using a multitude of legal appeals. An efficient police department was certainly an effective deterrent to such happenings. While it must not be indicated that the Negro race has an inherent weakness for being incited into group action, it does seem to mean that Danville Negroes felt that the street protest was their most effective way of giving momentum and publicity to their demands.

A brief review of the high spots in the chronology of events will serve to illustrate the corresponding pattern the police established for dealing with the movement. From the 31st of May through the 5th of June, there were no arrests because city officials decided that demonstrations would be tolerated by the police as far as feasible. Then on the 5th of June, when the groups moved into the City Managers Office in the Municipal building, the first arrests were made and the policy of toleration ended. On the 6th of June, the city armed itself with a list of enforceable laws and

rulings, including the Aiken injunction and embarked upon a program of mass arrests. On June 10, the city placed firm emphasis on its strict law enforcement policy by using fire hoses on those people who insisted on demonstrating, even in the face of the Corporation Court injunction. Almost all of those arrested required medical treatment of some sort as a result of police determination to put a damper on disorder. The following day the use of such force by local law enforcement officials was applauded by Danville's Congressional representative, and strengthened by the presence of thirty State Police troopers. Then the Mayor put the situation into words when he announced that a "get-tough" policy was in force.

For those arrested, their day in court, which began on June 17, resulted in immediate jail terms. Incarceration took manpower away from the movement. The "church-busting" action taken by the local police on June 22, served to further indicate the intent of the police to round up and to bring to trial all violators of laws. Again, the number of participants available for participation in demonstrations was diminished. In a positive attempt to discourage rallies and large assemblies, the City, on June 23, limited Doctor King's address to a "peaceable assembly," and declared that the first proposed site of his address was "structurally unsafe." The same applied to Rockwell's appearance on August 18. With the support of the Michie injunction, issued on July 2, the police were

given even more support for their policy of elimination of demonstrations. A result of that policy was the July 4, rally which called for over one thousand, but brought forth only some two hundred participants.

By July 5, as a result of police manpower, fire hoses, and an unbending determination on the part of the police, massive demonstrations were giving way to small and sporadic picketing. Recognizing this, local movement leaders called on Reverend King to lend new support to the Negro effort in Danville. Although King was able to spearhead a new demonstration, it had only seventy-five participants, most of whom remained orderly in the face of a fire hose threat. The same held true for the seventy-five D-Day marchers. On August 3, a small, yet final demonstration was conducted. The police, enforcing one standard of law enforcement for both the individual and mass lawbreakers, played the most significant part in putting down the racial conflicts in Danville. Willful violations of laws and injunctions designed to restrain any massive disorder, resulted in massive arrests.

The second factor leading to the decline of the movement was the time element. Time played a role in two areas. First, the tobacco processing factories began, as usual, to operate during the last weeks of July. Many Danville Negroes had to return to their seasonal jobs as tobacco factories began to process the tobacco purchased by local suppliers on the Southern markets. Although the Danville tobacco market did not open until its usual September date, the factories were operating at capacity by August 1.

The opening of the public school system was another possible factor. In 1963, Danville's public schools opened during the last week in August. Although police records containing personal data, such as age and occupation, were not available, the 1963 observations of this author indicate that about one-half of the street protestors were of public school age. With the advent of school openings, followed closely by seasonal employment, the participants in demonstrations did not have the time to devote to street marches that they had during the earlier summer days. Further, it was likely that a man absent from work while demonstrating, or in jail from demonstrating, was liable to discharge by his employer, and students absent from schools were subject to failing grades.

The third and final factor which brought the marches to an end was a lack of money. Danville's demonstrating Negroes were denied money from the Southern Christian Leadership Conference on the basis that the organization had no available funds, and from the National association for the Advancement of Colored People, a civil rights group, on a technicality- there were no N. A. A. C. P. lawyers involved in the Danville effort, and thus no N. A. A. C. P. money could be made available for Danville.¹⁵⁸

Legal fees were necessary in several aspects of the 1963 situation. First, there were the costs of the individual trials. The burden of paying

¹⁵⁸Len Holt, An Act of Conscience, (Boston, 1965), p. 111.

the defense lawyers, first in Municipal Court and then in the Corporation Court, was left up to the defendants.¹⁵⁹ The defendants' next expense was for court reporters whose fees usually ran about two hundred dollars for both of the lower courts. Then there were the costs of appeals to the Supreme Court of Appeals of Virginia or to the proper Federal Court. In either case the defendant had three costs in the appeal. One cost was for the Clerk of the court who prepared the records of the lower court, and another cost for the Clerk of the appellate court for filing the record. The third cost was for the expense of printing the records of the appellate court in booklet form.

Other costs to the defendants involved bail and bond money, by June 28, 1963, over two hundred people were "bonded at a cost of three hundred thousand dollars in local property pledged as bail."¹⁶⁰ Movement leaders realized the burden of this and stated that "the unlikelihood of more mass demonstrations was apparent."¹⁶¹ Miscellaneous costs such as travel expenses, phone calls, costs of pictures and exhibits also added to the depletion of resources. It must also be noted that many of the participants were students who more likely than not depended upon parental doles of money. Most of the money came from the individuals' pockets. The medium income for Danville Negroes in 1963 was only \$2,578.00 per year.¹⁶² The movement was broken. Manpower and money were gone.

¹⁵⁹Holt, An Act, p. 113.

¹⁶⁰Ibid., p. 195.

¹⁶¹Ibid.

¹⁶²Holt, An Act, p. 214.

B. After the Fact
The Results of 1963

Other than sporadic picketing, the last demonstration died out as factory jobs and public schools began opening with the approach of fall. In an effort to breathe new life into the near defunct protests, Reverend M. L. King delivered the same message of "Freedom Now" that he used in the "March on Washington." Where on July 11, 1963, there had been hundreds of Negroes crowded into the large facilities of the High Street Baptist Church sanctuary, there were less than five hundred present on November 15. Here, Doctor King's presence on the latter occasions was honored more by Danville's Negroes' absence than by their presence.

The emergence of bad publicity, bad temper, little satisfaction, attorney's fees, court costs, bonds and bail were among the results of the 1963 movement. Over the summer months business declined; tax money was poured into extra police protection and yard lights for the homes of Judge Aiken, City Manager Temple, Mayor Stinson and Chief McCain. No white leaders emerged who could be considered spokesmen for the entire white population. One tried to lead. He was Councilman Charles A. Womack, who, during the early demonstration, had attempted to buck the demands of Council, and conduct official bi-racial meetings for the city. Council voted by a margin of five to three to not censure him. Shortly thereafter, Womack left Danville for a one month vacation, and took no further part in the events. Among the Negroes, the Reverends Chase, Campbell and Dunlap stood out as leaders. In the 1964 Councilmanic

elections, five candidates organized the Constructive Government Ticket, a group which strongly condemned the local Negro leader's tactics. The five members of council who either met with or advocated bi-racial meetings between whites and Negroes to work out an orderly schedule of desegregation were replaced by the voters with the Constructive Government Ticket. By 1965,

one Negro policeman was hired, desegregation of the three hundred bed Memorial Hospital was complete, a fair employment ordinance was passed in regard to municipal jobs, registration of eight hundred-plus new voters [and] the employment of several [Negro] persons in sales positions [had occurred]¹⁶³

One white minister was dismissed when his congregation learned of his advocacy of a bi-racial committee. Three hundred thousand dollars in bail money had been put forth. The city emerged less united as a political unit. The movement began under the influence of nationwide events and died as a result of three major factors. These factors were the coordinated actions of municipal and state officials, including the determined police pressure, the opening of schools and factories, and the drain on the financial resources of the demonstrators.

¹⁶³Holt, An Act, p. 222.

C. Epilogue

Attention during September 1963, was focused on trials being held in Danville's Corporation Court for those defendants charged with parading without a permit under section 16:20 of the Code of Danville, Virginia.

Of the sixty-one defendants who were charged, tried and convicted on that first day, September 13, only twelve were given jail sentences. All of those jailed, for an average of ten days each, were over twenty-one.¹⁶⁴ The following day some seventy-five defendants were tried and convicted, but all noted appeals and no one was imprisoned.¹⁶⁵ On September 25, attorneys for the demonstrators petitioned Federal Judge Michie in an effort to halt prosecutions by Judge Aiken under the city's parade ordinance. Although a Federal Court had halted trials for those arrested under the law which restricted mass demonstrations and limited picketing, Judge Michie held that the constitutionality of the parade ordinance must be litigated in state courts before the Federal courts could render any judgment. The petition was dismissed.¹⁶⁶

On the nineteenth of that month, Reverend Campbell and Reverend Dunlap had to face charges of parading without a permit and of

¹⁶⁴The Danville Bee, September 13, 1963.

¹⁶⁵Ibid., September 14, 1963.

¹⁶⁶The Danville Register, September 15, 1963.

riotous and disorderly conduct. Each man received fines of three hundred dollars, plus sixty day jail terms. However, half of the jail sentence was suspended on the conditions that the fines were paid and that the defendants remain on good behavior for a period of two years.¹⁶⁷

The matter of the constitutionality of the picketing ordinance adopted by city council on June 14, and the Corporation Court injunction issued on June 6, against mass demonstrations was argued again before the Fourth Circuit Court of Appeals in Baltimore. Attorneys for the defendants asked the court to declare both measures unconstitutional because they both violated the "right to free speech and assembly."¹⁶⁸ Both measures, one which prevented demonstrators from acts which could disturb the peace and tranquility of the city, and the other, which required pickets to march single file, ten feet apart, and in groups of no more than six, had caused the arrests of over six hundred people during the summer.¹⁶⁹ None of those cases had been tried at that date due to a restraining order issued by the Federal Court which allowed continued arrests under the two measures, but held that no trials could be conducted until a Federal court decision could be reached. At the end of that day's hearings, the court declared that the matter was still "under advisement."¹⁷⁰

¹⁶⁷Ibid., September 20, 1963.

¹⁶⁸Ibid., September 22, 1963.

¹⁶⁹Ibid.

¹⁷⁰Ibid., September 24, 1963.

Finally, in October of 1966, the Federal Court ruled that the demonstrators could get a fair trial in Danville's State Court and that arrests made under the ordinance and injunction were legal. Several weeks later, Danville's Corporation Court, under Judge A.M. Aiken, began the trials of the one hundred five persons arrested in 1963 for violations of the two city laws. By early 1968, that court had not disposed of the entire docket of demonstration cases.¹⁷¹

¹⁷¹Ibid., January 26, 1968.

D. Appendix

How Danville Voted on June 14, 1960, Library Referendum

| Number 1 | Number 2 | Number 3 | Number 4 | Number 5 |
|--------------------------|--|---|--|--|
| Close the library system | Close the library system if it appears that private facilities will be available | Open the library facilities to all citizens | Permit Council to work out a "modified plan" for continued operation of the library system | Close the Library building for public use and dispense books by bookmobile |
| 2829 | 501 | 1598 | 833 | 181 |

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172 The Register, June 15, 1960.

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