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An appeal for racial justice : the Civic Interest Progressives' confrontation with Huntington, West Virginia and Marshall University, 1963-1965

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AN APPEAL FOR RACIAL JUSTICE:
THE CIVIC INTEREST PROGRESSIVES' CONFRONTATION
WITH HUNTINGTON, WEST VIRGINIA AND
MARSHALL UNIVERSITY, 1963-1965

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Introduction

As William H. Chafe so aptly pointed out in Civilities and Civil Rights, the agitation by blacks for civil rights throughout the 1960s in Greensboro, North Carolina, was a response to local conditions, but yet, was part of a national phenomenon. In 1960, four black students from North Carolina A&T sat-in at a local Woolworth's Department Store to protest the establishment's policy of not serving blacks at the lunch counter. News of this local protest spread like wildfire throughout the country. As a result, Greensboro was the site of the start of a new phase in blacks' struggle for civil rights -- the sit-in movement.¹

The "Second Revolution" had moved slowly after the 1954 Supreme Court decision in Brown v. Board of Education of Topeka, but its pace greatly accelerated with the onset of the sit-in movement. Blacks now had a mode of protest highly visible and embarrassing to this nation. Through sit-in demonstrations blacks' demands for equality and racial justice were heard. Other peaceful, high visibility forms of protest -- i.e. the freedom rides and mass demonstrations -- subsequently emerged and accompanied the sit-in tactic and its variations such as jail-ins, swim-ins, wade-ins, and sleep-ins in pressuring white America to do something about discrimination and to seek racial justice. As the protests continued and violence by white southerners

increased, the pressure escalated until the federal lawmakers felt compelled to act on the issue. The resulting Civil Rights Act of 1964 and the Voting Rights Act of 1965 secured political and legal rights for blacks. However, in the late 1960s and early 1980s, social and economic equality continued to elude blacks as most whites resisted the new phase of black activism, Black Power, and Vietnam became an overriding concern of the federal government. Even into the mid 1980s real change in this country's socio/economic structure has not yet occurred, and as Chafe has suggested, the story is not over. Nevertheless, the movement for change towards racial justice had begun and the overt practice of institutional racism has generally been overthrown. These have been the results of the civil rights movement for the nation, Greensboro, North Carolina, and Huntington, West Virginia.

By 1963, the shock waves of the sit-in movement and the growing black unrest throughout the country reached Huntington. This growing discontent with the status quo of segregation and racial discrimination and the impulse from the sit-in movement for direct, non-violent protest combined to mobilize several students at Marshall University who formed the Civic Interest Progressives (CIP), a biracial civil rights group. Between 1963 and 1965, the CIP, as will be demonstrated in this thesis, provided the spark needed to challenge the existing discriminatory status quo in

Huntington and at Marshall University and bring about change. In essence, the CIP activists brought the civil rights movement and the demand for racial justice to this town and to this university, and with varying success made people deal with their consciences and address the issue of equality for all.

* * *

The CIP's persistence in securing civil rights at Marshall University overlapped with its efforts in Huntington. Though many similarities exist between the two environments, the nature of the battle and certain characteristics differed. For clarity this thesis has been artificially divided to make it easier to understand the CIP's struggles in both areas.

A number of people here at Marshall have contributed to this project as well as to my personal and intellectual maturation over the past few years. In some way, all of my professors have given something to me. But, Robert Sawrey and Frances Hensley selflessly gave of themselves on this project and especially challenged my perceptions of reality, broadened my horizons, and influenced and honed my thought processes. Thank You.

Of course, the quality of students and human beings surrounding a person can add considerably to one's graduate studies experience. My past two years of graduate study

have been richly blessed by the students encountered and the friends I have made at Marshall. In particular, I would like to thank John Hennen, Montserrat Chambers, Joe Eckhart and Sally Keaton for all their help, companionship and human kindness. Also, my parents and in-laws have been sources of support. However, the most thanks goes to my best friend and wife, Angela, for all her loving support and encouragement.

Many have aided on this project. I would like to thank the members of the Special Collections Department in the Morrow Library for their diligence and patience. Special thanks go to Phil Carter, Bunche Gray, Michael Gray, Simon Perry, and Charles Aurand for sacrificing their time to share their memories and perceptions during oral history interviews. Finally, I need once again to thank my wife, Angela, for contributing her opinions and for typing most of the original manuscript. To everybody, including those I did not name who have contributed to my maturation or this thesis, thank you.

¹William H. Chafe, Civilities and Civil Rights (New York: Oxford University Press, 1981) has been a model for this work.

Chapter I

Cast, Characters, and Philosophy of the CIP

The Civic Interest Progressives (CIP) formed in the spring of 1963 after two whites, William S. "Chip" Caldwell and Joseph McBride, approached Phil Carter, Marshall University student and athlete, about several issues important to black students and, apparently, to a few interested white students. Of foremost concern was the practice of segregation and overt racial discrimination in Huntington. From this small beginning, Carter gathered other concerned students to form a civil rights group to overcome off-campus racial discrimination by working closely with the West Virginia and Huntington Human Rights Commissions.¹

As early as February 22, 1963, the MU student paper, The Parthenon reported the planned formation of the CIP, known initially as the "Marshall Action Group," on the MU campus. This broad based, biracial organization espoused non-violent principles to oppose racial discrimination in establishments serving Marshall students, and was loosely affiliated with the national Student Non-violent Coordinating Committee (SNCC). By March 8, 1963, the group had adopted the name Civic Interest Progressives and further defined its purpose. The CIP sought to eliminate "discriminatory conditions and practices directed toward minority groups in and around the Huntington area."² The CIP concentrated its efforts on gaining access to an

unrestricted social life, equal job opportunities, and fair housing for minorities. To attain these goals, the CIP activists followed three modes of operation: contacting and funneling complaints through appropriate campus and community channels, discussions with owners of establishments practicing discrimination, and finally, if all else failed, direct non-violent protest.³

To carry out such a program against racial discrimination, a dedicated core, or inner circle, of members was essential. Such a core of about twelve to fifteen activists emerged and functioned, with minimal turnover, as the heart of the CIP during its more than two years of existence. Some were black, some were white and most were male; however, all were Marshall University students committed to the cause of civil rights and racial justice. Significantly, most CIP members, about eighty percent, came from some place other than Huntington. Only Rick Diehl, Tom Stafford, Michael Gray and Mary Hall were natives of Huntington. This characteristic may have reduced local influences and restrictions on the organization.⁴

Lydia Curry, William Caldwell, Joseph McBride, Mary Hall, Mary Moore, Charles Gordon, Robert Bloom and Patricia Austin comprised the original CIP executive committee.⁵ This organizational set up was an attempt to avoid possible power struggles within the group. Conspicuously absent from this committee, however, was Phil Carter. Carter believed

this was done purposefully in order to protect him from reprisals that might damage his basketball career. As a star basketball player at Washington Irving High School in Clarksburg, West Virginia, he came to Marshall to play major college basketball after reading an article in a sports magazine about the university and Hal Greer, a famous black professional basketball player who played at Marshall. The black community in Clarksburg rallied to provide Carter with a job, a scholarship, and a place to stay in Huntington so he could attend college. Once at Marshall, Carter earned a basketball scholarship with the help of Dick Hall, a white alumnus of Washington Irving High School. Carter later recalled that that was "really when I began to figure out and understand the value of white friendships and networks and the 'old boy' network."⁶

Despite his omission from the official CIP executive committee list, Phil Carter was, if any one person was, the leader, but he had a great deal of support from people like Frank Helvey, Pat Austin, Danie Stewart, Rick Diehl, and others. Carter was articulate and "intelligent about his radicalism."⁷ He was well read and understood the complexities of power structures, how society operated, and the need for civil rights. Simon Perry, an instructor in the Political Science department, believed that Carter's awareness of the civil rights movement coupled with his personal qualities led him to be,

...an outstanding leader. I think he followed the movement nationally, and received a great deal of instruction about what to do simply by his observation of what was happening elsewhere. He was, in my judgment, a very dynamic, forceful, perceptive young man. He had lots of charisma, and this enabled him to develop a fairly large following of students, both black and white. And, they acted in a very courageous manner.

Carter led by example, but he was also a teacher to the CIP activists. Carter knew what civil rights in American society was all about and how to convey these concepts to others. One of Carter's proteges, Michael Gray, viewed him as a teacher, but admitted Carter's qualities as a leader dominated his perception of him:

We felt that Phil was articulate, intelligent, had a lot of guts, and like my mother [Bunche Gray] in this area [civil rights] spoke his mind. Those were combinations that you don't find, and there was a need for leadership on the campus. So, it was almost impossible not to be impressed with Phil Carter.

Among the other leaders of the CIP, Frank Helvey was the top, white, male leader. Apparently, some care was taken to emphasize the biracial nature of the organization and Helvey, who was a little older than most of the student activists, had the leadership ability and wisdom that the CIP needed. Helvey also had personal and intellectual qualities very similar to Carter's, and tended to be a calm, rational person who had a settling influence on the group's emotions.¹⁰

Pat Austin was also a part of the CIP leadership. She was the only female leader in the CIP, a predominantly male

organization. In Michael Gray's opinion, sexism did exist in the CIP, "This civil rights group was no different than other civil rights groups, except I think we were a little better, but a little sexist...No doubt about that. Except I think Pat probably...made CIPers less sexist than SNCC and...other groups...."¹¹ If Gray's analysis of minimal sexism is correct, the CIP would probably have been one of the least sexist activist groups in the country. Many civil rights organizations practiced blatant sexism through rigid work roles and peer pressure for sexual favors, particularly in biracial situations. Sara Evans in Personal Politics has argued that this sexist experience in activist groups, including the New Left fomented female consciousness on a national level. There is simply no way of determining to what degree the CIP fit into Evans' thesis, although the CIP probably practiced some sexism which contributed to this phenomena of raising female consciousness. Yet, the CIP probably was not as sexist as many other civil rights groups because of Pat Austin's presence in a leadership position. She and Phil Carter represented a tandem that was always at the forefront of demonstrations and protests, and Austin led the group in its final year, 1964-65. While Austin obviously rose above the traditional female roles, other female CIP members may have performed in a more traditional, subordinate manner.¹²

Besides her leadership, Pat Austin provided the CIP with two other valuable assets--her writing ability and knowledge of the media, especially the print media. Whenever the CIP needed to make a public announcement or present written protests, Austin wrote the appropriate material. Coverage of the CIP remained constant and thorough in The Parthenon. As a The Parthenon reporter and journalism major, Austin either wrote the articles or, at least, made sure that someone on The Parthenon staff covered the CIP's activities. In addition, Austin understood how the media functioned and courted coverage of CIP activities by the newspapers, radio and television. She and other members, such as Dave Peyton, knew how to obtain the maximum attention of the media corps. As a result, The Huntington Herald Dispatch and the Charleston, West Virginia, papers also covered the CIP's activities throughout the organization's existence. Phil Carter believed that by going to the Charleston papers "the cancer [racism as defined as any form of racial discrimination or segregation] of West Virginia, which included the leadership of Huntington and Marshall University, came before the public for all to see."¹³ In this way, the CIP obtained leverage for opposing racial discrimination. Consequently, Austin's expertise with the media proved invaluable.

Rick Diehl was another important leader in the CIP. He was the son of Vincent Diehl, one of the owners of the

Bradshaw-Diehl Department Store in Huntington. This store, along with Anderson-Newcomb, was one of the two major department stores in the city. Although the Diehl name stood as a symbol of Huntington's social and economic establishment, Rick Diehl, a former conservative Young Republican, turned his back on his family's status and the Huntington establishment when he joined the ranks of the CIP. Even worse, he became a lieutenant of the activist group, a definite embarrassment to many influential, white Huntingtonians, including his father. Vincent Diehl had a terrible time accepting his son's actions. An anecdote told by Bunche Gray illustrates this point: "His daddy was leaning down, drinking some water from the fountain in Bradshaw-Diehl's store. I walked up to him and I leaned down and said, 'We want you for the movement.' And Vincent Diehl stood up and said, 'You already have my son!'"¹⁴

While Vincent Diehl had a difficult time accepting his son's activities, Michael Gray believed that "the power structure had ten times more difficult a time dealing with it." Gray concluded, "the [white] power structure hated Rick Diehl."¹⁵

At times, other CIP activists like Cicero Fain, Tom Stafford, and Danie Stewart acted in leadership roles. Fain who described himself as an "angry black man" in the 1960s, led by example and resolve.¹⁶ Stafford grew up in Huntington and therefore supplied a local expertise crucial to the CIP success in Huntington. Also, Stafford created

the CIP "share-in" tactic which is fully explained in Chapter III. Stewart acted as the politician of the CIP and utilized this expertise on the group's behalf.

The backgrounds of all these CIP leaders reflect the organization's diversity and explain its ability to function as a civil rights challenge organization. Everybody had a different role to play in the CIP and that role depended upon the individual's abilities and willingness to act. In essence, the CIP practiced "situational leadership." If an individual felt strongly about doing something and believed he or she could control the situation and was willing to take the responsibility, then that person was the leader of the activity and the rest of the CIP members supported the effort. This concept, like SNCC's "participatory democracy," caused some disunity within the organization but provided the flexibility necessary to accommodate the diverse capabilities of the CIP activists.¹⁷

The CIP enjoyed perhaps the best of all possible relationships with SNCC -- autonomy yet with assistance. SNCC did not provide monetary support and the CIP activists trained themselves by reading and watching what happened elsewhere. Marshall University professors Simon Perry, Bill Cook, Paul Stewart and Gerald Kumer aided by providing books and suggestions. However, SNCC did provide advice, through liason Lafayette Surney, to the CIP leaders. Also, Phil Carter and Pat Austin occasionally traveled to SNCC's

headquarters in Atlanta to participate in workshops and met civil rights leaders from across the nation. These two had further associations with members from the National Association for the Advancement of Colored People (NAACP) and Congress of Racial Equality (CORE), and received a great deal of help and advice on strategy from Neal Shahan, a native of the Nitro, West Virginia area and a high school teacher in Annapolis, Maryland.¹⁸

The CIP also received aid from local sympathizers. The black community in Huntington quietly supported the CIP's actions and thus played an important role in the organization's efforts. Yet, Michael Gray recalls that in the 1960s "black Huntingtonians [were] pretty dependent...on the white structure to make a living."¹⁹ Consequently, Huntington blacks had to be careful of showing too much support for the CIP because of their economic dependency on the white-controlled economy. However, the white power structure never fully exploited the economic dependency of the black community. It really did not have to because most blacks understood their position. Even so, many members of Huntington's black community supported the CIP through donations of food and money, and other more subtle ways. The CIP activists were the shock troops, while the role of the black community consisted of valuable "behind the scenes" actions and contributions.²⁰

A few members of Huntington's black community visibly stood out in support of the CIP. For example, Marion T. "Bunche" Gray and her sister Antoinette Lease opened their homes to the CIP for private group meetings. James Gipson and Herbert Henderson provided legal services for the CIP. Gipson served as the official CIP attorney, but Henderson, as the attorney for the Huntington chapter of the National Association for the Advancement of Colored People (NAACP), is more noted for having fought the early legal battles for the CIP. Eventually, however, Henderson and the CIP went in separate directions. Additional support came from Gus Cleckly and Andrew McDade, leaders of the Huntington Chapter of the NAACP. Reverend Charles Smith of the First Baptist Church rallied what he could of the religious community and became a strong, outspoken advocate of civil rights. He later served on the West Virginia Human Rights Commission as did Mrs. Memphis T. Garrison, a local black activist. Though black Huntingtonians helped the CIP in these and many other ways, they did not control the CIP. Their supportive actions always served the CIP's initiative without dictating decisions or activities. In describing his role with the CIP, Herbert Henderson emphasized the group's autonomy:

No one outside the group was controlling them. Their protests were planned and executed by them. My job was to give them support. I would counsel them about how to picket without getting into deep trouble with the law. And, of course, I defended them after they were arrested and charged. I helped organize bail bonds for them.

But I never advised them when to picket and against whom. Those ideas were theirs alone."²¹

Yet, one black Huntingtonian, Bunche Gray, had a definite impact upon the CIP activists. As already mentioned, the door to her home always stood open to the CIP members. But also, she was willing to risk speaking her mind and acting upon her convictions. These were attractive qualities to students putting themselves on the front lines against racial discrimination. She was the rock of stability these civil rights activists needed and sought out. Similar to the role assumed by black women in civil rights activities throughout the South, Bunche Gray represented a mother figure for the CIP and the young black activists in Huntington. Bunche Gray also often acted as a personal counselor to CIP activists. She always advised students to pursue their own goals and not to worry about setting pitfalls for enemies from the past. Bunche Gray believed in forgiving, moving ahead and giving justice a chance to prevail.²²

Bunche Gray challenged people to examine themselves and others around them. She extolled the virtue of honesty and believed that an individual should confront friends and acquaintances with statements and actions in order to force a person to reveal his or her inner self. Perhaps the best way to describe Gray's effect on the CIP activists is to use

the words Phil Carter wrote in Bunche Gray's address book on June 1, 1965:

The Meeting

From the depths of despair comes a human relationship that is enthralling and rich. This experience is enthralling to me because you are radiant with hope and a keep your head up philosophy which you so adamantly espouse and which you so violently act out and upon. This experience is rich to me because you have instilled within me a significant amount of your belief in the full, thick quality of life.

Due to the meeting, I have had to re-evaluate myself and my initial so called friends and now have a renewed interest in this definition of friendship.

You would be surprised to know that I cannot express my opinion of you nor my need for you. But then being as perceptive as you are, you have probably [by] now [already realized] this since you met me which was a time before I really met you. With all sincerity, I feel I have profited from your advice to me the:

- 1) family man
- 2) to the confused, immature kid
- 3) the fake humaniterian
- 4) the weak leader
- 5) the lonely man
- 6) the man who wants to love or maybe he already does and is afraid to admit it.

Mrs. Gray with all my sincerity, thank you.

Philip W. Carter.²³

The extent of Bunche Gray's influence on the CIPs can perhaps best be judged by realizing that the group adopted almost all of her personal philosophy for its own guidelines. Bunche Gray challenged people, including the CIP activists, to examine themselves and others around them. The CIP challenged Huntington business managers and owners to end segregation and to acknowledge black civil rights.

Both the CIP and Bunche Gray were willing to use confrontational tactics if needed to make a point or expose discrimination.

The CIP presented and maintained a public philosophy resembling Martin Luther King, Jr.'s moderate, non-violent position. Every CIP demonstration used non-violent, direct action tactics. In only a couple of minor incidents was this creed violated. Close associates of the CIP such as Bunche Gray, Herbert Henderson, and Dr. Simon Perry personally espoused King's non-violent philosophy and believed the CIP activists did likewise. The CIP publicly adhered to King's non-violence strategy and no doubt many of the activists fully advocated the concept. Privately, however, some CIP leaders, particularly Carter, sympathized with the message of Malcolm X and other black militants. They concluded that sometimes correction of an unfair situation required force, not words.²⁴

Yet, Carter realized that non-violent tactics would be more effective in Huntington, West Virginia. Black militancy worked best where white resistance was strong and blacks were numerous. In Huntington, blacks represented a small minority and the whites, out of ignorance and apathy, basically ignored race problems. The CIP would not have to make much of a noise to shock most Huntingtonians into increased civil rights awareness. Hence, the CIP needed to confront people directly with their practices of racial

discrimination and force them to make a decision, namely integrate or maintain the status quo. The CIP repeatedly utilized this tactic as part of what Carter calls the "conflict utilization theory." If at first, words did not sway a resistor, then the CIP used demonstrations to bring the conflict directly into the public arena. From there, the pressure escalated as the CIP would tenaciously continue pressing the issue. Eventually, either the resistor or the CIP had to capitulate.²⁵ This was a strategy tailor made for Huntington where adverse publicity and public embarrassment and pressure proved to be effective weapons. So, armed with the cause of civil rights, a dedicated core of activists and supporting cast, and a non-violent, conflict utilization philosophy, the CIP was ready to grapple with overt racial discrimination in Huntington.

Chapter I Notes

¹ Interview with Philip W. Carter, 11 March 1986; "Discrimination Fight Readied," The Parthenon, 8 March 1963, p. 1.

² "Discrimination Fight Readied," p. 1. The previous information on the CIP's affiliation with SNCC came from an interview with Philip W. Carter, 10 July 1986. Carter claims that the CIP's affiliation with SNCC was common knowledge to a number of people associated with the organization.

³ "Discrimination Fight Readied," p. 1.; Interview with Philip W. Carter, 7 April 1986; "10 Students Stage 'Share-In,'" The Parthenon, 1 May 1963, p. 6.

⁴ Interview with Philip W. Carter, 11 March 1986; Interview with Michael Gray, 18 April 1986, tape 2.

⁵ Caldwell and McBride are white and the other original executive committee members are black.

⁶ Carter, 11 March 1986.

⁷ Michael Gray, 18 April 1986, tape 1.

⁸ Interview with Simon Perry, 8 April 1986.

⁹ Michael Gray, 18 April 1986, tape 1.

¹⁰ Ibid.

¹¹ Ibid.

¹² Sara Evans, Personal Politics: The Roots of Women's Liberation in the Civil Rights Movement & the New Left (New York: Vintage Books, 1980).

¹³ Carter, 7 April 1986; other information in this paragraph corroborated by Michael Gray, 18 April 1986, tape

¹⁴ Interview with Marion T. "Bunche" Gray, 12 April 1986, tape 2.

¹⁵ Michael Gray, 18 April 1986, tape 2.

Rodney A. White, "Former Civil Rights Activist Had an 'Attitude,'" The Herald Dispatch, 2 September 1981,

10 July 1986, tapes 1 and 2.

¹⁸Ibid.

¹⁹Michael Gray, 18 April 1986, tape 2.

²⁰Ibid.; Dave Peyton, "'I Think I Would Have Died for the Cause Back Then,'" The Herald Dispatch, 28 August 1983, p. F1.

²¹Peyton, p. F1.

²²Michael Gray, 18 April 1986, tapes 1 and 2, Carter, 7 April 1986; Interview with Marion T. "Bunche" Gray, 5 April 1986, tape 2. The information concerning the roles assumed by black women in civil rights activities in the South is a general analysis from Evans' work.

²³Interview with Marion T. "Bunche" Gray, 12 April 1986, tape 2.

²⁴"Bunche" Gray, 12 April 1986, tape 2; Perry, 8 April 1986; Peyton, p. F1; Carter, 7 April 1986.

²⁵Carter, 7 April 1986.

Chapter II

"The Tentacles of Racial Discrimination"¹

When the CIP formed in the Spring of 1963, the civil rights organization concentrated its efforts on the Huntington community. Though a student group based at Marshall University, the CIP initially addressed the problems in Huntington because Marshall's black students had to abide by the rules of the Huntington environment which included wide ranging discrimination.²

In her study of the Human Rights Commission of Huntington, Nancy Potter Matthews convincingly argued that in the early 1960s Huntington was an uninviting environment for blacks:

In a border state like West Virginia or a municipality like Huntington with a very small Negro population, the color line exists by tacit agreement instead of law. Negroes were denied equal access to many parts of the public arena that white citizens took for granted; they were restricted to the lower levels of industrial occupation; they were seldom ever allowed to enter the white-only area of management; they were restricted to a specific residential area; and they were generally excluded from private circles of white association. In comparison to the deep South, there was less overt hostility and denigration, less conventional prejudice, but this merely made whites less aware of the color line while Negroes felt it just as keenly.³

However, Cecil B. Moore, Philadelphia attorney and President of the NAACP, spoke in Huntington on July 14, 1963, and noted that race relations in Huntington were good compared to many places he had seen. Moore said Huntington blacks "didn't feel the pang and thrust here that [blacks

in] other cities felt where there are signs which say 'colored' and 'white.'"⁴ Nonetheless, Moore added that the "picture in Huntington is not as rosy as you may think," and he urged local blacks to fight poor housing, the lack of employment opportunities and more subtle forms of discrimination that existed in Huntington.⁵

No doubt Huntington was better than many southern environs. However, a significant amount of overt racial discrimination did exist in Huntington in 1963. That summer an article in The Herald Dispatch claimed that most restaurants and all theaters and major hotels in Huntington reportedly served blacks.⁶ But, in actuality, blacks and whites could eat together in only one restaurant and could not drink together in any. Camden Park had an annual "Colored Day," the only day on which blacks could enter the amusement park. To see a movie together, according to Phil Carter, one had to ask, "Which movies can blacks go to, and what days, and would we have to sit upstairs."⁷ The Keith Albee Theater hosted an annual "Preaching Mission." For one week a year, preachers were brought in from all over the country and large numbers of blacks attended. However, the Keith Albee's doors remained closed to blacks after that one week. To see a movie blacks had to go to another movie theater in town. These are just a sample of the obstacles that confronted Huntington area blacks, including those attending Marshall University. Black Marshall students

keenly felt the shackles of Huntington's racial discrimination and led the way in denouncing it.⁸

Bruce Moody, a graduating black basketball player, lashed out at Huntington's discrimination in a May 1962 The Parthenon article. In one sentence, Moody summed up the black experience in Huntington, "Racial discrimination is practiced in movies, restaurants, amusement parks, and employment."⁹ Moody recounted four specific incidents to illustrate his point about racial barriers in Huntington. Campus Sundries, a fast food establishment which catered to Marshall students, willingly served white students within the establishment, but offered only carry out service to black students. Also, a black student had been denied entrance because of his race into an American Legion dance supposedly open to all Marshall students. The third incident involved two black members of a physical education class who could not enter the Riviera Golf course as part of a class field trip. Finally, Moody wrote about another physical education class where black students could enter Colonial Lanes, a bowling alley, as part of the class, but not as black individuals when they sought to return later.¹⁰

These four incidents related by Moody could convey only a fraction of the magnitude of the problem, a problem most white Huntingtonians were not aware of or simply ignored. This pervasive discrimination, however, became permanently

imprinted upon many black Marshall students. As Moody wrote:

The tentacles of racial discrimination stretch out into many different areas. In order to avoid any kind of embarrassment, many Negroes on Marshall's campus tend to practice a self imposed discrimination. This type restricts their social life almost exclusively to themselves. It is a possible result of prior restrictions on and off campus, that gives them the need to conform and to hide themselves in a group identity.¹¹

The need for civil rights was evident in Huntington but nobody wanted to take charge and lead the way. The white power structure had no reason to alter the status quo and no intention of doing so. The Huntington Human Rights Commission, formed in 1963, had no real power and acted only as a sounding board to hear complaints. This satisfied the power structure which did not have to deal with the matter, and appeased some blacks and liberal whites with a facade of concern.¹² The West Virginia Human Rights Commission, which had been in place since 1961, seemingly could or would do little about local situations because of its newness or lack of power. Both organizations relied heavily upon persuasion. For many blacks the human rights commissions did not represent mechanisms for positive change.

Yet, the black community feared that civil rights agitation would result in economic retribution from the white power structure. The potential turned to reality often enough to justify the fear. Consequently, few black were willing to endorse publicly civil rights efforts.¹³

Throughout the state, the black community was restrained on the civil rights issue because of its economic dependency and small population. Only about 89,000 blacks resided in West Virginia in 1960; this represents about 4.6 percent of the total state population and also one of the smallest black populations in the region. All states bordering West Virginia had considerably larger black populations.¹⁴ The black population of Cabell County and Huntington hovered at a little less than five percent.¹⁵ This indicates a small population base from which to draw upon for protests. So, mass demonstrations were impossible and that limited what civil rights activities could take place.

The ministers in Huntington, by following the lead of southern counterparts, could have been a strong, positive force for civil rights considering the influence religion had in the community. Yet, they failed to do so. The Huntington Ministerial Association (HMA) split on a ratio of two to one against the issue of civil rights. One member of the HMA articulated that, "they felt you shouldn't roil the waters."¹⁶ None of the larger churches on Fifth Avenue supported civil rights. Only a few smaller churches, mostly black in membership, and a handful of pastors spoke in favor of civil rights. Probably the most fervent of the pro-civil rights pastors was Charles Smith, a black minister at the First Baptist Church. Besides opening his church as a base for civil rights activists, Reverend Smith worked with the

CIP, the Huntington and West Virginia Human Rights Commissions, and the business and community leaders to bring about change, but only after the CIP's initial protest actions. Black minister Reverend Harry Coleman of Ebenezer United Methodist also supported civil rights activities. Reverend Royce MacDonald, a white minister at Enslow Park Presbyterian Church, acted in similar fashion to Reverend Smith concerning work with the Human Rights commissions and community leaders; however, he was far less vocal and considerably less effective. Reverend Charles Aurand of St. Paul's Lutheran Church, and other white ministers, including Reverend McDonald, went against the sentiment of their congregations and did what they could on their own to fight for racial justice. Nevertheless, no representative from the religious community or anywhere else in Huntington came to the forefront to fight for black Huntingtonians' rights, let alone struggle for the needs and demands of Marshall's black students.¹⁷

Realizing that help was not forthcoming from the community at large, many blacks looked toward Marshall University for leadership in achieving civil rights. Bunche Gray, for example, believed that Marshall University as a citadel of higher education was responsible not only for its own environment but also for Huntington. She insisted that Marshall should have taken the lead in the 1960s and dragged Huntington into the civil rights era along with it.¹⁸ Bruce

Moody, while acknowledging that off-campus discrimination and racial problems were not the specific concern of Marshall, wrote the following plea/challenge for help in fighting Huntington's discrimination and making the community environment a better place for black students and black residents:

These problems I have mentioned are all problems that exist in Huntington today. If nothing is done about them, they will exist tomorrow and for the years to come. I am quite sure that if the necessary changes are to come about, they will be product of a joint effort of all those involved. I have a great deal of faith and confidence in Marshall University and feel that it will aid in alleviating the present conditions in Huntington.¹⁹

Quite naturally, looking toward Marshall for leadership meant looking toward President Stewart H. Smith. By the early 1960s Smith, who had become President in 1946, had established himself as a leader at Marshall and in Huntington. Smith had previously worked to gain access for blacks to certain formerly all white establishments in Huntington. A major reason for this was that Marshall had to provide accommodations for black and white athletes on visiting Mid-American Conference (MAC) teams.²⁰ As a result, the restaurants and hotels which served visiting black athletes began catering to all blacks. Even so, Smith's efforts merely made a bad situation a little more tolerable. Marshall University represented the southern-most MAC school and visiting teams felt

uncomfortable being in Huntington. Smith's efforts were not completely successful if Phil Carter's view that blacks on "The Mid-American Conference [teams] hated like hell to come here..." was correct.²¹ Consequently, Marshall's black athletes shielded the visiting black athletes in the early 1960s from individuals and establishments hostile to blacks. Sadly, President Smith morally and intellectually supported civil rights, but his leadership in opposing discrimination ended after urging several hotels and restaurants to integrate and accommodate visiting MAC athletic teams.

And yet, members of the CIP, other students at Marshall, and black Huntingtonians looked to President Smith for leadership. For example, by March 27, 1963, the CIP had tested for, found, and reported discriminatory practices at three Huntington establishments. The report, filed with the University Human Rights Commission, a Student Senate committee, cited Colonial Lanes (a bowling alley), Thabit's Delicatessen, and the White Pantry as practicing discrimination. Colonial Lanes refused to let black Marshall students bowl. The other two establishments refused to serve black students inside the premises, but offered blacks carry out service. Stuart Thomas, an MU senior from Hurricane, read the CIP reports to Marshall's Student Senate and recommended on behalf of the University Human Rights Commission "that the Student Government request the university administration to express to these

establishments the concern of the student body regarding the discriminations against its members."²² This was a small gesture to be sure, but one that could have proven effective if Smith had used his influence in the community.

No evidence exists to indicate that the recommendation was ever acted upon, but just three weeks later, on April 15, 1963, President Smith met with Reverend Royce MacDonald from the Huntington Human Rights Commission, Howard McKinney, head of the West Virginia Human Rights Commission, a Dr. Walker, and Deans Lillian Buskirk and John Shay, concerning discrimination in Huntington.²³ Two days later Smith released the following statement on discrimination:

Continuing racial discrimination in several public places in Huntington, affecting some of our students, including foreign students, has caused embarrassment to these students, to the University and to the city of Huntington.

Marshall University took the initiative in the elimination of discriminatory practices before the Supreme Court decision in 1954 and has been a leader in promoting the same throughout Huntington. Our University continually endeavors to bring about mutual understanding and respect among all racial, religious and ethnic groups represented in its student body and faculty.

The primary reason why racial discrimination in America must ultimately be ended is because it is fundamentally wrong. Racial discrimination contradicts and violates the essentials of democracy. The principles of American Democracy which provide for equality of opportunity and which are taught throughout our systems of public and private education will have little meaning or significance if they are not practiced by an educated citizenry.

The people of Huntington are to be commended for the progress toward providing equal dignity and opportunity to the Negro in the past ten years than was achieved in the preceding ninety years.

While we are strongly opposed to all forms of coercion or public demonstrations, we pledge our assistance to the State and Huntington Human Rights Commissions in their efforts to end discriminatory practices through discussions and through every other available fair and ethical means.²⁴

Through this document, a clear picture of Smith's position emerged. He rejected the concept of racial discrimination and noted the ill effect the practice had on MU and the Huntington community. Nevertheless, President Smith diluted his principles when he commended Huntington's citizenry and reaffirmed his support for the organizations set up by the white power structure to deal with race problems. In no way did President Smith support the actions and position of the CIP, hence the wording "...strongly opposed to all forms of coercion or public demonstrations." In short, President Smith was ready to talk about civil rights, but little more. He certainly was not going to have Marshall University lead the fight for civil rights and racial justice. By April 1963 the CIP activists had come to realize this, and begun to take the initiative themselves. As Phil Carter foreshadowed in a statement at a forum on integration in 1962, "the storm is coming...we can face it together, or we can face it separately."²⁵ In 1963, the CIP activists stood alone for the cause of civil rights in Huntington, West Virginia; they brought the "storm" to Huntington and later to Marshall University.

Chapter II Notes

¹This phrase is from Bruce Moody, "Negro Student Looks at Discrimination," The Parthenon, 11 May 1962, p. 5.

²The CIP formed initially to combat discrimination in Huntington. Evidence can be found in "Discrimination Fight Readied," The Parthenon, 8 March 1963, p. 1.

³Nancy Potter Mathews, "A Study in Nondecision: The Human Rights Commission in Huntington," M.A. thesis, Marshall University, 1976, p. 28.

⁴Tom Foster, "NAACP Fund Rally Hears Attny. Moore," Herald Dispatch, 15 July 1963, p. 9.

⁵Ibid.

⁶"Two Sit-Ins Staged at Local Restaurant," Herald Dispatch, 4 August 1963, p. 4.

⁷Interview with Philip W. Carter, 11 March 1986.

⁸Ibid.; Interview with Marion T. "Bunche" Gray, 5 April 1986, tapes 1 and 2.

⁹Moody, p. 5.

¹⁰Ibid.

¹¹Ibid.

¹²This is the theme of Matthew's thesis, "A Study in Nondecision: The Human Rights Commission in Huntington," and can be found throughout her work.

¹³Interview with Philip W. Carter, 7 April 1986; Interview with Charles Aurand, 18 March 1986.

¹⁴The figures come from Carter Zerbe, "An Analysis of Negro Political Behavior in Junction City," M.A. thesis, Marshall University, 1967, p. 65; Phil Carter revealed similar perceptions in a 7 April 1986 interview. See maps at the end of this chapter for a sense of the black population in West Virginia and Cabell County (essentially Huntington's black population). The maps are from pp. 23 and 24 of the First Annual Report of the West Virginia Human Rights Commission, 1961-1962.

¹⁵Joseph Autumn Slash, "Factors Affecting the Enrollments at Douglass High School From 1932-1951," M.A. thesis, Marshall College [University], 1952, p. 34.

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¹⁵Joseph Autumn Slash, "Factors Affecting the Enrollments at Douglass High School From 1932-1951," M.A. thesis, Marshall College [University], 1952, p. 34.

¹⁶Aurand, 18 March 1986.

¹⁷Ibid.; "Bunche" Gray, 5 April 1986, tape 1.

¹⁸Interview with "Bunche" Gray, 12 April 1986, tape 2.

¹⁹Moody, p. 5.

²⁰Charles Hill Moffat, Marshall University: An Institution Comes of Age, 1837-1980 (Huntington, West Virginia: Marshall University Alumni Association, 1981), p. 195; Carter, 7 April 1986.

²¹Carter, 7 April 1986.

²²Donald Wagner, "Study Group Reports Racial Discrimination," The Parthenon, 27 March 1963, p. 1.

²³President Stewart H. Smith to Phil Carter, 17 April 1963, Smith Papers, Morrow Library, Marshall University. This letter is further evidence that President Smith recognized one of the true leaders in the CIP to be Phil Carter.

²⁴Smith Papers, "Anti-Discrimination Statement," 15 April 1963.

²⁵Jim Casto, "'Integration 1962' Topic of Forum; Reasons for Prejudice Discussed," The Parthenon, 17 October 1962, p. 1.

Chapter III

The Storm Comes to Huntington

Armed with the cause of civil rights, the need for change, and a philosophy of confrontation, the CIP attacked racial discrimination in Huntington, West Virginia. Phil Carter recalled, "we challenged people to do something. We challenged the Huntington people and the Huntington students to do something for themselves."¹ This statement suggests that most of the CIP activists were from someplace other than Huntington. Only a few courageous local souls braved the wrath of the Huntington community, and only one of the original eight on the executive committee, Mary T. Hall, was from Huntington. Throughout the life of the organization, few Huntington residents became members of the CIP.²

Carter's usage of the word "challenged" refers to the "conflict utilization theory" which Carter and the CIP adhered to as a tactic as well as a philosophy. As Carter further elaborated:

We usually would go into an establishment, and try and find out if they would serve us. Usually you could just assume that ninety-nine percent of the time you were not going to be served. And it was because no one had ever been in there before and asked to be served....Each time you did that you really didn't know what the reaction would be. You really didn't know when someone would get up and knock the Hell out of you or pull a gun on you or try to cut you or lock the establishment up or call the police on you or call up the local Big Green member...and say 'take this black guy's scholarship.'³

Conflict utilization required that CIP members face up to conflict rather than inconvenience themselves by going out

of their way to patronize establishments where they were sure to be welcomed. Conflict utilization also meant taking advantage of an existing racial conflict to expose local racial discrimination and demand its end. Consequently, a lot of quiet integration took place in Huntington. Individual black CIP members would enter establishments and ask for service. This would force the owners of the establishments to act, by either serving the black student(s) or clinging to tradition. Many owners opted to serve the black students rather than have any trouble with protest demonstrations.⁴

Some CIP protests grew out of such deliberate testing actions by blacks. Others resulted from reports by white students who had over-heard white business owners bragging fearlessly about not serving blacks. However, many of the original CIP activists got their first taste of protesting racial discrimination in the Spring of 1962 as their graduation present to Bruce Moody, a black basketball player at Marshall University. They sought to avenge the discriminatory treatment he had received at the Palace Theater. After getting no satisfaction from the Palace Theater management, Moody and several of his black friends at Marshall planned to picket the establishment. On the evening before the initial demonstration at the Palace Theater, the would-be pickets met at the home of Bunche and Conklin Gray to make signs. The next morning, Easter

Sunday, the picketing began. Easter Sunday had been selected by the demonstrators because of the apt religious symbolism surrounding the Christian belief in Christ's resurrection from the tomb on Easter.⁵

Yet, even before the demonstration, apprehension mounted in the black Huntington community. Mrs. Memphis T. Garrison, a member of the National Association for the Advancement of Colored People (NAACP) and later a member of the West Virginia Human Rights Commission (WVHRC) and recipient of an honorary doctorate in 1970 from Marshall University,⁶ expressed concern about the CIP activists' plan to protest at the Palace Theater. Gray remembered relating to Garrison in no uncertain words, "I'm getting damn sick and tired of hearing your mouth. And I'll see you in Hell, honey." On Easter morning Garrison called Gray and asked where the students were. After hearing the student demonstrators were in front of the Palace Theater as planned, Garrison said, "Thank God."⁷ Garrison represented the "old guard" of black activists in Huntington and the apprehension this group felt about upsetting the status quo had prompted the first phone call. By Easter morning, however, she reportedly had overcome her fears and acknowledged the necessity of the action. After less than two weeks of picketing, the Palace theater management agreed to discontinue discriminatory practices.⁸

Within a year, many of the pickets at the Palace Theater had joined the CIP, and together they spearheaded the deliberate planning and execution of the initial CIP-led demonstrations in Huntington. The CIP's first target was Bailey's Cafeteria, one of Huntington's most respected establishments. The idea of protesting Bailey's policy of not serving black customers originated from a white CIP member because Bailey's was a popular restaurant in Huntington that catered to middle class and professional whites. Consequently, many important people ate at Bailey's. In a sense, a blow against Bailey's symbolized a blow against Huntington's white power structure.⁹

Yet, before engaging in a direct non-violent demonstration, the CIP followed its method of operation and tried to persuade Bailey's to serve blacks. The CIP conferred with the Huntington Human Rights Commission about Bailey's policy of not serving blacks, but garnered no satisfaction or support from this "proper channel."¹⁰ Next, two black students and one white student conversed with Bailey's Cafeteria co-owner and manager Floyd E. Walker about integrating the cafeteria. Walker told the students he would not change the policy of not serving blacks because he feared the cafeteria would lose considerable revenue from the white clientele who regularly patronized the establishment. He further noted that Bailey's had served blacks, specifically those on athletic teams, in the past

but only after the cafeteria had closed to the general public. Walker knew his answer did not satisfy the students and later admitted he suspected that a demonstration would occur at Bailey's, but he could not have guessed the form the protest took.¹¹

On Thursday, April 25, 1963, between five and six p.m., ten Marshall University students, five white and five black, staged a "share-in" at Bailey's Cafeteria. Tom Stafford, a CIP member, created the "share-in" concept to perpetuate a "new social reality" based on racial equality and the ideals of justice, brotherhood and love.¹² However, the share-in concept, as related by Phil Carter, proved to be an innovative and effective tactic as well:

We would try to find creative ways of not breaking the law. And, we went through this rationalization that one way not to break the law was to have white students go into these restaurants, purchase the food, and since the law said or the managers kept telling us 'we don't serve you, and we don't serve them, or the law doesn't allow us to serve you,' then we said it wouldn't make any difference if the whites then would share their food since we wouldn't have to buy it. It wouldn't be a big problem to anyone. And there'd be whites sitting there who would share their food with us.¹³

The share-in tactic was deliberately plotted by the CIP to force Bailey's to let blacks eat within the restaurant. The five white students, Aubrey King, Tom Stafford, William "Chip" Caldwell, Robert Woken and an unidentified female student, entered the restaurant, ordered food and sat down

at a table. Afterwards the five black Marshall students, Phil Carter, Gus Cleckley, George Hicks, Willie Tucker, and Pat Austin, filed into Bailey's serving line. When the management refused to serve the black students, the white students offered to share their food and table with their black friends. No incidents took place but Walker had each demonstrator photographed as a record.¹⁴

Though limited, the share-in was a successful protest tactic because the restaurants had great difficulty combating it. The management had no idea which white students would buy food and share it with black students, and the restaurants had to serve all white Marshall students or suffer devastating economic losses. Yet, the share-in depended upon access to the establishment. For example, the CIP organized another successful "share-in" at Bailey's on the following Tuesday, April 30, 1963, but when the demonstrators arrived at Bailey's the next evening, Walker put a stop to the share-ins. Two men stood at the door and restricted entrance into the establishment to white customers. The CIP responded by picketing and this became the sole form of demonstration available to them once blacks could not enter the cafeteria. Even so, the CIP's picketing further exposed the restaurant's segregationist policy and compounded the publicity and embarrassment of the management.¹⁵

The Bailey's episode mushroomed to such a degree that Howard W. McKinney, Executive Director of the West Virginia Human Rights Commission (WVHRC), summarized Bailey's refusal to serve blacks as "giving the whole state a kind of bad reputation."¹⁶ McKinney attempted to meet with Walker on Wednesday, May 1, 1963 to discuss Bailey's policy of not serving blacks, but he was unsuccessful in getting a meeting. The WVHRC could not very well function to relieve racial tensions and promote racial justice if one side refused to negotiate. Thus rendered ineffectual, McKinney and the WVHRC could not see any alternative and endorsed the CIP demonstrations in a statement declaring, "we may logically expect that Negroes in West Virginia will protest with every means at their command when our efforts and those of local human rights commissions bear no evidence of fruitful negotiations."¹⁷

After their refusal to discuss the matter with McKinney led to more picketing by the CIP, Floyd Walker and Sadie B. Bailey, co-owners of Bailey's Cafeteria, sought an injunction against the CIP and individual protesters to "forbid mass or obstructive picketing, any unlawful act to prevent the petitioners from conducting their business, or blocking of the cafeteria entrance or exit."¹⁸ Bailey hoped to have the number of pickets limited, if not completely forbidden. Essentially, Walker and Bailey wanted the court system to uphold their right not to serve blacks by

outlawing the highly visible and embarrassing CIP-led demonstrators. The WVHRC termed the petition for an injunction "a step backward in race relations," and the CIP just kept right on picketing.¹⁹

At 10 a.m. on Saturday, May 4, 1963, eleven summoned students appeared before Circuit Court Judge John W. Hereford and a capacity filled courtroom concerning Walker and Bailey's injunction request. Attorney Herbert H. Henderson represented the students while Bliss T. Charles presented Bailey's case. When Henderson moved for additional time to prepare the defendants' case, Judge Hereford granted a one week postponement. However, Judge Hereford made it clear that justice would be served regardless of race. This, in itself, was a victory for the student defendants, particularly considering the closed legal channels in the South.²⁰

Even more encouraging to the civil rights activists was the choice of words used by Judge Hereford to Bailey's counsel:

I can't tell what they [the student defendants] are doing that they shouldn't be doing. I can't tell why, from this petition, that the plaintiffs, Bailey's refuse to serve them. There is nothing in this petition that indicates to me why Bailey's doesn't serve these people. And I would like to know that. Why they picked this particular group out and refused to give them service.²¹

Attorney Charles insisted that the petition had nothing to do with segregation practices when he replied to Judge

Hereford's query saying that Bailey's "reserved the right to serve who they choose...as a private operator of private property."²² Charles' answer did not appease Judge Hereford who responded:

Apparently this is the first time I have heard of them exercising their choice. However, I would like to drop this thought and it might be helpful to both sides. That if this is a problem of Bailey's refusing to serve Negroes--and I have a suspicion that that is what it is--and if they refuse to serve Negroes...because it is a private business, say they do have the right, which in my way of thinking, is violating the spirit--maybe not the letter--but the spirit of the Supreme Court decisions of the United States and the Constitution of the United States.²³

Judge Hereford denounced Bailey's racial discrimination and said that although Bailey's as a private business could legally practice segregation whereas the federal government could not, it could not expect the courts to aid the restaurant in its discriminatory practices. He also noted that picketing, if it did not obstruct the free flow of the sidewalks, was perfectly legal and a matter for the police when the law was violated. Judge Hereford then suggested that the one week postponement, besides giving the defendants adequate time to respond, would also give Bailey's an opportunity to reconsider the petition for an injunction and at least to provide ample time to amend the petition so that it proved the law or somebody's rights had been or were being violated. Before adjourning, Judge Hereford stipulated that there was to be no violence from

either party. As Judge Hereford had alluded earlier in the hearing to Henderson, violence on the part of the pickets would have forced him to grant the injunction. So, it appears the non-violent demonstration by the CIP proved to be a practical method of resistance in Huntington.²⁴

Certainly, the CIP's actions and Judge Hereford's ringing words stirred a variety of responses in Huntington. The CIP resumed its picketing of Bailey's. The WVHRC had already spoken in favor of the CIP's demonstrations. One writer concluded that the CIP's confrontation with Bailey's sparked an outpouring of "symbolic" support for the CIP from formerly passive entities. On Friday, May 10, 1964, the Huntington City Council went on record as supporting civil rights and racial equality by officially declaring "that all public or semi-public facilities be open to all persons without regard to race, color, or creed," and vowing to work toward this end.²⁵

Four days earlier the Huntington ministerial Association (HMA) had adopted a similar but more specific position:

...the Ministerial Association of Huntington and vicinity deplores the attitude of Bailey's Restaurant in denying equal service to certain citizens of our community because of their race, and the Association urges that the restaurant management reconsider and change its policy in the light of the Judeo-Christian understanding of love for our neighbor.²⁶

The HMA also went on record supporting the right of the CIP to picket.

Conversely, the Human Rights Commission (HRC) of Huntington never really approved of the CIP's actions. Huntington's HRC took the position that the CIP demonstrations made its job harder. Members of Huntington's HRC had spoken with Floyd Walker before, during, and after the CIP's demonstrations, and they much preferred to continue with negotiations to resolve the conflict. However, the HRC did not totally condemn the CIP's direct action tactics. In a May 10, 1963, statement the HRC recognized "the right of groups and individuals to picket and use other non-violent methods of protesting various forms of discrimination such as refusal to serve Negroes in public accommodations."²⁷ Nevertheless, the Huntington HRC remained committed to being a conciliatory body, ready to moderate negotiations for a settlement.

These aforementioned bodies all had different motivations and varying perceptions, but they all affirmed the CIP's right to demonstrate peacefully and expressed support for civil rights. Not all Huntingtonians, however, shared these sentiments. At a City Council meeting, Chauncey R. Crabtree, a long-time patron of Bailey's, spoke in favor of the cafeteria's policy of not serving blacks because he did not believe the races should mix.²⁸ At one time Tom Stafford shared Crabtree's conviction, but the

former Young Republican had a change of heart concerning civil rights and became an ardent CIP activist. This served to heighten Stafford's awareness of the discrimination and racist attitudes prevailing in Huntington. During the protest against Bailey's, Stafford had his dedication tested as Bunche Gray related:

I understand that where he was picketing in front of the Bailey's Cafeteria, an old white man walked up to him and said, 'Boy, your father would turn over in his grave if he knew that you were doing this.' Then he backed Tom against one of the walls of Bailey's Cafeteria...and they said Tom said, "Yes sir, Yes sir." He didn't say a word and he just listened to that man berate him for doing that, and he kept demonstrating. And you know, I couldn't help but appreciate the fact that even though the elderly person was telling him that he was doing something completely against his father's²⁹wishes...he believed in us [enough] to continue.

This anecdote reveals not only Stafford's dedication and courage in working with the CIP, but it also shows the degree of bigotry and opposition that confronted the CIP activists, particularly if the activist was from Huntington, as Stafford was.

As a result of the CIP's actions, a variety of responses emerged before the legal showdown on the issue. Essentially though, the responses can be categorized as either sympathetic support (usually non-active), pro-racial segregation, and the ever present but incalculable "quiet, apathetic majority." Many people quite simply did not want to hear about racial discrimination. That is probably why

the Huntington Advertiser gave the Bailey's protests no coverage and minimal treatment of the legal proceedings, and why the general public was basically quiet on the issue.³⁰ Huntington had a conservative tradition that easily could have left most of its citizens with racist attitudes and secretly opposed to the CIP's actions. Yet, Huntington never fully admitted to having a race problem, and Huntingtonians seemingly tried to bury their collective heads and ignore the problem by rationalizing that while racial discrimination occurred elsewhere, it did not exist in Huntington. Herbert Henderson's perception supports this analysis:

It's difficult to describe how the white community felt about the protests in Huntington, but my perception was that the pickets were an embarrassment and if everyone ignored them, they would just go away.³¹

The legal proceedings, however, could not be ignored.

By Wednesday, May 8, 1964, attorney Bliss L. Charles had filed an amended petition for an injunction against the CIP. The amended petition alleged that the CIP had intimidated and harassed the management and patrons of Bailey's Cafeteria since April 25, 1963. The CIP's actions had supposedly blocked the cafeteria's entrance and exit so customers had to push bodily through the pickets. Also, many customers feared crossing the picket lines to patronize the establishment. Consequently, Bailey's lost potential revenue and had to dispose of unused food bought to serve

the regular number of customers. As a result, Bailey's business had been harmed by the CIP's "massive and disorderly" picketing and the cafeteria owners requested that the Court affirm their right to operate a private business and to be able to serve the customers of their choice. The amended petition asked the court to prohibit picketing unless performed in an orderly fashion and to stop the CIP from interfering with the plaintiffs and the conduct of business.³²

On the following day, attorney Herbert Henderson filed a motion for dismissal which listed the five following reasons:

1. The complaint and affidavits fail to state a claim against the defendants upon which relief can be granted.
2. It appears on the face of the complaint that the plaintiffs have full, complete and adequate remedies at law in that a civil action will be for recovery of any damages sustained.
3. The plaintiffs allege the commission of certain crimes for which a warrant could be obtained and the court cannot enjoin the commission of a crime.
4. Plaintiff's cafeteria is licensed by the state and their [the state's] authority to license a business for the public use is derived from the public and the Negro is a part of the public as well as whites.
5. This court lacks jurisdiction in that the state cannot through its judiciary enforce so-called private discrimination in violation of the state and federal constitutions.³³

The last two points in the dismissal motion were the heart of Henderson's case. Point number five hinged on a broad interpretation of the Fourteenth Amendment and was central to the civil rights issue nationally. People like Governor George Wallace of Alabama argued that the United States Constitution did not specifically require that blacks be given civil rights. He took the position that states and certainly all private concerns such as businesses could legally practice segregation. The Civil Rights Act of 1964 later resolved this issue but for the time being Judge Hereford had to make his own decision.³⁴

Saturday, May 11, 1963, was the day of reckoning for Bailey's petition for an injunction. The hearing began at 10 a.m. with Henderson's motion for dismissal the first order of business. Judge Hereford denied Henderson's motion and five hours of testimony and the cross examination of thirteen witnesses ensued. During the testimony, Henderson questioned a Bailey's official about the cafeteria's policy on serving blacks. Henderson recalled that "he was proud to say the cafeteria had never knowingly served a black. And he said it with such pride and determination I'll never forget it."³⁵ Floyd Walker stated during the hearing that the cafeteria's "white only" policy had been in effect since 1934 for the purpose of protecting business. In essence, Walker and his attorney, Charles, tried to show that Bailey's had been selective of its customers for quite some

time. This was the argument supporting Bailey's right, as a private business, not to serve blacks.³⁶

For the rest of the hearing, Charles attempted to demonstrate that the presence of the pickets disrupted the normal operation of business and created tensions and the potential for violence. As proof, Charles called all thirteen witnesses. Walker testified that on April 30, 1963, black and white students entered Bailey's and blocked the serving lines. He, and later a police officer, asked the students to leave. When they refused, Walker claimed he had to close the cafeteria early and lost forty percent of its business, or about \$350. In another example, Walker told of an incident on May 1, 1963, when he stationed two male employees at the door to keep out the student demonstrators and "two of the students tried to 'body-press their way through.'"³⁷ Also, a white customer had to squeeze through the demonstrators on that evening to get into the cafeteria. Of the other twelve witnesses called by Charles, all concurred that no violence occurred at any time during the demonstrations but many of them had been fearful of potential violence. One witness called the tension packed atmosphere at Bailey's an "explosive situation."³⁸

In defense, Henderson countered by arguing that Bailey's closed on April 30, 1963, because of its policy, not due to the actions of the student demonstrators. Henderson's defense hinged upon points four and five in his

motion for dismissal. He contended that the State of West Virginia could not license an establishment with a public interest such as Bailey's Cafeteria and uphold the exclusion of part of the public. Furthermore, Henderson declared in his defense statement, "when the state seeks to enforce so-called private discrimination, such discrimination becomes state action and comes under the scope of the 14th Amendment...."³⁹

By 4 p.m. the decision had been made. Judge Hereford denied Bailey's injunction request on the grounds that neither property damage nor violence existed as a basis for an injunction. In addition, Judge Hereford noted that peaceful picketing was the legal right of all citizens. The defendants, however, received a warning to keep their quest for civil rights peaceful. As Judge Hereford commented, "we don't live in Birmingham, Alabama."⁴⁰ Nevertheless, Judge Hereford did support the concept of civil rights and the need for justice for all people, stating:

The cafeteria has been my favorite eating place for years, but if it is a good place for me to eat it also is a good place for Negroes to eat.

This is the Centennial year and we are observing the beginning of a state born in the heat of the Civil War. A racial situation like this is not conducive to a good reputation for Huntington or West Virginia."⁴¹

Judge Hereford acknowledged that Bailey's petition for an injunction was the hardest case he had had to judge in his twenty-three years on the bench. Yet, if he had doubt

as to the wisdom of his decision, the United States Supreme Court soon eased his mind. On May 21, 1963, the Supreme Court ruled on seven cases involving sit-in demonstrators and determined that "a state or city may not interfere, in any fashion, with peaceful racial integration sit-in demonstrations in public places of business."⁴² This decision struck down laws and ordinances forbidding peaceful sit-in demonstrations and prohibited state and municipal officials from taking actions or making statements which encouraged establishments not to serve blacks. Though stemming from the 1960 lunch counter sit-ins, the Supreme Court decision had relevance in Huntington in 1963. Judge Hereford's decision now had the backing of the United States Supreme Court. So long as the demonstrations remained peaceful, Bailey's and other Huntington establishments had no legal recourse. Help in defending the segregationist policies of private businesses was not forthcoming from municipal or state government or from the courts. Proprietors could still technically refuse to serve blacks on their own, but as a dissenting Supreme Court Justice declared, it "has certainly become a greatly diluted right, if it has not indeed, been totally destroyed."⁴³ This Supreme Court decision reinforced the CIP's legal victory in the Bailey's case.

In Huntington, thereafter, every establishment could legally be peacefully protested by the CIP or any other

groups or individuals for not catering to blacks. Civil rights and integration efforts in Huntington had been given a boost. As for Bailey's, integration loomed as inevitable. Sincere negotiations between several Huntington ministers, Huntington's HRC, the CIP and Bailey's management took place after Judge Hereford's ruling. In less than a week the concerned parties reached an agreement for a quiet, gradual integration of Bailey's Cafeteria. In the first phase, Reverend Royce McDonald, a representative on Huntington's HRC, accompanied Reverend Charles Smith into Bailey's for the first meal to be eaten in the cafeteria by a black person under integrated circumstances. The second phase called for a two week period of serving a small number of black customers. After the two week period any and all blacks wanting to patronize the restaurant could do so.⁴⁴

Through this plan, Bailey's began serving black and white customers together. However, as Carter related, the CIP resented having black and white community leaders take over negotiations, declare victory, and essentially tell the CIP to go away:

...well, we've used these students enough, they've done enough. Now you all retire and let us sophisticated folks take over and negotiate all of this because you don't understand a damn thing [about] power. That was very painful and all of us [CIP activists] resented it. And it was deliberate and it was calculated to bring in what we considered as 'a new black middle class' that was a responsible middle class that was really created as a direct result of the pain and the risks the students took. And certain students

were included in that new class and there were certain students who were excluded.⁴⁵

Carter was not a part of the "new black middle class."

In any case, the struggle to integrate Bailey's was a complete victory for the CIP, but the black CIP activists did not feel victorious. Carter explained that "most of the time we kept our true opinions to ourselves because we were afraid it would really frighten other people if they really knew how much we detested what was going on. And very, very candidly detested the fact that we had to do it!"⁴⁶ Nevertheless, the CIP had to push for civil rights. The need existed and the time had come.

The direct non-violent tactics of the CIP had worked beautifully and seemed to be the key to unlocking Huntington's segregated establishments. Many CIP activists, including Mary T. Hall, believed that only direct action tactics would lead to success:

In the 20 years that I have lived in Huntington, I have found negotiation to be, in the majority of cases, of little value. It is my opinion that a demonstration would be more effective in breaking discriminatory practices⁴⁷ by certain establishments in the Huntington area.

The CIP had done just that, and proved Hall correct in her assessment. By forcing the management of Bailey's Cafeteria to deal with the issue of civil rights, integration successfully resulted. Even Reverend Royce McDonald later acknowledged that only the pressure exerted by the CIP forced Bailey's to integrate. The CIP activists had been

the galvanizing force to bring about positive change; they had brought the civil rights storm to Huntington. However, the resistance to integration had just begun.⁴⁸

Chapter III Notes

¹Interview with Philip W. Carter, 7 April 1986.

²"Discrimination Fight Readied," The Parthenon, 8 March 1963, p. 1. All known names of CIP activists from Huntington have been previously mentioned.

³Carter, 7 April 1986.

⁴Ibid.

⁵Interview with Marion T. "Bunche" Gray, 5 April 1986, tape 1; Interview with Philip W. Carter, 10 July 1986, tape 1.

⁶Chief Justice, 1970, p. 74; and Charles Hill Moffat, Marshall University: An Institution Comes of Age (Huntington, West Virginia: Marshall University Alumni Association, 1981), p. 214.

⁷Bunche Gray, 5 April 1986, tape 1; Charles Bowen, "'Oh, If These Walls Could Talk,'" The Herald Dispatch, 28 August 1983, p. F1.

⁸Interview with Michael Gray, 18 April 1986, tape 1; Bunche Gray, 5 April 1986, tape 1; Carter, 10 July 1986, tape 1.

⁹Carter, 7 April 1986. In this interview, Carter thought that the idea of picketing Bailey's could possibly have come from Tom Stafford.

¹⁰Nancy Potter Matthews, "A Study in Nondecision: The Human Rights Commission in Huntington" (M.A. Thesis, Marshall University, 1971). Matthews dealt with Bailey's to some degree but only as related to the Huntington Human Rights Commission; consequently, this treatment substantiately differs from her work. Where her material and analysis has been used or is significantly similiar, notation to the effect will be used.

¹¹"Marshall Students In 'Share-In' at Cafeteria," The Herald Dispatch, 26 April 1963, p. 13.

¹²William Calderwood, "10 Students Stage 'Share-In,'" The Parthenon, 1 May 1963, p. 6.

¹³Carter, 7 April 1986.

¹⁴Calderwood, "10 Students Stage 'Share-In,'" p. 6; "Marshall Students In 'Share-In' at Cafeteria," p. 13. The names of the students who participated in the share-in came

from the Calderwood article. The latter article from the The Herald Dispatch only listed two black MU basketball players, Carter and Tucker. This casts some doubt on the participation of George Hicks, a black MU basketball player. However, the oversight of Hicks could be attributed to his non-varsity status.

¹⁵"Bailey's to Go to Court Over Pickets," The Herald Dispatch, 2 May 1963, p. 13.

¹⁶Ibid.

¹⁷"Petition By Cafeteria Before Hereford Today," The Herald Dispatch, 4 May 1963, p. 11.

¹⁸"Injunction Hearing Set Today," Huntington Advertiser, 4 May 1963, p. 5; and can also be found in "Cafeteria Injunction Hearing Set Saturday," The Herald Dispatch, 3 May 1963, p. 1.

¹⁹"Petition By Cafeteria Before Hereford Today," p. 11; other information from "Bailey's to Go to Court Over Pickets," p. 13.

²⁰Bob Adams, "Judge Grants Delay in Picketing Hearing," The Herald Advertiser, 5 May 1963, p. 1. Originally, twelve students had been given subpoenas, but Bobby Holmes had been determined not to be a party to the picketing. The eleven student defendants were: Phil Carter, Pat Austin, Willie Tucker, Gustavus Cleckley, Tom Stafford, William Caldwell, Jr., Leslie Huddleston, Valerie Morris, Robert Woken, Robert A. Carlton and Aubrey King. Though most of the students belonged to the CIP, all did not. For example, Aubrey King and Gus Cleckley never joined the CIP. This is contrary to the information presented in The Parthenon article, "10 Students Stage 'Share-In,'" but was corrected in a 8 May 1963 The Parthenon article, "Injunction Hearing Saturday; 11 Students Due to Appear," p. 8. Eight and possibly nine of the summoned students participated in the initial share-in; either Huddleston or Morris probably was the unidentified female. Since George Hicks' name is missing, the CIP, at least, got help on the picket line from Robert A. Carlton and either Huddleston or Morris and as well as from citizens like Charles Aurand who has stated in an 18 March 1986 interview that he and other members of the community sporadically participated in the picketing.

²¹"Judge Raps Segregation Practices," The Parthenon, 10 May 1963, p. 3.

²²Ibid

²³Ibid.

²⁴Ibid.; Adams, "Judge Grants Delay in Picketing Hearing," p. 1.

²⁵Adams, "Judge Grants Delay in Picketing," p. 1; Bill Wild, "Council Reaffirms Its Policy Opposing Bias," The Herald Dispatch, 11 May 1963, p. 1; Matthews, p. 33.

²⁶"Ministers, City Rights Body List Positions," The Herald Advertiser, 12 May 1963, pp. 1, 4.

²⁷Ibid., p. 1.

²⁸Wild, "Council Reaffirms Its Policy Opposing Bias," p. 1.

²⁹Interview with Marion T. "Bunche" Gray, 5 April 1986, tape 1.

³⁰Wild, "Council Reaffirms Its Policy Opposing Bias," p. 1; Huntington Advertiser, April 25 to May 1, 1963.

³¹Dave Peyton, "'I Think I Would Have Died for the Cause Back Then,'" The Herald Dispatch, 28 August 1983, p. Fl.

³²"Petition for Injunction Is Amended," The Herald Dispatch, 9 May 1963, p. 11.

³³"Hearing Under Way in Picketing Case," The Herald Dispatch, 11 May 1963, pp. 1, 4.

³⁴Theodore H. White, The Making of the President 1968 (New York: Pocket Books, 1970), pp. 427-428. White candidly termed Wallace a "racist" and an avowed "segregationist." Concerning states' and individuals' rights to practice segregation, White wrote: "If George Wallace hates anything, ...it is the Federal government of the United States and its 'pointy-head' advisers...who try to upset the natural relation of races and force Negroes and whites to live together in unnatural mixing." (p. 428).

³⁵Peyton, "'I Think I Would Have Died for the Cause Back Then,'" p. Fl.

³⁶Bob Adams, "Judge Refuses Plea to Curtail Picketing Activity," The Herald Advertiser, 12 May 1963, p. 4.

³⁷Ibid.

³⁸Ibid.

³⁹"Hearing Under Way In Picketing Case," p. 4.

⁴⁰Adams, "Judge Refuses Plea to Curtail Picket Activity," p. 1. During May 1963 Martin Luther King, Jr. led massive demonstrations in Birmingham and local white citizens and police responded with violence, including fire hoses and police dogs.

⁴¹Ibid., pp. 1,4.

⁴²"High Court Bars State From Acting in Sit-Ins," The Herald Dispatch, 21 May 1963, p. 1.

⁴³Ibid.

⁴⁴"Civic Interest Unit Gains Goal After Negotiating With Bailey's," The Parthenon, 22 May 1963, p. 3; "Cafeteria and Interracial Group Work Out Agreement," The Herald Dispatch, 18 May 1963, p. 1; Matthews, p. 35.

⁴⁵Carter, 7 April 1986.

⁴⁶Ibid.

⁴⁷Mike Bell, "Campus Inquirer," The Parthenon, 1 May 1963, p. 6.

⁴⁸Matthews, p. 36.

Chapter IV

Bigoted Resistance

Racial discrimination in Huntington had been dealt a crippling blow with the integration of Bailey's Cafeteria, but bigotry had not been swept away. Racism soon reared its ugly head once again in the person of Roba Quesenberry, owner of the White Pantry Restaurant. Because of his actions to resist the CIP's integration efforts, the White Pantry came to symbolize bigotry in Huntington. The issues of racial discrimination and civil rights had just begun to subside after the integration of Bailey's when the CIP stirred them anew.

The controversy surrounding the White Pantry began during an interracial dance. In 1963, interracial dances represented the latest attempts at social integration. Many of the interracial dances in Huntington were held at a dance hall in the nine hundred block of Fifth Avenue, near the White Pantry Restaurant. One night early in the summer at such a dance with the Parliaments, an all black band, playing live music, a young black woman who was hot and thirsty, walked down from the dance hall to the White Pantry. Though she was willing to pay and abide by whatever restrictions the White Pantry had on serving blacks, the restaurant promptly denied this young woman a cold drink. Her resultant frustration and humiliation spread throughout the black community like wildfire.¹

The White Pantry had been marked as a practitioner of discrimination by the CIP's March 1963 discrimination study reported to MU's student government. Nothing had changed at the White Pantry since then despite the CIP's successful integration of Bailey's. Now the White Pantry openly refused to serve blacks, and the CIP could not, and did not, ignore this slap in the face.

On July 13, 1963, the CIP struck at the White Pantry with a share-in demonstration. Direct evidence of what happened at this first demonstration does not exist. However, Phil Carter mentioned this first encounter at the White Pantry in his testimony at a September 1963 hearing of Quesenberry's petition for an injunction. Carter recounted that twenty-five CIP-led demonstrators entered the restaurant and sat down to be served. The waitresses informed the black demonstrators they would not be served and proceeded to take orders from the ten to twelve white demonstrators present. After the white demonstrators got their food, they invited their black counterparts to share in the meal. This action by the demonstrators was not tolerated. Carter later testified that one employee "began picking up every dish a Negro touched and slamming it to the floor and breaking it."² After watching this display, the share-in participants quietly exited the restaurant.

News of the CIP's encounter with the White Pantry spread across the state, and students from other West

Virginia colleges, particularly from the predominately black West Virginia State College, approached the CIP about joining in the demonstrations or helping in other ways. Eventually, Concord, Bluefield and West Virginia State Colleges all had a substantial number of student activists claiming membership in the CIP, and many of these student activists, particularly from West Virginia State College, often participated in CIP demonstrations at the White Pantry. As a result, the CIP received a great deal of support from college students.³

The West Virginia State connection became more evident in the second protest of the White Pantry. On July 27, 1963, the CIP-led student demonstrators from MU and West Virginia State College met determined resistance. When the protestors entered the White Pantry to begin a sit-in, Quesenberry had the employees begin mopping with an ammonia cleaning solution. Next, an insecticide was set off within the restaurant and the air conditioning was turned off and the heating system turned on. The demonstrators withstood about one hour under these conditions by placing water-soaked handkerchiefs, handed to them from picketing compatriots outside the restaurant, over their faces. Quesenberry closed the White Pantry and forced the demonstrators to leave. Later that day the 24 hour restaurant reopened.⁴

Unlike Bailey's Cafeteria, the White Pantry under Quesenberry ignored the unfavorable publicity and pressure exerted by the CIP and fellow demonstrators from West Virginia State College, the Huntington chapter of the NAACP and sympathetic citizens.⁵ Verbal and physical abuse characterized Quesenberry's early and future resistance to the CIP's integration efforts. Both sides were ready and willing to carry out a determined and prolonged struggle.

A third day of sit-in demonstrations at White Pantry took place on Saturday August 3, 1963. Between 1:30 p.m. and 2:30 p.m., twenty-three black and two white students staged a sit-in inside the restaurant with a line of pickets outside. Typically, Quesenberry turned off the air conditioning, turned on the heating system and burned sulphur and insecticide cakes. The demonstrators used surgical masks but the fumes still effected them. This demonstration marked the first evidence of personal violence against the activists. As a black female demonstrator attempted to enter the White Pantry, Quesenberry pushed her back.⁶

The protests, however, were not over for that day. Quite uncharacteristically, the CIP led another round of sitting-in and picketing at the White Pantry between 7:30 and 8:30 that same evening. Quesenberry once again replaced the air conditioning with heat, and lit sulphur and insecticide cakes. Physical violence did not occur this

time; perhaps because a squad of six police officers watched the proceedings with over 100 onlookers. Afterwards, Quesenberry told the media he would not serve blacks for fear of losing his white customers. Quesenberry maintained this position despite the demonstrations and discussions with representatives from the state and city human rights commissions. Howard W. McKinney, Executive Director of the West Virginia Human Rights Commission (WVHRC), confirmed the finality of Quesenberry's position by saying, "he wouldn't serve Negroes unless there was a law that compelled him to do so."⁷ Quesenberry was going to resist every step of the way.

Despite Quesenberry's dogmatic attitude, however, the CIP and fellow activists remained dedicated to the cause. In order to step up the rate of demonstrations, the CIP organized a demonstration at the White Pantry for 4:30 p.m., Thursday August 8. However, the demonstration must not have been a surprise to Quesenberry. As five black youths, ages 14 to 20, picketed outside the White Pantry and fifteen to twenty demonstrators began a sit-in, Quesenberry turned all customers away, waited twenty minutes to clear out the remaining diners, and closed the restaurant with a sign that read: "Closed for Cleaning Walls." He then lit an insecticide flare and set it in the center aisle of the dining area where the demonstrators sat. In moments the restaurant cleared as the fumes proved to be too powerful to

withstand. One female demonstrator, Helen Willis, a West Virginia State College student who was staying with an aunt in Huntington for the summer, collapsed on the sidewalk just outside the White Pantry's doors as a result of the fumes. With tears streaming down her face, she gasped for air to clear her lungs of the noxious vapors. By the time a taxi cab arrived, Willis had recuperated somewhat and was sent home by her friends. Though not seriously injured, the incident with Willis escalated the tension in Huntington and stiffened the resolve of the CIP activists and their cohorts.⁸

Two days later on Saturday, August 10, a group of 48 blacks and three whites participated in another demonstration at the White Pantry. This time, however, Quesenberry resorted to a new tactic; he closed and locked the restaurant's doors before any of the demonstrators could enter. When a white patron left the restaurant, however, the door was temporarily left open and unguarded. Four black demonstrators managed to enter the White Pantry before Quesenberry and two other white males secured the door and prevented the other demonstrators from coming into the establishment. Shortly thereafter, Quesenberry permitted three police officers to enter and he told them he was temporarily closing the restaurant. The police officers overcame their typical passivity and asked the black demonstrators to leave the premises. The four demonstrators

peacefully complied with the request. Once outside, these four joined their compatriots in singing hymns, clapping their hands, and marching through downtown Huntington. Meanwhile, the White Pantry reopened. But, upon the demonstrators return to the restaurant, Quesenberry quickly reclosed his establishment. For the next two and a half hours the demonstrators picketed and sang outside the White Pantry.⁹

The police left after a while and white teenage onlookers jeered and physically harassed the demonstrators. In one incident a white teenager attempted to set fire to one protestor's sign with a match. Quesenberry's resistance had seemingly rallied several bigoted white youths into opposing the CIP-led demonstrators with a potential for violence far greater than Quesenberry's own personal abuse. The summer heat of August only mimicked the seething racial tensions and potentially violent atmosphere that boiled in Huntington with the White Pantry at the center of the vortex. Budd Moser, a member of Huntington's City Council and spectator at the August 10th protest, voiced what many Huntingtonians began to sense when he called the conditions surrounding the White Pantry an "explosive situation."¹⁰

Moser and the other City Council members quickly decided to try to ease the tension by voting unanimously at a meeting on Monday, August 12, to make the City Council a committee to facilitate the efforts of Huntington's Human

Right Commission (HRC) to resolve the situation. The Council rejected the pleas of Phil Carter and Bunche Gray to take firmer action. For some reason, the Council concluded that it could not take legal action to outlaw segregation or in any way force Quesenberry to integrate. But the Council expressed willingness to be a mediating body, and met with Quesenberry in a ninety minute closed meeting on Wednesday, August 14 at the Hotel Frederick. The meeting was closed to the public and to the CIP because Quesenberry would not discuss the issue with blacks. Members of the City Council and Huntington's HRC attempted to convince Quesenberry to alter his policy of not serving blacks at the White Pantry, but this one-sided mediation process ended without success.¹¹

The next day the Council released a statement which promoted optimism that "an honorable and peaceable settlement" would be found to resolve the situation. Yet, Quesenberry remained resolute in not serving blacks unless required to do so by law, and the CIP had already called for a demonstration for Saturday, August 17. Gus Cleckley, President of the Huntington Chapter of the NAACP, failed to see the value of negotiations and declared, "Negotiations are not necessary. The matter is quite simple. If Quesenberry changes his policy, we will stop our demonstrations. If he does not, we will continue."¹²

The protests continued despite Mayor George Garner's attempt to call a truce. Quesenberry held firm in not changing his policy on serving blacks and the CIP and assorted groups refused to cancel the upcoming August 17 demonstration. The forty minute demonstration was peaceful as about 350 spectators, 50 police officers, and an unknown number of plainclothes detectives inside and outside the White Pantry watched the proceedings. Fifty-three pickets, including four whites, marched along the sidewalk in front of the White Pantry, clapping their hands and singing religious and patriotic songs. Quesenberry did not close the restaurant, but rather, stationed doorkeepers to permit white customer's exit and entry and to keep out all blacks. After concluding their protest, the demonstrators paraded north on Ninth Street to Fourth Avenue and dispersed from there.¹³

The CIP activists and their NAACP allies fulfilled their commitment to staging a demonstration, and the public announcement of the demonstration focused further attention on the White Pantry issue. Though Quesenberry had to behave himself, the protestors could do nothing more than picket. Quesenberry undoubtedly had the law on his side and would have had the demonstrators arrested on trespassing and other assorted charges if they had tried to sit-in or have a share-in. So, the CIP and NAACP quietly picketed and reaped further favorable publicity on the issue. The demonstrators

displayed the qualities of dignity, respectability and non-violence while asking for nothing more than justice and equality. Quesenberry, like his southern counterparts, had already developed a tarnished media and public image because he resorted to violent tactics. This is why approximately 350 spectators and dozens of police officers were present at the August 17th White Pantry demonstration. Though the police would surely have arrested the demonstrators, the objective of Huntington's political and business leaders was to maintain the peace and everybody knew Quesenberry was prone to violent acts. Yet, even with this increasing public awareness of Quesenberry's bigoted serving policies and public castigation for his contemptible role, he refused to yield.¹⁴

Quesenberry had plenty of white customers, especially R.M. Hoisington, Huntington's City Manager, to back his position. The City Council had gone on record as opposing city employees frequenting establishments that practiced racial discrimination. Nevertheless, Hoisington continued to eat at the White Pantry, and although he received harsh criticism at the August 26th meeting of the City Council, he ardently defended his right to eat where he wanted, ironically a right often denied to blacks in Huntington.¹⁵

City Council soon began to realize that it was incapable of resolving the specific problem with the White Pantry and the general need for civil rights legislation.

At a special meeting on Monday, August 19, the City Council reiterated its inability or unwillingness "to pioneer in civil rights legislation." The Council did, however, go on record with a resolution urging "the state and federal governments to adopt legislation without delay that will provide the framework in which equal rights can be accomplished and guaranteed."¹⁶ The resolution further stated that the City Council was willing to work with all groups in seeking equality and civil rights. In essence, this was all the City Council believed it could do. Technically, Quesenberry remained within his legal right not to serve blacks, and Council was not about to go out on a limb and pass an ordinance outlawing discriminatory practices. The issue had grown larger than the Council could or would willingly handle.¹⁷

The CIP, however, attempted to force Huntington's City Council to take positive action. At a Council meeting on August 26th protestors from the CIP and the NAACP made allegations that the Huntington police and fire departments and the Cabell-Huntington Health Department failed to act properly concerning the White Pantry. In particular, health and fire codes and city ordinances had not been enforced by the named agencies. The Council authorized Mayor Garner to create an investigation team to look into the charges. Clearly, this was a clever attempt by the CIP and its allies to pressure the city to force Quesenberry to change his

policy. As one The Herald Dispatch article correctly analyzed:

In effect representatives of the Civic Interest Progressives and the National Association for the Advancement of Colored People asked the city administration to use its powers to bring the White Pantry management into submission on the issue of serving all persons regardless of race.¹⁸

The city spurned the opportunity to take a positive role when a report by interim City Manager James F. White absolved the police, fire, and health departments of laxity charges. No legal injustices had occurred and the city apparently did not want to use these agencies to correct social injustices. The CIP and the NAACP termed White's report a "whitewash." Mayor Garner did say the city would investigate any allegations brought to the attention of the City Manager or any appropriate city department. The protestors wanted the appropriate officials available for on-the-spot checks of the White Pantry. The best the city would do was to have officials at the scene of a demonstration, if given ample warning. This could not be done because Quesenberry would then find out about the demonstration and close the restaurant's doors. The City Council had effectively avoided taking an active stand in the White Pantry case or on the civil rights issue. More than words were necessary. Consequently, the CIP would have to get help elsewhere.¹⁹

Meanwhile, Quesenberry ushered in the next phase of the White Pantry dispute when, for the first time, he had demonstrators arrested. On Saturday, August 24th, members of the CIP and NAACP started a sit-in at 12:45 p.m. while four picketers marched outside the restaurant. About twenty demonstrators remained within the establishment until 3:25 p.m. when a fumigant, released by Quesenberry, drove the protestors out. The sit-in demonstration resumed five minutes later after Quesenberry left the door unguarded which permitted the protestors' reentry. Shortly thereafter, Quesenberry used two "John Doe" (no specific name) warrants for trespassing and had Gustavus Cleckley, President of the Huntington Branch of the NAACP, and Cicero Fain, Jr., a member of the CIP executive committee, arrested. Between 4 p.m. and 6 p.m. Cleckley and Fain were formally charged and processed by the police. After posting \$500 personal property bonds, both left the police station with a hearing on the charges against them scheduled before Magistrate Keith Fulton at 2:00 p.m. on Friday, August 30. Meanwhile, Cleckley and Fain's compatriots back at the White Pantry placed wet towels and clothes over their faces in an attempt to stave off the fumes, but by 4:10 p.m. the last of the demonstrators staggered out of the restaurant coughing and teary eyed.²⁰

The arrests escalated the next day as demonstrators participated in a noon-hour sit-in. Quesenberry swore out

warrants that named Phil Carter, Michael Peters, Thomas McGhee, Jr., Barbara Jean Bailey, Josephine Banks, and a seventeen year old juvenile with trespassing. Police led the six demonstrators on their three block walk to the police station to be booked. A parade of protestors carrying signs followed the arrested demonstrators to the police station and marched outside the Seventh Street entrance to the jail. Of the six arrested for trespassing only Carter wore handcuffs because the arresting officers determined sufficient resistance on Carter's part. While the six were being booked on the trespassing charges, Paul Duff, a short order cook for the White Pantry restaurant, obtained warrants charging Carter and Cicero Fain, Jr. with assault and battery. Duff alleged that Carter and Fain pushed him against a door which cut his back.²¹

After posting bond and receiving a September 5, 1963, hearing date with Magistrate Johnny Miller, the demonstrators returned to the White Pantry in time to witness Fain's arrest on Duff's warrant. Soon afterwards, Carter released a written statement in conjunction with the NAACP telling their version of the day's events. The statement accused the police of excessive use of force and criticized the magistrates for issuing the warrants. The statement concluded with an announcement of a mass meeting to be held later that evening. About fifty people attended the mass meeting at the Eighteenth Street Methodist Church

to discuss what should be done concerning the White Pantry situation. Ultimately, the people at the meeting decided to continue the demonstrations at the White Pantry.²²

Shortly after the meeting, fifty people picketed the White Pantry while three demonstrators who managed to get inside before Quesenberry could lock the doors, sat quietly inside the restaurant. The protestors sang and chanted while two police officers and several spectators stood by. When the City Council began its meeting at 8 p.m., most of the demonstrators left the White Pantry to attend the meeting and the remaining protestors soon followed. These CIP and NAACP demonstrators went to the City Council meeting to "focus attention" and urge the Council to do something about the White Pantry situation, but this "audience participation" yielded nothing. Council had already stated its position. After the City Council meeting adjourned, the demonstrators returned to picket the White Pantry until about 10:30 p.m. Despite being the third demonstration in seven hours, all was peaceful. However, the increased number of demonstrations probably signified the frustration of the demonstrators. Quesenberry had found a new tactic by using the legal system to his advantage to frustrate the CIP and NAACP's integration efforts at the White Pantry.²³

The structure of the legal battle, however, quickly changed when on Thursday, August 29 two events took place. First, the Cabell County Prosecutors' Office asked for and

received a postponement of the hearing on the trespassing and assault and battery charges so a thorough study of the law could be made. Also, the delay gave Prosecutor Russell C. Dunbar a chance to clear his workload involving the fall term grand jury session of the Cabell County Pleas Court. The delay in prosecuting the criminal charges against the seven demonstrators shifted attention to the second event of August 29. Quesenberry retained the services of Quinlan, Nelson and Williamson and petitioned for a temporary injunction to forbid mass demonstrations, limit picketing, and assure orderly conduct and the safety of employees of the White Pantry restaurant. The petition listed Gustavus Cleckley, Philip Carter, Cicero Fain, Jr., Josephine Banks, Barbara Jean Bailey, Michael Peters, Thomas McGhee, Jr., the CIP and the NAACP as the respondents. A hearing was scheduled for Tuesday, September 3, before Circuit Court Judge John W. Hereford. Essentially, the setting and case were exactly the same as in the Bailey's Cafeteria injunction denial less than four months prior. As in the Bailey's case, attorney Herbert H. Henderson moved for a temporary delay for additional time to prepare the respondents' answer and defense. Judge Hereford granted Henderson's motion and moved the hearing to Friday, September 6, 1963. After being adjourned, Henderson immediately went to work with James Gipson, his co-counsel in the case, collecting affidavits and statements.²⁴

By Friday, Henderson and Gipson were ready to fight Quesenberry's injunction request and Judge Hereford settled in for two days of testimony. Attorneys J.J.N. Quinlan and Hiram Williamson presented their client's case during the first day by calling eight witnesses: Roba K. Quesenberry, owner of the White Pantry, Frank Childers, cook and assistant manager of the White Pantry, Zella Mays, a former waitress at the White Pantry, John Foster, Huntington Publishing Company photographer, Brook Davis, truck driver for the General Highway service, James Barcus, truck driver for a local meat packing firm, Sam McClain, an unemployed construction worker, and Constable Lester Noel. These witnesses attempted to show that the demonstrators had caused detrimental harm to Quesenberry and the White Pantry restaurant. Quesenberry testified to having suffered a \$300 loss for July and a \$500 loss for August because of the demonstrations. His own surveys indicated that his customers would stop patronizing the White Pantry if Quesenberry served blacks. Consequently, Quesenberry submitted he had had to close his restaurant on several occasions. The six other witnesses besides Constable Noel alluded to instances where the demonstrators allegedly blocked the sidewalk, entrance and bar stools, had attempted to enter the 24 hour restaurant after it had closed, and practiced disorderly conduct by pulling napkins from dispensers and spraying catsup and mustard. Constable

Noel's testimony centered upon his arrest of the demonstrators on trespass warrants. At one point Judge Hereford queried, "Do I understand you to say you served trespassing warrants while the restaurant was locked and those inside couldn't get out?" Constable Noel replied that the door was open at the time of the arrests, but "gas" [sulfur and insecticide fumes] pervaded the restaurant.²⁵

References such as Constable Noel's term "gas" were far more specific in the testimony of the others concerning Quesenberry's actions toward the demonstrators. Before burning sulfur, Quesenberry stated that he always warned the demonstrators and used the substance only when nobody else was in the establishment. Quesenberry added that he only used insecticides when necessary. Either attorney Henderson or Gipson asked, "When do you think they are necessary?" Quesenberry coldly replied, "To get rid of insects." In short, blacks were no better than bothersome insects to Quesenberry ²⁶

Childers' testimony revealed his and Quesenberry's disdain for blacks. Childers stated he had blocked the entrance on several occasions to prevent blacks from entering, and acknowledged that Quesenberry lit sulfur, set off insecticides, and had employees mop with an ammonia cleaner as tactics to drive the demonstrators out of the White Pantry. Neither Childers nor Mays condemned the restaurant's policy of not serving blacks. Mays declared

she had been instructed not to serve blacks. Childers readily confirmed Mays' testimony and stated the restaurant's policy was not to serve blacks. Attorney Gipson then asked Childers if the demonstrators' dress had anything to do with this policy. With blunt honesty Childers replied, "No, it was because of the color of their skin."²⁷

At the end of the testimonies on the petitioner's behalf, attorneys Henderson and Gipson asked Judge Hereford to dismiss Quesenberry's petition for an injunction on three grounds. First, the petitioner failed to prove the defendants irreparably damaged Quesenberry or the White Pantry. Second, blacks are American citizens; therefore, they are a part of the the general public. As members of the general public, trespassing in a public establishment during business hours (the White Pantry was open 24 hours a day) was ridiculous. Third, Quesenberry was attempting to use "a court of law to enforce his own private convictions." Attorneys Quinlan and Williamson opposed the respondents motion for dismissal contending the case was a matter of private property rights, not civil rights.²⁸

The next morning Judge Hereford ruled against the motion for dismissal and sat back to hear the testimony of five witnesses for the respondents and rebuttal testimony by Quesenberry. Phil Carter, the first witness to testify, told of three acts of violence Quesenberry allegedly

committed. In the first incident, Carter testified that on July 27, 1963, a sulphur candle fell over. Quesenberry must have thought Lawrence Williams, a black demonstrator and student from Howard University who had ties with West Virginia State College students, knocked the candle over. As a result, Quesenberry forcefully grabbed Williams, dragged him across the counter, placed a "large butcher knife" against his chest, and ordered Williams to pick up the sulphur candle. As Carter testified:

"Williams offered no resistance and I was afraid to say anything for fear he (Quesenberry) would apply pressure on the knife. I'm reasonably sure he could have injured Mr. Williams if he had applied pressure."²⁹

Carter then recalled a second incident where Quesenberry pulled Neal Shahan, a white instructor at an Annapolis, Maryland high school with residences in Nitro and Huntington, West Virginia, off a stool and beat Shahan's head against a steel railing. Shahan offered no resistance and climbed back upon a stool. Infuriated, Quesenberry punched Shahan square on the jaw. In a third incident Carter told of Quesenberry beating and dragging demonstrators by the hair from the White Pantry on August 17, 1963. In subsequent testimony Georgeanna Higgins stated that Quesenberry had grabbed her by the hair. In rebuttal testimony Quesenberry denied ever pulling anybody's hair and he contended that the incident with Williams never took

place. However, he made no mention of the Shahan incident.³⁰

Gus Cleckley and Reverend Harry A. Coleman in their testimonies both attested to being denied service at the White Pantry, while Mayor Garner provided further evidence of Quesenberry's racial discriminatory practices. Garner recounted futile attempts he and members of the City Council and Huntington's Human Rights Commission (HRC) made to persuade Quesenberry to integrate his restaurant. At one such meeting on August 14, Quesenberry refused even to enter the room where negotiations were to take place because one of the HRC representatives was a black male.³¹

By three p.m. Judge Hereford had heard enough testimony and called for concluding remarks. After hearing closing arguments, Judge Hereford denied Quesenberry's petition for an injunction. In his decision, Judge Hereford ringingly condemned Quesenberry's petition and racial bigotry. (See Chapter IV Appendix) Judge Hereford simply refused to accept the argument of Quesenberry's attorneys who contended that the White Pantry was private property and as such Quesenberry could operate it as he saw fit. Judge Hereford did not see the restaurant in that light. According to his interpretation, the White Pantry operated as a semi-public establishment since the state licensed the restaurant and officials from state or municipal government agencies provided regular inspections. Therefore, the White Pantry

had to abide by the rules governing all public facilities, not as a private establishment. Consequently, blacks, being a part of the general public, could not be denied service at the White Pantry.³²

Judge Hereford legally found no grounds for the injunction. The petitioner never proved the allegations against the demonstrators. On the charge of obstructing sidewalk traffic and blocking the entrance to the White Pantry, Judge Hereford determined the allegation to be unjustifiable because the police, present at every demonstration, never found sufficient cause to make arrests. Quesenberry had also alleged that the demonstrators attempted to enter the restaurant en masse after the establishment had closed. Yet, according to the evidence, the demonstrators always entered the building legally through an open door. The most serious of Quesenberry's accusations was that the demonstrators grievously harmed the business of the White Pantry. Quesenberry had cited heavy financial losses. However, Judge Hereford once again ruled in favor of the respondents. The judge concluded that Quesenberry brought the damage of his business upon himself:

...I think the evidence clearly demonstrates that the petitioner closed his restaurant voluntarily. Nobody made him do it. When the demonstrators came in -- American citizens, if you please -- because he didn't like the color of their skin he attempted to close the door.³³

Because he found no evidence of violence or property damage on the part of the demonstrators, Judge Hereford could not legally justify Quesenberry's request for an injunction.

This decision exemplified justice and the spirit of the law. As Judge Hereford, himself, noted:

...a court has to sit in a case such as this as a court of conscience, a court of the heart, and weigh not necessarily according to the cold principles of law that the law side requires, but according to the heart and soul and conscience of the chancellor who presides over the trial of the case.³⁴

Hereford's heart and sense of justice went to the CIP, the NAACP, and the individual respondents in this case.

As in the Bailey's Cafeteria case, Judge Hereford gave a sharp warning against violence. This time, however, Judge Hereford directed the bulk of the warning towards Quesenberry. The demonstrators had heeded Judge Hereford's previous warning and bravely acted in a respectable, non-violent fashion. Judge Hereford took notice of this fact:

And so far as I could see every one of them were passively resistant. They did a great deal better, perhaps, than most people, because it is apparent they were trained. They were trained in carrying on this kind of a situation and handling this kind of situation. And I would look a long time to find a greater number of indignities inflicted than were inflicted on them in that restaurant, the White Pantry....

But the sit-inners were non-violent, although indignity after indignity was heaped upon them.³⁵

Phil Carter, in his testimony, had alluded to the demonstrators' non-violent training and their dedication to

this principle. Quesenberry's violent tendencies, however, were well documented. So, Judge Hereford cautioned the demonstrators to remain non-violent, and warned Quesenberry not to provoke them into reactionary violence.³⁶

Though Judge Hereford's decision publicly scolded Quesenberry for his segregationist policies and racist attitudes, a law forcing him to integrate the White Pantry did not exist. Realizing this, the CIP had already begun to pressure West Virginia Governor William Wallace Barron to issue an executive order forbidding racial discrimination in all establishments having dealings with state agencies. This would include any establishment which required licenses, food permits, and Health Department inspection, and would legally force places of public accommodations to integrate, and virtually eliminate racial segregation. Such an executive proclamation would carry the legal weight necessary to compel Quesenberry to serve blacks.

On August 9, 1963, Governor Barron hinted that he might issue an anti-discrimination order. This vague suggestion did not indicate what the executive order might cover. Basically, Governor Barron attempted to ease increasing racial tensions by temporarily pacifying black agitators in Bluefield and Huntington. In Bluefield, the NAACP had threatened to boycott all establishments practicing racial segregation. Meanwhile, news of the sit-in demonstrations at the White Pantry had rapidly spread across the state.

The issue of civil rights was growing within West Virginia's borders.³⁷

Eleven days later on August 20 the CIP, along with the NAACP and ministers and students from the Huntington and Charleston area, brought the civil rights issue a little closer to Governor Barron's attention. Approximately 100 demonstrators protested segregation policies practiced and supported by most of the governors, especially George Wallace (Alabama), Ross Barnett (Mississippi), and Orville Faubus (Arkansas), who attended the 29th annual meeting of the Southern Governors' Convention held at the Greenbrier Resort in White Sulphur Springs, West Virginia. However, the demonstration also had the effect of putting Governor Barron on the spot. He met the demonstrators at the gate of the Greenbrier and told them he supported President John F. Kennedy's civil rights bill and promised to issue an executive order banning racial discrimination. Later, in his resort suite, Governor Barron indicated the executive order would go as far as West Virginia's constitution and laws permitted. Satisfied, the CIP activists and other demonstrators left the Greenbrier convinced they would receive what they so desperately wanted and needed.³⁸

The CIP did not hear from Governor Barron again until October 1, 1963, when he requested a meeting with the CIP. Three officers represented the CIP: Philip Carter, chair; Gloria Austin, executive; and Pat Austin, executive

secretary. Accompanying them were Gustavus Cleckly, president of the Huntington chapter of the NAACP; Dr. Paul Stewart, professor of political science; Reverend Harry Coleman of Ebenezer Methodist Church; Albert Calloway, president of the West Virginia State College student body; Mrs. Virgil Gilmore, president of the Charleston branch of Congress of Racial Equality (CORE); and attorney James Gipson, legal redress chair of the Huntington branch of the NAACP. For two hours, these civil rights leaders met with Governor Barron and urged him to issue an executive order which, according to Carter, would require "all state-licensed businesses providing accommodation services for the public to serve all persons without distinction."³⁹ Due to the "off-the-record" nature of their discussion with Governor Barron, the civil rights activists did not make a statement. But, when Governor Barron announced that an executive order would be forthcoming in the near future, though still without revealing specific content, the CIP and other civil rights activists went home anticipating a sweeping victory for civil rights in West Virginia.⁴⁰

Unfortunately, for the activists, the ensuing result was disappointing. On October 17, 1963, Governor Barron released his promised executive order. It was a repetition of an executive order he released in January 1962, prohibiting racial discrimination in employment by all state agencies. The new order did not mention public

accommodations and in no way attacked segregation policies in establishments having dealings with the state. Reverend Charles H. Smith of the First Baptist Church in Huntington critiqued the executive order as the culmination of Governor Barron's delaying tactics: "Promises have been used for public performances and procrastination had been used as a catalytic weapon to slow down the ambition of those wanting equal treatment in every walk of life."⁴¹ Seemingly, Reverend Smith was correct in his assessment. Governor Barron had the opportunity and the power to make West Virginia actively pursue civil rights. Instead, he opted to dodge his responsibility to the black citizens of West Virginia.

To the CIP, Governor Barron's executive order was nothing short of a "deterrent to better race relations in the state of West Virginia."⁴² The segregationists of West Virginia could continue their discriminatory practices without fear of state intervention, and Quesenberry continued to refuse to serve black customers in his restaurant. With little alternative, the CIP determinedly resumed sit-in demonstrations against the White Pantry on October 18, 1963. Quesenberry once again resorted to lighting sulfur and setting off insecticides within the restaurant to drive out the CIP demonstrators. Despite all efforts, nothing had changed.⁴³

As Bunche Gray has said, "In order to keep a man down you have to stay there with him."⁴⁴ Quesenberry was willing to sacrifice his business, energy, and humanity to treat blacks as inferiors and to attack whites who befriended blacks. As has already been demonstrated, Quesenberry willingly utilized violence and the activists never knew what to expect. Michael Gray noted that "you took your life into your own hands" when the CIP activists protested at White Pantry. Reportedly Quesenberry tended to go after whites who participated in the demonstrations with blacks; this supposedly bothered him more than anything else. However, ample evidence exists to suggest that Quesenberry physically attacked black demonstrators as well. For example, one of the most recounted acts of violence perpetuated by Quesenberry involved Phil Carter. During one of the demonstrations at the White Pantry, Quesenberry wounded Carter with an electric cattle prod.⁴⁵

Aside from dispensing verbal and physical abuse, Quesenberry often sacrificed business to avoid confrontations with the CIP. As a result, the CIP depended upon surprise attacks when dealing with Quesenberry and the White Pantry. Michael Gray described the process the CIP went through in order to protest the discriminatory policy at the White Pantry:

We could never let Quesenberry know when we were coming because he would lock the door. So, we would all meet on different corners and then

slowly walk to the corner of Fifth Avenue and Ninth Street...and then when we turned the corner we would run because someone passing would say, 'Here they come!' and he would lock the doors. And he would pass up any more lunch crowd just to keep us out. We would have to ⁴⁶run and hit that door and fill up all the booths.

To help facilitate gaining entry into the White Pantry, the CIP had white supporters enter the restaurant. When the signal came, these white CIP activists blocked the restaurant doors open with their bodies so Quesenberry or others could not lock the black CIP demonstrators out of the establishment. Also, one of the demonstrators always had the role of waiting at a nearby telephone and calling an attorney, the newspapers, and police.⁴⁷

Once inside the White Pantry, CIP activists endured the fumes from the sulfur and insecticides because nobody else wanted to eat in a place full of bug spray and other noxious effluviiums. Part of the strategy by the CIP was to let Quesenberry damage his own business. This helps explain why the CIP usually protested on Saturdays. Besides freeing the student demonstrators of school responsibilities, Saturdays were the best day of business for the White Pantry.⁴⁸

Yet, even the surprise sit-ins and picketing and the CIP's tenacity failed to persuade Quesenberry to serve blacks in his restaurant. A year after the CIP renewed demonstrations against the White Pantry, the group was still protesting the restaurant's policy of discrimination. On October 1, 1964, about twenty CIP activists entered the

White Pantry and staged another sit-in. Quesenberry then closed the restaurant and ignited a substance which produced sulfurous fumes. All but four of the demonstrators exited the premises. Infuriated that Phil Carter, Frank Helvey, Danie Stewart and Pat McBrayer had withstood the sulphurous fumes, Quesenberry, as he had in the past, went to a justice of the peace and swore out warrants for their arrests on the charge of trespassing. Within a few moments the police removed the four remaining CIP demonstrators from the White Pantry.⁴⁹

The CIP retaliated on Saturday, October 10, 1964 with another, even larger demonstration. About thirty students from West Virginia State College joined Marshall University students and CIP activists in sitting-in and picketing the White Pantry. Quesenberry closed the restaurant and sent the employees out of the establishment while the demonstrators remained within the restaurant for over an hour. However, for some reason, Quesenberry did not set off fumigates or light sulfur this time.⁵⁰

On October 23, 1964, Quesenberry spoke his piece as the only witness to testify at the hearing for the four demonstrators he had had arrested on October 1, 1964. Justice of the Peace Johnny Miller and an audience comprised mostly of MU students listened to Quesenberry's testimony. Quesenberry stated that he did kick Phil Carter after Carter came behind the counter, but otherwise he did nothing to

provoke the protest. On cross examination, Quesenberry confessed he did set off "spray bombs" after he closed the White Pantry in the middle of the day. When asked whether the White Pantry was open 24 hours a day Quesenberry affirmed that to be true "except when we close for certain reasons." In other words, the White Pantry closed when blacks came to demonstrate. More important though, for the case at hand, Quesenberry never established a case proving trespassing. As a result, assistant prosecuting attorney Edward V. Lee requested that the trespassing charges and a peace warrant against Phil Carter be dismissed. Justice of the Peace Miller concurred and Phil Carter, Frank Helvey, Danie Stewart, and Pat McBrayer left the hearing cleared of all charges brought against them. Quesenberry was once again foiled in his effort to use the legal system to thwart the CIP.⁵¹

Nevertheless, Quesenberry held firm in his refusal to serve blacks until compelled to do so by law. Having failed to obtain such a law at the municipal and state levels, the CIP had to wait for the United States Congress to pass the Civil Rights Act of 1964 which made most forms of racial discrimination unlawful. The CIP actively supported this legislation by participating in the March on Washington on August 28, 1963, and participating in an April 11, 1964, demonstration against West Virginia Senator Robert C. Byrd to protest his non-support of the civil rights bill.⁵²

Once the bill became law Quesenberry still hesitated to comply. The White Pantry did not serve blacks until Quesenberry felt compelled by the Supreme Court decisions in December 1964, which upheld the Civil Rights Act of 1964. Even then, quiet negotiations had to take place between Quesenberry and Huntington Human Rights Commission (HRC) members before he agreed to integrate. Unsurprisingly, however, Quesenberry flatly refused ever to serve Phil Carter and apparently the HRC did not object because Carter recalled somehow being informed of this development.⁵³ So, it appears that Carter, without his permission, had to forego his right as a citizen to eat at the White Pantry in order for the restaurant to be integrated. Carter never intended to eat at the White Pantry, but he still has strong feelings about the treatment he received:

So what the Hell. I had no intention of going in there in the first damn place, except it was the principle....I resented the negotiations that went on, however. To...negotiate me out as a settlement, that I deeply resented. Because I felt that was the epitomy of exploitation and that's exactly what was done.⁵⁴

Carter abided by his exile and everybody who knew of the arrangement, probably the HRC members, the black community, the white activists, and the CIP, let it stand.

Though the White Pantry eventually integrated, Quesenberry's resistance had its impact on the Huntington community. Carter believed that "the White Pantry became a symbol; it was a rallying point for whites."⁵⁵ Carter said

this happened because of the personality of Roba Quesenberry who, like George Wallace in Alabama, became a symbol of white bigotry. Carter believed that Quesenberry had a major impact on Huntington:

You find every once in a while some center of opposition, and I think that [the White Pantry] was the center of street opposition. The center of legal opposition was Bailey's. And when they realized, Hell, we can't win this and besides it's going to hurt our damn business if we don't get our act straight, they decided 'okay, we'll cool it.' The other guy [Roba Quesenberry] said no; he was making a stand. And so he made a stand. What it did was really crystallize the depth of racism in West Virginia in this area. Right there on that corner. It actually crystallized it for everyone to see very, very clearly. And, it also illustrated the paucity of white leadership in responsible positions, and the passive support of masses of whites that really existed where whites openly and overtly challenged black rights to eat in public accommodations."⁵⁶

Quite simply, by resisting integration and baring his prejudices, Quesenberry mobilized the racist attitudes that existed in Huntington into a tacit anti-civil rights street opposition capable of violence. Comparisons between Huntington and Mississippi and between Quesenberry and George Wallace, segregationist Governor of Alabama, openly circulated. In his decision on Quesenberry's petition for an injunction, Judge John W. Hereford noted that "it would be difficult to find, outside of the State of Alabama and the executive mansion of that state, a greater display of prejudice and hate than has been shown by the evidence in this case."⁵⁷ The CIP had activated its handful of

supporters and Quesenberry effectively crystallized opponents to the CIP and civil rights. However, the majority of Huntingtonians continued to ignore the problem. Because, as Bunche Gray declared, "the average person in Huntington saw nothing wrong with it [segregation], they pretended they didn't know...that blacks were being kept out."⁵⁸

Nevertheless, the CIP, through its protest demonstrations, made Quesenberry, Floyd Walker, and other Huntington business people catering to the public, deal with the issue of civil rights and, except Quesenberry, change their policies. Though the CIP-led protests against the White Pantry did not force Quesenberry to integrate, the demonstrations did help persuade other Huntington businesses to integrate when CIP activists visited. Because business owners did not want to have what was happening at the White Pantry happen to them, most, if not all, Huntington establishments voluntarily eliminated segregation policies to avoid conflict with the CIP. For example, the Orpheum Theater closed down for a short time for renovation during the CIP's existence. When the theater reopened, blacks and whites entered the same main entrance and sat where they pleased rather than the previous two separate entrances and blacks relegated to the balcony.⁵⁹

Through willingness to initiate protests and to take a stand in the struggle for civil rights, the CIP sparked the

movement to integrate Huntington's business community. The CIP forced the people of Huntington to take notice of civil rights and pressured them to change their discriminatory, status quo practices and attitudes. Every establishment engaged by the CIP activists discontinued racially discriminatory practices, even, with a little help from the Civil Rights Act of 1964 and the United States Supreme Court, the White Pantry. Truly, it can be said that black and white activists, including the CIP, made life a little better for blacks in Huntington. Problems still existed, but segregation in public accommodations was not a major barrier any longer.⁶⁰

Chapter IV Appendix

Portion of Judge John W. Hereford's Decision on September 7, 1963 in Quesenberry v. Cleckley

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

And yet, in spite of the spirit of the Constitution and the spirit expressed by the Supreme Court of the United States with relation to the Constitution, there are still little people in this world that would still deprive the American Negroes, who are American citizens the same as I am, of the rights that were promised them 100 years ago but have been denied them for 99 to 100 of that period since the promise was made.

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

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

Now, let us concede that as an American citizen he has rights the same as everybody else, and he has a right to be foolish if he wants to: he has a right to take the position that he is not going to permit integration in his place of business: he has a right to do all of those things. And I would be the first to accord him those rights. But I am saying now I am holding that he has no right to come into a court of law and ask me as judge of this court, in a court of chancery, in a court of conscience, in a court of the heart -- he has no right to come into this court and ask me to protect him in doing something that the Constitution of the United States, according to the Supreme Court, says is not proper and could not be done by a governmental agency

So this court is not about to lend its good offices to help this petitioner or any other petitioner to enforce something that

contrary to the spirit of the Constitution and the decisions the Supreme Court of the United States.

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

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

So I am about to say and am saying that when the State of West Virginia issues a license and the City of Huntington issues a license to do business and serve the public, that the Negro is as much a part of the public as the white man, and that they would be obligated to serve him too.*

*For citation see footnote number 32 of this chapter.

Chapter IV Notes

- ¹ Interview with Michael Gray, 18 April 1986, tape 1.
- ² Tom D. Miller, "Warns Against Violence, Raps Discrimination," The Herald Advertiser, 8 September 1963, p. 4.
- ³ Interview with Philip W. Carter, 10 July 1986, tape 1.
- ⁴ "NAACP Threatens Boycotts of Stores; Students Sit-In Here," The Herald Advertiser, 28 July 1963, p. 1.
- ⁵ Gus Cleckley, a MU student, headed the Huntington chapter of the NAACP during the CIP years. In an interview with Philip W. Carter, 7 April 1986, Carter asserted that an understanding existed between Cleckley and himself and made it easy for the NAACP to aid the CIP civil rights efforts. The two leaders coordinated group activities. Also, many students from the Huntington area attended West Virginia State College and often returned home to participate in the CIP demonstrations.
- ⁶ "Two Sit-Ins Staged at Local Restaurant," The Herald Advertiser, 4 August 1963, pp. 1, 4.
- ⁷ Ibid.
- ⁸ "Fumes End Sit-In; Girl Collapses," The Herald Dispatch, 9 August 1963, p. 15.
- ⁹ George Hanna, "Pickets Sing Hymns at Cafe Demonstration," The Herald Advertiser, 11 August 1963, pp. 1, 4.
- ¹⁰ Ibid.
- ¹¹ Bill Turley, "Council Acts on Sit-In Issue," The Herald Dispatch, 13 August 1963, p. 1; Huntington, W.V., Record of Proceeding of the City Council, Huntington, West Virginia (12 August 1963), Minute Book Number 2: 423-424; "Council Confers on Race Issue," The Herald Dispatch, 15 August 1963, pp. 1, 19. A record of the August 13 closed meeting in the Hotel Frederick does not exist.
- ¹² "Council Still Hopes for Accord," The Herald Dispatch, 16 August 1963, p. 17.
- ¹³ Ibid.; "Mayor's Race Truce Move Fails," The Herald Dispatch, 17 August 1963, p. 1; Homer Alley, "Race Demonstration Here Proves Orderly," The Herald Advertiser, 18 August 1963, p. 11.

¹⁴Bill Wild, "Mayor Will Issue Proclamation on Jobs and Freedom," The Herald Dispatch, 27 August 1963, p. 9. In a 5 April 1986 interview, Bunche Gray remembered that a local attorney showed her a photograph of the City Manager, Hoysington, seated within the White Pantry.

¹⁵Ibid.

¹⁶Bill Wild, "Council Calls for Law Guaranteeing Equality for All," The Herald Dispatch, 20 August 1963, p. 9.

¹⁷Ibid; Huntington, W.V., Record of Proceeding of the City Council, Huntington, West Virginia (19 August 1963), Minute Book Number 2: 428.

¹⁸Bill Wild, "Report Held 'Whitewash,'" The Herald Dispatch, 30 August 1963, p. 1. Previous information in the paragraph from "New Picketing After Arrest," The Herald Dispatch, 27 August 1963, p. 1.

¹⁹"Talks Open on Laxity Allegations," The Herald Dispatch, 28 August 1963, p. 1, 14; Wild, "Report Held 'Whitewash,'" p. 9; "City Set to Act on Any Complaints," The Herald Dispatch, 31 August 1963, p. 9. Interim City Manager James F. White replaced City Manager Hoysington who had left the position for reasons unrelated to the race issue.

²⁰Homer Alley, "Two Arrested on Trespass Charges," The Herald Advertiser, 25 August 1963, pp. 1, 4.

²¹"New Picketing After Arrest," p. 1, 9.

²²Ibid.

²³Ibid.; Huntington, W.V., Record of Proceeding of the City Council, Huntington, West Virginia (26 August 1963), Minute Book Number 2: 432; Carter, 10 July 1986, tape 2. In the above cited interview Carter stated that whenever he or other CIP activists went to City Council meetings, it was to educate people and to focus attention on discriminatory situations, particularly at the White Pantry, hoping to motivate the Council or Huntington citizens to act on the problem.

²⁴Bill Wild, "Hold Up Trespass Hearing," The Herald Dispatch, 30 August 1963, p. 9; "Six Trespassing Cases Still Slated for Trial," The Herald Dispatch, 9 September 1963, p. 11; "Injunction Hearing Is Postponed," The Herald Dispatch, 4 September 1963, p. 9.

²⁵Jack Hardin, "Ruling Awaited on Bid to Deny Cafe Enjoiner," The Herald Dispatch, 7 September 1963, pp. 1, 9; the quote of Judge Hereford is from p. 9.

²⁶Ibid., p. 9.

²⁷Ibid.

²⁸Ibid., p. 1.

²⁹Tom D. Miller, "Warns Against Violence, Raps Discrimination," The Herald Advertiser, 8 September 1963, p. 4.

³⁰Ibid.

³¹Ibid.

³²"Text of Decision in Racial Case," The Herald Advertiser, 8 September 1963, pp. 1, 8. The above citation is a verbatim reprint of Judge Hereford's decision as found in Quesenberry v. Cleckley, September 7, 1963, pp. 333-348 and can also be found in Nancy Potter Matthews' M.A. thesis, "A Study in Nondecision: The Human Rights Commission in Huntington," pp. 41-43. The appendix at the end of this chapter is from the initial citation in this footnote, p. 8.

³³Ibid., p. 8.

³⁴Ibid., p. 1.

³⁵Ibid., pp. 8-9.

³⁶Ibid., p. 9; Miller, "Warns Against Violence, Raps Discrimination," pp. 1, 4.

³⁷"Barron Says He May Issue Anti-Discrimination Order," The Herald Dispatch, 10 August 1963, p. 9.

³⁸"Greenbrier Admits Singing Marchers," The Herald Dispatch, 20 August 1963, p. 1.

³⁹Pat Austin, "CIP Delegates, Barron Confer for Two Hours; Executive Order Vowed," The Parthenon, 4 October 1963, p. 6.

⁴⁰Ibid.; Pat Austin, "CIP to Meet Tomorrow Night," The Parthenon, 2 October 1963, p. 3.

⁴¹Pat Austin, "CIP Resumes Protest Against Segregation," The Parthenon, 23 October 1963, p. 2. Previous information in the paragraph concerning the January, 1962 executive order is from 1961-1962 Annual Report of the West Virginia Human Rights Commission (Charleston, West Virginia: West Virginia Human Rights Commission, 1962), p. 1.

⁴²Austin, "CIP Resumes Protest Against Segregation," p. 2.

⁴³Ibid.

⁴⁴Interview with Marion T. "Bunche" Gray, 12 April 1986, tape 1.

⁴⁵Michael Gray, 18 April 1986, tape 1; Carter, 10 July 1986, tape 2; Interview with Marion T. Bunche Gray, 5 April 1986, tape 2; Interview with Simon Perry, 8 April 1986.

⁴⁶Michael Gray, 18 April 1986, tape 1; Carter confirmed the CIP's use of this strategy in a 10 July 1986 interview.

⁴⁷Ibid.; Carter, 10 July 1986, tape 2.

⁴⁸Carter, 10 July 1986, tape 2.

⁴⁹"Four Arrested at Restaurant," The Parthenon, 7 October 1964, p. 2.

⁵⁰"25 Demonstrated at White Pantry," The Parthenon, 14 October 1964, p. 4.

⁵¹"4 Are Cleared of Trespassing," The Parthenon, 30 October 1964, p. 4.

⁵²Marion T. "Bunche" Gray, 5 April 1986, tape 2; "Huntington Group Will Join March," The Herald Dispatch, 23 August 1963, p. 13; "CIP Leaders Demonstrate," The Parthenon, 22 April 1964, p. 3.

⁵³Matthews, p. 40. Matthews cited Carter's exclusion from the White Pantry's integration settlement from the Huntington Human Rights Commission minutes for 15 December 1964. Unfortunately, these records have since been lost or destroyed. In an interview with Philip W. Carter on 7 April 1986, Carter recounted his version of his exclusion from the White Pantry settlement. Carter also said Rick Diehl was "the other person negotiated out." The White Pantry was the only negotiated deal on record, so Diehl probably was excluded, either formally or informally, with Carter. Also, Bunche Gray in an April 12, 1986, tape 1, interview seemed to think that Carter was not the only person negotiated out of the settlement.

⁵⁴Carter, 7 April 1986.

⁵⁵Ibid.

⁵⁶Ibid.

⁵⁷"Text of Decision in Racial Case," p. 9.

⁵⁸Bunche Gray, 5 April 1986, tape 2.

⁵⁹Carter, 10 July 1986, tape 2; Bunche Gray, 12 April 1986, tape 1.

⁶⁰Bunche Gray, 12 April 1986, tape 1; Carter, 7 April 1986; Michael Gray, 18 April 1986, tape 1.

Chapter V

Moving the Movement to MU

During the struggle for civil rights in Huntington, the CIP did not overlook the need for action in its own backyard -- Marshall University. The CIP began focusing attention on Marshall's campus in the spring of 1964. Most of Huntington's businesses had been integrated by this time, but the battle over integration still raged at the White Pantry. Nevertheless, the CIP felt compelled to attempt to improve MU's campus environment and continued for a year to tear down the facade of racial harmony at Marshall. The CIP activists were by then seasoned civil rights veterans and brought this experience with them to the MU campaign. However, they also had acquired a reputation in some circles as troublemakers and a number of enemies who favored vague promises over direct action tactics. The University's administration and Student Senate had taken this position from the start of the CIP's agitation in Huntington. Gaining their support to fight campus discrimination proved to be difficult to obtain.

Even the need for CIP action at MU was and has been disputed. In 1981, Charles H. Moffat, retired Chair of the History Department, in his book, Marshall University: An Institution Comes of Age, 1837-1980, described race relations at Marshall University (MU) in the early and mid 1960s as rather serene:

The Smith administration [1946 to 1968] had brought about a relatively peaceful transition in the evolution of race relations at Marshall, an achievement that represents a historical watershed; however, there would be troubled days ahead for President Smith's successor, as intransigent black students, acting in concert with the Students for a Democratic Society (SDS),¹ made demands upon the university administration.

Moffat referred in this passage to President Stewart H. Smith's ability to keep a lid on civil rights activism in the early to mid 1960s. Moffat clearly implied that Smith and his administrators were predominantly responsible for improving MU's environment for black students through an evolutionary or gradual approach. Smith's leadership, according to Moffat, was the key to a moderate integration of blacks into student life at MU, at a pace determined by Smith, the MU community and the Huntington community.

Yet, because of the practices and attitudes of the groups the CIP challenged, all was not as serene as Moffat portrayed and Smith would have liked. Moffat indicated an awareness of this when he added the qualifier "relatively" to his phrase "peaceful transition." However, Moffat still missed the mark with his analysis of race relations at Marshall. His portrayal is a classic example of William Chafe's concept of the "progressive mystique" whereby people believed that a paternalistic white establishment took care of blacks and that a willingness to discuss issues, not to take action, determined how progressive a person was.²

If Moffat's interpretation had been entirely correct, civil rights groups such as the CIP would have been unnecessary at MU. However, nothing could be further from the truth. The CIP's very existence, created as a response to local and campus problems, disproves Moffat's scenario. For example, Smith preferred to operate discreetly behind the scenes with little disruption of daily operations. But, while his methods might have been appropriate for the 1950s, they were totally inadequate for the needs and demands of the early to mid 1960s. As a challenge organization, the CIP believed in creating public awareness by publicizing an issue in order to force people either to support civil rights or to contribute to the problem by doing nothing or worse. In all probability, a driving force such as the CIP was necessary to push a generally complacent Marshall University more quickly toward racial justice.

In 1962, Smith claimed that MU was far ahead of Huntington in the matter of racial integration, and quite possibly it was, but only in the sense that blacks had attended Marshall since 1954. However, integration at MU did not eliminate discriminatory practices and attitudes, and Phil Carter believed that "Marshall's administration and leadership was totally unresponsive" to black students' concerns. To understand Carter's and the other CIP activists' position concerning the necessity for the CIP, an analysis of the pre-CIP Marshall environment coupled with

the CIP's impact on creating awareness of racial injustice is essential. In particular, the posture of MU's administration as personified by Smith and the attitudes of the faculty and representatives in student government before and after the CIP's challenge to fight discrimination and negative attitudes need careful examination.³

Most institutional policies reflect the values of its leaders, and MU was no exception. "President Smith," wrote Charles Moffat, "was consistently in the vanguard as a vigorous champion of human rights."⁴ Smith did support the rights of blacks to enroll at MU even before the Supreme Court outlawed school segregation in Brown v. Board of Education of Topeka (1954). Blacks matriculated into the Graduate School at MU in the fall of 1951. However, a 1949 federal court order forcing the University of Kentucky to integrate its Graduate School and a decision by the West Virginia Board of Education in 1950 permitting resident blacks to matriculate into the graduate schools at the institutions of higher learning in West Virginia provided the context within which Smith's decision was made, and would seem to suggest he was a follower, not a leader.⁵

With the Brown decision in 1954, the doors to an undergraduate education opened to people of all races. Throughout the 1950s a small but steady influx of black students enrolled at MU. Also, Moffat approvingly asserted that "Smith attempted to eradicate every vestige of

discrimination on the campus."⁶ To corroborate this, Moffat cited Smith's ending of an annual black-face minstrel show performed by the campus chapter of Omicron Delta Kappa, a national leadership honorary. Regarding this incident, Moffat quoted Smith as saying the black-face minstrel show "ridicules and exaggerates the shortcomings of the Negro race."⁷ Obviously, Smith believed either consciously or unconsciously, that blacks as a race did have shortcomings. Nevertheless, Moffat concluded that Marshall had a "quiet and successful social revolution" in which its "administrators deservedly cherished a feeling of self-satisfaction about their own success in effecting racial adjustment...."⁸

Smith did play a significant role in integrating MU. Yet, Marion T. "Bunche" Gray stressed that Smith was a good man but "out of touch" with the problems and needs of MU's black students in the early Sixties.⁹ Phil Carter called Smith "one of the ultra neutrals which [sic] contributed to our problem."¹⁰ Carter elaborated:

This concept of really being overly fair, and really being fundamentally neutral and really being color blind [was a farce]. Well, first of all, it wasn't an equal situation. [It] was not a neutral environment. And it certainly wasn't color blind. So people who put on those blinders and used that rhetoric and [took] that stance, contribute to a worsening of the situation, rather than to try to recognize that there are problems, face up to them, and then identify the problem and then work on the solution...There were serious problems on this campus with student attitudes and perceptions of blacks.¹¹

Carter thought that Smith failed to initiate action to rectify the problems present on MU's campus. Smith was the leader; he was supposed to have sensitivity and vision. Most importantly, he had the power to do something about racial discrimination.¹² Charles Aurand, a white minister at St. Paul's Lutheran Church and former student at MU, remembered Smith as being morally and ideologically opposed to racial discrimination, but feared going too far to oppose it. "Publicly he always did the right thing, and, I think that he was one of those whites, which many of us were, who wanted the right thing done by blacks. But, he never felt that he wanted to go too far out on a limb for it."¹³

Michael Gray, a native black Huntingtonian and member of the CIP, recalled that "Smith was about status quo."¹⁴ Consequently, the black students never felt they could count on President Smith to deal with their concerns. Gray suggested that most black students realized that, in general, some university presidents were far worse than Smith, "but as black students we damn sure didn't consider Smith very progressive."¹⁵ The black students knew of other university presidents who vigorously attacked racial discrimination and sought a better learning environment for all students. Michael Gray, Phil Carter, and probably most of MU's black students in the 1960s, believed that Smith did not actively seek to create a better campus environment for black students. Smith intellectually and morally condemned

racial discrimination and made gestures in that direction, but he maintained a neutrality that did not allow him to deal with the problems and needs of the black students. Perhaps unintentionally, Smith's neutrality actually hurt black students, hence the necessity of a challenge organization like the CIP to prod him into awareness of and possible action on civil rights and racial justice issues.

Unfortunately, President Smith never rose to meet the CIP's challenge. Though many people viewed Smith as a progressive liberal in the vanguard of civil rights, he never demonstrated it in his dealings with the CIP. Smith acknowledged the need for civil rights and signed all of the appropriate documents in compliance with the Civil Rights Act of 1964, but tended to rest upon the laurels of his past achievements and perpetuated a "go slow" mentality favoring the status quo. To Smith, significant changes had already been made. For further growth, however, attitudes needed to be changed, and he seemed to be willing to wait lifetimes to give people time to alter their racial perceptions. As a result, President Smith, as shall be noted time and again, failed to initiate or take concrete action designed to fight discrimination and promote racial equality.¹⁶

In general, the faculty at MU followed President Smith's lead and assumed an anti-discrimination but neutral posture. For example, in October of 1962, shortly after racial violence erupted at the University of Mississippi,

the faculty passed unanimously a resolution which in part read:

In view of our special responsibility to contribute to the well-being of our students, and...because we believe there are no valid grounds for racial discrimination...the faculty of Marshall University deplores all acts of racial discrimination¹⁷ and urges their prompt termination.

The author of the resolution, Paul Alexander, instructor in Political Science, stated that the resolution sought to "indicate the moral support of the faculty for those students who were seeking to reduce racial discrimination."¹⁸ However, approval of the resolution did not lead to any apparent positive action by faculty on behalf of black students.

Relatively few faculty members met the CIP challenge. But, on occasion, the CIP activists turned to Simon Perry, Bill Cook and Paul Stewart for advice. These professors provided a willingness to speak out, using the language the CIP felt appropriate.¹⁹ On advising the CIP activists, Perry said, "...I tried to make them feel that there was a vast social science literature that was supportive of what they were doing." Perry and a few other professors provided "positive reinforcement" to the CIP activists during and after their demonstrations in Huntington and on campus.²⁰

Bunche Gray told of a time when Cook operated a public relations office and had criticized the Huntington Chapter of the National Association for the Advancement of Colored

People (NAACP) for its format and tactics. When Bunche Gray, chair of the Membership Committee for the local chapter, asked for his help, he declined because he feared losing his white clients. Yet, white liberals like Cook could or would go only so far in backing their convictions. Cook, an economics professor, played a very important role for black students and the CIP. Cook and his wife opened their home to the CIP, and both raised questions and suggested books and articles to read.²¹

Other than these primary collaborators, however, MU's faculty members' contributions were minimal at best. Some young professors may have feared not getting tenure, but innumerable others apparently just did not want to rock the boat. The faculty was basically silent on the roles played by Perry, Cook and Stewart in support of the CIP. The lack of either verbal support or criticism seems to indicate indifference and possibly disdain by much of the MU faculty.²²

In an attempt to understand and improve black student life at MU, before the CIP's emergence, Student Senate Speaker Walt Crosby created a committee in 1961 to investigate practices of racial discrimination on or near the MU campus. Carolyn Karr (chair), William Calderwood, Aubrey King, and Tom Stafford served as committee members. The committee investigated allegations supplied by black MU students. Once a charge was made, the committee sought to

determine the policies of the off campus establishment in question, why the policies existed, and if change was shortly forthcoming in the establishments' policies. On October 10, 1962, the committee presented its findings to the Student Senate. Discriminatory practices abounded. Campus Sundries, a small fast food restaurant which catered to MU students, sold to blacks but prohibited them from sitting at the counter. Colonial Lanes (bowling alley), the American Legion Hall, and Camden Park refused blacks admittance into their establishments on an individual basis, but did permit entry if the black was a part of a large and predominately white group. The Palace Theater and El Gato, a drinking establishment frequented by white Marshall students, completely denied service to blacks. As a result, the committee concluded:

...discriminatory practices do exist at establishments near the campus and in those establishments which college students frequent as a source of recreation and diversion....Such practices are not enticing to a Negro athlete or scholar who might want to attend Marshall.²³

Considering the negative impact of such pervasive discrimination on MU students, the committee made two recommendations. First, the committee recommended the Student Senate create a permanent Human Rights Commission. This body would study the relationship between all MU students and the Huntington community, study the relationship between black MU students and the Huntington

community, and present findings and coordinate activities with the Huntington Human Rights Commission (HRC). Second, the committee proposed that the Student Senate somehow show its displeasure towards establishments discriminating against black MU students.²⁴

After the committee presented its report and recommendations to the Student Senate, Senator William Calderwood, also a member of the committee, proposed that the Student Senate act upon the committee's recommendations. An hour long debate ensued. Clark Todd and Claren Brooks led the opposition against forming a human rights commission. The opponents argued that the Student Senate's jurisdiction ended with the campus boundary, and besides, Huntington's HRC did not need "junior adults" to interfere in matters the city commission was perfectly able to handle. Proponents, led by Aubrey King, countered by arguing that the Student Senate's jurisdiction extended to any thing or place effecting MU students and students should be involved in community matters because they were the future civic leaders. King added that the student commission would investigate grievances brought to its attention, including any against campus groups, sororities, and fraternities. However, the student commission could only study charges of discriminatory practices, and did not have the power to take action to resolve discriminatory problems.²⁵

Apparently, King's arguments proved persuasive enough to help attain a favorable ten to eight vote to create the student commission on a one year trial basis under the direction of the Publications and Public Relations Committee. Student Body President Gary McMillan set up a special Parliamentary Affairs Committee to study the Human Rights Commission. The Parliamentary Affairs Committee consisted of six student senators (three pro and three con): Tom Dunfee, William Calderwood, Mike Carroll, Ivan Ash, Patty Bartlett, and Claren Brooks. The major product of this student commission was the previously cited report delivered to the Student Senate by Stuart Thomas and apparently ignored by President Smith.²⁶

Nevertheless, the Student Senate had taken a little initiative in recognizing that racial discrimination existed and adversely effected all MU students, particularly the black students. However, the student Human Rights Commission had no real power or influence and consequently proved to be useless. Yet, by following the example of President Smith and the faculty, this is what the Student Senate advocated. Actions such as anti-discrimination statements, resolutions, and the creation of a powerless commission could do very little to alleviate racial discrimination in Huntington or improve the campus environment for black MU students.

After the formation of the CIP, MU's Student Senate did not act on human rights or racial discrimination until November 6, 1963, when it abolished the one year old student Human Rights Commission. The coordinator and former opponent of the student commission, Claren Andrews nee Brooks recommended the dismantling of the commission. She cited that only three problems had come before the commission and the one year trial period was over. Simon Perry, the advisor to Student Government, ardently argued against getting rid of the Human Rights Commission, but to little avail. A compromise, however, was made to transfer the commission's power to investigate allegations of racial discrimination to the Student Government Affairs Committee.²⁷

Pat Austin delivered the CIP's response to these actions in a letter in The Parthenon. Austin and the CIP looked at the student Human Rights Commission as a gesture of good faith that civil rights would be forthcoming. Austin wrote:

The road to freedom...is marked with guide posts saying, 'Go Slow, Negro,' meaning 'Don't Go, Negro.' Every so often the weary traveler meets a benevolent being who hands him a token of freedom. The traveler, bent with the age of 100 years, accepts the token as a ray of hope, and trudges on in the faith that he will someday attain the actual torch of freedom.

Marshall's²⁸ former Human Rights Commission was such a token.

Austin acknowledged the shortcomings of the student commission, particularly its powerlessness, but urged the Student Senate to reconsider the abolishment of the Human Rights Commission. She thought the student commission should not only have been kept, but its powers expanded since racial discrimination still abounded in Huntington and at MU. Thus, the need for the Human Rights Commission existed. This, Austin believed, should have been the criteria for keeping the student commission, not how many allegations it received. Also, she insisted the Human Rights Commission could have been a potential mechanism for change:

A student Human Rights Commission could be an effective instrument of justice with the appointment of persons possessing strong convictions, who are not afraid to stand, and be counted in the battle for human dignity.²⁹

Austin's letter had no apparent impact upon the Student Senate; however, the incident caused the CIP to direct some attention toward forcing the all-white Student Senate to take a stand on the issue of civil rights and establish itself as a friend or enemy of MU's black students. Before Thanksgiving break in 1963, the Student Senate passed Resolution 107 which asked all Marshall students to boycott any establishment which practiced racial discrimination.³⁰ Senator Frank Varacalli introduced this resolution. However, Varacalli was only a partner in the promotion of this resolution; Danie Stewart, sophomore class president

and CIP activist, co-authored the resolution and initially played a quiet, behind-the-scene role. So, Varacalli was essentially the front for the CIP efforts to get the Student Senate to take a stand on civil rights and racial discrimination.³¹

With the initial passage of Resolution 107, the CIP appeared to have won an important moral battle, if not an enforceable, practical remedy for discrimination. However, Ken Gainer, Student Body President, vetoed the resolution two weeks later, asserting that:

while I am personally opposed to discrimination, at this time I feel that the realm of our legislative power as a Student Government ends when we leave the campus or any property owned or rented by Marshall University for the Student Body.

Secondly, I feel that the resolution is ambiguous.³²

When asked to elaborate on his veto statement, Gainer said that the phrases like "racial discrimination" and "public establishment" were vague and made the resolution unclear in its purpose. Gainer rambled on in his reasoning to note that specific establishments were not cited in the resolution, contributing to its general vagueness. Gainer concluded his assessment of Resolution 107 by questioning whether the resolution was "really the feeling of the entire student body, rather than just the 12 members of the Student Senate who approved it."³³

Frank Varacalli attacked Gainer's veto and his reasons for it:

...any president who uses his powers for such discriminatory ends reflects a degree of prejudice of his own.

Nowhere in this resolution do I see any ambiguity. I repeat that discrimination even possibly exists³⁴ within the walls of the Student Senate itself.

Danie Stewart, who viewed the struggle for racial justice at MU as inextricably linked to the Huntington community environment, also voiced resentment at Gainer's appraisal and veto. Stewart did not agree with Gainer's assessment of ambiguous language and insisted that most of MU's students supported the legislation. Most importantly, Stewart made a very astute observation. Resolution 107 was a request, not a demand that MU students avoid establishments practicing racial discrimination. A ban on establishments catering to MU students and practicing racial discrimination could not realistically be enforced. However, the resolution only asked students not to patronize discriminating establishments.³⁵

The resolution represented a noble symbolic gesture capable of tremendous results. The resolution, if complied with by the student body, had enormous potential impact. Blacks elsewhere, in the 1955-56 Montgomery bus boycott, for example, had successfully utilized economic boycotts to secure objectives. Resolution 107 could have resulted in a similar situation. The black student population was not

large enough to use economic boycotts successfully. However, MU's white student population was more than sufficient to sustain such a tactic. Had Gainer not vetoed the resolution and had enough of the MU student body complied, the businesses depending heavily on MU students might have been forced to alter their discriminatory practices. Gainer understood and feared these implications when he quipped, "This is just leaving us wide open."³⁶

The resolution still had a chance even after Gainer's veto. A week later, Varacalli and Stewart tried to garner a two-thirds majority in the Student Senate to override Gainer's veto. After Varacalli resubmitted the resolution with exactly the same wording, Stewart went to work. According to a The Parthenon article, Stewart delivered "a dramatic and emotion-packed speech, which rang with sounds of the Declaration of Independence and the American ideals of the American way...."³⁷ Apparently, Stewart's speech was a fine piece of oratory that even won praise from members of the opposition. However, Stewart's effort was not enough. Sally Montgomery, graduate senator from Huntington, led the opposition forces in defeating the effort to override the veto. Montgomery argued that "the proposed resolution in reality was foolish for 'talking down' to Marshall students, and to the Student Senate, itself."³⁸ Certainly, Stewart did not consider seeking justice and equality "foolish." Nevertheless, the Student Senate, in not overturning

Gainer's veto, failed to join the CIP in the fight against racial discrimination and set a negative example for the rest of the student body.

Six months later, Stewart once again forced the all-white student senators to take a stand on civil rights. At the May 20, 1964, meeting of the Student Senate, John Cross introduced a resolution to condemn the practice of racial discrimination and to support the civil rights legislation being considered in the United States Senate (the Civil Rights Act of 1964). Then Cross turned the floor over to Stewart who thereafter carried the struggle for the resolution. Student Body President Dick Cottrill suggested that "Danie Stewart has done it again. He's thrown this issue right in our laps."³⁹

This time Stewart had a little more success. He asserted that most MU students supported the resolution and the Student Senate should vote according to the students' wishes. Senator Dean Thompson led the opposition forces against the resolution, arguing that he and other student senators had not had sufficient time to examine the resolution thoroughly. This was in spite of a one week notice that the resolution would be introduced and every student senator had been urged to become familiar with it. Despite stall tactics such as this, a vote was taken on Cross' resolution which passed ten to eight. More than likely, Dick Cottrill's approval of the resolution helped

push it through the Student Senate. When leaders like Cottrill provided support, others followed their lead. So, Stewart had Cottrill's help in convincing his fellow student senators to support the resolution. In addition, Cross' resolution was not quite so controversial as Resolution 107 which had recommended taking a somewhat more active stance. Even so, for the vote to be so close, considerable opposition apparently existed in the Student Senate concerning the concept of civil rights, let alone doing anything about the problem. Varacalli may have been correct in his suggestion that discrimination existed "within the walls of the Student Senate itself."⁴⁰

But, this is not to imply a total lack of sympathy for the goal of the CIP by members of the Student Senate. Frank Varacalli, John Cross, and Danie Stewart have already been mentioned. One can also add Richard "Rick" A. Diehl to the list. Both Diehl and Stewart were activists and core members of the CIP. Many times they participated side by side in demonstrations, and they often prodded the Student Senate to fight racial discrimination. In May 1965, Diehl publicly announced his resignation from the Student Senate in a letter in The Parthenon. As part of his letter, Diehl compared the CIP and Student Senate, institutions with which he was familiar. He noted that "the Student Government is much more efficient in its undertakings than is the CIP.

The CIP's undertakings, however, are much more significant than the Student Government's."⁴¹

Diehl also believed the CIP was more democratic and more politically responsible than MU's Student Government. In a stinging critique Diehl wrote:

The CIP is more effective in affecting social change leading to a democratic society than is the Student Government that merely says it favors a democratic society, but is not in favor of taking the steps necessary to create such a society. The Student Government is interested in perpetuating the illusion that we live in a democratic society because we have been taught so since childhood, whereas the CIP is interested in making that illusion a reality whereby all men are guaranteed social, political, and economic justice. The Student Government seems to be in a 'Let's Pretend' game, whereas the CIP are responsible in the American tradition to the general guaranteed rights and liberties upon which the American society is stately based, whereas members of the Student Government are not. The CIP is interested in solving the great social problems facing our country today, whereas, members of the Student Government, for the most part, are barely aware these problems exist, and fail to realize their responsibility toward their solution. The Student Government, in taking its clues from the Administration, sacrifices social and political controversy for the sake of public relations, and this is certainly not true of the CIP.⁴²

Obviously, Diehl displayed considerable bias in his analysis, but not without some justification. In the last part of his statement, Diehl accused the Student Government of "taking its clues from the Administration." These were strong words, but seemingly his position was validated by the amazing similarity between the neutral stance of the Student Senate and the policies of President Smith.

The overall situation at MU remained bad for black students in the 1960s. Covert racial hostility and discrimination abounded at MU. Seldom did racism come to the surface, but blacks often felt it boiling beneath a facade of neutrality. Even sensitive whites were cognizant of the campus environment confronting black students. Political Science professor Simon Perry remembered the difficulty black students had in attaining "the kind of respect that they deserved." Charles Aurand recalled that many professors and students believed and sometimes stated that blacks "were pushing too hard."⁴³

The case of Michael Gray demonstrated that blacks considered the atmosphere at MU hostile. Gray, who graduated from Huntington High School in 1964, readily acknowledged that his parents influenced his thoughts on civil rights by encouraging critical thought and sensible decisions based upon considerations of equality and human dignity. He often spoke with several of his black friends at MU about the school and their activities. Even as a student at West Virginia State College in 1964 and 1965, Gray retained close ties to black MU students and the CIP because of a Tuesday-Thursday schedule which enabled him to be in Huntington from Thursday evening through Monday. "So," according to Gray, "although I wasn't a student at Marshall, I was on the campus all the time until it was time to go back to West Virginia State for my classes."⁴⁴ As a

Huntingtonian, Gray knew what MU meant to him, his neighbors, and to the black students at the University.

Except for one summer term, Gray refused to attend Marshall University because of the school's environment which was not conducive to black students. Gray had no difficulty choosing West Virginia State College over Marshall University:

I would never have chosen Marshall University. Never. Being raised in the black community of Huntington you understood what Marshall University stood for, and that's basically nothing in connection with interest of black people. Marshall University from what I was hearing from the age of two, you know, Marshall University never stood for anything. So, therefore, I never gave a thought of going to Marshall University. Never. Never a thought because the impression that Marshall has made on black⁴⁵ people in that community is a negative one....

Gray's perceptions were apparently shared by black Huntington residents who knew of the environment confronting black students at MU, and this hurt the University's ability to attract and to keep bright young blacks from the area.

MU's environment with its covert hostility and discrimination certainly could not and did not foster a rich and active student life for black students before the CIP's arrival in 1963. However, Charles Moffat contended that in the 1960s under President Smith "the vast majority of black students enjoyed a felicitous relationship with the student body, and several of them had achieved outstanding records in athletics and in the campus leadership organizations."⁴⁶

On one level of analysis Moffat's statement is correct. Black students, like Hal Greer, Roy Goines, and Marclan Walker; did make spectacular achievements. Greer and Goines broke down racial barriers in athletics and leadership organizations such as The Robe (senior male honorary), the Reserve Officers Training Corps (R.O.T.C.), and Who's Who Among American University and College Students. Marclan Walker joined Goines as a member of Who's Who, while integrating Fagus (senior female honorary), The Parthenon, the International Relations Club, and numerous other campus organizations.⁴⁷ These were not the only black pioneers at MU, but they were responsible for the bulk of black integration into student organizations on campus. Yet, this does not mean that blacks flocked into the "integrated" organizations, or that white students openly welcomed other black students to join their groups. A meaningful examination of black student life has to be more than a recitation of initial racial barrier breakdowns. Prejudice apparently did exist in abundance and must be accounted for when evaluating black student life at MU in the days before civil rights awareness developed.

The academic atmosphere at MU in the fifties and early sixties was a major source of frustration for black students and their campus experience. Phil Carter explained that:

we say we really didn't face any overt prejudice in the classroom. But then, each one of us when we get together even to this day, we start

discussing different professors. We can independently come up with the same general conclusions. That there may have been no more than four, five white professors on this campus that we really, deep down inside felt we could get a fair shake from.

When I recall some of the things that were said to me in the classroom, some of the assumptions that were made....⁴⁸

Blatant racism did exist in the classroom. Phil Carter vividly recalled statements in his Sociology class with Dr. Richardson that prompted him to tell other students: "'don't believe what this man is saying in class.'" "There were assumptions [by Richardson] that all black people had TB and syphilis," Carter claimed, "and he would literally...come out and say these things."⁴⁹ Carter protested what Dr. Richardson stated in class and frequently confronted him with articles from black magazines, but to no avail. Carter also recounted an incident with an economics professor.

He called me 'nigger' in class, and it so stunned me that, you know, I just didn't know how in the Hell to react....So, being the only black in class whenever these things would happen, you know, there were never more than one of us in a class at the same time. You knew what you would probably do under different circumstances, but you didn't know how to handle it when that professor would make those kinds of remarks.⁵⁰

Carter's classmates also took exception to the professor's remark because several of the white students reportedly conveyed the remark to President Smith.⁵¹

To combat the discrimination they encountered, black students had few role models on campus to turn to for

support or advice. A few professors such as William Cook, Simon Perry, and Paul Stewart treated black students fairly, while making reasonable academic demands of them. Black students could also approach these professors for personal or academic advice. However, not a single black faculty member or administrator could act as a role model because MU had none. Similarly, black students could not go to people in a Minority Student Office or Black Cultural Center because neither existed. The only blacks employed on the campus were in unskilled labor positions. Thus, black students turned to Ernie McClinton, Hodges Hall maintenance worker, and other black workers for support and advice. Phil Carter remarked that McClinton "ended up being the counselor, the disciplinarian, and the advisor for all blacks."⁵²

Another important aspect of any student's existence was a social life. However, the opportunities for a social life were few for MU's black students, in part because many social events catered exclusively to the white fraternities and sororities. The Greek system at MU remained a white domain until 1968 with the exception of one black fraternity, Kappa Alpha Psi, which formed in 1962. A black sorority did not exist until the 1970s.⁵³ Consequently, fraternities and sororities did not provide a social outlet for black students. In the Fifties and early Sixties, because of the small number of blacks at MU, they tended to

know each other personally. Occasionally, MU and West Virginia State College offered mixers that were open to black and white students. More frequently, though, black social life on campus revolved around rap sessions and drinking in dorm rooms.⁵⁴

MU's black students therefore went for entertainment to the Huntington black community, which centered on Eighth Avenue. Blacks could enjoy a great variety of activities there. The Bison's Club treated MU's black athletes royally and openly welcomed all black students, while providing an opportunity for black men and women to socialize together. Area churches and black families also provided other social events.⁵⁵

Student life for black athletes at MU entailed even more exposure to covert forms of discrimination. For Phil Carter, integration at MU meant "integrating the athletic teams."⁵⁶ He estimated that seventy to eighty percent of the black students in the early 1960s were athletes. Black athletes lived in Hodges Hall with white athletes, but blacks and whites never shared a room. In the case of an odd number of athletes, somebody got a room to himself. Additionally, an unwritten ratio system in playing black basketball players apparently lingered into the late Sixties.⁵⁷

As Bruce Moody, a graduating black basketball player, wrote in The Parthenon in 1962, "Athletes at Marshall are

not privileged to escape the hardships of racial discrimination."⁵⁸ Moody argued that discrimination was much more visible to athletes because they could enter exclusive white establishments as a part of a MU athletic team; however, they could not enter the same establishments as black individuals. Not only did this frustrate MU's black athletes, but it also had the potential to damage them psychologically. "At times," wrote Moody, "I was quite depressed with the feeling of being 'different.'"⁵⁹

Phil Carter contended that the atmosphere for black athletes "was not conducive to growth and development of a black man," and that they actually felt despised by whites.⁶⁰ Carter could not precisely define the feeling but insisted many black athletes still carry the scars:

Contrary to what we were able to accomplish athletically, there was something that never really accomodated us. And you'll find most of the athletes, most of them I have talked to, have the same feeling even more intense. To this day, they will not set foot on this campus. I tried to get some back in '83 and most of them told me point blank, 'I will never set foot on that campus again given the treatment that I received.'...This is a very deep seated feeling of being despised. It goes beyond not being wanted. A feeling that people despised you...We basically felt Marshall didn't want us having any identity. So people left here with those feelings and those attitudes.⁶¹

Carter also asserted that though MU brought in black athletes from all over the country and expected them to be aggressive players on the field or court, they were not allowed to display the same assertiveness in any other phase

of student life. In essence, the campus environment at MU stymied the development of black athletes just as it restricted the development of a rich, well-rounded student life for all black students.⁶²

Clearly, civil rights and racial justice did not really exist at MU before the CIP arrived in 1963 and shook the campus out of its passive doldrums. With a misguided sense of neutrality, President Smith, the faculty as a whole, and student government did not intend to do much of true significance about civil rights. Similarly, the campus environment reeked with negative feedback for most black students, causing a diminished black student life academically, socially, and athletically. Seldom could black MU students enjoy the richness and diversity of the white student experience. The feeling of being whole, of being treated as an equal human being, escaped most black students' experience before 1963. To blacks, Marshall University had to mean something more than just letting them enter the classroom. The CIP proved to be essential because the group forced President Smith, the faculty, and the student body to consider black students' rights and demands by creating awareness of campus discrimination and negative racial attitudes.

Chapter V Notes

¹Charles Hill Moffat, Marshall University: An Institution Comes of Age, 1837-1980 (Huntington, West Virginia: Marshall University Alumni Association, 1981), p. 197. The second half of this quote alluded to Dr. Roland H. Nelson, Jr.'s dealings with Freedom and Racial Equality for Everyone (FREE), a student group established in 1968 with a black power emphasis.

²For elaboration on this concept, consult William H. Chafe, Civilisitis and Civil Rights (New York: Oxford University Press, 1981).

³Moffat, p. 195; Interview with Philip W. Carter, 10 July 1986, tape 1.

⁴Moffat, p. 194.

⁵Ibid.

⁶Ibid. Moffat noted that seventy black students had enrolled by 1956.

⁷Ibid.

⁸Ibid., p. 195.

⁹Interview with Marion T. "Bunche" Gray, 5 April 1986, tape 2.

¹⁰Interview with Philip W. Carter, 11 March 1986.

¹¹Ibid.

¹²Carter, 11 March 1986.

¹³Interview with Charles W. Aurand, 18 March 1986.

¹⁴Interview with Michael Gray, 18 April 1986, tape 1.

¹⁵Ibid.

¹⁶HEW Civil Rights Documents, 1964, Stewart H. Smith Papers, Manuscript Collection in Morrow Library, Marshall University, Huntington, West Virginia.

¹⁷"Discrimination Condemned by MU's Faculty," The Parthenon, 26 October 1962, p. 6.

¹⁸Ibid.

¹⁹Interview with Philip W. Carter, 11 March 1986. In a July 1986 interview, Carter claimed that Gerald Kumar, English professor, participated in an Old South demonstration (discussed in the next chapter), and his contract was not renewed for the next year.

²⁰Interview with Simon Perry, 8 April 1986. Stewart's advice was more technical. For example, the CIP sought out Stewart when Governor Barron called the CIP for suggestions on a human relations executive order.

²¹Interview with Marion T. "Bunche" Gray, 5 April 1986, tape 2; Carter, 7 April 1986.

²²Carter, 7 April 1986; Perry, 8 April 1986.

²³Larry Ascough, "Human Rights Group Urged," The Parthenon, 10 October 1962, p. 1.

²⁴Ibid.

²⁵"McMillan Reports No Veto Planned," The Parthenon, 17 October 1962, pp. 1, 3; William Calderwood, "Study Is Slated on Rights Unit," The Parthenon, 19 October 1962, p. 1.

²⁶Ibid.; The report delivered by Thomas has been previously discussed in Chapter II, pp. 24-25.

²⁷"Human Rights Group Is Abolished by Senate; Usefulness Seen Ended," The Parthenon, 13 November 1963, p. 1.

²⁸Pat Austin, "Letter to the Editor," The Parthenon, 22 November 1963, p. 2.

²⁹Ibid.

³⁰Student Government Minutes for Session No. 20, 20 November 1963, Smith Papers. Other information in the paragraph from Gary Kearns, "Varacalli Fights Gainer Veto," The Parthenon, 11 December 1963, p. 1.

³¹Gary Kearns, "Discrimination Plea Vetoed," The Parthenon, 6 December 1983, p. 1.

³²Kearns, "Discrimination Plea Vetoed," p. 1.

³³Ibid.

³⁴Ibid.

³⁵Kearns, "Varacalli Fights Gainer Veto," p. 1.

³⁶Ibid.

³⁷Gary Kearns, "Senate Rejects Discrimination Plea," The Parthenon, 13 December 1963, p. 1.

³⁸Ibid.

³⁹"Senate Voices Stand on Rights," The Parthenon, 18 June 1964, p. 4.

⁴⁰Ibid.

⁴¹Richard A. Diehl, "Letters to the Editor," The Parthenon, 5 May 1965, p. 3.

⁴²Ibid.

⁴³Interview with Simon Perry, 8 April 1986; Interview with Charles Aurand, 18 March 1986.

⁴⁴Michael Gray, 18 April 1986, tape 1.

⁴⁵Ibid.

⁴⁶Moffat, p. 197.

⁴⁷The Chief Justice yearbooks from 1955 to 1960 reveal the achievements and integration efforts of the early black students.

⁴⁸Carter, 11 March 1986.

⁴⁹Ibid.

⁵⁰Ibid.

⁵¹Ibid.

⁵²Ibid.

⁵³Chief Justice, 1960-1975.

⁵⁴Michael Gray, 18 April 1986, tape 1; Carter, 11 March 1986.

⁵⁵Michael Gray, 18 April 1986, tape 2; Carter, 7 April 1986.

⁵⁶Carter, 11 March 1986.

⁵⁷Ibid.; Ernie Salvatore, "Down In Front," The Herald Dispatch, 21 January 1986, p. B3.

⁵⁸Bruce Moody, "Negro Student Looks at Discrimination," The Parthenon, 11 May 1962, p. 5.

⁵⁹Ibid.

⁶⁰Carter, 11 March 1986.

⁶¹Ibid.

⁶²Ibid.

Chapter VI

Actions Creating Awareness at MU

To create awareness of racial injustice and prod people to respond to civil rights efforts, the CIP realized actions designed to reveal discrimination and force a reaction were necessary. Consequently, the group focused its attack on MU's Greek system which dominated student life throughout the 1950s and 1960s by not only controlling student government, but also by monopolizing the social life at MU. Because the existing Greek organizations remained lily-white, blacks found the road to campus leadership and social activities effectively closed.¹ In order to create these opportunities for themselves and other black students, Phil Carter and a group of black males formed the Epsilon Delta Chapter of Kappa Alpha Psi and obtained national recognition on December 2, 1962. The fraternity performed social service projects and provided social events like its annual spring formal, The Sweetheart Ball. This, however, did not sufficiently alleviate the problem. Creating sensitivity to blacks' social and leadership needs depended upon integration of the whole Greek system. But, not until 1968 when John Shellcroft pledged Zeta Beta Tau did a white fraternity admit a black. Clearly, blacks at MU lived in a restricted social environment.²

The CIP helped to alleviate the social deprivation at MU. The social activities of the CIP were not the primary goals of the organization, of course, but they were

essential. As previously mentioned, an inner circle of CIP core members and an outer circle of members existed. The outer circle consisted of students who could not become totally committed because of time or financial constraints as well as students who simply lacked a total commitment to the cause. This latter group tended to be those most interested in the CIP's social activities. One inner circle member considered the CIP's social activities a crucial tactic to insure workers for the organization:

They [CIP leaders] understood you had to have so much social to keep this outer circle happy. Because if you don't show up on the god-damn line when we need you, we threw some of the best parties in the world, you wasn't [sic] going to be invited to the party. Now you never said that. But shoot, that's part of the concept.³

However, unlike other organizations, the CIP threw truly interracial parties. The CIP knew how to use social activities to coax the help of those not truly committed to the cause and to say thank you or to reward their more active members. As a result, the CIP provided an oasis of social activity for black and white MU students.⁴

The major social event sponsored by the CIP was a Hootenanny featuring Donald Lease on the MU campus on November 2, 1963. Lease, a native of Huntington and nephew of Bunche Gray, was a drama major at Howard University and a rising star of folk music. A The Parthenon article claimed that "after a little more than two years, Lease has been acclaimed as one of Washington's foremost folk singers, and

the most sought after folk singer in the Southeastern United States."⁵ Lease frequently performed in the Washington, D.C., area with rave reviews from entertainment critics and had cut one album. His most famous performance to date had been at the Chicago Folk Festival when he sang with Odetta, one of the greatest folk singers at that time.⁶

The fact that an organization like the CIP put so much effort into social activities indicates the sparsity of interracial activities at Marshall. Full integration of the social life on MU's campus was not yet a reality, and the CIP served an important social function as a bridge that allowed blacks and whites to socialize with each other. However, the CIP's efforts alone were not sufficient to fulfill the social needs of MU's black students. Therefore, it is not surprising that the CIP attempted to eliminate the racism and discrimination inherent in MU's Greek system by exposing it to MU's administration, faculty and students.

The first and most significant CIP protest against MU's Greek system involved the Kappa Alpha Order (KA). To exclude blacks as the fraternities and sororities did was one thing, but annually to parade white supremacy and Old South segregationist values all over campus was quite another matter. The KAs' Old South Weekend was such an event and its offensiveness infuriated a number of black MU students. Consequently, the CIP sought to destroy this

distasteful event or, at the very least, significantly alter it.

The impetus behind the Old South Weekend stemmed from the KAs' celebration of the birthday of Robert E. Lee, the fraternity's spiritual founder, on the first weekend in May. A typical Old South Weekend began on a Thursday with the issuance of formal written invitations to the KAs' "Southern belles." The festivities started the following day with KA members chalking a "Mason-Dixon" line across campus and the administration turning the University over to the KAs who had "seceded" from the union in an earlier ritual. This ceremony recalled MU's occupation during the Civil War by Confederate General Albert Gallatin Jenkins. Afterwards, the KAs announced a Rose or Old South Queen and, accompanied by area high school bands, paraded to Huntington's City Hall where the mayor or city manager officially surrendered the city to the KAs. During the entire event, KA members wore Confederate uniforms, the belles displayed hooped skirts, and the Confederate flag flew over the campus and city, including City Hall. On Saturday evening the KAs held the Old South Ball in the American Legion Hall, where the Confederate flag temporarily replaced the American flag. A picnic on Sunday afternoon ended the celebration of the Old South Weekend.⁷

Old South Weekend in 1964 was scheduled to begin on Thursday April 30. However, the CIP refused to continue to

let the ritual go unchallenged. Shortly before the event, Pat Austin initiated the CIP's assault upon the Old South Weekend in a letter to the editor of The Parthenon.

Next weekend, in a ritual commonly known as "Old South Weekend," Marshall University will be festively reminded of America's most shameful crime against itself and all humanity....I consider the proposed celebration, so-called, as deplorable. I am appalled by the fact that an official of Marshall University plans to "surrender" this campus to an organization that considers it honorable to lower the American flag in favor of the Confederate flag....

Austin added that MU and the State of West Virginia projected images as being "liberal" and "progressive." Yet, MU, a state supported institution, participated in "a ceremonious reincarnation of the breakdown of human relations in this country."⁹ Austin said she and many other black students did not find this action and official sanction by MU as being liberal or progressive, but quite the contrary. Instead, the KAs' celebration of the Old South represented a glorification of a system based on slavery and racial oppression. Tradition or not, many of the Old South Weekend rituals undermined blacks' dignity and sorely reminded them of their own oppression in the 1960s. Blacks found no reason for people to be reminded of, let alone to celebrate, past inhumane practices or needlessly to assault blacks with such a display. Austin concluded by asking, "Must we bear the humiliation of this celebration another year?"¹⁰

A CIP contingent, which included Austin and Phil Carter, backed by the moral support of the Huntington Chapter of the NAACP and the West Virginia Human Rights Commission, directed this question to President Stewart H. Smith at an April 29, 1964, meeting. In a typed statement the CIP demanded that Smith withdraw official University sanction of the Old South Weekend, ban the use of the Confederate flag at University athletic contests, and prohibit the Confederate flag from being placed beside the American flag at ROTC balls. Smith's notes taken at the meeting indicate that the majority of the discussion concerned the CIP's first demand of withdrawal of official University sanction of the Old South festivities. Smith noted that the CIP's objections to the Old South Weekend dealt with the activities on campus and the University's participation. The CIP opposed participation by the University faculty and administration, drawing of the Mason-Dixon line, use of the Confederate flags, the surrendering of the campus, and the KAs' secession program.¹¹

Realizing that they could not violate the KAs' right to celebrate the Old South and knowing that neither the fraternity nor the administration would hear of getting rid of the Old South festivities, the CIP demanded the Old South Weekend ceremonies be removed from the MU campus and the end of certain rituals. If MU officials accepted its demands,

the Old South celebration would be much diluted and more tolerable and sensitive to blacks. The KAs could still preserve Lee's spirit and celebrate his birthday and the Old South with the more festive aspects of the occasion such as the dances, a revised parade and the Sunday picnic. The CIP activists thought this to be a fair solution because they saw the traditional Old South Weekend as a violation of racial justice and a menace to racial understanding and better race relations. In the CIP's statement of demands to Smith, Austin and Carter declared, "this outmoded, anti-democratic, and un-Christian act is nothing more than a deification of race separation. All those who do not act to prevent it are sanctioning it...."¹²

Despite the CIP's efforts, Smith continued to sanction the KAs' Old South Weekend. He cited insufficient time to study the situation properly before the ceremonies began. Also, he stated that he had discussed the CIP's complaints about the Old South Weekend with the Administrative Cabinet and many of the members expressed surprise and failed to see a connection between the Old South Weekend and integration. Smith promised, though, that he would register the CIP's complaints with the KA Order and work to remove questionable rituals. To the CIP activists, however, this was just more evidence of Smith's, and his administration's, indifference and confirmed in their minds that MU was an anti-black

institution, a sentiment they had expressed to Smith at their April 29th meeting.¹³

The Student Senate's denial of moral support later that evening further convinced the CIP activists of MU's anti-black bias. John Cross introduced a resolution calling for the Student Senate to oppose "the Kappa Alpha fraternity's receiving administrative sanction for the surrendering of the campus to their glorification of the Confederacy...."¹⁴ Cross stated he introduced the resolution because black students considered the Old South Weekend to be blatant racial discrimination. Though he declared that whether or not black's perceptions were correct did not matter, his arguments did not appeal to Ann Humphreys. She contended that the South could not be associated with slavery and that the KAs did not overtly connect discrimination with the Old South Weekend. Other student senators stated positions similar to Humphreys' and led the charge in defeating Cross' resolution, 25-3. Senate advisor Simon Perry lamented that "the senate has had another opportunity to throttle bigotry and, again, it didn't take it."¹⁵ The Student Senate had once again joined President Smith in perpetuating the status quo and hindering positive change to which the CIP responded by announcing that the group planned to protest the impending campus ceremonies.¹⁶

True to their word, about twenty-five CIP demonstrators marched from the Women's Gym to a stand in front of the old Shawkey Student Union where the secession ceremony was to be held. However, KA members were prepared for the CIP demonstrators. The chapter president, Bill Hendrick, began the ceremony with a statement disapproving of the CIP's objections. He then stated that the KAs never abused the American flag, while a fraternity member on the stand unfurled an American flag in place of the usual "Stars and Bars" of Dixie. The crowd, including the CIP demonstrators, applauded. Next, Stanley A. Shaw, Dean of Men, stood and spoke. Though he did not officially "surrender" the campus to the KAs, Dean Shaw declared:

I am very proud of this organization. Nothing would make me happier at this time than to turn the campus over to this fraternity. This is their idea; they talked it over among themselves and decided to use this plan.¹⁷

After Dean Shaw sat down, the KAs said the Pledge of Allegiance, sang the National Anthem, and named a new Old South Queen. With the conclusion of the campus ceremonies the KA members, dressed in suits rather than their traditional Confederate uniforms, toured Huntington in cars and then returned to their fraternity house. The KAs completely skipped the ritual of receiving the surrender of City Hall and hoisting the Confederate flag, and did not use a Confederate flag at any time during the day.¹⁸

Apparently, KA members decided for and by themselves to alter the Old South ceremony. At least, in his statement Dean Shaw stressed that neither the faculty nor the administration influenced the KAs' decision to alter their ceremony and Hedrick confirmed that the KAs voluntarily and independently opted for the changes. He stated that one hundred percent of the chapter had voted on the previous evening, April 30, to suspend temporarily the traditional ceremony in favor of one less controversial. Hedrick and the KAs saw nothing wrong with the traditional ceremony and hoped for its return, but felt the altered program was expedient for the moment.¹⁹

Hedrick insisted that the fraternity had the right to celebrate the ceremony any way it chose: "the school had sanctioned the ceremony; we could have carried through with it completely as we have done in the past....It was our own decision."²⁰ This seems undeniable. The motive, however, is less clear. The KAs could have easily continued their traditional celebration. After all, the CIP protested anyway. So, the changes were not to avoid the embarrassment of a demonstration. Quite the contrary, the unexpected alterations placed the CIP demonstrators in an awkward position. How could a protest be made against the American flag and students respectably clad in suits who omitted the secession program and related rites? Consequently, the KAs' purpose could have been to embarrass the CIP by upstaging

them. Nancy Potter Matthews considered the KAs' action, whether conscious or not, a move to turn the CIP's protest into a "non-event" so attention would be diverted away from the fraternity and the Greek system.²¹ Certainly, Matthews' analysis of the end result appears correct, but it fails to reveal the initial motivation of the KAs.

Another possible reason for the KAs' decision to change their secession ceremony could have stemmed from an apprehension of incurring the wrath of their national affiliates. According to the national policy of the KA Order, secession rituals and other similar ceremonies were not a part of the organization's officially sanctioned activities. The KA national policy read:

...But we disapprove of and request the abandonment or discontinuance of Secession ceremonies, mock assassinations of Union Military leaders and similar displays of anachronistic sectionalism. Not only are these occurrences misunderstood and consequently criticized, bringing unnecessary opprobrium upon the Order but also, and more important, they are alien to the principles and example²² of our spiritual founder whom we would emulate.

The KA national policy also elaborated on the use of the Confederate flag. The official flag of the KA Order consisted of crimson, white and gold bars with a crimson Greek symbol. The Confederate flag was not an official symbol for the fraternity but it retained its symbolic importance. The KAs could display the Confederate flag at social functions, inside the fraternity houses, and from

flagpoles -- with preference accorded to the American flag. So, while the Confederate flag was an integral part of the KA tradition, secession rituals and similar activities as practiced by the Beta Epsilon Chapter put the local chapter at odds with the KA national policy. In all probability the KA national order knew of Beta Epsilon's traditional secession ceremonies. But, so long as the local chapter's celebration did not cause embarrassment or problems for MU's administration, the national was apt to ignore the situation. The CIP, however, had drawn considerable attention to Beta Epsilon's practices and had put the MU administration on the spot. Therefore, the KA national might require the Beta Epsilon Chapter to end their traditional secession ceremonies. Thus, quite possibly, rather than upset the KA national and embarrass themselves, the members of Beta Epsilon agreed to make the voluntary alterations in their ritual ²³

Of course, the CIP had no way of knowing the KAs would change their program, let alone understand why they would do so. The CIP only knew that the KAs did change their program and consequently they praised the members of KA. Though surprised, Phil Carter called the revised program "an improvement," but hoped for even more changes. Danie Stewart and Pat Austin considered the KAs' revisions a mature and positive step toward racial understanding and justice.²⁴ In a letter to the editor of The Parthenon, Pat

Austin conveyed the CIP's response to the KAs and their revised program.

The Kappa Alpha Order fraternity has made a commendable stand for civil rights. The Civic Interest Progressives would like to congratulate them for their mature and responsible decision.

Once made aware that their "ceremony" was offensive to a portion of the student body and faculty, they so altered it to remove the "most" objectionable aspects....

Much progress in the field of human relations has been made through demonstrations and the creation of public awareness. Kappa Alpha Order is to be congratulated for its progressive behavior.²⁵

In essence, the CIP congratulated the KAs for making changes in their Old South celebration, but the CIP simultaneously patted themselves on the back for raising the objections and demonstrating. The latter was probably done to temper praise for the KAs' actions. Evidence of modifying the KAs' achievement existed in the phrase "altered it to remove the 'most' objectionable aspects." The CIP concluded the KAs had made an overture that deserved some praise, but further steps needed to be taken. In the letter the CIP declared the KAs' action a mandate for MU's administration. Austin also insisted that though many people considered black objections to the Old South celebration as "trivial," the event was a major problem to black MU students and one which sparked much debate and thinking across the campus.²⁶

The student views expressed in The Parthenon unanimously opposed the CIP stand on the Old South Weekend.

A KA member, Douglas Pelfrey, defended his fraternity's celebration expounding at length on the history of the KA Order and on the Old South Weekend. Pelfrey stressed that the KAs celebrated "the color, valor, daring and romance" of the Old South.²⁷ He asserted that the KA members respected the American flag and many of them belonged to military reserve units. Pelfrey asserted that too much fuss had been made about the Old South Weekend, a celebration enjoyed by many and one that did not violate anybody's personal freedoms and rights. He concluded by asking the CIP, "to be as tolerant with our beliefs as we have and will try to be with theirs."²⁸

Pelfrey's letter bolstered the KAs' image as the good guys and drew written applause from subsequent letter writers, all of whom criticized the CIP. Lucretia Ellen Metz lambasted the CIP for the pettiness of their protest. She felt that how the KAs, a private organization, spent one weekend a year was a trivial matter and none of the CIP's concern. Surely, she insisted, the CIP could find something more important to protest. Peg Guertin and Pete Skiades in separate letters accused the CIP of senselessly damaging MU's progressive reputation and jeopardizing the "excellent race relations that existed."²⁹ Skiades even accused the CIP of ruining the racial atmosphere at MU. To conclude his letter, Skiades wrote:

Thank you Miss Austin, Mr. Carter and sheep for polluting the harmonious atmosphere and good will which once existed on our campus.

Yes, Miss Austin, this is still the land of liberty!

No, Mr. Carter, not of irresponsibility.

Yes, Miss Austin, it is the home of the brave!

No³⁰ Mr. Carter, it is not the home of the slave.

In another letter, Chuck Delehanty, a picket for the CIP at the White Pantry believed that the group had gone too far in attacking MU, and listed criticisms similar to those of Metz, Guertin and Skiades and offered his advice on how the CIP should proceed in the future. Delehanty reiterated that MU was, under President Smith, a progressive civil rights institution, and argued the demonstration against the KAs hurt the CIP's cause over a grievance he deemed invalid. Delehanty advised the CIP to write out its grievances and request a discussion of them with President Smith and the student body.³¹

Rarely did five students write on the same issue to The Parthenon editor, but even more significantly, each of the five who did write, disagreed with the CIP. Apparently, the CIP's demonstration against the KAs upset a number of MU students. But, the CIP disturbed other people also. John R. Brown, a KA alumnus, wrote directly to Smith expressing his anger at the CIP for raising objections to the Old South Weekend and urged the President not to curtail the KAs' celebration in any way. Brown criticized the CIP as a

"Johnny-come-lately campus group" that sought "notoriety at the expense of an old and established organization."³² He then encouraged Smith to check the alumni list for both organizations before making his decision. Brown showed his ignorance of KA rules by concluding that the KA national would never sanction a chapter engaging in a practice "that would embarrass any racial group, even the rabble rousing Civic Interest Progressives."³³ Other KA alumnus may have expressed their ire to Smith in person and via the telephone.³⁴ Despite incurring the displeasure of many MU students and the KAs, current members and alumnus, however, the CIP had gotten its point across that the Old South Weekend offended black students at MU. Although total victory had not been secured and MU's black students still had to endure the KAs' Old South Weekend, the offensive elements of the rituals had been greatly reduced.

This initial success paled to insignificance, however, when the CIP and MU's black students witnessed a reactionary backlash as the KA Order celebrated its 100th anniversary in 1965. The Beta Epsilon Chapter presented President Smith with its proposed agenda for the Old South Centennial Celebration in early March of 1965. The proposed agenda called for a return of some customs omitted from the 1964 ceremony. For instance, the KAs wanted to draw the Mason-Dixon line across campus, sing "Dixie," and use the Confederate flag along with the United States flag and

singing the "Star Spangled Banner." The KAs' proposed agenda for the 1965 Old South Weekend was the traditional celebration deleting only the secession ceremonies at MU and Huntington's City Hall. Despite this return to old standards Smith granted official sanction of the Old South Weekend and approved of the KAs' proposed agenda minus the drawing of the Mason-Dixon line.³⁵

As might have been expected, the CIP was not happy with the KAs' plans or Smith's approval of them. Alan L. Miller, member of MU's Students for a Democratic Society (SDS) and sympathetic supporter of the CIP, wrote a letter to the editor of The Parthenon. In it he expressed the CIP's sentiments, explaining that the CIP activists were not against gracious living and southern hospitality, but the lifestyle of the elite class of the antebellum South which resulted from the exploitation of black slaves. The good aspects of the "Old South" never belonged to blacks and still did not pertain to them in the 1960s. In his concluding paragraph, Miller flatly stated the CIP's position concerning the KAs and the Old South Weekend:

The CIP is no more against the good things in southern society than is the KA Order, and if the KAs would come out as strongly against the evil in southern society as they do in favor of the good, the CIP would be proud to join them in their celebration, instead of opposing them.³⁶

The CIP never found any reason to join the KAs in their Old South celebration. Therefore, instead of protesting the

Old South Weekend in 1965, the CIP created a parallel observance called "New South Weekend" for the same weekend as the KAs' celebration. As the bulk of their commemoration, the CIP hosted a "Conference on the New South" which included speakers representing the Student Non-Violent Coordinating Committee (SNCC), the Southern Conference Educational Fund (SCEF), Students for a Democratic Society (SDS), the Congress of Racial Equality (CORE), and the Southern Student Organizing Committee (SSOC). To counter the KAs' campus ceremonies and parade on Friday, April 30, 1965, the program of the New South Conference headlined Steve Weisman, formerly the chair of the Graduate Coordinating Committee and member of the overall Steering Committee of the Free Speech Movement (FSM) at the University of California at Berkeley. Weisman had been touring southern college and university campuses to present his interpretation of the recent FSM events at Berkeley. Accompanying Weisman on the Friday program was Ed Hamlet, campus speaker for SSOC, and folk singer Hedy West. Later that evening the CIP held a New South Ball for the conference participants and anybody else desiring to share in their festivities. For Saturday, May 1, Anne Braden, noted civil rights author and editor of the Southern Patriot, a SCEF publication, and Stanley Wise, executive of SNCC, headed the group of speakers.³⁷

All in all, the New South Conference was quite an achievement. The showcase of nationally prominent speakers in the field of civil rights plus the social activities did an impressive job of demonstrating what the CIP deemed as a positive celebration of the South. Also, the CIP's festivities provided all MU students an alternative to the KAs' annual ritual. Once again, the CIP did more than just complain; the group took action. Though probably nobody intent on attending the KAs' functions changed plans in order to participate in the New South activities, the CIP's observance still acted as an effective protest against the KAs' celebration. The New South observance was a positive example of celebration that promoted better race relations and an overall understanding of racial problems and tensions. By comparison the KAs' Old South Weekend could more clearly be seen as a barrier to racial justice and equality which was allowed to retard race relations at MU and in the Huntington community.

Still, several whites could not and did not perceive any problems with the Old South celebration. To them, the whole weekend was just an innocent social gala. Yet, many black students at MU and in the CIP considered several of the traditional Old South ceremonies to be offensive, and found it difficult to appreciate southern gallantry and romanticism when remembering the degrading oppression of the black race that helped to perpetuate the gracious living of

the Old South. A couple of the KAs' traditional customs greatly offended MU's black students. Most obvious were the secession ceremonies which had the official sanction and participation of MU's administration. By 1964, blacks and the CIP activists could no longer tolerate the administration's endorsement of a return to "plantation mentality."³⁸ Something had to be done to alleviate the situation. Blacks and CIP activists would have liked to have ended the celebration by the fraternity, but could not deny the KAs' right to celebrate the Confederacy. However, the CIP requested a different, more realistic image that acknowledged the negative aspects as well as the positive. The overall change blacks desired in the Old South Weekend was never quite achieved and the KAs continued their modified celebration through at least 1971. The CIP was successful, however, in obtaining the stated goal of removing the most offensive aspects of the KAs' celebration and, by doing so, began creating an expanded racial awareness at MU by exposing discriminatory practices on campus, particularly within the Greek system.³⁹

Besides hosting the New South Conference to protest against the KAs' Old South Weekend, the CIP had already exerted a tremendous amount of pressure by focusing attention on the Greek system at MU in Spring 1965. On March 13, 1965, the CIP exploited an incident at the Sigma Phi Epsilon (SPE) fraternity's annual "Blue Mountain Blast"

at the Police Farm in Wayne County, West Virginia. The fraternity hired an all black band to perform at the dance. As the evening proceeded, several of the participants at the dance consumed a considerable amount of beer, especially Mitchell Joseph Thomas, a SPE fraternity member, and Kenneth Rand Stewart, a guest at the dance.⁴⁰

After the dance ended around midnight, fraternity members attempted, without success, to subdue Thomas and Stewart, who were shadow boxing and wrestling in the parking lot. A band member, Joseph Goss, was walking nearby carrying a base amplifier to a trailer the band had rented to haul its instruments. Thomas intercepted Goss and asked him if he wanted to fight. Goss replied that he did not but Thomas struck Goss in the face anyway. The blow knocked Goss over the amplifier and damaged it. Another nearby band member, Clarence "Rackey" Crawford, Jr., asked who hit Goss. When Thomas bragged that he had done it, Crawford removed his coat and stepped toward Thomas. A general scuffle erupted after somebody knocked Crawford to the ground in an effort to restrain him. Stewart escalated the fighting when he pounced upon David Chappell, husband of the band's agent, and struck blows to his head. Stewart was then struck in the head with a bottle. A few SPE members joined in the fight while others attempted to restore peace. Finally, the participants were separated and the band members retreated to their cars. Before they were able to leave, however,

several SPE members rocked and beat one of the cars, frightening its driver into bumping a parked vehicle.⁴¹

Early Sunday morning, Phil Carter, Danny Hall, Michael Gray, and another CIP member went to the SPE fraternity house and spoke with fraternity members Andy McQueen and Ray Twohig about the incident with the band. Gray described the encounter this way:

These were two moderates in the fraternity as I viewed it. Real smooth fellows...and they came down[stairs] trying to calm us and Phil down to point out that it was a very unfortunate incident. Phil [Carter] wanted to talk to the guys who were responsible for the incident but couldn't because they were upstairs passed out...they [McQueen and Twohig] tried to explain to us that it was all liquor talking....⁴²

Carter's and Danny Hall's version, as reported to the Marshall University Human Relations Commission's (MUHRC) investigating subcommittee, was similar to Gray's recollection. However, when Hall queried Twohig about why Thomas had attacked Goss, Hall quoted Twohig's answer as, "Well, you know the reason as well as I do." Both Carter and Hall also concurred with Twohig's statement that Thomas was prejudiced against blacks. Hall and Carter believed the fight had racial overtones. Also, Carter indicated that the SPE fraternity expressed an unwillingness to do much about the matter. Carter recounted:

McQueen and Twohig asked us to keep the matter quiet. Twohig tried to reason the thing out. We asked them what they planned to do? They were very vague, indicating, more or less, that nothing would be done. We asked what they intend

to do about this kind of individual? They said something to the effect that 'Their contributions outweighed their weakness. They had worked very hard to get the place decorated.'⁴³

The fraternity's version of the incident with the band and the meeting with the CIP were markedly different from the accounts of Carter, Hall and Gray. The fraternity representatives, McQueen, Twohig, and Phil Harmon, a chaperone at the dance, denied any use of racial slurs at the dance and argued that the fraternity was not a party to racism. Instead, they insisted drunkenness was responsible for the outbreak and the fraternity's witnesses even suggested that if any racism existed it was on the part of Clarence Crawford, one of the black band members. Unsurprisingly, Twohig's version of the Sunday morning meeting between the fraternity and the CIP differed from Carter's account. In a written statement submitted to Dean Shay, Twohig explained:

We [the fraternity] asked him [Carter] to let us handle it, and told him what we knew of it....We told him that we didn't think it was a race riot, but that we did feel an obligation, further a responsibility, to deal with the instigators of the incident and to see to it that all damages that were repairable be repaired and the band be assured as to lack of malice and the obvious spontaneity of the entire situation. We further requested that he not blow it out of proportion and that he recognize it for it was--a small tussle involving drunks, and an unfair treatment by those drunks⁴⁴ [sic] of guests of the Fraternity.

The investigating subcommittee of the MUHRC had a tough time deciding where the truth lay. As a result, Simon Perry and Wendell English, members of the subcommittee, and Enid Chappel, manager and member of the band, attended a meeting at Bunche and Conklin Gray's home. She testified that the fraternity members had tampered with the band's equipment throughout the dance and did use racial slurs during the fight. This was contrary to statements she had earlier made to Dean Shay according to his summary of her testimony.⁴⁵

In any case, the subcommittee finally ruled that insufficient evidence existed to determine race as a factor in the incident. Rather, the subcommittee concluded that "...it would be best not to treat the matter as a racial incident. The evidence is not sufficient to make such a conclusion and if we adhere strictly to the rules of empirical proof neither can we conclude that it was not a racially provoked act."⁴⁶ Though recommending not to treat this incident as a racial one through lack of evidence, this report rather clearly contradicted Shay's March 7 statement to the President in which he reported that "intoxication of men, not racial bias, appears to be the reason for the attack."⁴⁷ In any case, later that evening President Smith, acting upon Shay's recommendations, banned the Blue Mountain Blast, placed the Sigma Phi Epsilon fraternity on probation for one year and suspended the two principle instigators of

the incident, Thomas and Stewart, from MU for intoxication, not racism.⁴⁸

The real controversy was the role of the CIP. The fraternity accused the CIP of turning the incident into a racial one, when it was not. Also, the fraternity believed that if the CIP had not publicized the incident, then the fraternity could have smoothed over the trouble with the band quietly and without further embarrassment to itself and the University.⁴⁹ Phil Carter responded to these allegations by saying that the CIP was not responsible for making the dance incident into a racial issue.⁵⁰

Yet, the CIP appears to have played a significant role in making people aware of the incident. After getting no satisfaction directly from the fraternity, the CIP brought the case before the Huntington Chapter of the NAACP and Huntington's Human Rights Commission (HRC). Neither of these two entities could do anything about the situation but they provided public forums to air the incident. By creating public awareness, the CIP placed President Smith in such a position that he had to deal with the incident and with it the question of discrimination at MU.⁵¹

The day after the public airing of the incident at Huntington's HRC meeting, Smith made the CIP aware of his displeasure. The CIP had filed a complaint with the University asking Smith to put the fraternity on probation for three years, to suspend the guilty offenders, and to

have the fraternity remove Thomas' name from its membership role. In an article in The Parthenon, Smith expressed his resentment over the CIP's interference and suggestions:

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

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

The CIP is not a recognized University organization, has never requested recognition and therefore has no status on the campus.

By assuming that it can speak for the University, although not accountable to the University, the CIP has placed itself in a highly ambiguous and indefensible position.⁵²

Nevertheless, as previously noted, Smith did take action in the direction of the CIP's request though he reacted upon Dean Shay's recommendations, not those of the CIP.

Nancy Potter Matthews, writing from the perspective of the HRC, perceptively analyzed the CIP's impact:

What the CIP had done, however, was to force the university administration to face the problem, and it also forced the campus and community to a public confrontation with a group charging bias and discrimination, something most of the community would rather not admit existed, or at least believed was the exception rather than the rule.⁵³

Not only was President Smith forced to do something but he also decided to have MU's own Human Relations Committee investigate the incident. Though the investigating subcommittee's recommendation publicly confirmed Smith's position and actions, MU's Human Relations Committee began

an investigation of the Greek system to determine if racial prejudice and discrimination existed and what could be done to eliminate it. After meeting with fraternity and sorority leaders, the Committee's conviction "that discrimination and prejudice do exist... [in the Greek system] at Marshall" was confirmed.⁵⁴ The fraternities and sororities were able to perpetuate segregation through selection methods which allowed one "no" vote to reject a pledge. Seemingly, the Greek representatives were not receptive to integration. As a result, the MUHRC attempted to have projects and discussion groups overcome fears and negative racial attitudes through interaction, but ultimately to no avail. However, the MUHRC had come to recognize campus discrimination and lack of concern for racial justice as the major problem confronting it. Dean John Shay wrote in the MUHRC's annual report:

Foremost, and perhaps most difficult, is the need to change the campus climate of opinion regarding racial discrimination. The majority of Marshall students appear to be indifferent⁵⁵ to the problems of their Negro fellow students.

The CIP maintained heavy pressure on the Greek system in the wake of the Blue Mountain Blast incident. On March 24, 1965, Rick Diehl carried the CIP's fight against the Greek system back to the Student Senate. The first of his two resolutions unanimously passed and placed the Student Senate on record as opposing all forms of racial and ethnic discrimination that occurred anywhere in the "University

community." Diehl's second resolution called for the formation of a committee specifically to investigate "the Greek and non-Greek social system, and if segregation is discovered then the Senate will utilize all its influence in eliminating...the discrimination or segregation...."⁵⁶ The Student Senate, however, unceremoniously defeated this resolution by a vote of 16-6. Once again, the Senate was willing to condemn racial discrimination as a concept but would not take active steps towards solving the problem on campus.

Thus the CIP appeared to be back where it started. It firmly believed racial discrimination existed in the Greek system, but the CIP activists could not exert enough pressure by themselves to force President Smith or the Student Senate to seek an end to it. Somehow the CIP needed to create more pressure. Gerald Sigmon, a black MU student apparently unaffiliated with the CIP, provided a much needed spark when he wrote a lengthy but well written letter in The Parthenon. Sigmon charged MU's Greek system with racial bias, religious hypocrisy, moral laxity, selfishness, intellectual stagnation, and failure to change. He accused the Greek system of perpetuating bigotry, hypocrisy, excessive drinking, stealing, lying, cheating, selfishness, "an atmosphere of petty concern for social trivia" rather than intellectual pursuits, and, most importantly, the status quo. To Sigmon, improvement could not take place

without change. Hoping to be a catalyst of change Sigmon issued this challenge to MU's administration:

It is time for a rigid appraisal of the status quo at Marshall University. For years, every logical facet of this institution has been geared to the acceptance of an illogical premise; that the Greek system is a positive force for good. We have complacently allowed the system to expand until, like a cancer, it controls one out of every seven students.

It is time the administration carried out an extensive and discerning analysis of every fraternity and every sorority on our campus....

President Smith and Dean Shay must not be afraid of Alumni censure, or Greek pressure. Theirs is a task calling for leadership, resolute courage, and an unvaccillating unwillingness to compromise.⁵⁷

Sigmon's letter provoked an outpouring of responses in The Parthenon. Sigmon did receive one letter of praise but the rest of the letters were from indignant Greeks anxious to criticize Sigmon and defend the Greek system. Most of the letters accused Sigmon of not using facts or exaggerating the ones he did use. Also, the Greek supporting respondents repeated the supposedly good things the fraternities and sororities did and countercharged that Sigmon's allegations could easily be applied to MU's independent students.⁵⁸

Jim Marnell wrote the most creative and revealing letter of response. His letter began:

I was sitting in the den of my five-room suite at the fraternity house last Friday, busy throwing darts at a picture of Martin Luther King and cursing God, mother, and apple pie, when my slave brought in the new edition of The Parthenon. I beat him for a few minutes because I had found a

copy of Plato's "Republic" under his bed in the cellar. "We can't have anything that's not intellectually stagnating around here. You know the rules." I gave him some of my old comics and sent him away.

Being a member of a Greek fraternity I don't read very well so I handed The Parthenon to my roommate. She reads pretty well but maybe that's because she's not a member of the Greek system....

Aroused by my roommate's snickering and deep belly laughs over the letter I decided to overcome my mental stagnation⁵⁹ momentarily and examine the boy's six points....

Through such creative writing and satire Marnell attempted to refute five of Sigmon's six charges. He did not deny the charge of racial discrimination within the Greek system. He agreed with Sigmon and pointed out that a black MU student would have very little chance of being pledged because unanimous approval by the members was required. Marnell shrugged this off as a fact of life and continued his articulate defense.⁶⁰ So, even though the Greek system did not officially sanction racial discrimination the fraternities and sororities had a structure in place that promoted the continuance of segregation. Worse yet, Greeks like Marnell no longer denied it and arrogantly snubbed MU's black students.

Sigmon's letter also prompted President Smith to make some comments at the annual leadership camp for future campus leaders. Smith noted that Sigmon's letter levelled serious accusations at MU's Greek system, and he and the Greeks would have to respond to Sigmon's challenge. He acknowledged that the Greek system was in need of reform,

and promised to help all he could, but challenged the Greek leaders to "behave like adults by assuming responsibility in helping remove the islands of segregation that exist on our campus."⁶¹ As a part of his challenge, Smith made the following declaration:

During the coming year I expect to see the fraternities and sororities at Marshall open their doors to all students enrolled at our University. I do not ask you to pledge a student because he is a Negro. What I ask is that you do not reject a student because of his race. All students, regardless of color, should be accepted on the basis of individual merit and potential.⁶²

As David Peyton later observed in his column in The Parthenon, the key word in this statement by President Smith was "expect." Usually, the word "expect" denotes a hope for the future or a command to be carried out. According to Peyton, President Smith hedged his meaning of "expect" to represent a challenge, a safe middle ground definition. Any forthcoming desegregation in the Greek system still had to be done voluntarily by the Greeks themselves. Smith would impose no penalty on the Greeks for failure to meet the challenge.⁶³

The CIP utilized President Smith's challenge message by thrusting his words before the Student Senate. Rick Diehl introduced another resolution to form a committee which sought to undermine the "islands of segregation" on campus by investigating possible avenues of educating the student body and thereby creating better racial awareness and

improved attitudes. After Diehl reassured the senators that the resolution was not aimed at the Greek system, the resolution overwhelmingly passed.⁶⁴

By May 1965, the CIP had been able to get MU's Human Rights Commission to investigate the Greek system for evidence of racial discrimination, had Smith and the Greeks admitting that a problem existed, and had prompted the Student Senate to create a committee with the ultimate purpose of educating against discrimination and eliminating anti-black racial attitudes.⁶⁵ MU's administration, the HRC, the Student Senate and members of the Greek system had all been made aware, albeit grudgingly, of campus racial discrimination. Hence, the CIP played a vital role in bringing about campus awareness of discrimination, particularly in the Greek system, and thereby forced individuals to deal with the issue of civil rights and racial justice.

Chapter VI Notes

¹ Interview with Philip W. Carter, 11 March 1986.

² Chief Justice, 1955-1965; Chief Justice, 1963, p. 137; "Negroes Begin Fraternity Here," The Parthenon, 15 September 1961, p. 3; "K A Psi Lists 201 Chapters," The Parthenon, 5 October 1962, p. 6; Ron James, "Just a Brother, Says Negro Pledge," The Parthenon, 10 October 1968, p. 2. In the 1950s and early in the sixties the Cavaliers and Societas, an independent fraternity and sorority, had accepted black students, but were never a part of the Greek system and their existence was in limbo by the mid-sixties. Neither organization was a viable option for MU's black students.

³ Interview with Michael Gray, 18 April 1986, tape 2.

⁴ Ibid.

⁵ "Hootenanny Arranged by Civic Interest Group," Parthenon, 25 October 1963, p. 8.

⁶ Ibid.

⁷ Chief Justice, 1963, pp. 23, 139; Charles Hill Moffat, Marshall University: An Institution Comes of Age (Huntington, West Virginia: Marshall University Alumni Association, 1981), p. 196; "KA's Will 'Secede' Again Friday," The Parthenon, 2 May 1962, p. 1; "Campus 'Captured' By KA's," The Parthenon, 9 May 1962, p. 6.

⁸ Patricia Austin, "Letters to the Editor," The Parthenon, 24 April 1964, p. 2. Other information from "KA's South Weekend Will Begin on April 30," The Parthenon, 22 April 1964, p. 3.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Statement of Demands by the Civic Interest Progressives to President Smith, 29 April 1964, Stewart H. Smith Papers, Manuscript Collection of Morrow Library, Marshall University, Huntington, West Virginia.

¹² Ibid. Other information in the paragraph came from Smith's papers. The documents used include: one page and two notecards of Smith's notes of the 29 April 1964 meeting with the CIP representatives, and a 29 April 1964 letter from George K. Smith, President of the Huntington Chapter of the National Association for the Advancement of Colored People (NAACP) to President Stewart H. Smith.

¹³President Smith's notes of meeting with the CIP, 29 April 1964, Smith Papers. David Peyton, "CIP Is Planning Demonstration," The Parthenon, 1 May 1964, pp. 1-2.

¹⁴MUHRC 1965 Annual Report, p. 3, Simon Perry Personal Papers of MU's Human Relations Committee. Huntington, West Virginia; MUHRC Minutes, March 30, 1965.

¹⁵Gary Kearns, "Senators Defeat Resolution Opposing KA's 'Old South,'" The Parthenon, 6 May 1964, p. 3.

¹⁶Peyton, "CIP Is Planning Demonstration," p. 1.

¹⁷David Peyton, "KA's Alter 'Old South' Ceremony; CIP Carries Out Demonstration," The Parthenon 6 May 1964, p. 1.

¹⁸Ibid.; "Fraternity Curbs Display of Flag," The Parthenon, 1 May 1964, p. 1.

¹⁹Peyton, "KA's Alter 'Old South' Ceremony; CIP Carries Out Demonstration," p. 4.

²⁰Ibid.

²¹Nancy Potter Matthews, "A Study in Nondecision: The Human Rights Commission in Huntington" (Master's thesis, Marshall University, 1971), p. 62.

²²Kappa Alpha Order Statement of Policy, 1964, p. 24-A, Smith Papers.

²³Ibid., pp. 23-A and 24-A; William E. Forester, Executive Secretary of the National Administrative Office of the Kappa Alpha Order, to President Smith, 4 May 1964, Smith Papers.

²⁴Peyton, "KA's Alter 'Old South' Ceremony; CIP Carries Out Demonstration," p. 4.

²⁵Pat Austin, "Letter to the Editor," The Parthenon, 8 May 1964, p. 2.

²⁶Ibid.

²⁷Douglas Pelfrey, "Letters to the Editor," The Parthenon, 1 May 1964, p. 2.

²⁸Ibid.

²⁹Pete Skiades, "Letters to the Editor," The Parthenon, 6 May 1964, p. 2. Previous information from Lucretia Ellen Metz, "Letters to the Editor," The Parthenon, 6 May 1964, p. 2; and Peg Guertin, "Letters to the Editor," The Parthenon, 6 May 1964, p. 2.

³⁰Skiades, p. 2.

³¹Chuck Delehanty, "Letter to the Editor," The Parthenon, 15 May 1964, p. 2.

³²John R. Brown to President Smith, 29 April 1964, Smith Papers.

³³Ibid.

³⁴William E. Forester to President Smith, 4 May 1964, Smith Papers. In this letter, Forester began by writing, "Pursuant to our telephone conversation earlier today...." This is evidence that President Smith conducted some of his business over the telephone.

³⁵Beta Epsilon's Proposed Agenda for Old South Centennial Celebration, 1965, Smith Papers; President Smith to Roger D. Bailey, Secretary of the Beta Epsilon Chapter of Kappa Alpha Order from President Smith, 16 March 1965, Smith Papers; "'Old South' Agenda Set," The Parthenon, 24 March 1965, p. 1.

³⁶Alan L. Miller, "Letter to the Editor," The Parthenon, 23 April 1965, p. 2.

³⁷"Double Honors for 'South,'" The Parthenon, 28 April 1965, p. 1.

³⁸Michael Gray, 18 April 1986, tape 2.

³⁹Ibid.; Matthews, p. 62. The Parthenon and Chief Justice, 1966-1970; also Matthews noted the continuance of the Old South Weekend in her thesis (1971). MU's black students had to endure the Old South Weekend repeatedly through at least 1971. The KAs probably continued to celebrate Old South Weekend until the fraternity lost its national charter for unrelated reasons in the late 1970s or early 1980s. Today, the KAs have a social event similar in purpose to the Old South Weekend, but nothing like the rituals and grandeur the celebration they once had.

⁴⁰Nancy Potter Matthews, "A Study in Nondecision: The Human Rights Commission in Huntington," (M.A. Thesis, Marshall University, 1971), p. 63; "University Committee on Human Relations Report of Incident of March 13, 1965," pp. 1, 3, Simon Perry Personal Papers of MU's Human Relations Committee, Huntington, West Virginia; Dean John Shay's Report, March 17, 1965, Stewart H. Smith Papers, Manuscript Collection, Morrow Library, Marshall University, Huntington, West Virginia, pp. 1-2. President Smith formed the MU Human Relations Committee in January of 1965 to deal with racial problems on campus. This committee had the power to investigate racial discrimination complaints brought before

it, conduct studies, and make recommendations to President Smith. In an interview with Simon Perry on April 8, 1986, Perry explained the committee's formation and purpose, and further evidence can be found in "Human Rights Group Named by Dr. Smith," The Parthenon, 15 January 1965, p. 1.

⁴¹Ibid.

⁴²Interview with Michael Gray, 18 April 1986, tape 2.

⁴³"University Committee on Human Relations Report of Incident of March 13, 1965," p. 3.

⁴⁴Dean John Shay's Report, Smith Papers, p. 11 of the Shay's summations of the witnesses testimonies. None of the witnesses interviewed by Dean Shay concerning the incident, including band members, expressed knowledge of racial epithets and only Crawford felt the fight to have been racially motivated. Summaries of the witnesses testimony, including Twohig's written statement, were attached to Dean Shay's Report to President Smith. Previous information in the paragraph also from "University Committee on Human Relations Committee of Incident of March 13, 1965," pp. 1-2.

⁴⁵"University Committee on Human Relations Committee Report of Incident of March 13, 1965," p. 3.

⁴⁶Recommendation of the Sub-Committee, Perry Papers. A reprint of these recommendations can be found in "'Incident' Statement Is Issued," The Parthenon, 7 April 1965, p. 1.

⁴⁷"Report Released," The Parthenon, 19 March 1965, p. 1. In his report to President Smith Dean Shay stated: "It is my conviction that Joe Thomas simply took a punch at the first stranger he saw, and the fight spread when Joe Goss's friends rushed to his assistance."

⁴⁸"Report Released," p. 1.

⁴⁹"University Committee on Human Relations Report of Incident of March 13, 1965," p. 2.

⁵⁰Ibid., pp. 3-4.

⁵¹Matthews, p. 64.

⁵²"Report on Fraternity Incident Made by Dean," The Parthenon, 19 March 1965, p. 1.

⁵³Matthews, p. 65.

⁵⁴Recommendation of Sub-Committee, Perry Papers.

⁵⁵ Alan L. Miller, "Letters to the Editor," The Parthenon, 24 March 1965, p. 2.

⁵⁶ Lloyd D. Lewis, "Senate Hits Discrimination," The Parthenon, 31 March 1965, p. 1.

⁵⁷ Gerald Simon, "Letters to the Editor," The Parthenon, 2 April 1965, p. 8. Simon's letter began on p. 2.

⁵⁸ Rick Josephs, "Letters to the Editor," The Parthenon, 7 April 1965, p. 2; Roy Huffman, "Letters to the Editor," The Parthenon, 7 April 1965, p. 3; Bob Boesch, "Letters to the Editor," The Parthenon, 7 April 1965, p. 3.

⁵⁹ Jim Marnell, "Letters to the Editor," The Parthenon, 9 April 1965, p. 2.

⁶⁰ Ibid.

⁶¹ This is from the text of President Smith's closing address at the 1965 Leadership Camp as printed in "Dr. Smith Lauds Leadership Camp, Urges Frank Discussion of Issues," The Parthenon, 7 April 1965, p. 7.

⁶² Ibid.

⁶³ David Peyton, "Not Idle Dreams; Not a Command," The Parthenon, 9 April 1965, p. 2.

⁶⁴ Lloyd D. Lewis, "Committee to Probe 'Islands of Segregation,'" The Parthenon, 23 April 1965, p. 1.

⁶⁵ No evidence has been uncovered to show that this committee ever met or instituted any policies or programs to combat campus racial discrimination.

Chapter VII

The Beginning -- Not the End

In 1963, a group of students at MU formed the CIP as a response to the need for action concerning civil rights. For over two years the organization sought one goal: positive change toward racial justice. In order to bring about this change, the CIP operated as a "challenge organization" which forced decisions to be made on the issue of civil rights. According to Phil Carter, the CIP

was a catalyst to people thinking change. It provided an opportunity for people in this area to make their civil rights contribution when people were making enormous sacrifices of life, and limb, and effort, and tremendous amounts of money throughout the country.

Such a challenge group was necessary in Huntington and at Marshall to bring about further change. Huntington's old guard of black activists bound themselves to civility and accommodation. Consequently, only minor victories had previously been gained. MU's need for integrated establishments for visiting Mid-America Conference athletic teams and a desire to appear progressive and abide by the 1954 Brown decision were more important factors in obtaining the integration that had taken place prior to the 1960s. For more meaningful change to occur, a group such as the CIP had to spearhead the demand for civil rights, not civility and the status quo. By focusing attention on problems and demanding a response, the CIP questioned the facade of

racial harmony and forced the status quo to be reexamined and altered.²

The CIP challenged racial segregation and discrimination practices in Huntington and at Marshall by using high visibility protests which forced perpetrators of the discriminatory status quo to deal with the issue of civil rights and either to remain a part of the problem or support racial justice. In Huntington, the CIP used the "share-in" for its initial demonstrations because of the high publicity generated. Once business owners effectively thwarted the share-in tactic, the CIP resorted to other forms of high visibility protest such as sit-ins and picketing. In most cases these forms of protest succeeded in creating sufficient embarrassment and pressure on Huntington's business people to force them to integrate and abstain from other forms of discrimination.

The high visibility demonstrations worked because most Huntingtonians did not want their insular world exposed and these conspicuous forms of protest did just that. Economic boycotts and legal proceedings would have been ignored and doomed to failure. The high visibility demonstration demanded attention and response. Also, the ongoing feud with Roba Quesenberry and the White Pantry served as a constant reminder that racism existed in Huntington and that the CIP was determined to root it out. In essence, Quesenberry's bigoted resistance helped the CIP's cause

throughout the rest of the city. In describing Quesenberry's resistance, Phil Carter noted the impact of the CIP's encounters at the White Pantry:

He [Quesenberry] did things that were so ludicrous, so insane that they were unique. In Selma and some of the other places they [white resistors] gassed people with tear gas. This guy was using fumigants. He was locking [black] people inside the restaurant, other whites were locking them [blacks] outside the³ restaurant. It became a Saturday morning circus.

Other Huntington businesses wanted to avoid being a part of this "Saturday morning circus." As a result, the people of Huntington agreed to some changes, such as integration of public accommodations, in order to protect other parts of the status quo. Nevertheless, the CIP did stimulate positive change. The CIP started as a civil rights group seeking to eliminate racial discrimination in Huntington's business establishments. In this they succeeded. The successful completion of this goal coupled with graduation stripping the group of its leadership, Michael Gray believed, caused the CIP to disband:

It all just seems natural that the CIPers would just fade away because other than my mother [Bunche Gray] and some of the adult leadership that supported them, it was a student organization....Most of the leaders and the core people were Marshall University students....CIP disappeared and maybe the causes disappeared too. Everything [was] integrated. So, what CIP was about on the surface, the integration of these places, [was] no longer the problem that exist[ed]. We had other serious problems...but CIP was much more visible with this integration bit. So, that problem was gone...It [CIP] played its part--well! Outrageously well!⁴

Though the CIP initially concentrated on Huntington, the organization did become concerned with the need for civil rights at MU. To summarize the effect of the CIP on MU's campus is difficult at best. By May 1965, when the CIP began disbanding, The Parthenon was still reporting on charges of racial discrimination and would continue steadily to do so. When asked in a The Parthenon poll on May 12, 1965, about discrimination at Marshall, Wendell English, a black student, quipped, "'I have experienced no discrimination at Marshall in the last week. Discrimination at Marshall is the covert type that smolders under the superficial fronts of some of the individual students at Marshall.'"⁵ Apparently, the CIP could not make prejudice go away.

A year later David Peyton wrote in a The Parthenon editorial:

Yet, beneath all the "legal integration" of this bright and shining age lies a more subtle form of discrimination that is nearly impossible to rout. No law can erase it. No federal official can spot it.

It comes from within. Needless to say, this discrimination occurs on campus every day. And it takes something like a dance to prove its existence.⁶

The dance Peyton referred to was a Computer Dance sponsored by the Sociology Club on May 13, 1966. Students bought tickets to the dance and were matched by a computer on the basis of questionnaires that the students completed. Students who bought tickets at the door were placed on an

alternate list. When the second pair of names were called, a white male was left without a predetermined partner because she had not attended the dance. Therefore, as planned, the organizers went to their alternate list. The first female called was black. She stood and then rapidly sat down when she realized the situation. A second name from the alternate list was quickly called. She too was black. Thus, as The Parthenon reported, "the races didn't match and the male half of the couple resumed his seat."⁷

After this incident, the dance and the matchmaking continued without further confusion. Both black women received apologies from the Sociology Club, but the stigma of social embarrassment remained. At that time, however, humiliation was better than the scandal and social ostracism that would have occurred had a racially mixed couple danced together. One white female at the dance called the incident "the most malicious and degrading thing that I've ever witnessed."⁸ Madeline Wolfe, one of the two black females who stood as alternates, offered a chilling summation of her feelings about the incident: "I came here from a southern state, I was about to readjust to the new life I found in Huntington. But after this, Huntington shows me a picture which is typical in Alabama."⁹ In itself, Wolfe's assessment was a condemnation of Huntington. However, Wolfe could have used the terms "Huntington" and "Marshall University" interchangeably.

Racial prejudice, discrimination, and bigotry existed at MU both before and after the CIP. When the CIP focused on the MU campus, the problems were not as clearly obvious to most whites. President Smith and Marshall perpetuated an aura of progressivism and blatant bigoted resistance did not exist. However, through the demonstrations against Old South Week, the Blue Mountain Blast incident, and the constant exposure of discrimination within MU's Greek system, the CIP made people aware of some of the problems at MU. Also, through social activities the CIP made life a little easier for many black students at MU, and more enjoyable for many students of both races. The group's camaraderie afforded comfort to those students who allowed their consciences to guide them into supporting civil rights.

Once the CIP created the awareness that discrimination pervaded the campus, particularly in the Greek system, President Smith supported the end of the KAs' secession ceremonies and vowed to work against campus discrimination, but depended upon volunteerism rather than exerting direct pressure for compliance. After the CIP disbanded in May 1965, a force for racial change no longer existed at Marshall University or in Huntington, West Virginia. Consequently, President Smith was not pressured to make further significant changes in the status quo on campus and MU remained a discouraging place for many black students.

Within three years, however, another group, Freedom and Racial Equality for Everyone (FREE), would pick up the CIP's fight against racial discrimination on the MU campus. The battle for racial justice started by the CIP resumed.¹⁰

President Smith, many other campus leaders, and most Huntingtonians were probably glad to see the CIP leave; to them, the CIP reaped negative change. In speaking about President Smith's feelings on the CIP, historian Charles Moffat wrote of the sentiments held by the power structure at MU and in Huntington, "The recalcitrance of a few black students and the infeasibility of some of their demands convinced President Smith that certain members of the Civic Interest Progressives had 'succeeded in undoing much of the progress made at MU in the area of improved human relations.'"¹¹ In other words, the CIP had violated President Smith's perception of change and upset the status quo of his calm and placid campus and the city of Huntington.

The CIP challenged people to think and either to support civil rights or become a part of the problem through non-action. More importantly, they advocated change and that was not a well received concept in Huntington or at MU. The power structure at MU, in Huntington, and in the state of West Virginia all opposed the change advocated by the CIP, and may even have gone so far as to keep CIP leaders under surveillance. For example, in 1967 Phil Carter

returned to Huntington to do some anti-poverty work. Gray drove him from Huntington to Charleston to catch a flight to Cleveland, Ohio. Gray recalled that when they,

arrived at the Alleghany Airline desk...the clerk, upon learning Carter's name, told Carter that the FBI had just called asking if he had yet boarded the plane. Obviously, the authorities kept tabs on Phil Carter and quite probably on the other CIP leaders.¹²

President Smith may or may not have found Phil Carter and the CIP quite so menacing as to need to know their whereabouts and movements. However, Smith and most of the faculty and student body saw the CIP as a disruptive force attempting to upset their apple cart of racial complacency with its rhetoric and demonstrations. Consequently, the following statement by Michael Gray applies to MU as well as Huntington and the state of West Virginia.

When Phil [Carter] was in West Virginia some type of authority network knew....It was for real. They really felt, for some reason, that Phil [Carter] and Pat [Austin] were dangerous, and maybe they were dangerous in light of what they wanted to achieve -- equality.¹³

Marshall University and the city of Huntington were not ready for that in the 1960s. The CIP forced the leaders in these places to deal with the civil rights issue. It accepted the challenge of the 1960s and insisted others do the same. Sometimes it succeeded; other efforts failed. However, at the very least, the CIP refused to allow Huntington and Marshall University to ignore their own racism any longer. Ultimate victory took, perhaps will

take, more time, but the CIP began the movement toward racial justice.

Chapter VII Notes

¹Interview with Philip W. Carter, 7 April 1986.

²The concept of civility and how it was not conducive to civil rights came from William H. Chafe, Civilities and Civil Rights (New York: Oxford University Press, 1981).

³Interview with Philip W. Carter, 10 July 1986, tape 2.

⁴Interview with Michael Gray, 18 April 1986, tape 2. In an interview on 7 April 1986, Phil Carter confirmed Gray's perceptions of the CIP's success in Huntington and why the CIP ultimately disbanded.

⁵August Leo Dailer III, "Campus Inquirer," The Parthenon, 12 May 1965, p. 6.

⁶Dave Peyton, "Subtle Prejudices Hard to Combat," The Parthenon, 18 May 1966, p. 2.

⁷"Computer Dance Proves Successful Despite Problems," The Parthenon, 18 May 1966, p. 2.

⁸Ibid.

⁹Ibid.

¹⁰Chief Justice, 1968.

¹¹Charles Hill Moffat, Marshall University: An Institution Comes of Age (Huntington, West Virginia: Marshall University Alumni Association, 1981), p. 197.

¹²Michael Gray, 18 April 1986, tape 2.

¹³Ibid.

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