Racial confrontation in Columbia, Tennessee: 1946

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RACIAL CONFRONTATION IN COLUMBIA, TENNESSEE: 1946

A THESIS
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BY
MARJORIE SMITH

DEPARTMENT OF HISTORY

ATLANTA, GEORGIA
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To Patrick J. Gilpin, a sensitive and courageous activist-scholar---and my best friend. He encouraged me to keep on and showed me how to begin to learn the meaning of the struggle for Black survival and liberation.
ACKNOWLEDGMENTS

Special thanks are due to my adviser, Dr. Clarence A. Bacote, for suggesting the topic and for his invaluable help. I am also grateful to the participants and observers of the 1946 Columbia events who kindly consented to be interviewed. They include: Attorney Z. Alexander Looby, Attorney Maurice Weaver, Mrs. Mary Morton, Mr. George Newbern, Professor John Q. Caruthers, and Rev. Melvin Dugger. Mrs. Z. Alexander Looby graciously permitted me to examine her personal collection of newspaper clippings.
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Heading south from Nashville on U.S. Highway 31, motorists come to the town of Columbia, Tennessee (population, 17,624), which is heralded by a roadside sign: "Columbia. Old South Charm, New South Progress." Those two, highly romanticized concepts reflect how many white Colombians view their community and its history. Although recent historians—both Black and white—are beginning to dispel some of the old myths about the "charm" of antebellum plantation life and even to challenge the assumption that following Reconstruction the South entered into a "progressive" era, long-cherished stereotypes die hard.\(^1\) Especially is this so when men and women are resisting change in current social and governmental practices; then the "good old days" seem to take on an even healthier glow than those looking back may have ever noticed before.

In no area of American life has this romanticizing of the past been more true than in the area of Black-white relations. Scholars have frequently seemed to be no more immune to this tendency than laymen. White historians, in both the North and the South, still far too often prefer the Dunning interpretation of Reconstruction, for example, to the revisionist interpretation—even after they have been exposed to the ever-lengthening record of the inaccuracies and distortions of the Dunning scholars.\(^2\) Somehow continued oppression of Black

\(^1\) See, for example, Comer Vann Woodward, *Origins of the New South, 1877-1913* (Baton Rouge: Louisiana State University Press, 1951).

people—through evasion of Supreme Court-ordered school desegregation, through occupation of Black, but not white, communities by the National Guard during times of racial conflict or feared conflict, through killing of the Black Panthers, and other men and women who are simply Black, by police officers, to name only a few examples—can be more easily rationalized by racist whites if they view the pre-Civil War South as an idyllic time and place where "happy slaves" lived and worked in harmony alongside their white masters, undisturbed by "troublemakers" and "outside agitators." And, continuing to feed the myth of white superiority, many of those same whites see the Compromise of 1877 as an upward turning point in race relations after the "tragedy" of the Civil War and its aftermath. Preferring racial harmony to racial justice, they applaud the steady disfranchisement and segregation of Blacks which speeded up at the turn of the century and, consequently, view with alarm the slow turning around of those legal barriers to voting, equal educational opportunities, etc.

If scholars have been reluctant to abandon their distorted, completely white view of American history, white laymen—especially those who feel personally threatened economically, politically, and socially by Black demands for equality—have in many cases been even more faithful adherents to that one-sided interpretation of history. And so the road sign announcing motorists' entrance to Columbia, Tennessee, conveys only one idea about that community and its heritage. Completely missing from that sign is any indication of the racial injustice and
seething racial tensions that have always hindered the town's progress and marred its charm. One important explosion of those tensions that most Colombians—Black and white—can remember vividly with little effort is the racial confrontation of 1946. It is recalled either as a rebellion, a riot, or a police riot, depending on the point of view of the individual. And how one remembers the 1946 events can, indeed, give a clue as to how he or she perceives events of the 1970's.

About mid-morning of Monday, February 25, 1946, an argument occurred at the Castner-Knott electrical appliance shop on Columbia's main street. Similar to countless arguments between dissatisfied customers and defensive sales or repair personnel, the argument might have had no serious repercussions. But the dissatisfied customer in this case was a Black woman, Mrs. Gladys Stephenson, and the defensive radio repairman, William Fleming, was white and the brother of the sheriff-designate of Maury County, of which Columbia is the county seat.  

From the very beginning of the altercation there was considerable disagreement over who had started the argument and who was to blame for the ensuing violence. About all that contemporary observers could agree upon were the following occurrences. The argument between Mrs. Stephenson, who was accompanied by her nineteen-year-old son, James Stephenson, a three-year Navy veteran, quickly developed into a major racial conflict. Blows were exchanged, and Fleming went through the plate-glass window of the store. He was not badly hurt and was not hospitalized. The police, however, arrested both Mrs. Stephenson and her son and placed the Stephensons in jail. Fleming was not arrested.  

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4"Four Police, Two Civilians Shot in Maury Race Clash, 500 Troopers Called Out," Nashville Tennessean (white), February 26, 1946; Leslie T. Hart, "Long Distance Calls to Riot Scene Traced; 10 Injured," Nashville Banner (white), February 26, 1946.

Rumors of a white mob threatening to lynch the Stephensons prompted some Black citizens to ask for the release on bond of the two Black prisoners from the county jail. The white sheriff, J.J. Underwood, later testified that after the release of the Stephensons, he had turned away a mob of armed whites who had come to the jail for the Stephensons. Some Black businessmen, well known to both Blacks and whites, asked the white law enforcement officials to keep whites out of the Black community.6

By nightfall tensions had built so that the two Columbia communities, Black and white, had split into armed camps. The Black community, which stretched from the courthouse east for several blocks and was known by whites as Mink Slide, recalled two recent lynchings in the area and was determined to prevent any others. Lights in the Black neighborhood were blacked out. Some armed whites entered the area and fired. Four of the whites constituted Columbia's police force. Gunfire was exchanged, and two policemen were injured. There were no reports in either the Black or white press of any deaths during this initial phase of the confrontation, but one rumor still current in the Black community reported that "a number" of whites were killed. The number of Black casualties was likewise not reported in the press, and it was virtually impossible for Blacks to get out of their community for hospital treatment.7

At daybreak on February 26, 1946, about one hundred highway patrolmen and five hundred State Guard moved into the Black community on the orders of Tennessee Governor Jim Nance McCord. Although there is no evidence to suggest

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6Interviews with Attorney Maurice Weaver, November 14, 1970; Mrs. Mary Morton, December 31, 1970.

that any attempt was made to confiscate guns from white homes, the armed troopers and guardsmen, without any search warrants, conducted a "house-to-house" search of Black homes and businesses, seizing weapons and other property. Black-owned businesses were thoroughly wrecked as the militia ripped and shot their way through Columbia's east side. Black males were arrested indiscriminately, and within several days over a hundred Black men—a substantial portion of the Black male population of Columbia—were incarcerated in the Maury County jail. Only two whites, who were quickly released from custody, were ever arrested. The Blacks were held without bail and without any specific charges placed against them for several days. On February 28 two Blacks were shot and killed in the jail by white guards.8

The NAACP Legal Defense Fund sent attorneys to the scene from Nashville, Chattanooga, and New York. The NAACP lawyers, Z. Alexander Looby, Maurice Weaver, Thurgood Marshall (now Associate Justice of the U.S. Supreme Court),9 and Leon Ransom, filed writs of habeas corpus for the arrested Blacks. Eventually charges were dropped against most of the Black men, and they were released from the Columbia jail. Twenty-six Blacks, however, including some of the most prominent business and professional men of the community, were later indicted by a Maury County grand jury on two counts. The first count charged that Sol Blair, Julius Blair, James Morton, Meade Johnson, and James Thomas Bellanfant did "move, incite, counsel, hire, command, or procure certain other persons [Robert Gentry, Luther Edwards, Paul Miles, and Raymond Lockridge] . . . to attempt to commit murder in the first degree." The second count charged Thomas Baxter, James Thomas Bellanfant,


William Bills, Sol Blair, Clarence Brown, William Dawson, C. Clifford Edwards, Luther Edwards, Robert Gentry, Horace Gordon, Heade Johnson, Milton Johnson, Calvin Lockridge, John Lockridge, Raymond Lockridge, Webster Matthews, John McKivens, Lewis Miles, Jr., Paul Miles, James Morton, "Willie Pigg," Early Scott, Charley Smith, Napoleon Stewart, and Gene Williams "with force and arms, unlawfully, feloniously, wilfully, maliciously, deliberately, premeditatedly and of their malice aforethought, did make an assault and battery upon . . . Will Wilsford [member of the Columbia police force] . . . [in the] . . . attempt to kill and murder." 10 William A. Pillow (erroneously named as "Willie Pigg" in the above indictment) and Loyd Kennedy were charged by the grand jury in a separate indictment with making "an assault and battery upon the body of one Ray Austin [another member of the Columbia police force], with . . . a shot-gun, by shooting him with the same, and . . . unlawfully, feloniously, wilfully, maliciously, deliberately, premeditatedly and of their malice aforethought attempt to kill and murder against the peace and dignity of the State of Tennessee." 11 The court proceedings that followed as a result of these indictments (there were a series of other indictments that were eventually dismissed) took up the rest of the year. One of the twenty-six defendants named in the second count of the first indictment, Thomas Baxter, died before the case came to trial. Of the remaining twenty-five defendants, twenty-three were acquitted by a Lawrence County jury after a change of venue from Maury County was granted. The state later dropped the charges against the two defendants, Robert Gentry and John McKivens, who were convicted by the Lawrenceburg jury. In a separate court proceeding in Maury County, William Pillow was acquitted of all charges. Loyd Kennedy, his

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10State Minutes, Circuit Court, Maury County, March 22, 1946, Roll #34 (microfilm), pp. 23-24.

co-defendant, was convicted of the charge of attempted murder against Ray Austin and served four months in prison before being pardoned by the governor.

The incidents of February, 1946, and the lengthy court battles that followed brought nationwide attention to the town of Columbia and its sister county seat, Lawrenceburg. The racial controversy that exploded in Columbia in early 1946 was, however, only one manifestation of the larger-scale pattern of race relations in the post-World War II era. Against the continuing pattern of white oppression were the new series of indignities and injustices hurled against Black veterans who, after risking their lives for the "extension of democracy" abroad, found that even the supreme sacrifice was not enough to persuade white Americans to extend democracy to Black Americans at home.

This paper first attempts to examine the background of the Columbia racial explosion of 1946; the prevailing economic, political, and social patterns of the community will be explored. Then, by discussing the general, postwar climate of race relations, the Columbian situation will be viewed against a larger perspective. Chapter III is a detailed account of the trials growing out of the February, 1946, violence. Chapter IV analyzes the press coverage of events from February 25 through the court proceedings and discusses the aftermath of the trials.

The last chapter attempts to assess the results of the year's events on both Black and white citizens of Columbia, as well as the significance for the nation as a whole. It is believed by this writer that events in the Tennessee community on U.S. Highway 31 reflected in microcosm forces that were gathering in conflict across the whole United States. Finally, some tragic parallels between the Columbia drama of 1946 and more recent developments will be suggested.
Chapter II

The Background

History of Race Relations in Columbia

One of the things that concerned the Black community most on February 25, 1946, was the lynching mob that gathered outside the jail. A rumor that spread quickly was that a white man had bought a rope from a store on the public square surrounding the courthouse. The man who bought the rope allegedly told the clerk he was going to use it on a Negro that night, or else he hoped that someone would hang him with it. Years later this rumor was substantiated by both Black and white residents of Columbia as they recalled the events of February, 1946.

The white minister of the Highland Avenue Church of Christ, Rev. Melvin Dugger, even remembered the name of the store where the rope had been purchased: Martin and Vaughn, a hardware establishment no longer in existence.¹

There had been two previous lynchings in Maury County which remained fresh in the minds of Columbia Blacks. One victim was a Black youth (described variously as 14 years old or 17 years old—at any rate, far from a full-grown man), named Cordie Cheek. Cheek had been accused of that most infamous of Southern crimes, rape of a white woman. But a grand jury had found him innocent of those charges. Despite the clearing of Cheek's reputation by white public officials, a vicious white mob pursued the youth to Nashville where he sought refuge in the home of a relative near Fisk University. The mob abducted Cheek from the house and brought him back to Maury County where he was lynched. Even though

Black citizens had identified some members of the lynch mob, no arrests were ever made. To add to the consternation of Columbia's Black community was the suspicion that Magistrate C. Hayes Denton, who had the authority to deny or to allow bail, had owned the car which was used to transport Cordie Cheek back to Maury County for his murder.2

Another lynching was of a Black man named Choate. Choate was hanged from the courthouse window, and the rope was left hanging there by county authorities as a warning to Blacks seeking justice.3 With such public and official approval of lynching, it is little wonder that Black residents of Maury County—many of whom had jeopardized their lives for their country in World War II—were determined to prevent any further genocide.

Although the history of lynching in Maury County is undoubtedly the best indicator of racial injustice in that community, there were other social customs that underscored the oppression of Blacks. Disfranchisement of Blacks and exclusion of Blacks from jury service were well-established practices. Separate, but unequal, public accommodations for Blacks were the order of the day. Yet, one former resident of the county remembered Columbia as less rigidly apartheid than many other Southern communities of the time. Professor John Q. Caruthers, now a biology teacher at Spelman College in Atlanta, Georgia, and son of a prominent witness at the 1946 trials, described the social customs in Columbia, circa 1946, as "paradoxical." Although there were many taboos against Black-white relationships, a lot of Blacks and whites got along together reasonably well behind closed doors on an individual basis, he recalled. Professor Caruthers suspected that this phenomenon stemmed from "a lot of blood relationship."4

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3Ibid.

4Interview with Professor John Q. Caruthers, September 17, 1970.
Other Blacks, who had been active participants in the 1946 events, disagreed with Professor Caruthers and maintained that Columbia was no different from any other Southern town of the period in relation to illicit white fathering of Black children. Yet, they agreed with Professor Caruthers' assessment of the racial tension that pervaded the community prior to 1946. Professor Caruthers said that his father had moved to Maury County in 1907 after his graduation from college in Massachusetts and had bought property on Lewisburg Pike. But years later, recalling the lynchings and racial injustice, his father had reflected that if he had known, in 1907, how much hatred there was in Columbia, he would never have settled there.

Another Black man, who still resides in Columbia, Mr. George Newbern, recalled that he first came to that town in 1944 to do agricultural extension work. From the moment of his arrival, he knew that the racial situation was potentially explosive. The build-up of racial tensions, according to Mr. Newbern, was exacerbated by the bad treatment which Blacks received in public places. For example, whites knocked down Black women in the post office; white men and women would not hold doors but would let them bang on Black women. In short, whites showed no respect for Blacks. Blacks did not always simply endure these insults. One example of Black resistance, prior to 1946, that Mr. Newbern recalled was the mysterious shooting of another assistant agricultural agent, a white, who was "rather arrogant" in his attitude toward Blacks. The wounded agent never publicly admitted the circumstances of the shooting, however, and told his co-workers that he had been injured while officiating at a basketball game. Later the agent was transferred to another county.

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5Interviews with Mr. George Newbern, November 27, 1970; Mrs. Mary Morton, December 31, 1970.

6Interview with Professor John Q. Caruthers, September 17, 1970.

7Interview with Mr. George Newbern, November 27, 1970.
Population Breakdown

The 1940 U.S. Census listed the total population of Maury County as 40,357. The sexes were about evenly divided, with 20,013 males and 20,344 females. There were few foreign-born residents. Native-born residents numbered 40,297. Of the 60 foreign-born residents of the county, 57 were identified by the census as white. The total number of Negro residents was 10,130, with two people identified as belonging to "other races." The percentage of Blacks was thus 25.1 per cent of the total population. Native-born whites made up 74.8 per cent of the population, with only 0.1 per cent foreign-born whites.8

In Columbia itself the total 1940 population, according to the U.S. Census figures, was 10,579. There were 4,894 males and 5,685 females. Native-born whites numbered 3,533 men and 4,083 women, or a total of 7,616. There were only twenty-six foreign-born whites: eighteen men and eight women. The total Negro population in Columbia in 1940 was 2,937: 1,343 males and 1,594 females.9

U.S. Census figures for 1950 do not show much change in Columbia's or Maury County's total growth. Columbia, by 1950, had a total population of 10,911, showing an increase of only 332 people. The population identified as white numbered 7,965, an increase of 323 whites. The nonwhite population numbered 2,946, showing an increase of only nine people. Certainly the events of 1946 did not enhance the community's attractiveness for Blacks looking for a place to settle in the postwar years. An even more dramatic situation prevailed in the rest of Maury County. A substantial number of Blacks emigrated from the county in the ten-year period between 1940 and 1950. The 1950 U.S. Census showed a total county population of 40,368, only eleven more people than in 1940. Perhaps as a result of World War II, the male population of Maury County had dropped by 155. The total

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9Ibid., p. 686.
The white population of Maury County in 1950 was 31,782—an increase of 1,557. The total nonwhite population numbered 8,586—a decrease of 1,546. In an ironic switch from presentday trends for whites to flee as Blacks move out of the inner city into suburban neighborhoods, the 1950 census figures for Maury County indicate that Blacks moved out of the county in about the same proportion as whites moved in.

Economic Background

The published U.S. Census for 1940 had tables designating employment status and occupations by county. One was labeled "Persons 14 Years Old And Over..." After totals for various occupational categories were given, the nonwhite totals were listed separately. It is difficult to tell whether the previous totals were for whites only. Although that was not specifically indicated, comparison with the 1950 totals suggests that they were. If so, the federal Bureau of the Census was very racist for designating Blacks as "nonwhites" and whites simply as "persons." At any rate, according to these figures, the 1940 white labor force in Maury County numbered 11,815 males and 3,585 females. By far the largest number of white men were farmers or farm managers. In addition, 1,130 white men were listed as farm laborers (wage workers) and farm foremen. After farming, the second most popular occupation among white males in Maury County was "operatives and kindred workers"; 1,767 were listed. Most white women, 1,242, in the labor force were domestic service workers. Eight hundred twenty-six white women were employed as "operative and kindred workers," and 483 as "clerical, sales, and kindred workers."

In 1940 there were 2,955 Black males and 1,504 Black females in the labor force. Of these, 2,699 men and 1,408 women were currently employed. The majority

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11 See designations in Table 23, "Persons 14 Years Old And Over, By Employment Status, Class of Worker, Major Occupation Group, and Sex, By Counties; in U.S., Department of Commerce, Bureau of the Census, Sixteenth Census of the United States: 1940, Characteristics of the Population, II, pt. 6, p. 622.

12 Ibid.
of Black workers were wage and salary workers: 2,009 men and 1,086 women fell into this category. Employers and "own-account" workers numbered 599 men and 306 women. There were 83 men and 13 women who were listed as "unpaid family workers." In 1940, 318 Black people in Maury County (225 men and 93 women) were listed as seeking work.¹³ Comparable unemployment figures for whites were not shown.

By 1950 the total white civilian labor force in Maury County numbered 11,502 men and 3,494 women—a slight decrease from the 1940 labor force. Of these, 11,489 men and 3,494 women were currently employed, showing that job opportunities for white women met the demand and that only 13 white men were unemployed. Black employment statistics told a different story. Out of a total Black male labor force of 2,342, only 2,182 were currently employed. Of these, 1,587 were wage and salary workers employed by private business, 91 were government workers, 463 were self-employed, and 158 were "unpaid family workers." Out of a total Black female labor force of 1,096, 1,051 were currently employed. Of these, 889 were wage and salary workers for private employers, 89 were government workers, 60 were self-employed, and 13 were "unpaid family workers." Family income tables for 1949 showed even greater disparity between Blacks and whites in Maury County than the employment figures did. Median family income in that year for white "families and unrelated individuals" was $1,659. Median income for white "families" was $1,821. In order to make some comparisons with a nonrural, nearby county, figures for Davidson County (where Nashville is located) were checked. For white "families and unrelated individuals" in that county in 1949, the median income was $2,332, whereas the median income for white "families" was $2,887. These figures indicate that family income for whites in Maury County was, on the whole, substantially below that of their more urban neighbors in Davidson County. But the figures for Blacks in Maury County were even more appalling. Median income for "nonwhite families and unrelated individuals" was only $935 a year, $724 below the comparable

¹³Ibid.
white median income in the county. Seven hundred twenty non-white families in the count had an income in 1949 of less than $500, and 595 non-white families received between $500 and $999 that year. Some conclusions that may be drawn from these census statistics are that Maury Countians were, for the most part, less affluent than their Nashville neighbors. And within the county, Black workers suffered most from underemployment as well as unemployment. Then, too, median family incomes for non-white families were about half as big as for white families.

Agnes E. Meyer, writing in the Washington Post on May 20, 1946, described some of the economic and social aspects of postwar Columbia in more personalized terms. After interviewing both Black and white women residents of Columbia, she concluded that the "domestic situation in the South is a major factor in the underlying tension between Negroes and whites." She pointed out that many white women had expected that when World War II ended, the going rate for Black domestic help would drop back to what had prevailed before the war—i.e., $2.50 to $4 a week. But veterans' unemployment compensation and $15-$20 a week wages paid by local businesses (such as restaurants, laundries, and pressing plants) were keeping the wages for Black maids higher than many white matrons like to pay. Miss Meyer reported that white Columbian women had held "indignation meetings," prior to February, 1946, over the unavailability of Black servants at prewar wages.

And Miss Meyer quoted a Black dentist, visiting in Columbia, about the dissatisfaction of returning Black veterans:

The Negro veteran feels he served his country as well as the white man and that he ought to receive better consideration. The veterans are not getting work, least of all the kind they want. . . . Even the menial jobs are scarce. At the Mount Sinai [sic] and other chemical companies, no colored girls are employed except in the cafeteria. We fought together, why can't we work together?

16 Quoted in ibid.
General Postwar Background

Although events in Columbia, Tennessee, in 1946 were unique, they also reflected an intensified racial unrest that marked the whole country during and after World War II. As in the case of previous wars, returning veterans frequently found it difficult to find employment. Black veterans, of course, were usually the last hired. Denial of equal job, housing, and educational opportunities to men and women who had fought for their country was bound to result in increased Black resistance. The indignities and injustices suffered by Black veterans returning from overseas after the Second World War were especially humiliating and senseless since presumably the United States had entered that war largely to protect the world from the genocidal policies of the racial supremacist, Adolph Hitler, and other fascists.

During the war the Pittsburgh Courier (Black newspaper) had publicized a "Double-V" campaign, urging victory for Blacks at home as well as for the United States abroad. Yet, Jim Crow was not even officially repudiated in the armed forces until President Harry S. Truman's Executive Order in 1948. And serious race riots in various cities, particularly Detroit and Harlem in 1943, provided dramatic evidence that Blacks were restricted in every area of life by racial discrimination. They also indicated that Blacks were prepared to fight for justice.17

Inflation and strikes contributed to the general, postwar unrest. And as organised labor began to make more demands after a period of wartime restraint, conflicts and competition between Black and white workers became more acute. The hatreds and fears of white workers for their own job security were increasingly exploited by the unions as well as by employers. The results were always grim for Black people; once denied a union card because of racial discrimination

within organized labor, a potential worker was almost sure to be turned down by an employer, and so the vicious circle continued. The most horrible consequences of white racism, however, were the surge of lynchings that occurred in the postwar period. It was little wonder that Blacks in Maury County, Tennessee, in 1946 acted to prevent some more; there was ample evidence all around them that murder of Black people was still the American way of life, despite the United States’ victory against racial supremacists abroad.

In July, 1946, four Blacks—two men, one of whom had just returned from service abroad for the United States, and their wives—were lynched in Monroe, Georgia. These lynchings must be seen against the political climate in Georgia where demagogue Gene Talmadge was exploiting racial hatreds by any means necessary in order to be re-elected governor. A Black newspaper published in Nashville, Tennessee, called the Georgia lynchings the “nation’s worst” and predicted that the “vicious elements” were “emerging to take over” the South once again. The Nashville Globe-Independent went on to say that the Civil Rights Congress had offered a $1,000 reward for information leading to the arrest and conviction of the murderers and quoted the Civil Rights Congress as charging that the four lynchings were “one of the first manifestations of what the election of Gene Talmadge as governor means to Georgia and to the nation.” And the Globe concluded that the federal government’s failure to probe the Columbia, Tennessee, situation had led directly to the Monroe, Georgia, lynchings: “Everybody knows that the way the Federal Government handled the Columbia atrocities was an invitation to criminal elements elsewhere to commit outrages against Negroes.”

In his autobiography, Walter White, General Secretary of the NAACP from 1931 until his death in 1955, noted that Walton County, Georgia, where Monroe was the county seat, was “one of the strongholds of the rural electorate which followed

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Talmadge and his kind with blind devotion." Comparisons between the attitudes and behavior of white residents of Walton County and Maury County seem obvious. White, who himself investigated numerous lynchings for the NAACP, further pointed out that the Monroe, Georgia, lynchings contained elements of sexual perversion as well as political intrigue. In this respect, the Columbia, Tennessee, incident was different, since the sexual element was conspicuously absent. In the Monroe incident, however, one of the Black male victims had recently been released from jail on bond after being charged with stabbing a white man who had paid some attention to his wife. White concluded that the Black man's release from jail "unmistakably established official connivance with the mob," since he was driven from the jail by his white employer down a back road exactly to the spot where a lynch mob was waiting. Despite a federal grand jury investigation, no arrests were ever made.

Two weeks later another Black veteran was lynched in Minden, Louisiana. Placed in jail overnight for "loitering" in the backyard of a white woman, recently discharged Corporal John Jones and his 17-year-old cousin, Albert Harris, were seized by their jailers early the next morning and put into a car filled with a white lynch mob. Jones was beaten to death and burned by a blowtorch. Harris was also cruelly beaten but miraculously did not die and dragged himself back to his home. Harris and his father left the state for safety but were pursued by the mob. Eventually the NAACP and U.S. marshals provided protection for Albert Harris to come from Michigan (where he had at last found some kind of refuge from his attackers) to Louisiana to testify before a federal grand jury. According to Walter White, this marked the first time that the NAACP had been able to have an eyewitness give firsthand testimony of what actually happened.


20 Ibid., p. 323.
during a lynching. Despite the overwhelming evidence against the lynchers, they were eventually acquitted.

Another Black veteran who was the victim of white brutality during the long hot summer of 1946 was Isaac Woodard. After his honorable discharge from the U.S. Army, Woodard was traveling by bus from Georgia to his home in South Carolina. For going to the restroom on the bus and staying there longer than the bus driver had decided he should, Woodard was thrown off the bus at a town in South Carolina, arrested, tossed into jail, and beaten there so badly with a blackjack that he permanently lost the sight of both eyes. The chief of police of Batesburg, South Carolina, where Woodard had been attacked, was finally indicted after much work by the NAACP investigators and lawyers, but was acquitted before a cheering courtroom. The Army refused to grant Woodard a pension on the grounds that his blindness was not a service-connected disability. And the bus company refused to pay any damages; their refusal to pay was upheld by a court. The NAACP arranged a speaking tour for Woodard to publicize his tragic treatment and to raise money for his support. Although the tour was moderately successful in raising funds, White recalled that Woodard's very moving speech at the NAACP headquarters in New York was either not mentioned or barely mentioned by the white New York newspapers. They chose instead to devote their front-page headlines to the story of a Negro who was being held for the murder of a Long Island banker's wife.21

The Monroe, Georgia; Minden, Louisiana; and Batesburg, South Carolina lynchings and beatings of Blacks suggest a pattern of racial brutality in the year immediately following the end of World War II. In all cases Black veterans were among the victims. The Columbia, Tennessee, incident, then, was not an isolated instance of white hostility toward the Black community in general and

21 Ibid., pp. 322-328.
toward returning Black veterans attempting to rejoin the civilian labor force in particular. Yet, one of the things that was to distinguish the Columbia case from all of these other incidents was that the four NAACP lawyers, acting in Columbia as defenders of Blacks rather than prosecutors of whites, were able ultimately to secure some kind of justice in the courts. The reasons for this are complex and unique and are detailed in the following chapter.
In reconstructing the events of the week of February 25, 1961, two Black residents of Columbia recalled that they were attending a school meeting on Monday night following the morning's argument between the Stephensons and William Fleming. Mrs. Mary Morton, now widowed, but then the wife of James Morton, prominent undertaker in Columbia, and Mr. George Newbern first heard about the deepening racial trouble when someone came into the meeting and told everyone to go home. Mrs. Morton said that her husband and Mr. Solomon Blair, who along with his father, Mr. Julius Blair, owned a drugstore and other business establishments on Eighth Street, had been among the group of Black businessmen who, earlier in the day, had talked to Sheriff Underwood. After the Stephensons' arrest and the mob activity at the jail, they had asked police protection and asked the police to keep whites out of the Black community that night. Mrs. Morton said that Underwood had made some assurances to the men, but, as events later indicated, did not follow through.

When Mrs. Morton arrived home from the school meeting that Monday night, trouble had already started, and it was begun by white law enforcement officials. She remembered that, contrary to most press reports, state troopers did not wait until Tuesday morning but, instead, raided both the Mortons' home and business that first night. Mrs. Morton said that at that time they were the only residents

1 Interviews with Mrs. Mary Morton, December 31, 1970; Mr. George Newbern, November 27, 1970.
of that particular block and that the troopers "ransacked" their residence. And
evidence (including photographs) later presented to the federal grand jury showed
that troopers and guardsmen not only destroyed all records at the Morton Funeral
Home but also broke chandeliers and floor lamps, cut up draperies, and soiled all
caskets. White powder was even sprinkled on one casket, marking it with the in-
famous initials, "KKK."

Mrs. Morton also recalled that she had telephoned a friend in Nashville that
Monday night to ask him to notify the NAACP there about the impending danger to
the Black community in Columbia. Just as she was completing her call, State Safety
Commissioner Lynn Bomar (who was to gain notoriety for his violence toward re-
porters and attorneys at the trials) came in and snatched the receiver out of her
hand. From that point on, Blacks in Columbia had difficulty in making or receiving
phone calls. The state tried to justify for the federal grand jury its monitoring
of telephone calls by contending that the placing of long-distance calls indicated
some sort of conspiracy with "outside agitators." Apparently it never occurred to
white public officials that Blacks may simply have been trying to get in touch
with relatives and friends who were fast being alerted to the Columbia confrontation
by the national news services. Mrs. Morton also reported that her husband was
arrested that first night and taken to the county jail. He remained incarcerated
for five or six days before bond was posted.

After the two prisoners were murdered in the jail, some of the prisoners were
transferred for one or two nights to the Nashville jail. Mrs. Morton said that
her husband spent two nights there.²

²"What Happened at Columbia," Crisis (April, 1946), p. 111; "Long Distance
Calls To Columbia After Riot Are Being Checked," Nashville Banner, March 2, 1946;
"Columbians Acted In Self-Defense," Nashville Globe-Independent, March 1, 1946;
interview with Mrs. Mary Morton, December 31, 1970.
known, the Black participants in the 1946 confrontation, including Nashville attorney Z. Alexander Looby, believed that the shootings were deliberately set up by the police and were completely unprovoked by the Black victims.\(^3\) Police reported that three Black prisoners—James Johnson, William F. Gordon, and Napoleon Stewart—had been left in the sheriff's office in the jail where weapons confiscated in a house-to-house search of Black homes were stacked. Left to guard the three Blacks were two deputies, R.T. Darnell and Ed Pennington, a son-in-law of Sheriff Underwood. Also present was John Morgan, a Nashville Banner photographer. Police claimed that all the confiscated weapons had been unloaded before they were stored. Yet, Darnell claimed that James Johnson had grabbed a rifle, loaded it, and fired at him. Then, according to the police version, other law enforcement officials rushed into the room and opened fire, wounding all three prisoners.\(^4\) How Johnson was able to get the ammunition and, even more significant, how he was able to pick out of three stacks of weapons exactly the right gun in which it would fit was never determined. Another question raised by Blacks was whether leaving the three men in a room full of guns was designed to provoke an escape attempt, so they could then be shot down. At any rate, both James Johnson and William F. Gordon died of their wounds en route to a Nashville hospital. As with countless other Black victims of white oppression, their lives might have been saved if medical and hospital facilities had been open to them in Maury County, instead of some fifty miles away in Nashville. Napoleon Stewart, who was shot but who recovered from his wounds, had an entirely different version of the incident. He said that the police had opened fire on him and his companions without provocation.\(^5\)

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\(^3\) Interviews with Attorney Z. Alexander Looby, August 31, 1970; Mr. George Newbern, November 27, 1970; and Mrs. Mary Morton, December 31, 1970.


During the days following February 25, life was difficult for those Blacks who had been jailed without ever being accused of any specific crimes and who were being held incommunicado. But it was difficult, too, for their friends and relatives who technically remained out of jail but who were kept under stiff surveillance by armed troops who occupied their community. Mr. George Newbern reported that even several weeks after the troopers and Guard had come into the Black community, looting, stealing money, and confiscating weapons, Blacks were harassed on the streets. Newbern's elder daughter remembered having to get out of the car in which she and several other children were being driven to school so that the white police could search the car. A Black woman of light complexion who taught at the school she attended, Mrs. Bugg, was not stopped—simply because the whites assumed that she was white.  

Mrs. Mary Morton also recalled that in order to do any moving about in the town in the days following February 25, she had to get a written permit at the City Hall. While her husband remained in jail, her children stayed with friends. One day when Mrs. Morton went out to take some clothes to the children, she was asked by state troopers to display the contents of her packages. She unwrapped some underwear, much to the embarrassment of her harassers.

Another example of the fierce intensity of the search for weapons in the Black community, and the invasion of privacy there, was the opening of caskets in the Morton Funeral Home. Mrs. Morton recalled that on one occasion Safety Commissioner Bomar had ordered a returning veteran's casket opened. When he saw the American flag draped over the body, however, even he abandoned the search for weapons in that particular coffin.

Although there was some disagreement over just when the occupational forces were removed from the Black community, Mrs. Morton thought that all the troopers

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6 Interview with Mr. George Newbern, November 27, 1970.
and guardsmen had left within a week—at least by the Sunday following Monday, February 25. But during that week of terror, a walkie-talkie was stationed in front of her house. And, in addition to the murders of Johnson and Gordon in the jail, Mrs. Morton specifically recalled that the police or troopers had beaten one man, Mr. John Blackwell, so badly that "he never was much good after that."7

As has already been suggested, local white public officials interpreted events during the week of February 25, 1946, quite differently from Black Columbians. For example, the mayor of Columbia, Eldridge Denham, was apparently more concerned with racial harmony than racial justice. In a radio address over Nashville's station WJAC on Sunday, March 3, 1946, Mayor Denham stressed that the major goal was that "normal, peaceful relations be resumed as quickly as possible between the white and colored peoples." And the mayor was also interested in Columbia's public image; he reminded potential (white) tourists of the "rich cultural and historical background of our town and county."8 And a few days later, in talking to a reporter from the traditionally anti-Negro Nashville Banner, Mayor Denham made it clear that he thought Blacks, for the most part, were not as good as white folks. Mayor Denham said he believed that "our colored folks are above the average." "Of course, like any other community," added the mayor, "we have some colored folks, a very small group, who care little about the community and take no interest in civic affairs."9 Mayor Denham obviously preferred not to talk about the somewhat larger group of white folks in Columbia who cared so little about the community that they would lynch some of their neighbors.

7Interview with Mrs. Mary Morton, December 31, 1970.

8Quoted in "Mayor Says Goal Here Is Return To Normal," Columbia Daily Herald, March 4, 1946.

And Maury County Attorney General Paul F. Bumpus criticised the formation of a national organization to protest the treatment of Columbia's Black population and charged the leaders with being "Reds and agitators whose only interest is the overthrow of our system of government." Similar Red-baiting themes were repeated frequently in the following months by other local public officials and the local white newspapers.

Financial and Legal Support

The national group that Bumpus was so critical of was the first of several organisations, in addition to the NAACP itself, that tried to publicise the Columbia situation from the perspective of the victims rather than the oppressors, to raise money for their legal defense, and to make protests to local, state, and federal officials, including President Harry S. Truman and Attorney General Tom Clark. One of the first and most effective fund-raising groups was the United Committee Against Police Terror in Columbia, Tennessee. Chairman of the organization was Clark Foreman, President of the Southern Conference for Human Welfare, then based in Nashville. Eventually that committee turned over most of the contributions it had received to the National Committee for Justice in Columbia, Tennessee, whose co-chairmen were Mrs. Eleanor Roosevelt and Dr. Channing H. Tobias of the Phelps-Stokes Fund. During the following months numerous labor, civic, and civil rights organisations contributed to the National Committee. Among the first organisations to pledge their support to the NAACP's fight were these: American Veterans Committee; the Council for Democracy; the March on Washington Movement; the Brotherhood of Sleeping Car Porters; Independent Citizens Committee of the Arts, Sciences and Professions; New York Council for Permanent FEPC; the National Lawyers Guild; the CID-PAC; the American Civil Liberties Union; the

10 Quoted in "FBI Files Columbia Report, Maury Official Raps 'Agitators,'" Nashville Banner, March 1&* 1946.
American Jewish Congress; the National Urban League; the Federal Council of Churches of Christ in America; the Methodist Federation for Social Service; Imperial Lodge, Elks; the National Federation for Constitutional Liberties; the Anti-Defamation League of B'ni B'rith; the Southern Conference for Human Welfare; Friends of Democracy; Freedom House; and the Young Men's Christian Association. Some of the men who had been indicted by the Maury County grand jury traveled to cities all across the country in order to speak about their treatment. And some of the pamphlets and activities of the national fund-raising committees, as well as the associations of some of their members, were later investigated by the federal grand jury in an effort, perhaps, to divert attention away from the real issue of racial justice in Columbia, Tennessee.11

It was not surprising that the NAACP was the first organization to which the Columbia Black community turned on the night of February 25, 1946, however. Organised in 1909, the National Association for the Advancement of Colored People had established itself as a major political force. One of the first legal cases of real importance that the NAACP undertook, according to Charles Flint Kellogg, chronicler of the early years of the Association, was the Pink Franklin case. Pink Franklin was an impoverished Black man from South Carolina who was convicted of first-degree murder; in May, 1910, the Supreme Court upheld his conviction. Although the NAACP was not successful in freeing Franklin, who had been indicted and convicted by lily-white juries, the organization was successful in persuading the governor of South Carolina to commute Franklin’s sentence from death to life.

imprisonment. Kellogg indicates that one of the most important results of the whole Franklin case was that the Executive Committee of the NAACP became convinced of the need "to establish a legal redress department without delay." It was in 1930, however, that the NAACP made what Loren Miller (a former NAACP Legal Defense Fund lawyer prominent in many cases in the 1940's and 1950's, now deceased) calls an "historic decision." That was the decision to use litigation systematically in order to launch in the South a new, intensified campaign against segregation and for the recognition of the constitutional rights of Black people. Voting, public accommodations, juries, and education were to be some of the major areas of concern. Out of this decision emerged the NAACP's Legal Defense Fund. In 1933 Charles H. Houston, Dean of the Howard University Law School, took over the NAACP's legal department and "recruited Negro lawyers from all over the nation to assist in the assault on segregationist bastions." At the time of the Columbia confrontation in 1946, Thurgood Marshall, one of Houston's proteges at the Howard University Law School, had replaced Houston as the NAACP special counsel and head of its legal department. And Thurgood Marshall was eventually to come to Columbia to help argue the case for the Blacks who had been indicted for attempted murder.

It was the Nashville member of the NAACP Legal Defense Fund, Z. Alexander Looby, however, who was the first attorney to be contacted. He was contacted both by the New York office and by some of Columbia's leading citizens, namely the Mortons and the Blairs. Then, because the NAACP wanted a white lawyer to be

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involved too, Maurice Weaver, a Navy veteran who had only recently returned from service in Europe and the Pacific, was contacted by the NAACP field director in Chattanooga. Although he had not previously been connected with the NAACP Legal Defense Fund, Weaver quickly agreed to help investigate the situation.\(^\text{14}\) Attorneys Looby and Weaver were contacted on February 25 when the confrontation began and arrived in Columbia the next morning. It was several days before the attorneys were even permitted to talk with the men who had been rounded up and placed in jail. Finally, writs of habeas corpus were filed by the two attorneys, and the Black prisoners were all released on bonds ranging from $250 to $5000.\(^\text{15}\) But the legal fight was just beginning.

The Trials

_Columbia Proceedings_

The _State of Tennessee v. Sol Blair_ began on May 27, 1946, in the circuit court of Maury County. Judge Joe M. Ingram presided over the small courtroom—which has since been rebuilt. Howard Dome, a white court reporter from Chattanooga, who had been hired by Maurice Weaver, recorded the proceedings which were, when transcribed, to consume four large volumes.\(^\text{16}\)

Only three of the four NAACP defense lawyers were present on the opening day. Thurgood Marshall's train reservation had been canceled by the railroad (an indication perhaps of the special harassment Marshall was to be subjected to throughout the trials), and his arrival in Columbia was consequently delayed. Judge Ingram

\(^{14}\)Interviews with Attorney Z. Alexander Looby, August 31, 1970; Attorney Maurice Weaver, November 14, 1970.

\(^{15}\)State Minutes, Circuit Court, Maury County, March 22, 1964, Roll #34 (microfilm), pp. 67-68.

\(^{16}\)Interview with Attorney Maurice Weaver, November 14, 1970. Mr. Weaver recalled that he selected Mr. Dome as a court reporter "because he was the only one I could afford."
denied Mr. Looby's request to delay the trial until Marshall could be in attendance, marking the first of innumerable denials by the court of defense motions.

Mr. Looby began the defense by asking that each of the 26 defendants be tried separately. The application for severance was denied. Attorney Looby then informed the court that Mr. Thomas Baxter, one of the 26 named defendants, had died the previous Saturday night and thus should be removed as a defendant. After these very brief proceedings, Judge Ingram adjourned the court until Thursday, May 30, to permit some of the defendants to appear before the federal court in Nashville the following day.  

Judge Ingram's logic in denying the defense motion to postpone the proceedings until all the defense attorneys could be present and then adjourning the trial for other reasons can be explained perhaps in terms of his own disposition toward the prosecution—a bias which became increasingly obvious as the trial wore on. (In an interview with Attorney Z. Alexander Looby twenty-four years later, he remembered that Judge Ingram had been the toughest obstacle to deal with during the trials because he was "a cracker who didn't know anything about the law." Since Ingram was in the position of ultimate authority in the courtroom, the problems for the defense attorneys were, of course, tremendous.)

When the court resumed on Thursday, May 30, 1946, defense counsel pointed out that Mr. William Pillow was erroneously named "Willie Pigg" in the indictment. Although such a "mistake" seemed to be a blatant racist insult, Mr. Looby later recalled that it had little effect on the outcome of this trial or Pillow's later acquittal on a second charge. Then began the lengthy process of questioning witnesses before the matter of jury selection could be opened. The defense was attempting to prove that Blacks had been systematically excluded from both

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18 Interview with Attorney Z. Alexander Looby, August 31, 1970.
grand and petit juries in Maury County for years and, therefore, Blacks could not
possibly hope to receive a fair trial there. First witness summoned by defense
attorney Z. Alexander Looby was J.D. Stanfield, who testified that he had served
as chairman of the grand jury for four years. When Mr. Looby asked him whether
any Negro had ever served on a grand jury during that time, Attorney General Paul
Bumpus objected. Judge Ingram sustained the objection, ruling that defense at-
torneys were restricted to questioning the witness only about the jury list, not
about his observations on the composition of the jury he had headed for four years.

The next witness was a Black man, Mr. Finn Wray, a 73-year-old property
owner in Maury County. Mr. Wray testified that he had never been called for jury
duty in Maury County. But when Mr. Wray was asked if he knew of any Negro who
had been summoned for jury service prior to March 20 of the current year, the
state's objection to the question was once again sustained by the court. Several
witnesses later, however, defense witnesses were permitted to answer questions
concerning their personal knowledge of Blacks on Maury County juries. The reason
for the switch was Bumpus' raising the question himself upon cross-examination
of Mr. Charley Chavern, the eighth witness summoned by the defense. Thus, the
legal incompetence of the state's attorneys, as compared to the defense attorneys,
was displayed early in the proceedings.

The first full day of the proceedings the NAACP defense attorneys called,
in addition to the white jury foreman, 26 Black men—all of whom testified that
although they were eligible for jury service, they had never been called. After
the state permitted questions about the witnesses' personal knowledge of Blacks
serving on Maury County juries, 19 men testified that they had never heard of
any Black jurors in Maury County. Similar testimony was presented by another
19 Black witnesses on the following day. 19

Altogether during seven days of testimony, the defense called 209 witnesses. Three were white court officials: grand jury foreman J.D. Stanfield; Judge of Maury County Criminal Court, W.C. Whitshire; and Miss Dabney Anderson, circuit court clerk of Maury County for the past "six or seven" years. The others were Black. Three of the 206 Black witnesses were excused before questioning. All who were permitted to answer the question (only four of the remaining 203 Black witnesses were not, but one of those responded before the state excepted) testified that they had never in their lifetime heard of any Blacks serving on Maury County grand or trial juries. Most of the 203 Black witnesses who testified were property owners in Maury County; most were middle-aged or older. The oldest defense witness was Mr. R.G. Johnson, an 86-year-old Black property owner who had never been called for jury duty and who knew of no other Blacks ever having been called. That so many Blacks were willing to testify, despite the very real physical dangers involved, is a tribute to the courage of the Black community and, also, to the respect many Blacks had for the Blairs and the Mortons.

Only one Black witness, Professor "James D. Carruthers" [sic], testified that he had been called for jury service. But Caruthers, who had taught for 17 years at Fisk University in Nashville, contended that he was excused because his jury notice had been a mistake. "I really didn't know whether they meant to subpoena a negro [sic]," Caruthers testified.

During the cross-examination of the Black witnesses, the racism of the attorney general and the court officials was blatantly apparent. Throughout the transcript Mr. Dome, the white court reporter hired by the defense, spelled Negro with a small "n." Even more important, however, was the rude treatment of the Black witnesses by Paul Bumpus. He not only did not use courtesy titles when addressing Blacks but frequently addressed Black witnesses by their first

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names. For example, in his cross-examination of Mr. Jack Nabor, 36-year-old Black property owner, Bumpus asked: "Jack, you don't mean to tell the court no negroes [sic] in the county have ever been summoned and served?" And, in cross-examining Black minister J.W.E. West, Bumpus referred to Blacks as "you people." That comment brought Mr. Looby to his feet with an objection.21

Special Prosecutor Hugh T. Shelton, Sr., objected to Attorney Looby's questioning about social customs, especially patterns of segregation, in Columbia. Shelton thought that "it will just keep us here for the longest time." Z. Alexander Looby's reply was eloquent and foreshadowed some of the reminders that the Rev. Martin Luther King, Jr., was to give to eight, white, Southern clergymen in his 1963 "Letter From Birmingham City Jail." Mr. Looby said:

It seems the defense of the State is based on the question of time, but here we have the liberty of these people, and when it comes to a question of time, if it comes to protecting their rights, when the rights are invoked [sic], everything this Government stands for is denied. The first ten amendments to the Constitution have to do with personal rights. They cannot be denied. They do not deny fundamental principles are involved, and fix it on the altar [sic] of expediency, but we cannot sacrifice these fundamental rights merely on account of time, and the Supreme Court has said that the court must take cognizance of social policies and customs. ... For a half a century negroes [sic] have been denied their rights, it has become a tradition. They deny it. How else can we show it? We are laying the foundation to show it is a well known and well recognized custom that negroes [sic] are not used in Maury County. We cannot show it except by asking these questions. ... I am trying to show that the custom is to segregate the races, and that service on juries would necessarily bring them together, and that is the reason they are excluded.22

In his examination of Mr. J.W.E. West, Mr. Looby brought out that even the water fountain in the courthouse was labeled "for whites only." At this point Judge Ingram tried to stifle Looby's probe into patterns of segregation in Maury County. The judge asked: "Don't you think you have gone into that far enough?"

21 Ibid., Vol. 1, pp. 45-46, 92.
22 Ibid., pp. 87-88.
Mr. Looby disagreed. "We know, and the court knows," he pointed out, "but the people that read the record don't know. The Attorney General would leave the opinion we are all one happy family. I want to show the facts." 23

Thurgood Marshall continued Looby's line of questioning by establishing, through questioning of a former school teacher in Maury County, Mr. Edward H. Dykes, that segregated school systems were maintained in the county. Attorney General Bumpus objected, but this time he was overruled by Judge Ingrara.

Maurice Weaver questioned W.C. Whitshire, Judge of the Maury County Criminal Court. Whitshire testified that a Negro, Monroe Campbell, was on a Maury County jury sometime between 1898 and 1901. Whitshire said that he recalled practicing law before him and went on to say that Mr. Campbell, whom he claimed to know from childhood, was "one of those good negroes [sic]." His assumption that "good" Negroes were few and far between only added to the pile of evidence the NAACP defense attorneys were accumulating to show the impossibility of gaining justice for Black people in Maury County courts. And Whitshire went on to aid the defense by testifying that he did not "recall any" Negroes being on a grand or petit jury in the county since 1901, a period of forty-five years. In response to Weaver's question about whether he thought there were Negroes in Maury County who would be "qualified" to serve as jurors, Whitshire said: "Undoubtedly. I know a number of them." 24

The whole question of race as a biological or a cultural concept was raised by Mr. Mack Watkins, under direct examination by Attorney Looby. "You are a Negro?" asked Looby. "Yes, that's what they call me," replied Watkins. Mr. Looby affirmed his own race pride by telling Watkins: "You are proud of it." 25

23Ibid., p. 93.
24Ibid., pp. 103-104, 158-159.
He then went on to establish that Watkins, a 75-year-old Maury County resident, had never been called for jury service.

Another interesting line of inquiry pursued by the defense attorneys, bearing again on traditional patterns of race separation in Columbia, centered on discussions within the Black community over voting and juries. Mr. Sandy Porter, for example, told Attorney Maurice Weaver: "We discuss voting, but not about juries, because it is not the practice among negroes [sic] to discuss that." Thus, even conversation among Blacks, according to Mr. Porter's testimony, was limited by the apartheid customs imposed by whites.

Attorney Weaver, who had only recently returned from service in World War II himself, was also interested in pointing out to the court the irony of Black veterans serving their country abroad and then being denied constitutional justice at home. After Mr. Ulysses E. Knott had testified that he had served abroad for three and one-half years, Mr. Weaver asked him: "Besides the time you were outside helping to preserve Democracy, have you at all times lived here?" Mr. Knott answered affirmatively.

On June 8, 1946, the state began calling prosecution witnesses. In an apparent attempt to counter the defense strategy of calling Blacks who were eligible for jury duty but who had never been called, the Attorney General and his assistants began calling white folks who were eligible but had never been called for jury duty either. But the counter strategy was not as effective because, under cross-examination, the white witnesses testified that although they knew that whites served on Maury County juries, they had never heard of any Negroes serving. Thurgood Marshall's cross-examination of Mr. James Kerr, a 72-year-old white resident of Maury County, was a case in point:

26 Ibid., p. 531.
27 Ibid., Vol. 3, p. 591.
Q. 3 Have you ever heard of picking a negro [sic] for a juror?
A. No.

Q. 4 You never heard of that?
A. No.

Q. 5 You know white men pick them?
A. Yes.

Q. 6 There are white people in your neighborhood?
A. I don't remember any one in my neighborhood, but I know they pick white men.

Q. 7 You never heard of them picking a negro [sic]?
A. No.

Q. That is, in your life time [72 years]?
A. Yes.28

And again, when questioning Mr. Joe Colagross, 44-year-old white man, Thurgood Marshall got Mr. Colagross to agree that "as a matter of fact," all the jurors he had ever seen in the county were white men. Later on that same day the brother of the mayor of Columbia, Mr. Keith Denham, was called by the prosecution. Under cross-examination by Thurgood Marshall, he also admitted no knowledge of any Negroes ever having served on Maury County juries. His brother, who had been mayor since 1942, Eldridge Denham, agreed under oath that he had never heard of a Black man being called for jury duty either. Attorney Marshall questioned Mayor Denham closely about whether or not he had ever recognized any Negroes' names on the jury list. Denham denied that he had.

Attorney Looby displayed his legal skills in his cross-examination of a white Maury County property owner, Mr. Thomas Whitehurst. He asked Mr. Whitehurst if he had a good memory and thus would be able to remember any "unusual occurrence," such as a Black man serving on a jury in Maury County. Mr. Whitehurst answered

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Ibid., p. 679.
affirmatively to the question about the sharpness of his memory, thus adding extra weight to his failure to remember any but white jurors being called for service in the courtrooms of Maury County.

Mr. Ed Fox, who testified that he had been familiar with about twelve juries—through his own courtroom observations over a period of years—told Mr. Looby that he had never seen or heard of a single Black serving. Twenty-five white witnesses testifying for the state repeated a similar observation (of benefit to the defense) before defense counsel got a chance to resume direct examination.\(^{29}\)

Then Miss Dabney Anderson, circuit court clerk of Maury County for seven years, was recalled by the defense. In her first court appearance several days earlier, defense attorneys had asked Miss Anderson to bring the jury box and jury list into the open courtroom, so that the physical evidence pertaining to jury selection could be examined. Attorney General Bumpus objected, and the court sustained his objection. The failure of Judge Ingram to permit such evidence underscores the racist nature of the court structure in Maury County.

Miss Anderson, in her second appearance before the court, testified that some Blacks had been called to jury service, but after further questioning, she admitted that it may have been after February 25, 1946. She also testified that there was no way for one examining the jury list to determine the race of a particular individual unless the examiner knew the individual personally. When asked by Attorney Weaver how the jury commissioners obtained the list, Miss Anderson replied that the jury list was compiled from the tax books. She maintained that the tax books did not identify taxpayers according to race. Since at this point the state refused to permit an independent examination of the tax lists or the jury lists in an open courtroom, Miss Anderson's testimony was impossible to verify.

Next witness summoned by the prosecution was Sheriff J.J. Underwood. Like all the public officials who had appeared before him, Sheriff Underwood testified that he had never seen a Black man sitting in a Maury County jury box. The state followed up with 28 more white witnesses who presumably were called to show that they were eligible for jury duty but had never been called. Yet, as with the earlier witnesses, not one had heard of Blacks serving on Maury County juries within at least the last thirty years. All were aware, however, of whites who had served on juries during that period.

The state's strategy of beginning to call Blacks for jury service now that they were aware that the defense counsel was challenging the fairness of their whole court structure on these grounds was revealed by the state's own witnesses. For example, Mr. L.O. Wiley, a white man who had recently resigned from Monsanto Chemical Company, Columbia's largest non-agricultural employer, had the following exchange with cross-examiner Thurgood Marshall:

Q. Have you ever heard of a Negro being called for jury service in Maury County?
A. Yes.

Q. When?
A. Since this trial started.

Q. You hadn't heard of any before that?
A. No.

Q. And you have both white and colored employees at the chemical plant?
A. Yes sir.

Q. And is it not true that several of the white employees have been called for jury service? Do you know of your own knowledge?
A. I had two men working for me that was called during the time I was out there.

For Miss Anderson's testimony, see ibid., Vol. 3, pp. 723-726. For complete testimony of the 28 additional witnesses, see ibid., pp. 738-850.
Q. They were both white?
A. Yes sir.

Q. And did you ever hear of a Negro serving on a jury in Maury County at any time who actually sat on a trial?
A. No. 31

Another white prosecution witness, Dr. F.F. Osborne, testified that although he had resided in Maury County for 63 years, he could not remember a jury ever having been composed of other than white men. And Mr. George E. McKennon, local white businessman, currently in fire insurance, but formerly associated with a department store and the white Commerce Bank and Trust, told Thurgood Marshall that "certainly" he knew of white people who had been called for jury service in the county during his lifetime. Yet, he did not know of any Black man who had been called.

Perhaps some of the most convincing testimony was that offered by Mr. C.A. Kennedy, now employed by the U.S. Employment Service, but formerly a state senator and a practicing lawyer in Columbia for fourteen years. Under cross-examination by Attorney Looby, he was asked if all the juries he had appeared before or observed during his years of practice had been made up "exclusively of white men."

"That is right," Mr. Kennedy agreed. Mr. Looby pursued the point: "And in your profession as a lawyer you have come into contact with a number of people who have served on juries?" "Yes," said Mr. Kennedy. "And every one was white?" continued Mr. Looby. Again Mr. Kennedy responded, "yes." 32

Abandoning the strategy of calling to the stand whites who had never been called for jury service—which seemed to be backfiring to the advantage of the defendants—the state next called several witnesses to try to prove that Mr. William Pillow (erroneously indicted as "Willie Pigg") did, indeed, answer to

31 Ibid., p. 740.
32 Ibid., p. 808.
the name of "Willie Pigg." But their testimony proved inconclusive. Mr. J.M. Tuell, a dairy owner, testified that Mr. Pillow had formerly been employed by him and that his name was listed in the company's records as "Willie Pillow." A white employee of Tuell Dairy Company, Mr. Corliss Lovell, testified that Mr. Pillow was called "Willie Pigg" as a nickname. But it was not determined from his testimony that Mr. Pillow answered to that nickname.

Mr. Looby's contention that racial segregation in Columbia was so entrenched that whites could not possibly know as much as they thought they did about Blacks was confirmed by the following exchange he had with Mr. Emmett Fox. The questions focused on Mr. Pillow, a former co-worker of Mr. Fox.

Q. Do you know much about his friends and acquaintances?

A. Well, I know as much . . . as I would know of any other colored fellow.

Q. Who are his friends and acquaintances?

A. I couldn't say who they are.

Q. Can you name two?

A. I haven't tried to name them.

Q. As a matter of fact, you don't know who his friends and acquaintances are?

A. I imagine that he has plenty down in the colored section.

Q. You are sure that he has but you don't know who they are?

A. I couldn't name the colored people that know him down there.33

Finally, the state called the members of the July, 1944, jury commission, in an attempt to introduce testimony that there was no racial discrimination in the

33Ibid., pp. 931-933.
selection of juries. Here again, the cross-examination of the state's witnesses showed that the very discrimination the state denied did, in fact, exist. According to the county statute, the jury commissioners were "to meet and select from the tax books of the County and from any reliable source names of experienced, intelligent men known for their integrity, their character and sound judgment." Members of the jury commission testified that although they knew of Negroes in Maury County who met these requirements, they "never discussed the probability of putting them in the jury box." Furthermore, the jury commissioners testified that the jury lists were weighted against poor people as well as against Black people. Jury commissioner Joe Taylor, for example, testified that most of the time "good, substantial" taxpayers were chosen for the jury lists. In order to know who the large taxpayers were, of course, the jury commissioners had to be familiar with the community. And, given the tight racial segregation in Maury County, the white jury commissioners were familiar with only the white community. Mr. Taylor admitted that he personally did not know of any Blacks who were substantial property owners or large taxpayers in the county. Thus, economic discrimination reinforced racial discrimination and tightened the control of propertied whites over the legal and political structure of Maury County. Mr. Looby protested this undemocratic way of selecting jurors and contended that "every man, . . . in the State, . . . whether he be white or black, ought to have a legal chance to serve on the jury and not because he happens to be poorer than the other man." 34

Finally, towards the end of June, the defense was permitted to examine the tax lists from which the jury lists were allegedly drawn. It was apparent to the defense attorneys that there had been some tampering with the books; some names appearing in the 1944 and 1945 books, written in ink or lead pencil, had

34 Ibid., Vol. 4, p. 994.
been crossed out. Others had been typed in. Mrs. Mattie Brownlow, trustee of
the books since September, 1944, was called to the stand and questioned about
the strikeouts. She denied any knowledge of how or when the "corrections"
appeared on her books.

Then defendant Sol Blair appeared on the stand on his own behalf and pre-
sented into evidence his own tax receipts. The receipt clearly had a letter "c"
behind his name, denoting his race as "colored." Defense attorney Thurgood
Marshall argued that even though the jury commissioners had testified that the
tax books did not indicate racial identity, there were other records available
to the commissioners which did identify taxpayers, and therefore prospective
jurors, according to race.35

After over a month of testimony—which seemed to establish conclusively that
Blacks had been systematically excluded from jury duty in Maury County for a
period of almost fifty years—Judge Ingram took under consideration the defense
motion for a change of venue. And, in a surprise move, he granted the motion.
But, instead of moving the trial to a county suggested by the defense (Davidson,
home of Nashville, or Williamson, lying between Davidson and Maury County),
Judge Ingram moved the trial to a county favored by the prosecution. He announced
that the trial would be held in Lawrence County, south of Maury County, near
the Alabama line. Mr. Looby remembers being shocked and dismayed: "It was like
going from the frying pan into the fire."36 Lawrence County was even more no-
terious than Maury County in its treatment of Blacks. As Walter White pointed
out in his summary of the Columbia incident, no Blacks were permitted to remain
in Lawrenceburg, the county seat, overnight. In fact, until shortly before Judge
Ingram ordered the trial removed there, road signs outside Lawrenceburg had read:

35 Ibid., p. 1155.

36 Interview with Attorney Z. Alexander Looby, August 31, 1970.
N - - - - -t read and run. Don't let the sun go down on you here. If you can't read, run anyway.37

After a brief consultation with his colleagues, Mr. Looby told Judge Ingram that the defense lawyers wished to withdraw their motion for a change of venue. But Attorney General Bumpus objected, and Judge Ingram stuck with his decision. The trial was set for Lawrenceburg, Tennessee.

The Federal Grand Jury Proceedings

Meanwhile, because of the nationwide publicity engendered by the killings of William Gordon and James Johnson in the Maury County jail, a federal grand jury investigation had been taking place in Nashville. That probe began almost simultaneously with the court proceedings in Columbia, and, as has already been seen, delayed the Columbia proceedings for a few days. At first, local Blacks welcomed the probe—feeling that investigation by federal officials would surely exonerate the Black defendants and place the blame for illegal procedures on local, white public officials. It soon became apparent, however, that the federal grand jury was not going to indict local public officials, despite much evidence that they had broken the law.

In his initial instructions to the jury, Federal Judge Elmer Davies made it clear that much of the investigation was to center on various publications that had been written after the events of February, 1946. One such pamphlet, entitled "The Truth About Columbia Tennessee Cases," was issued by the Southern Conference for Human Welfare.38 Judge Davies suggested to the jurors that they subpoena before you the officials of the Southern Conference for Human Welfare and question them as to the facts contained in this pamphlet and, if they are true, you should act accordingly and return indictments against the persons responsible for those acts. . . .39

37Quoted in White, A Man Called White, p. 313.
38This pamphlet is in the Southern Conference for Human Welfare Papers, Box 38-19-D, Trevor Arnett Library, Atlanta University, Atlanta, Georgia.
39Quoted in "Columbia Probe Begins Here," Nashville Tennessean, April 9, 1946.
The pamphlet in question had criticized Columbia's police force for arresting the Stephensons but not Fleming, for not disarming the lynch mob which threatened the Black community following the initial argument, and for "taking vengeance on the whole Negro community" after police officers, riding into the Black community after dark, had been fired upon by "no more than two or three men out of the whole Negro community." The state troopers and guardsmen were criticized for terrorizing the Black community and brutally beating prisoners, for destroying property and stealing money from Black homes and businesses, and for conducting illegal searches and seizures of weapons in the Black community but not in the white. "It was the armed forces of the State of Tennessee who did the real rioting," the pamphlet maintained. And law enforcement officials were criticized for refusing to let the NAACP attorneys be present when the prisoners were first questioned in the jail. Finally, the deaths in the jail were castigated. Here the pamphlet suggested two possible interpretations:

The most charitable interpretation it is possible to put on the circumstances of this horrible killing makes the officers guilty of incredible negligence and stupidity—and of killing prisoners who could have been subdued without killing, which is a very serious criminal offense. The explanation which fits the facts better and is easier to believe is much uglier than that—though it is an old story in Southern police dealings with Negro prisoners.40

All of these charges had already been made by the Black residents of Columbia themselves and their NAACP counsel. It seems likely to assume, therefore, that this particular pamphlet would not have required special investigation if the authors had not been the Southern Conference for Human Welfare. That organisation, and other similar civil liberties groups active in the South in the 1940's, were constantly under attack—by much of the white press, white business community, and other so-called respectable segments of society—as Communist-front organizations. So it is possible that federal grand jury investigation of the

40 "The Truth About Columbia Tennessee Cases," Southern Conference for Human Welfare Papers, Box 36-19-D, Trevor Arnett Library, Atlanta University, Atlanta, Georgia.
Southern Conference for Human Welfare pamphlet was simply one more attempt to investigate the members and activities of the SCHW rather than to investigate the "facts" of Columbia.

At any rate, in addition to some Black and white Columbians, the federal grand jury did subpoena Clark Foreman and James Dombrowski of the SCHW and Carl Van Doren of the NAACP's Committee of 100. It is also interesting to note that although the grand jury summoned six local newsmen and a Life photographer to appear before it, it did not subpoena any members of the Black press.⁴¹

The grand jury's final report found no violation of civil rights on the part of the highway patrol or any state officials. The Nashville Globe-Independent, a Black newspaper, was severely critical of the report and concluded that the federal government had been "wasteful of the taxpayers money" in holding the month-long investigation. The Columbia Daily Herald, a local white newspaper, on the other hand, saw the federal grand jury's report as vindicating Tennessee public officials. The National Committee for Justice in Columbia, Tennessee, sent telegrams to President Truman and Attorney General Clark, protesting the federal grand jury's "outrageous whitewash of mob leaders and state militia who devastated the Negro community in Columbia, Tennessee."⁴² Thus, conclusions about the motivations and the effects of the grand jury's report were mixed.

Interestingly enough, as both Attorney Z. Alexander Looby and Attorney Maurice Weaver reviewed the case almost a quarter of a century later, they doubted that

the federal grand jury investigation had much effect on the final outcome of their case. Neither man felt that the federal government had done right, but they both thought that, regardless of the federal government's failure to fix responsibility on local and state officials for the illegal beatings of Black prisoners and the illegal break-ins of Black homes and businesses, the mere fact that local officials knew federal officials were scrutinizing what went on in Columbia may have made them a little more careful about further violations of the civil rights of Black people. 43

Lawrenceburg Proceedings

Since the transcript of the proceedings at Lawrenceburg was unavailable to this writer, details about the testimony are much more incomplete than for the proceedings at Columbia. Parts of the transcript were reprinted in various publications; these segments of the record, together with personal interviews, a few isolated court records housed in the Lawrence County Courthouse, and secondary accounts have been used, however, to put together a rough account of what happened in Lawrenceburg.

When Judge Ingram, early in July, removed the trial from Columbia to Lawrenceburg, the Black defendants and their counsel were not the only ones who were unhappy. Many white residents of Lawrenceburg, upset by the prospect of bevy of newsmen pouring into their community to write contemptuously of their social and legal customs (they had just witnessed a similar occurrence in Columbia), preferred to see the trial take place anywhere but in Lawrence County. In the Lawrenceburg, Tennessee, courthouse is an undated petition to Judge Ingram, signed by 409 white citizens of Lawrenceburg. The petition asked:

43 Interviews with Attorney Z. Alexander Looby, August 31, 1970; Attorney Maurice Weaver, November 14, 1970.
We, the following white citizens of Lawrence Co., Tennessee do hereby petition Your Honor to reconsider your decision in regard to the so-called "Heroes' Trial" of Maury County.

We sincerely believe that having a trial of this nature here, at this time, would subject Lawrence County to criticism regardless of what would happen.

We have no trouble between any of the races; we want none; we are sure that the trial would cause some ill feeling. From the so-called "yellow sheet" propagandists it would bring Lawrence County publicity of a nature we do not want and have done nothing to deserve.

Ours is a peaceful, law-abiding citizenry—regardless of race or color. We want nonet We are sure that the trial would cause some ill feeling. From the so-called "yellow sheet" propagandists it would bring Lawrence County publicity of a nature we do not want and have done nothing to deserve.

Judge Ingram apparently remained unmoved by the petition, for selection of a jury began in Lawrenceburg on August 15. Physical conditions for the Black defendants and their lawyers were even worse here than they had been in Columbia. Blacks were not permitted to eat in any of the town's restaurants or even to use the water fountain in the courthouse. Thus, sandwiches and barrels of water had to be hauled in every day for the Black lawyers, witnesses, and defendants.

Walter White noted that Attorney Maurice Weaver, because he had white skin, might have been able to avoid some of these inconveniences but chose, instead, to endure the same inconveniences as his Black colleagues. White also concluded that perhaps no other trial in United States history was ever held "under more explosive conditions." As in the Columbia proceedings, spectators in the courtroom hurled verbal insults and physical threats at the attorneys daily.

The jury selection took about two weeks. At first, Lawrenceburg whites testified that "n--n--n-could get a fair trial," indicating with every such statement that Blacks could not receive justice at their hands. Finally, in desperation, the defense attorneys decided to keep one prominent white citizen—


45 White, A Man Called White, pp. 313-314.
ironically named Pigg—and lock him up every night, while using up about eight of
their peremptory challenges a day on the others. In recalling the strategy,
Maurice Weaver saw the experience with Pigg as a turning point in the trial. Then
attitudes changed, and most whites wanted to get off jury duty, not wanting to
be locked up every night, away from family, friends, and jobs, like Mr. Pigg.
Judge Ingram, on the other hand, interpreted this attitude as lack of patriotism
and became "enraged" at the number of doctors' excuses presented to him by pros-
pective jurors. Attorney Weaver concluded that eventually the white citizens
of Lawrenceburg became more incensed with Judge Ingram who was, after all, re-
sponsible for placing the trial in their town, than they were with the defendants.
According to Weaver, Ingram—not the NAACP—became the symbol of the "outside
agitator." Many white Lawrenceburg residents did not resort to medical excuses,
however, frankly stating that they were so prejudiced against Negroes that they
would not be able to render a fair verdict.

In order to avoid the Columbian experience, a few Blacks were called for
the venire. None of them was chosen, however, since the state used its peremptory
challenges to exclude any Blacks who were not disqualified on medical grounds.
And, finally, a jury of twelve white men was selected.

One new strategy tried by the state in the Lawrenceburg trial was to have
Black witnesses. Yet, once on the stand, the testimony of some of these witnesses
fell apart. The Nashville Globe-Independent reported that Lee Andrew Shyers,
for example, told under cross-examination that he was a "star state witness"
because he had been physically threatened. Shyers claimed that he and his
brother had been blackjacked by the state highway patrol prior to his taking
the stand.47

46 Interview with Attorney Maurice Weaver, November 14, 1970.

State Safety Commissioner Lynn Bomar became one of the favorite targets of out-of-state reporters. Henry Moscow, covering the trial for the New York Post, quoted Bomar’s testimony about the killings in the jail. Bomar seemed to boast of his brutality:

I grabbed Napoleon Stewart . . . by the coat. I told him to lay on the floor and be quiet. I put my foot on his neck. I told him if he didn’t lay there I would kill him. He kept trying to get up.

When Attorney Weaver asked if Stewart were armed, Bomar denied it. Then Bomar added: “He told me afterward we should have killed him—and I guess we should have.”

Again, when being questioned about the search of James Morton’s home, Bomar testified that he did not have a search warrant. “I went in so fast,” he boasted, “they didn’t have time [to object] and I probably won’t have one [a search warrant] next time either.” Thus, one key public official was on record as being against law and order when it came to the "safety" of the Black community.

Judge Joe Ingram prevented the defense from introducing into evidence photographs taken of the homes and businesses wrecked in the siege of February 25-26. Although the jury was prevented from looking at them, they had already been published in some national magazines.

Despite the limitations imposed on defense counsel by the judge and the whole courtroom atmosphere, the jury, on October 4, returned a verdict of not guilty against all but two of the 25 defendants. The two men who were convicted of attempted first-degree murder against Patrolman Will Wilsford during the night of February 25, 1946, were Mr. Robert Gentry, 24, and Mr. John McKivens, 26. The

49 Ibid.
50 See, for example, Crisis (April, 1946), p. 111.
jury recommended that they be sentenced to terms in the state penitentiary of not less than three years and not more than 21 years.

Although it remains unclear on what basis the jury determined that two out of 25 defendants were guilty, the final verdict was greeted jubilantly by most Black Columbians, the Black press, Northern white reporters at the trial, and the NAACP. Attorney Maurice Weaver later recalled that the defense lawyers were just as surprised as anybody else by the jury's decision. He and Attorney Z. Alexander Looby agreed that they had never thought there was a chance for acquittal, but hoped, instead, to win the case on appeal. Both attorneys thought that the Lawrenceburg jury had been motivated by the desire to get Maury County's "dirty linen" out of their town with as little adverse publicity about their own community as possible.51

Elizabeth Allen, secretary for the Rosenwald Fund, in a letter to Dr. Charles S. Johnson, Fisk University sociologist (soon to become President of that institution), felt that perhaps the jurors deserved more credit. She suggested that the final verdict meant that "an average group of southern whites can sit in a Tennessee court-room where they are deluged with appeals to all of their most cherished prejudices and deep-seated emotions, and yet can bring in a verdict which represents an obviously sincere attempt to weigh the facts and the evidence."52

The Kennedy-Pillow Trial

In addition to the Columbia-Lawrenceburg trial, there was a separate court proceeding against William A. Pillow and Loyd Kennedy, who were charged with

51 Interviews with Attorney Z. Alexander Looby, August 31, 1970; Attorney Maurice Weaver, November 14, 1970.

52 Julius Rosenwald Fund Papers, Box 123, Folder 10, Negro Collection, Fisk University Library, Nashville, Tennessee.
attempted first-degree murder against Patrolman Ray Austin. Judge Joe M. Ingram denied the motion for a change of venue in this case, and it was tried before an all-white Maury County jury in November, 1946. Mr. Pillow was acquitted by that jury, and Mr. Kennedy was sentenced to five years in the penitentiary. NAACP lawyers appealed the verdict to the Tennessee Supreme Court, where a year later the lower court's decision was upheld. But, as has already been pointed out, Mr. Kennedy served only four months in prison before being pardoned by the governor. Thus, one of the most notorious court struggles in United States history ended about two years after it had begun with 23 defendants acquitted by a Lawrence County jury, two defendants serving no part of their 3-21 year sentence because the state had dropped charges against them, one defendant acquitted by a Maury County jury, and another defendant serving only four months of a five-year sentence.

53 "U.S. Supreme Court To Get Columbia Case At Early Date," Nashville Globe-Independent, October 24, 1947.
Chapter IV

Analysis of the Press Coverage and the Aftermath

Comparison of Black and White Newspapers

Although numerous national newspapers and magazines sent reporters to cover the Lawrenceburg trial, this study will be limited to a brief analysis of only four local newspapers: Nashville Globe-Independent (Black weekly), Nashville Tennessean (white daily), Nashville Banner (white daily), and the Columbia Daily Herald (white daily). Although there were differences among the three white newspapers, all of them assumed that Blacks had provoked the February, 1946, incident, that white public officials had acted fairly in dealing with the racial trouble, and that the majority of Tennessee’s white citizens were peace-loving and law-abiding. The Globe made none of these assumptions and, therefore, presented an entirely different version of the initial incident and the resulting events to its readers.

The Banner, Nashville’s afternoon paper, published by James G. Stahlman, had long had a reputation for being outspokenly anti-Negro. The Tennessean, Nashville’s morning paper, on the other hand, had acquired under the editorship of Jennings Perry the reputation of being “liberal, if not fair.” Since the Associated Press and United Press drew mainly on the Tennessean for their news stories, what the Tennessean had to say had more potential influence than its afternoon counterpart. And then, too, because of the Tennessean’s “liberal” reputation, any derogatory comments about Columbia’s Black community probably

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1 Interview with Attorney Maurice Weaver, November 14, 1970.
had more impact upon local Black and white readers as well. The Nashville Globe-Independent was a member of the National Negro Press Association and was edited by L.D. Williams. Columbia's Daily Herald was edited by W.D. Hastings.

Front-page headlines of the four newspapers following the February 25 confrontation give some idea of the particular emphasis of each publication. The Globe, on March 1, 1946, its first issue since February 25, read: "Columbians Acted In Self-Defense." The sub-headline said: "Trouble In Maury Caused By Threat To Stage Lynching." The Tennessean, however, on February 26, said: "Four Police, Two Civilians Shot In Maury Race Clash; 500 Troopers Called Out." The February 26 Banner reported: "Order Restored In Columbia; Officers Probe Arms Source, Outside Contacts." The Banner headline reflected that newspaper's continuing preoccupation with "outside agitators" and "Red" influences in any activity that seemed designed to bring about racial justice. On February 26 the Herald announced: "70 Are Held In Local Jail After Seven Are Wounded in Night-Long Racial Riots."

As can be seen from the above headlines, the Globe emphasized the bravery of Columbia's Black community in preventing any further lynchings. The Globe reminded its readers that "had they been white men they would have been called alert and useful citizens, instead of being smeared as criminals."2 Herald reporters Tom Ketterson and Paul Page took the opposite point of view. They announced that "fear-crazed negroes [sic] who had believed that lynching parties were out to get them . . . were calmed after a night of rioting and bloodshed."3 The implication seemed to be that Blacks really had nothing to be afraid of; at no time did the Herald reporters address themselves to whether or not a lynching party actually had existed.


3 Tom Ketterson and Paul Page, "70 Are Held In Local Jail After Seven Are Wounded In Night-Long Racial Riots," Columbia Daily Herald, February 26, 1946.
Neither did the Banner nor the Tennessean make any reference to the lynch mob that had threatened the Stephensons. In a March 1 story on page 4, the Banner announced that following the shootings in the Maury County jail, 42 Negroes had been transferred to the Davidson County facility for "safe-keeping." But there were no details on just what—or whom—they were to be kept safe from; there was no mention of previous lynchings in Maury County. And, obviously assuming that Blacks had certain, peculiar personality traits, the Banner article gratuitously added that "no surliness was reported."4

The Tennessean implied that there was extensive sniper activity in the Black community during the night of February 25, thereby providing some justification for the invasion of the area the following morning by troopers and guardsmen. And the innocence of the white Columbian police force seemed to be exaggerated in the Tennessean's initial account. As Chief Griffin and his men stepped out of their automobile that dark night of February 25, the Tennessean reported, "a barrage of buckshot cut the unsuspecting officers down."5 The Globe never condoned the wounding of the policemen and, indeed, called that result "unfortunate." Yet, the Globe, in a March 8 editorial, thought that the injuries could have been prevented "had these officers used proper discretion." The Globe went on to point out that the officers had no search warrants.6

As time wore on, and more nationwide attention was focused on Columbia, the Banner turned most of its editorial attention away from the day-to-day local events and focused, instead, on what other publications outside the South were reporting. In an editorial entitled "Arsonists At Work," the Banner criticised

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4."Negroes Brought To Nashville," Nashville Banner, March 1, 1946.

5."Four Police, Two Civilians Shot in Maury Race Clash; 500 Troopers Called Out," Nashville Tennessean, February 26, 1946.

"outside agitators" for being "bent, . . . on DISTURBING racial relations."7 It apparently never occurred to the Banner editors that racial relations had been disturbed several hundred years earlier by the introduction of slavery into this hemisphere.

In a later editorial the Banner went so far as to declare that "the American Negro is not oppressed." The whole trouble, according to the Banner, was that Communists and "fellow travelers in Washington" had "led some Negroes to believe they have not been given a square deal."8 The Banner's own fairness in reporting on the activities of Black people can be evaluated by the following example. On March 22, 1946, the Banner carried a story about a police manhunt that was on in Nashville for a Negro who was believed to have attacked a white woman. The Banner, assuming that a Black man was guilty of the crime, even though no suspects had yet been apprehended, and apparently agreeing also with the police that itinerant whites were less of a threat to white households than itinerant Blacks, had this to say about the incident:

The [police] officers raised one pertinent fact which should do much to eliminate future crimes of the kind committed last night. They said that many householders were entirely too lax about employing itinerant Negroes to work around their yards and houses.9

Another example of the Banner's attitude toward Black people was a series of articles written especially for the newspaper by Dr. Roy L. Garis, a professor of economics at the University of Southern California, on leave from Nashville's own Vanderbilt University. The question raised by Dr. Garis was "The Negro In

8"Red Agitators Pushing Negro To Crossroads," ibid., June 1, 1946.
Nashville: An Asset or a Liability? To raise such a question seems evidence of racist assumptions. Dr. Garis' five-part series contended that racial discrimination did not exist in Nashville. Without specifically saying so, Dr. Garis apparently concluded that Blacks were a liability to the total community because, according to his calculations, "the Negro receives a large percentage of the [public] funds and . . . his contributions have been only minimal." 10

Although the Tennessean was usually less concerned than the Banner with ferreting out suspected Communist activity, some of the Tennessean's more subtle evidences of white racism perhaps did as much to help perpetuate a one-sided, white view of what was going on as the more obvious examples to be found in the Banner. The Tennessean, for instance, seemed to dehumanize Black people by neglecting to use courtesy titles and by referring to Blacks in pejorative terms. In its front-page article on February 26, the Tennessean referred to the gathering of the "Negro element," 11 in their own neighborhood the previous night. And in an article on March 29, the Tennessean reported on the attempts of NAACP attorneys to quash the indictments against their clients. The Tennessean said that Attorney Maurice Weaver had "identified" 12 Thurgood Marshall as general counsel for the NAACP in New York. Evidently the Tennessean itself was either unaware of Thurgood Marshall's identity or was trying to underplay the importance of his position.

In reporting on the federal grand jury, the Globe at first saw the investigation as a "thorough and impartial" one. 13 But when the grand jury ended its

10 The series ran in the Banner from September 30 through October 4, 1946. See, especially, Dr. Roy L. Garis, "The Negro In Nashville," ibid., October 1, 1946.


12 "NAACP Lawyer To Ask 33 Indictments Be Quashed," ibid., March 29, 1946.

investigation without indicting any white local or state officials, the Globe likened the report to "a typical prosecutor's speech, with Negroes being prosecuted and those who had outraged Negroes being anointed as some sort of heroes."14

The Globe further hinted that the federal grand jury's report was tied in with national Democratic Party politics:

Not only Negroes, but many God-fearing white people in Tennessee will not vote to retain the McCord Administration solely because of the way the Columbia troubles were handled. Just about the only thing that could be done to remedy the bad situation was for the McCord Administration to get a good coat of whitewash in the courts. This thing the Federal grand jury has produced would seem to be the kind of whitewash so desperately desired.15

The Herald took a reverse stand on the federal grand jury report. Two days after the initial racial confrontation, the Herald had decided that the hero of the conflict was Governor Jim McCord, who had called out the troopers and the State Guard. The grand jury report merely coincided with the Herald's previous conclusions. The "Grand Jury Puts Blame Where It Belongs," the Herald editorialized on June 17. And, reprinting an editorial from the Banner, the Herald charged that "Communists, pinks and punks . . . [had] tried by lying and incendiary propaganda to divide the races of the South and to inflame the rest of the world against Tennessee."16 Meanwhile, the Banner proclaimed that the "South can handle its own affairs."17

Both the Banner and the Herald seemed particularly sensitive to criticisms by outside observers. And although it seems obvious that some white Northern

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15"Too Late, Your Honor," ibid.
17"South Can Handle Its Own Affairs," Nashville Banner, June 17, 1946.
reporters minimised the national aspects of the racial conflict, preferring unjustifiably to blame all the racial atrocities on the white South, this would seem to be no excuse for glorifying existing conditions in Columbia and Lawrenceburg. The Herald, in a burst of Columbian chauvinism, called Columbia the "liveliest and best town in the nation." But, perhaps with some insight, the Herald went on to ask their "northern friends" to correct their own racial injustices before criticizing the actions of white Columbians.19 The Banner was more emphatic in its dislike of adverse criticism from "outsiders." (The Banner was generally vague in defining "outsiders." Presumably, Northern reporters, the NAACP, and federal officials were all at various times included in their definition.) In one editorial the Banner announced that the South "HAS NO INTENTION OF ALLOWING THEM [outsiders] TO RUN ITS AFFAIRS."20

When the verdict came in from Lawrenceburg, the Banner, unlike the two other white newspapers under examination, at least gave it front-page coverage. In an article by Danny Bingham, the Banner reported that "a jury selected from more than 700 Lawrence Countians . . . returned a verdict . . . which acquitted all but two of 25 Maury County Negroes. . . ."21 As might have been expected, the Globe was the only one of the four newspapers studied that spoke editorially

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about the verdict. On November 8, the *Globe* reminded its readers that "the NAACP, against the greatest odds has only recently scored one of its greatest victories against bigotry and intolerance in this country. This was in the case of the falsely arrested and accused 25 Columbia colored citizens."22

Thus, three local white newspapers that had made much of the Columbia story when Black prisoners had been seized and placed in jail, failed to say much at all when 23 of the Black defendants were acquitted by an all-white Southern jury. The *Globe*, on the other hand, while only a weekly, continued to devote much of its space through November, 1946, to the incident and its denouement.

**The Aftermath**

One final incident needs to be examined before any general conclusions can be discussed. On the evening of November 18, 1946, after both the Lawrenceburg verdict and the verdict in the Kennedy-Pillow case had come in, three of the attorneys—Z. Alexander Looby, Thurgood Marshall, and Maurice Weaver—and the reporter who had covered the trials for the New York *Daily Worker*, Harry Raymond, began their by-now familiar automobile ride back to Nashville. Thurgood Marshall was driving Mr. Looby's car. When the group had driven only about three miles outside of Columbia, they were stopped by three police cars, containing eight law enforcement officials (some Maury County officials as well as two members of Columbia's police force). One of the officers produced a search warrant. Maurice Weaver later reflected that the incident must have been previously arranged, since the search warrant had been issued before the lawyers had even left Columbia. The police searched the car for liquor but found none. The lawyers asked if they could proceed. The policemen agreed, and the four men got back into the car. This time Mr. Looby drove. But as they pulled onto the road, they were stopped

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again by the flashing lights of the police cars. This time the officers asked for Thurgood Marshall's driver's license. He produced it, and the four men started off towards Nashville for the third time. Again they were stopped; this time Thurgood Marshall was placed in the police car. Mr. Looby, Mr. Weaver, and Mr. Raymond were told that they could proceed to Nashville.

But, fortunately for the present Supreme Court justice, Mr. Looby did not head towards Nashville but followed the police car in which his colleague had been placed. The police car had driven down a side road toward the Duck River. But when the police saw Mr. Looby's car following behind, they turned the police car back onto the main road and drove to Magistrate Pough's office in Columbia. Given the history of lynching in Maury County, and the threats made upon the lawyers' lives during the trials, it seems likely that Marshall himself might have been lynched by the white law enforcement officers if his friends had not watched out for him.

At the magistrate's office the police charged Marshall with drunk driving. Maurice Weaver suspected that Magistrate Pough was not the "stooge" that the police had expected, because Mr. Pough, after smelling Marshall's breath, agreed that he had not even been drinking. Pough refused to hold Marshall, and finally the other white law enforcement officials dispersed. The three NAACP lawyers and Harry Raymond then borrowed an automobile from a friend in Columbia and drove back to Nashville in it. The following day friends drove Mr. Looby's car back to Nashville.

The NAACP immediately demanded an investigation by the Justice Department. Eventually such an investigation was made, but no criminal charges were ever placed against any of the local officials who had harassed Marshall.24

23 Interview with Attorney Maurice Weaver, November 14, 1970.
It seems ironic that this narrative of events in Columbia in 1946 began with a threat of lynching and ended with one. But perhaps the most important result to emerge from the whole 1946 struggle was that neither of the lynch threats was ever carried out. And there is no evidence that any lynchings have occurred in Maury County since 1946. That would seem to indicate one very tangible result of the lengthy struggles—both in and out of the courtroom—by Black people who demanded justice in 1946 in Columbia, Tennessee.
Chapter V

Conclusions

In the year immediately after World War II, returning Black veterans were vigorously reasserting Black demands for justice in the United States. Fresh from victories over fascism abroad, Black soldiers were finding that not much had changed at home. Fascist police tactics and even lynching of Black people continued in the South. And Northern whites oppressed Black people by denying them equality of opportunity in jobs, housing, schools, etc. It was against this background that Black people in Columbia, Tennessee, in 1946, were determined to prevent any more lynchings. And, although two young Black men were shot to death by white jail guards, there is no record of any lynchings in Maury County since that time. Thus, the resistance of the Columbian Black community resulted in some tangible success—the halting of lynching in that county. And, although it is difficult to measure what the effects were on the whole nation, certainly the initial incident and the outcomes of the trials received nationwide publicity.

When comparing conditions in Columbia today with what they were 25 years ago, Mr. George Newbern and Mrs. Mary Morton thought that considerable changes had occurred. But they disagreed on the relationship between events in 1946 and the current situation. Mr. Newbern thought that changes in white hiring practices (private and public), for example, had not come at all until three or four years ago. And although Columbia elected officials, at the beginning of the 1970's, seemed willing to allow Blacks a limited voice in city decision-making (participation in city planning commission, for example), they were still not willing to concede any basic power to the Black community.
Mrs. Morton was somewhat more hopeful about present conditions. She mentioned that, unlike Nashville, Columbia's supposedly more cosmopolitan neighbor, where school desegregation is far from meaningful, Columbia desegregated her schools about 1965 or 1966. But Mrs. Morton thought that, aside from the stop to lynching, the events of 1946 had made no immediate impact on the lives of Black or white Colombians. Any economic and political changes toward more racial justice have been mainly, according to Mrs. Morton, the result of federal civil rights laws. Yet, the events of 1946 were important in bringing the Black community together to stand up for their rights. And this example of Black unity not only had salutary effects on Blacks but may, indeed, have caused some in the white community to think again about their intransigent racism. So although no immediate transformations in the attitudes and behavior of white Colombians were apparent, some more long-range awareness of existing inequities and Black determination to correct them may have penetrated into the white community.¹

One disturbing postscript to the Columbia racial confrontation of 1946 was the parallel between later occupations of the Black community in Nashville (in the spring of 1967 and 1968). Then Governor Buford Ellington, responding similarly to Governor McCord in 1946, ordered National Guard troops into the Black community, but not the white, following Stokely Carmichael's visit to the city (April, 1967) and Dr. Martin Luther King, Jr.'s, assassination (April, 1968). National Guard troops and police fired on the dormitories of Tennessee State University and ransacked students' rooms, in a manner reminiscent of the 1946 siege of Columbia. Thus, any basic changes in the attitudes and behavior of

¹Interviews with Mr. George Newbern, November 27, 1970; Mrs. Mary Morton, December 31, 1970.
white public officials in Tennessee remain questionable. Maintaining white
control of existing institutions—and keeping Blacks out of power—still seems
to be their major objective.

In short, Black people continue to be oppressed—in Tennessee as elsewhere—
by whites. Yet, Black people in Columbia in 1946 halted some white genocidal
policies by resisting—inside and outside the courtroom. Their success is a
tribute to their courage and to the courage and legal skills of Attorneys Z.
Alexander Looby, Maurice Weaver, Thurgood Marshall, and Leon Ransom. Perhaps
Mr. Looby best summed up Black determination to continue the struggle for
liberation in a letter to Dr. Charles S. Johnson after the Lawrenceburg verdict:
"Rest assured that no stones will be left unturned until every defendant in
every case growing out of this unfortunate occurrence has been exonerated."²

²Charles S. Johnson Papers, Box 8, Folder 1, Negro Collection, Fisk Uni-
versity Library, Nashville, Tennessee.
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