

Still A Long Way To Go

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By PETER MARCUSE

EDITOR'S NOTE: This is the fifth in a series of articles written by Atty. Peter Marcuse, Waterbury lawyer and former member of the Board of Aldermen who has been in Mississippi working with civil rights groups.

lems that this creates. The law, they feel, has been enacted, and should be used as the occasion in practice arises, not made a way of demonstrating something that in fact does not yet exist.

Hamburger Troubles

The effect of the public accommodation provisions of the Civil Rights Act on the white community has been two-fold: First, it has caused one of the first real splits in the leadership of the white community between the White Citizens Council and the extremist politician on the one hand and the conservative business leadership and less militant segregationist politician on the other; secondly, the smooth operation of desegregation in many places has given additional ammunition to the white Southern moderates. The middle and upper class of the Negro community has benefited substantially and very practically by its passage; for the average Negro, however, its importance is more symbolic than real, and it has given him only one more weapon in a continuing major battle for even the most simplest elements of equal treatment.

The problems of desegregation in Laurel, Miss., provide an example of the forces at work. The day after the act was passed, a small group of Negroes went to the local burger-chef, and were refused service. They returned the next day, and were again refused, but this time a group of whites followed them as they were walking home and severely beat two of them. Tempers in the community were aroused, and during the week the Youth Chapter of the NAACP determined on a program of massive testing. The state leadership of COFO, to which the NAACP also belongs, attempted to dissuade the local membership from such action; the local leadership of COFO decided that, whether or not they felt mass testing was a good idea, it was going to take place, and cooperated informally in the organization of the program. They requested two lawyers from the Lawyers Constitutional Defense Committee from Jackson to come down, and set a meeting at the largest Negro church to send out the testers.

In the City of Jackson, Mississippi's capital, the passage of the Civil Rights Act was greeted by two almost simultaneous statements: Gov. Johnson's declaration that the law was unconstitutional and that it should not be followed until its constitutionality was established by the courts, and the Greater Jackson Chamber of Commerce's statement that the act was now the law of the land and should be followed until it was proven unconstitutional. The White Citizens Council, over the radio, through telephone advertisement, in the newspapers, and elsewhere, of course, took a position as extreme as Gov. Johnson's. The Jackson Clarion-Ledger came out in indorsement of compliance pending court challenge. Open discussion on the subject has occupied much space in the newspapers, both pro and con, over the last week, and Mayor Thompson of Jackson, long an extreme advocate of segregation, came out with a statement urging compliance which many seasoned observers felt was a real omen of a trend toward moderation and adjustment to the new realities on the part of the power structure in the larger Southern cities. The fact that there has been virtually no incident or trouble of any kind in those restaurants and motels that have voluntarily and firmly desegregated, while difficulties and

violence was confined to those institu-
Plans for the physical portions of the testing were very carefully made, although on a last-minute basis. The FBI and the chief of police were each given a list of the stores to be visited. The city prosecutor was visited and the program explained to him, and at his suggestion the timing was postponed from 12 o'clock to 1:15 so that there would be fewer crowds in the store and the possibility of trouble could be reduced. Transportation down town was arranged by car, and pick-up spots were arranged so that no one would be left without transportation back to the church. Retainers were signed so that in the event of trouble an attorney could represent anyone arrested, and careful record was made of the names and addresses of each individual going to each store. All of those who wanted to participate in the testing were under 21, the youngest being 12; they were given a brief explanation of the act and the purposes and procedures of the program, but there was very little time for any extended discussion of how to respond to various situations, and no time whatsoever for a discussion of the basic meaning of the act.

even violence was confined to those institutions that maintained the barriers against Negroes, has been added ammunition for those advocating a moderate approach.

Better Establishments

Most of the desegregation that has taken place has occurred in the better restaurants and motels in Mississippi, and primarily in the larger communities. Jackson's major hotels desegregated within three days after the act passed, when the National Board of Directors of the NAACP made a tour through Mississippi and several members slept at each of the Holiday Inn chain, which, by and large, has also desegregated, as have many of the larger and newer motels and restaurants.

The one hotel in Jackson that got nationwide publicity when it closed its doors rather than desegregate was one which every knowledgeable businessman in Jackson knew was in serious financial trouble; an older hotel, it had not kept up with the times, and had the Civil Rights Act not provided the excuse it would have had to make some other radical adjustment in the near future. The Negro traveler who prefers and can afford to stay at one of the newer hotels, and the Negro business man or professional who would rather eat at a better restaurant, can now do so in most large Mississippi communities, although he still finds it wise to make certain with the local community that he will not be turned away before going in.

For the average Negro, and in the smaller community, the meaning of the Public Accommodations Section of the Act is quite different. Here its importance is more symbolic than real. Some of the leaders of the NAACP in Mississippi, perhaps feeling insecure in their leadership position in the Negro community because of the more advanced actions of some other groups and individuals, see a program of testing the Public Accommodation Act as a way of dramatically recapturing the spotlight. Other organizations, including COFO, feel that the important job is the voter registration and freedom school project they have undertaken for this summer and they feel that solid gains in these areas are more important than the symbolic victories that may be gained through eating in one or another lunch room, with all the diversion of energy and additional prob-

lematic meaning of the action.

Store Incident

At 1:15 the group left for downtown. Four places were involved; two five and ten cent store lunch counters, one drug store, and the bus terminal lunch counter. The arrangement was that a group of four was to go into each and ask to be served; if they did, they were to eat, pay, and leave; if not, they were to leave quietly and without objection. At the bus terminal, the drug store and one five and ten cent store, the program went without incident; the Negroes were served and left, with some whispering among whites in the store but no untoward conduct. In the remaining five and ten cent store lunch counter, however, the reaction was different. Many Negro teenagers were down at that time anyway; others had been on the fringes of the meeting where the testing had been planned, although they had not signed up or listened to the instructions that were given. When the group went into Kress, they were joined by three of the other Negro teenagers. They sat down at the lunch counter, and as they waited for the attendant to come over to them a group of whites gathered behind them. One white picked up a baseball bat and hit the 12-year-old youngster severely on the back; another of the youngsters sitting at the counter had his hand slashed by a sharp instrument. One of those not with the original group picked up a glass of water and threw it at one of the whites attacking his fellowman; most of the others simply covered their heads with their hands and remained quiet. After one of them was forcefully pulled off the counter by a white, they all left the store, rather than risk a major violent incident. The Laurel police, who had earlier made the decision to be present but remain somewhat distant and inconspicuous in order "not to aggravate the situation," arrested one white person for assault and battery; it then developed that a warrant was sworn out against two of the Negro teenagers for assault at the same time! One Negro youngster tried to get into the store after this had transpired and was told by a policeman not to; he was arrested for public profanity. It will still be a long time before a Negro stops by the five and ten for a soda, or the burger-chef for a hamburger, in the city of Laurel, Civil Rights Act or no Civil Rights Act.