



When 'Courage Superseded Fear'

By Suzanne Craig Robertson

Lawyers' Vital Part in Tennessee's 1960 Sit-ins

ABOVE: Student protesters sit-in at Walgreen's on Nashville's Fifth Avenue, Feb. 20, 1960. Photo by Jimmy Ellis, courtesy of *The Tennessean*.

The Civil Rights Movement was already underway when students across Tennessee began a nonviolent protest that would capture the nation's attention and chip away at the wall of segregation in the South. The students who staged lunch counter sit-ins 50 years ago were groundbreaking heroes of the Civil Rights Movement, to be sure. But what happened after they made their point and landed in jail? Another cadre of civil rights heroes stepped in to aid them — these were the lawyers. Disregarding the very real danger of supporting a largely unpopular cause, they did their jobs, helping ensure the success of the students' efforts. In the face of taunts, disgust, threats of violence and even a house-destroying bomb, they did what they were trained to do — for a cause they believed in.

Six years after *Brown v. Board of Education* had dismantled the legal basis for racial segregation in schools and other public facilities, students in Greensboro, N.C., went to a department store lunch

counter on Feb. 1, 1960, and asked to be served. Students in Nashville from Fisk University, Tennessee A & I (now Tennessee State University), Vanderbilt University and American Baptist Theological Seminary were already in training with Rev. Kelly Miller Smith and Vanderbilt divinity student James Lawson, gathering at the First Baptist Church (now First Baptist Capitol Hill) to learn how to stage a sit-in — how to withstand their bodies being beaten and their ideals denigrated, while not responding in any way. (In fact, they were told they must also love that person, not just ignore him, as part of following the teachings of Mahatma Gandhi. Lawson had founded the Nashville Christian Leadership Council [NCLC] in 1958, an affiliate of Martin Luther King Jr.'s Southern Christian Leadership Conference that was established to promote civil rights for African Americans through nonviolent civil disobedience.)

When the Greensboro students made news, the Nashville group stepped up their plans, heading for Woolworth's, Kress and McClellan's stores on 5th Avenue North on Feb. 13, 1960, to take seats at the counters to order lunch. There were 124 that day, as they sat, unserved, until the stores closed at 6 p.m. By the next week when they went back there were 340 protesters; in response some stores posted signs saying the lunch counters were closed "in the interest of public safety," or "We Reserve the Right to Service the Public As We See Fit." On Feb. 27, while the protesters sat quietly on the lunch counter stools, white teenagers attacked them, hitting, kicking, yelling at them and pouring ketchup and mustard on their heads. The police were nowhere around but came later to arrest the protesters — but not the attackers — for disorderly conduct.¹

When they got to the jail the students were no doubt relieved to see Z. Alexander Looby, Avon Williams Jr., and Robert Lillard, who along with many other lawyers that spring came to their legal defense, pro bono. Adolpho A.

Birch, Coyness L. Ennix, A. J. Steel, J. F. McClellan, R. B. J. Campbell Jr., W. D. Hawkins Jr., Roscoe Hamby, William Blakemore, E. B. Lindsey, Eugene White, George Barrett and Charlie Galbraith also defended many of the protesters during that time. Bail was set at \$100 for each of the 82 charged students but they chose not to pay it, and even when it was lowered to \$5, they would not leave the jail.

"We were not received with open arms [at the jail]," Barrett laughs. "They were people who were trying to maintain the status quo.

What really infuriated them was when a white kid sat in with them," he says, noting that all of the Vanderbilt students were white. And so is he.

The judge found all of the protesters guilty and gave them the option of paying a \$50 fine each or serving 30 days. They chose the 30-day sentences. But on March 3, Mayor Ben West ordered their release.

Barrett, 82, recalls that he and Charlie Galbraith were the only white lawyers who worked for the protester's release. He wasn't afraid and his practice didn't suffer as a result, he says, because he was practicing law with Cecil Branstetter, who "did not raise any objection and was interested. We had the type of practice that was labor oriented. I was proud to start my practice with him." Barrett says his connection to the civil rights movement came naturally, growing up in a working-class Irish family in Nashville. "I used to say when they got through throwing rocks at the African American kids, they started throwing them at us."

In March 1960, Mayor Ben West established the Biracial Committee, of



Memphis lawyer H.T. Lockard, at left, 1960. Photo by the Press-Scimitar, courtesy Special Collections/University of Memphis Libraries.

"It was scary, but my courage superseded my fear."

— Judge H. T. Lockard, of his representation of student sit-in demonstrators and other civil rights work

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which Barrett was a member, to seek a solution to the city's racial strife. The committee recommended partially integrating the city's lunch counters. Each store would have one section that was for whites only and another section for whites and blacks. This solution was rejected by the student leaders, who considered the recommendations to be morally unacceptable and "based upon a policy of segregation."² So, in late March, at the busy Easter shopping season, the African American community pressed on and began to boycott Nashville's downtown businesses.

"They could shop there, but they couldn't eat there; they couldn't try on clothes," Barrett says. "There were two different water fountains!" With the slogan, "Don't Buy Downtown," the boycott was very effective, as white people also stopped going downtown to shop because of the perceived violence. Businesses started to take notice.

"Economics brought it to fruition," Barrett says, recalling the downtown

"[Mayor Ben West] chewed me out because we were 'destroying his city.'"

— George Barrett, discussing the mayor's reaction to his support of the sit-ins and downtown store boycotts

department stores Harvey's, Cain-Sloan and Castner-Knott. "They realized the economic impact was more acute a problem than serving [African Americans]. Fred Harvey was the first man to move — there was a very quiet integration of the [Harvey's] dining room," he says with a laugh, except that NBC News carried it nationally that evening.



Left to right: A court hearing, March 29, 1960. From left, Z. Alexander Looby, A. A. Birch, Avon Williams Jr., C. L. Ennix, Dennis Foote, Jean W. Fleming, O. D. Hunt, and John Lewis. Photograph by Jimmy Ellis, courtesy of *The Tennessean*.

When Mayor Ben West called Barrett to his office he knew the "withdrawal" from downtown stores was making an impact. "He chewed me out because we were 'destroying his city,'" Barrett recalls.

Nashville was the state's model, but other cities joined in

"The Nashville movement offered the first formal training to freedom workers in the tactics and strategy of nonviolence. It became a model for civil protest," said former *Tennessean* publisher John Seigenthaler in an interview with the newspaper in 2007.³ Seeing the success in the capital city, and learning in the same way, other Tennessee cities were not far behind in their protests.

MEMPHIS. Students from LeMoyné College and Owen Junior College organized sit-ins that took place on March 18, 1960, taking the protest to department stores and the main public library. Overall, more than 300 demonstrators were arrested.

The Commercial Appeal reported it this way on March 20, 1960:

The Southwide "sit-in" movement spilled over yesterday into two Memphis libraries. Police moved fast, and within a half hour had Negro demonstrators removed from both Cossitt Library on Front and Memphis Public Library at Peabody and McLean. Each of the 41 Negroes

arrested were booked on triple charges of disorderly conduct, loitering and threat of breach of peace. The city's first sit-in demonstration was less than 24 hours old when yesterday's double-barreled demonstration occurred. About 4:15 p.m. Friday, a dozen young Negroes escaped arrest after a sit-in at the white lunch counter of McLellan's variety store at 57 South Main.⁴

"I happened to have been in Washington, D.C. the weekend they started in Memphis," recalls H. T. Lockard, 89, who was a Memphis lawyer working for the National Association for the Advancement of Colored People (NAACP) at the time. "I first read about it in the *Washington Post*," he says of the first Memphis sit-in. He was in a meeting that Sunday morning, which had been called by the late Thurgood Marshall, who was legal counsel for the NAACP then. "He in a very gruff voice told me it was a time to get out of Washington to go back to Memphis to see about those kids." Lockard laughs. "You'd have to know him to really appreciate the way he gave his orders. He said 'Boy — you need to get out of here ... and do it damn soon.'"

The students in Nashville were already sitting in and getting arrested, Lockard knew, and a Memphian who was also a Fisk student had gone back to

“By the end of the week our wives were bringing us changes of clothing, and we were cleaning and showering in the bathroom sink.”

— Judge Russell B. Sugarmon, describing how he and fellow Memphis lawyers worked around the clock defending the sit-in protestors

Memphis and spoke, with the students and “incited them to action. Students took a cue from him and started their actions,” Lockard says of the student. He was Marion Barry, who would later go on to be mayor of Washington, D.C.

Most of the public facilities in Memphis at the time had law suits pending to desegregate them based on the federal cases that had ordered it, Lockard explains. “But we had not in Memphis been able to get a favorable ruling — so the Overton Park zoo was one of the facilities that was segregated and was a target for the kids,” as well as the public library, parks, playgrounds and golf courses. “The department store restaurants were not on our list of law suits but they nevertheless were practicing segregation. All of the public facilities that we all now happily enjoy were



Several white men attempt to drag black students from the lunch counter in the upstairs section of Woolworth's in Nashville, Feb. 27, 1960. Photo used with permission from the Public Library of Nashville, Special Collections.

off limits to minorities because of race. Those students targeted all those places — and as a natural consequence because their conduct was foreign to the existing law they were arrested.”

That's where Lockard, other lawyers and the Memphis branch of the NAACP came into play. “We were able to raise money and make bonds for their freedom and represent them in court.”

Russell B. Sugarmon also remembers well the day the students in Memphis held that first sit-in because he and fellow Memphis attorneys Benjamin Hooks and A. W. Willis, were called on, as Sugarmon, 89, told the “Crossroads to Freedom” project in a 2007 interview: “The officer calls [saying] the kids have been arrested sitting there somewhere — public facilities. They sat in first the library, the museum, the zoo. ... We would spend half the night trying to get kids out of jail.”⁵

The first night police kept the protestors in jail until about 3 a.m., with court set for 8:30 the next morning, and when those in jail were released they would go stage another sit-in in the afternoon.

“And by the end of the week,” Sugarmon says, “our wives were bringing us changes of clothing, and we were cleaning and showering in the bathroom sink.”

It was a week of not getting paid, too, because any available money was used for bail, he said, “because the bonding compa-

nies would tell you [they] don't make bails on them. You had to put up cash bonds. My father mortgaged his house.”

If they filed a suit, the NAACP in those days, Sugarmon said, paid a \$750 flat fee to get through the District Court hearing. “And with us, at times we had about five lawyers on the case 'cause they wanted to be involved. So \$750 didn't go very far. I mean, our secretaries netted more doing their work.”



From left: Adolpho A. Birch, Robert E. Lillard, Coyness L. Ennix Sr. and Avon Williams Jr. Photo used with permission from the Public Library of Nashville, Special Collections.

H. T. Lockard says they learned how best to represent the protestors because they had some precedent to follow from lawyers in Greensboro, N.C., the site of the first sit-in. “We were making some of the same arguments the lawyers in North Carolina were using.”

All the cases were dismissed, he says, except for one involving a Walgreen's store. “I handled that case and they were convicted,” but they were later pardoned by Gov. Frank Clement before they served their 30-day sentences.

“We didn't mind paying the fine, but we didn't want the students to go to jail,” Lockard says.

He “had a vision of what was going on at the national level,” having seen the unfairness and violence through his work with the NAACP. The northern branches were larger and “more viable” than their southern counterparts. “People who dared to become members and be

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active [in the South] were threatened and intimidated, and some even killed.”

Wasn't this scary for a relatively young lawyer to take on? “It was scary, Lockard says, “but my courage superseded my fear.”

Sugarmon later became 30th Judicial District judge and a state senator, and has since retired. Hooks went on to be executive director of the NAACP, a criminal court judge and commissioner of the Federal Communications Commission, also serving as pastor of his church for 40 years. At the time of his death on April 15, he was of counsel with Wyatt, Tarrant & Combs LLP in Memphis. He was 85.

Lockard was president of the NAACP from 1955 until 1958. In 1964, he became the first African American to hold elective office in Shelby County since Reconstruction when he won a

“Somebody broke an egg over one guy’s head and he just let it stream down his face and didn’t say a thing or resist or anything.”

— Jackson Sun reporter John Parish, who covered the sit-ins

seat on what later became the County Commission. He was the first African-American member of a Tennessee governor’s cabinet, as assistant to Gov. Buford Ellington from 1967 until 1971. Afterward, he returned to his law practice in Memphis and served as a judge from 1975 until 1994.

A.W. Willis opened the first integrated law firm in Memphis in the mid-1950s, and in 1961, when James Meredith applied for admission to the University of Mississippi, he was the attorney of record. In 1964 Willis became the first African American elected to the Tennessee General Assembly since the 1880s. Willis died in Memphis in 1988.

KNOXVILLE. Believing the atmosphere in Knoxville was more congenial between whites and blacks than in other cities, Knoxville College President Dr. James Colston asked his students not to protest until he could try negotiating with city leaders. Mayor John Duncan Sr. was easily convinced and, along with other city leaders, negotiated with merchants in the spring of 1960 for desegregation. He took a delegation of Knoxville Chamber of Commerce representatives and two Knoxville College student leaders, to the New York headquarters of some chain stores to ask them to order their Knoxville branches to desegregate their eating facilities. The executives refused to meet with them. In May the Knoxville merchants announced they would not desegregate. So on June 9, 1960, feeling they had no choice, students began sitting in. Duncan continued his support of lunch counter integration and directed police officers to



Knoxville College students march through downtown on March 7, 1960. Photo used with permission from the Beck Cultural Exchange Center Inc., Knoxville.

protect the rights of sit-in protesters. In such an atmosphere Knoxville’s sit-ins were peaceful. By July 12, after barely a month of lunch-counter protests, downtown merchants changed their stand, and desegregation of downtown eating facilities became a reality.⁶

CHATTANOOGA. In the only city where high school students pushed the protest, 30 African-American Howard High School students walked into three downtown Chattanooga variety stores on the afternoon of Feb. 19, 1960, and quietly took seats at the lunch counters, according to the Chattanooga History Center.⁷

They had not had the extensive non-violent training like students in other cities, but the teens were following the model they had heard about, including a handwritten list of rules for conduct. Rules included such admonitions as “no loud talking,” “buy something” and “no profanity.” That demonstration was the first in a series that occurred over the next few days, attracting more participants and support with each subsequent sit-in.

“The students’ leadership served as a springboard,” said 2008 History Makers



The sit-ins were mostly done by college students, but in Chattanooga, high school students protested. Photo used with permission from the Chattanooga History Center.



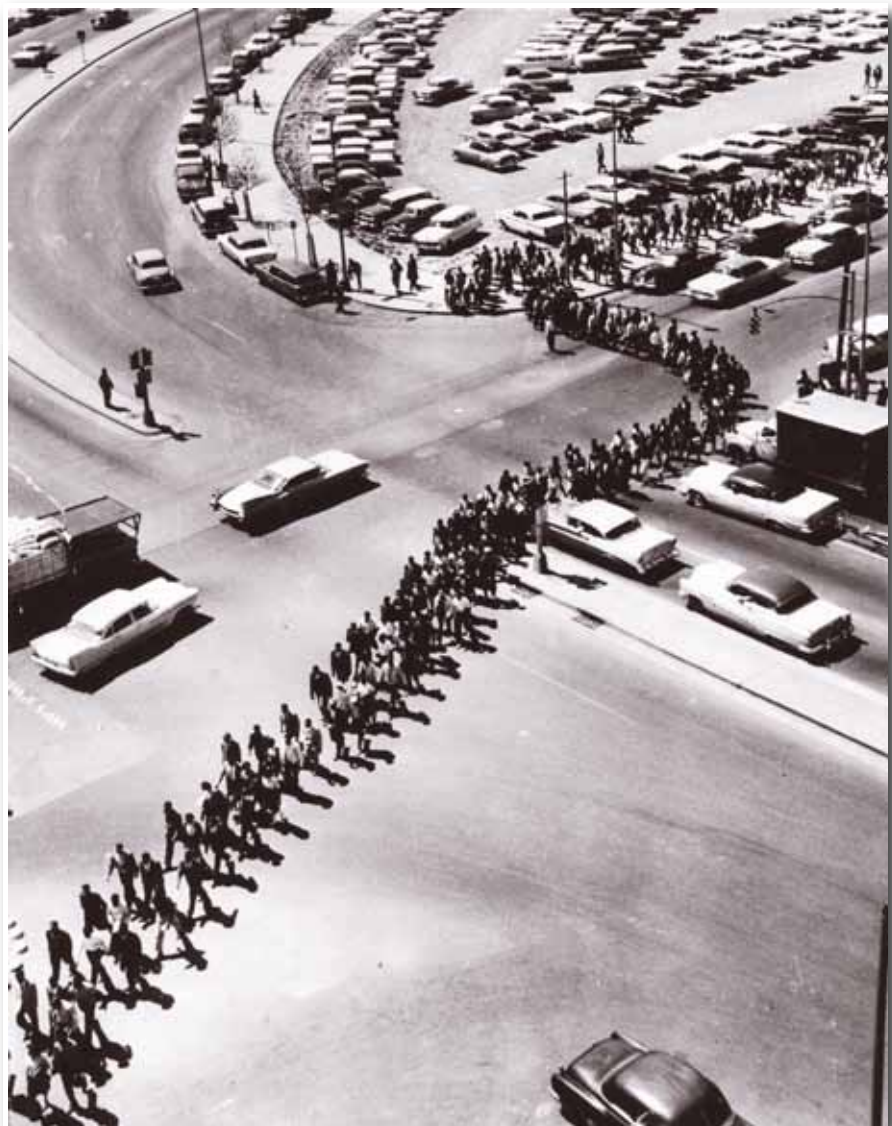
On April 19, 1960, a bomb was thrown into the home of Mr. and Mrs. Z. Alexander Looby. No one was hurt, but it set off a firestorm within the civil rights community. Photo courtesy of the Public Library of Nashville, Special Collections.

committee chair Mary Lynn Wilson, “galvanizing the Civil Rights Movement in Chattanooga, creating the awareness that change was in the air and accelerating the process of racial integration in our city.”

JACKSON. In October 1960, six students from Jackson’s Lane College refused to move to the back of a city bus and were arrested; then they organized a bus boycott. Two days later the boycott ended when bus officials agreed to end the practice of segregating bus riders, but it wasn’t until March 11, 1961 that black people were allowed to eat at Jackson’s Greyhound Bus Terminal’s lunch counter.⁸

The students had also begun sit-ins at Woolworth’s and McClellan’s; angry whites removed black students from counters, and five blacks were arrested.

“I remember one time when somebody broke an egg over one guy’s head and he just let it stream down his face and didn’t say a thing or resist or anything,” wrote John Parish, who covered the sit-ins for *The Jackson Sun*. McClellan’s not only closed the counter but removed the stools from their posts. On Dec. 16, students staged a sit-in at the Jackson Woolworth’s counter, marking the ninth consecutive day



Led by Rev. C. T. Vivian, Diane Nash and Bernard Lafayette (at left), thousands of protestors marched silently from the Tennessee A & I campus to the courthouse. Photo at left by Jack Corn, courtesy *The Tennessean*. Photo above, courtesy *The Tennessean*. Nashville Mayor Ben West greeted them on the steps, where Nash asked him: “Do you feel it is wrong to discriminate against a person solely on the basis of their race or color?” West said yes. Photo below, by Vic Cooley/Nashville Banner archives, courtesy of the Public Library of Nashville, Special Collections.

of demonstrations and the 14th sit-in since Oct. 27. Blacks also boycotted downtown businesses during the Christmas 1960 season.⁹ It wasn’t until the mid-

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1960s, *The Sun* reported in a 2004 retrospective, that the first black person was served at the Woolworth's lunch counter in Jackson. Also in that series, *The Sun* published photos run by the *Commercial Appeal* in the 1960s because *The Sun* had no civil rights-era pictures in its archives. In fact, *The Sun* in the 1960s largely ignored "the rising tide of the civil rights movement" and refused to run photos of protests and demonstrations. "The thinking seemed to be that if we published 'all that trash about Martin Luther King Jr. and the Selma protests, the blacks in Jackson might become uppity and restive,'" said Johnny Malone, who worked as a *Sun* copy editor and news editor from 1963 to 1999.¹⁰

Robert J. Holt, Jackson's City Court judge in 1960, lectured a small group of students who led a march to the courthouse on Election Day, saying "There is too much tension in Jackson and it must be stopped." The marchers' lawyer, Emmett Ballard, a well-respected black attorney in Jackson, asked Holt to dismiss the charges against all but eight of the students. Holt refused, and, missing all irony, told the students why: "In pressing for these things you seek, you do not have the right to run over every other person's rights."¹¹

A Bomb and a Surprising Admission from a Politician

On the morning of April 19, 1960, a bomb was thrown into the home of Z. Alexander Looby in Nashville. Although

"The [sit-in] movement helped to create an atmosphere of acceptability for the things we had asked for in the law suits."

— H. T. Lockard



From the March 5, 1960, *Tennessean*: "When white girls from Fisk were called as witnesses against a fellow lunch-counter demonstrator, they refused to answer questions, pleading the protection of the fifth and fourteenth amendments. One of them, Barbara Jean Bigger, 20, bites her lips as lawyers argue the constitutional law question. Coyness Ennix, left, one of the defense attorneys, and Walter Leaver Jr., right, the city prosecutor, gesture at each other as they present their arguments to Acting Judge John I. Harris. It was the second time the fifth amendment wrangle had come up in the trials." Photo by Jimmy Ellis, courtesy *The Tennessean*.

the bomb caused damage to other homes in the neighborhood and blew out nearly 150 windows at Meharry Medical College across the street, Looby and his wife were not hurt.

In a television interview later that day, Looby attributed the bombing of his home to "the hoodlum element in our community," declaring it an isolated incident. Asked if the sit-ins and other civil rights direct action had been worth the growth of racial tension and the threat of violence and mob action, Looby expressed his hope that there would not be more violence and said that the movement was worth the risk of "some possible violence."¹²

The bomber, who was never caught, set off more than blasted bricks and windows that day. When the community learned of the violent act, more than 3,000 people gathered at Tennessee A & I and walked together quietly to the mayor's office at City Hall, in what came to be known the "Silent March." Students and leaders, including Diane Nash, Bernard LaFayette, James Bevel, Marion Barry, Rev. James Lawson and John Lewis confronted West about his view on lunch counter segregation.

"Do you feel it is wrong to discriminate against a person solely on the basis

of their race or color?" Nash asked the mayor in front of the crowd. West said yes. He later explained, "It was a moral question — one that a man had to answer, not a politician."¹³

Within a few weeks, six lunch counters in Nashville were serving black people, and by May 10, Nashville became the first major city to desegregate public facilities.

"They accomplished what they wanted to," Barrett says.

The students' accomplishments were a success in other, more subtle ways, too, affecting more than lunch counters. "The same people who were advocating the sit-in movements were also involved in politics. And politicians listened to votes," says Memphis's H. T. Lockard.

"The [sit-in] movement helped to create an atmosphere of acceptability to the things we had asked for in the law suits," he says. "People in public office — the commission, the mayor, along with the police department — [had] an air of relief for the students to bring this action. People in law enforcement were just glad to get the whole thing over."

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Today, looking out a fourth floor

window on the backside of the Tennessee Bar Center in Nashville, over the rooftops cluttered with air conditioning units, you can see the tops of buildings over on 5th Avenue, North. The tall gold, restored letters of the KRESS building loom over the street across from Walgreen's and the Arcade, next to where McClellan's and W. T. Grant's used to be. The Kress building houses upscale loft apartments now and Walgreen's no longer has a lunch counter. People of all colors hurry down the street, late for work, or amble slowly, without work. It doesn't look like much happened here, and most folks don't seem to realize they are walking on what some might feel is hallowed ground. But 50 years ago this strip of street was witness to a turning point of a movement that would not only integrate lunch counters but would cause Dr. Martin Luther King to come to the city soon after and proclaim that he had come to Nashville "not to bring inspiration, but to gain inspiration from the great movement that has taken place in this community."

Dr. King, the lunch counters and most of the lawyers involved are gone. But the dream and the premise live on. 🌿

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Notes

1. www.tn4me.org, a Web site sponsored by the National Endowment for the Humanities and maintained by the Tennessee State Museum.
2. "Nashville Sit-ins," at AllExperts.com (http://en.allexperts.com/en/tn/nashville_sit-ins.htm).
3. "Everyday people carried the struggle for equality," *The Tennessean*, Feb. 11, 2007 (www.tennessean.com/article/20070211/NEWS1/100126071/2/11/07—Everyday-people-carried-the-struggle-for-equality).
4. "50 Years Ago: March 20, 1960," *The Commercial Appeal*, March 20, 2010

LEARN MORE

About Tennessee's Sit-ins from These Valuable Resources

- **The National Civil Rights Museum**, www.civilrights museum.org/home.htm
- **"The Civil Rights Collection,"** Nashville Public Library's Civil Rights Room (permanent exhibit) www.library.nashville.org/civilrights/home.html
- **Tennessee State Museum: "We Shall Not Be Moved: The 50th Anniversary of Tennessee's Civil Rights Sit-ins"** continues through May 16 and is free to the public, <http://www.tnmuseum.org/>
- <http://www.tn4me.org/>, sponsored by the National Endowment for the Humanities; Web site developed and maintained by The Tennessee State Museum.
- **The Tennessee Encyclopedia of History and Culture**, a publication of the Tennessee Historical Society, <http://tennesseeencyclopedia.net/>
- **Crossroads to Freedom**, an archive of documents, newspapers, images and oral histories, <http://www.crossroadstofreedom.org/>
- **"Counsel for the Children: Defending Freedom in the Nashville Sit-in Trials,"** by Gary C. Shockley, April 2010 *Nashville Bar Journal*.

(www.commercialappeal.com/news/2010/mar/20/mid-south-memories-finally-spring).

5. Video interview with Judge Russell Sugarmon, "Crossroads To Freedom," Oct. 25, 2007, Rhodes College, accessed April 3, 2010 (www.crossroadstofreedom.org/view.player?pid=rds:822).
6. "Sit-ins, Knoxville," *Tennessee Encyclopedia of History and Culture* (<http://tennesseeencyclopedia.net/imagegallery.php?EntryID=S042>).
7. "Howard High 1960 Sit-ins Honored at 2008 History-Makers Luncheon," Chattanooga History Center (<http://chattanoogaohistory.org/page/articles-features/howard-high-1960-sit-ins-honores-at-2008-history-makers-luncheon>).
8. "The Untold Story of Jackson's Civil Rights Movement," *The Jackson Sun*, 2004 (http://orig.jacksonsun.com/civilrights/sec2_tn_timeline.shtml).
9. "A new challenge awaits," by Jimmy Hart, *The Jackson Sun*, 2004 (http://orig.jacksonsun.com/civilrights/sec3_sitins.shtml).
10. "The Invisible Press," by Dylan T. Lovan, *The Jackson Sun*, 2004 (http://orig.jacksonsun.com/civilrights/sec6_ourstory.shtml)

ourstory.shtml)

11. "White judge speaks out," *The Jackson Sun*, 2003 (http://orig.jacksonsun.com/civilrights/sec3_judge-holt.shtml).
12. WSB-TV news film clip, The Civil Rights Digital Library, under a National Leadership Grant for Libraries awarded to the University of Georgia by the Institute of Museum and Library Services for digital conversion and description of the WSB-TV Newsfilm Collection.
13. Lisa Cozzens, "The Civil Rights Movement 1955-1965," *African American History*, May 25, 1998 (www.watson.org/~lisa/blackhistory/civilrights-55-65/sit-ins.html).