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Worse than Birmingham: How Segregationists in Danville Obstructed the Civil Rights  
Movement

Lauren Elizabeth Oakes

A thesis submitted to the Graduate Faculty of

JAMES MADISON UNIVERSITY

In

Partial Fulfillment of the Requirements

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Department of History

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FACULTY COMMITTEE:

Committee Chair: Dr. Steven Reich

Committee Members/ Readers:

Dr. Kevin Hardwick

Dr. Andrew Witmer

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## Abstract

This thesis explores the civil rights movement in Danville, Virginia, and focuses on the tactics employed by prominent white men who, because they controlled the city's leading institutions of power, were able to effectively squelch the movement by the end of the 1963 summer. This paper also traces how the Danville movement followed the path of the classical phase of the national civil rights movement, and represents the manner in which broader trends and events played out in small southern cities. The Danville movement began with a student-led sit-in at the whites only public library a few months after the sit-ins in Greensboro, North Carolina. Unsure of how to handle such a show of protest against segregated order in Danville, the all-white city council struggled to decide how to proceed. Many of the councilmen drew upon the library's significance as the last Confederate capitol to defend the continued exclusion of black citizens from the library, while others argued the white voters should decide. Eventually, the federal government intervened, and the library was officially open to all in September of 1960. Three years later, in May 1963, a direct protest movement began shortly after the massive protests in Birmingham, Alabama. Civil rights demonstrators once again surprised Danville with a show of protest, and though white leaders initially struggled to confront the movement, they later created a coalition of white resistance to fight back against the movement. The Danville police borrowed violent control tactics from police chief Bull Connor in Birmingham, the city council passed laws to criminalize the movement and its participants, and the court system made sure all were convicted of their supposed crimes. The Danville civil rights movement was brought to an end by August of 1963 because of

the social, judicial, and political power held by local white institutions who worked together to obstruct civil rights achievements in the city.

## *Introduction*

Screams filled the air as black demonstrators ran for cover from high-pressure water hoses directed at them by the local fire department. The police chief looked on to survey the sudden violence that erupted as a direct result of his own orders given to the men, his all-white police force. As the hoses washed demonstrators down the street, police began beating those who had fallen down and released their dogs into the crowd. Deputized garbage collectors joined in the chase and arrest of demonstrators, most of whom were teenagers and young adults. It was a bloody and chaotic event, and many were severely injured and sent to the hospital for medical treatment. To anyone familiar with the American civil rights narrative of the 1950s and 1960s, this story sounds like one that belongs to the 1963 marches in Birmingham, Alabama. However, this scene was not one from Birmingham at all. The scene was one from Danville, Virginia, and, as one demonstrator would recall fifty years later, “Danville was worse than Birmingham”.<sup>1</sup>

The Danville movement received a significant amount of resources by large and well-funded national civil rights organizations. The Danville Christian Progressive Association (DCPA) was an official affiliate office of the Southern Christian Leadership Conference (SCLC), and brought Dr. Martin Luther King Jr., to Danville multiple times in 1963. King was one of the most well-known leaders of the movement, and this was a big deal to a small city like Danville. Additionally, the Student Nonviolent Coordinating Committee (SNCC) came to the city and brought a team of activists, journalists,

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<sup>1</sup> *The Register & Bee*, “Historic Hours” June 2<sup>nd</sup>, 2013.

strategists, and a photographer to document and draw attention to the movement. SNCC also taught demonstrators how to employ certain techniques to protest nonviolently while marching, singing, and coming under arrest. Additionally, plenty of locals were donating as much money as they could to sustain the movement financially. Yet, even with all these incredible resources provided to them, the Danville movement was quickly extinguished.

Thus, the puzzle left to solve in the aftermath is, “How?” How could so much help from well-funded national organizations not result in a win for local civil rights in Danville? Danville was a small city in 1960 with a little over 46,000 residents according to the U.S. Census, and at the height of the movement an estimated few hundred individuals protested at one time. This was a relatively small number in comparison to some of the larger, more well-known civil rights movements. The movement in Birmingham, Alabama, brought out more than 1,000 protesters to participate in the Children’s March, and the famous march from Selma to Montgomery saw more than 25,000 participants. It is possible that an argument could be made there were some errors on the part of the Danville movement’s leaders. Whether they hoped to secure more press coverage or simply felt famous activists would help their cause in some other way, Danville leaders seemed desperate to grasp onto prominent national figures like Martin Luther King Jr., even though in the end he abandoned them. It is also arguable that the disagreements over how to proceed with the protest negatively affect the execution, longevity, and effectiveness of the movement. However, the evidence points to entirely different factors that were completely out of the movement’s control.

This thesis argues that the answer lies in the strategies employed by Danville's leading white authorities, which were in charge of the city's political and judicial institutions, in their efforts to work collectively and curtail any significant progress for civil rights in Danville. A national shift in civil rights since the *Brown v. Board* decision made clear that the power of Jim Crow was waning, and white authorities in Danville were willing to do anything to hold on to the power they held in the city. Any concessions to the black community would take Danville one step closer to full civil rights, an act that would surely weaken the powerful hold white power had in Danville law and politics. This thesis traces the tactics utilized by those in power in Danville as they fought against the federal government and their own citizens to resist significant civil rights achievements in Danville. Even though outside organizations brought key resources to the Danville movement, there was one thing they could not bring with them: political power. The fact was that white authorities in Danville held all of the political power it would have taken to make the movement truly successful, yet were unwilling to allow any of that power to go towards the demands being made by black citizens.

Chapter 1, "Danville, 1960 - May", examines the response to the library sit-in by the Danville City Council, the rhetoric the councilmen used, and the methods they employed as they were faced with a situation they were vastly unprepared for. Chapter 2, "Danville, 1963" looks at the reaction by the city council, Danville Police Department, and judicial system to the direct protest action that began in May of 1963. More prepared this time, these institutions worked together to create a wall of white resistance to the movement by intentionally creating laws intended to criminalize the movement and its participants, and enforced these laws with violent and discriminatory physical tactics.

They beat the movement down, literally and metaphorically, to tire it of both people and monetary resources by carrying out mass arrests and violently responding to protests.

Chapter 3, “Danville, 1963 – July”, takes a close look at the legal fallout of the Danville movement as the protest phase dwindled. This chapter leans heavily on court transcripts to provide insights into how the judicial system prevented any semblance of a fair trial for those arrested during the protests, as the judge and city attorneys held the power to dominate the courtroom. The legal battles, which began in July of 1963, would stretch on for an entire decade.

The sources used for this paper were both the most exciting and most frustrating part of the project. The Danville movement has largely escaped the attention of historians, except for a few shorter articles through the state library in Richmond, Encyclopedia Virginia, and online journals held articles authored by historians and researchers that either focused on Danville or utilized it as a prominent example in their writing. Researching for primary sources through the ongoing Coronavirus pandemic was especially challenging. Most of the sources I used for this paper were not digitized, and it wasn't until July that the libraries were re-opened to researchers. Even then, the availability of time and resources differed from place to place. Danville Public Library has yet to open its microfilm machine up again for public use, which made me even more grateful for the *Register* articles I collected years earlier during an undergraduate project. The lack of accessibility was extremely frustrating, which led me to begin extensive internet searches to find people that may still be alive who participated in the movement. I spent hours online googling old phone numbers, calling places of business, sending Facebook messages, and leaving voicemails for people I wasn't even sure would call me

back. This was extremely rewarding, as the people it led me to whom I was able to speak with brought a new life to the paper that gave me a deeper appreciation for all of the research I was doing. It was also these personal phone calls that led me to some of my more crucial sources, such as the Juby Towler book I discuss in Chapter 2.

Throughout my thesis I rely heavily on the reporting by the Danville *Register*, a newspaper that is still in print today. The Danville Public Library has copies of the newspaper on microfilm, most of which are very difficult to read either due to quick scanning or old equipment that failed to capture the images very well. I tried to return many times over the summer and fall for the purposes of gathering more for this project, but the microfilm machine remained unavailable for public use due to the pandemic. Thankfully, the Sutherlin Mansion was able to dig up several binders from a forgotten researcher that had many copies of the articles I needed for this project. I was unable to find any institutional history on the *Register* itself, but multiple individuals relayed to me it was clearly the “white paper”, and owned by a white family in the city. I rely mostly on reporting from the *Register*, rather than other newspapers, television broadcasts, or radio clips because it is the source that holds the most robust collection of accessible information. Other sources of media that may have covered the Danville events, including the *Bee* which I only reference once or twice in the thesis, were nearly impossible to find or access.

The *Register* is important for several reasons. Primarily, it serves as a detailed record of events throughout the 1960 desegregation of the public library and subsequent protesting during the summer of 1963. It is an invaluable resource when examining how white authorities responded to the sudden challenge before them of black Danville

citizens advocating for desegregation and better employment in the city. The newspaper also provided a public platform for city leaders to voice their moral judgements as the civil rights movement progressed through the early 1960s. It privileged the perspectives of the white authorities, and when Danville citizens read their paper every day, it was these perspectives that told them what to think about the ongoing civil rights movement. The only statements the newspaper would include for black citizens were ones of negative commentary on the movement, as the paper continuously sought to undermine the individuals participating in the movement.

I also extensively utilize legal documents from the ongoing court trials that took place after the 1963 protest movement. Between multiple trips to Richmond and back home collecting scans of these documents, I somehow ended up with over 1,000 pages in legal paperwork to sift through. These were incredibly insightful for connecting together the legal implications of the movement, which I incorporate throughout my thesis. The first of the many trials that took place were for the convictions of several movement leaders in violation of Judge Aiken's injunction against parading, which he enacted in early June. This injunction was based on an Antebellum slave law in Virginia, and by the end of the trials these black leaders were found guilty and sentenced to fines and jail time. The court records for this case also held insight into how the system of white power operated inside the city courtroom. The judge and city prosecutors clearly held the upper hand, while the NAACP defense lawyers were interrupted, overlooked, and ignored throughout the entire trial. The appeals petitions I later found stashed in the basement of the Danville Police Department's records room showed how the city council and police department worked together to entrap protestors as the movement continued into July.

Judge Aiken's injunction did not seem to deter the demonstrators much, thus the city council changed the parading ordinance to intentionally criminalize any ongoing protests. They enacted, executed, and punished individuals under this new law that was never even made public or legally published. These revelations were incredible, and really helped me tie in some of the heaviest points I attempt to make in the paper.

The personal interviews I was able to conduct really helped me understand what the situation in Danville was like during the civil rights movement. Even though it has been almost sixty years, the people I interviewed still held sharp, clear memories from the traumatic events of the 1963 summer. Most were reasonably easy to track down. I used a local phone book to find Jerry Williams Jr. and reached out to High Street Baptist Church on Facebook, who put me in touch with Carolyn Wilson. The Zellners were the hardest to track down. I knew Robert and Dorothy Zellner, two key SNCC activists in Danville during the movement, had the potential to provide me with essential information for my thesis. I never got in touch with Robert, but I was finally able to get in contact Dorothy after leaving several messages on (unknown to me) her work, home, and cell phone. Dorothy and I chatted for almost two hours when we were finally able to speak, and she admitted she still thought of her time in Danville even though so many decades had passed. In 2007 when the city placed a historical marker for Bloody Monday in front of the courthouse, she read about it online and printed out a picture to keep for herself. She had just as many questions for me about the city now as I did for her, and together she helped me fill in the questions I had on SNCC's role in the city during the hot 1963 summer. Dorothy was one of the protestors beaten during the Bloody Monday attack, and

she told me that out of all the places she traveled with SNCC, including Mississippi, Danville was by far the most violent she ever personally experienced.

I found myself with an incredible source base, but also one that is far from perfect. As I surveyed what I had collected, the overwhelming majority of sources I found myself in possession of were white-authored sources. This is, at least in part, what led me to construct a project that provided insights into the methods and strategies used by white authorities in Danville to combat the local civil rights movement. Most of my sources stem from institutions, thus a significant amount of personal information on the individuals I highlight in the thesis is lacking. The thesis could benefit greatly from an analysis of the primary authority figures I include, such as the town council members, John Carter, James Ferguson, Judge Archibald Aiken, Chief Eugene McCain, Juby Towler, and city mayor Julian Stinson. Their personal stories have the potential to add an even deeper level of understanding to their actions taken during the early 1960s in Danville, but those records do not seem to exist. Additionally, though I tried to incorporate as many black voices as I could, there could still be more here to speak to the mid-20<sup>th</sup> century struggles in Danville. This thesis lays the groundwork for a much larger project that may take place one day, as there is still much to explore.

Throughout my thesis I work with the contrasting ideals and actions of “insiders” versus “outsiders” quite a bit. The “insiders” are those who held the power in the city of Danville. They are the white men who ran the city, held elected offices, and enforced its laws. Not all of the men in power fought as ferociously as some to maintain the city’s social and political order, but all in power benefited from the systematic attack and destruction of the Danville civil rights movement. The “outsiders” here in the thesis take

on two primary forms. First, the “outsiders” were those who, although they were physically located within the city of Danville, were outside of the city’s primary institutions of power. The demonstrators themselves were considered “outsiders” by local authorities and the broader public as they fought for ideals that did not fall in line with the agenda of white city leadership. Secondly, “outsiders” represent any authority located outside of the city that white leadership felt was unfairly intervening in Danville.

During the fight over the library in 1960, the NAACP and federal court system were the outside enemies who were pushing their unwanted agendas onto Danville. The NAACP branch in Danville, though operating under local leadership, was criminalized by city councilmembers and the *Register* as a negative national influence in Danville. The federal courts, which ruled in favor of the NAACP for desegregation in the city, were portrayed as a governmental force infringing on the constitutional rights of Danville’s citizens. City leadership then combined this language with explicit references to Danville’s self-important history as the temporary Confederate capitol. These messages, released to the public through the *Register*, were intended to influence the white public to perceive these issues in the same way as the white authority figures saw them. As the 1963 movement began, the “outsiders” label went to those coming into Danville from outside the city, primarily those from the Student Nonviolent Coordinating Committee (SNCC). Even though the Southern Christian Leadership Conference (SCLC) had an affiliate office in Danville, the Danville Christian Progressive Association (DCPA), SNCC was the only national organization that sent several members to aid in the direct protest movement for an extended period of time in order to help the movement organize and grow.

I also attempted to create a strong connection between the national civil rights movement and the Danville movement. It was important to both distinguish and contextualize where Danville fell in the scope of the broader civil rights history and its more well-known events. Danville was the perfect example of a city which fell into a chain reaction of protests that stemmed from national events that captured the attention of the nation in the early 1960s. I always suspected that the sit-ins in Greensboro, North Carolina, inspired Danville's youth branch of the NAACP to conduct the sit-in at the library just a short time later, and to have that confirmed by my sources solidified Danville's position following Greensboro. Similarly in 1963, I argue the events of Birmingham, Alabama, affected the Danville movement in 1963 in multiple ways. Not only did the Birmingham march serve as the spark which finally ignited the direct protest movement after years of taking slow, calculated measures, but I also argue police Chief Eugene McCain also borrowed tactics from Birmingham police Chief Bull Connor. Many of the tactics utilized by Chief McCain mirror accounts printed in the *Register* about the Birmingham march, and McCain was later described as a "Bull Connor type" by Robert Zellner, an active SNCC member familiar with both chiefs due to his time spent in Danville and Birmingham.

This thesis draws upon current and past historiography while also serving to fill important gaps that continue to exist. There is no historiography on the Danville civil rights movement, thus I gathered inspiration from civil rights historians who have written about other movements and key activists from the national level and transferred some of these ideas to Danville. Clayborn Carson's book *In Struggle: SNCC and the Black Awakening of the 1960s* was important for helping me contextualize the importance

of Student Nonviolent Coordinating Committee in Danville. Carson characterized the first several years of the organization as the “first phase” of SNCC, and their work in Danville fell into this time frame. Understanding SNCC as an organization that sought out rural areas for direct aid that other national groups shied away from was useful in understanding their quick response and action in Danville, as well as how their work impacted the movement as a whole. John Dittmer’s work *Local People: The Struggle for Civil Rights in Mississippi* served as an example on how to write about local people in the civil rights movement. His book called for more research on local towns and cities during the civil rights narrative, for there cannot be a national narrative without the thousands of local stories that exist to create that national narrative. This perspective was highly influential as I struggled with thinking of how to contextualize Danville as an important local movement that held national relevance. Most importantly, books such as *At the Dark End of the Street* by Danielle McGuire and *A More Beautiful and Terrible History* by Jeanne Theoharis led me to realize that not all civil rights histories are triumphant. Like Danville, they are not all successful or lead to significant civil rights achievements for the local black community. However, these stories are just as important as triumphalist narratives as they create a more realistic representation of the American civil rights movement.

This paper seeks to fill a significant gap that remains in civil rights historiography by examining the specific tactics of resistance employed by white authorities in the city in order to cut off the movement. The white authority structures I primarily draw upon in this thesis are the Danville city council, the local judicial system, and the police department. The city council, comprised of the mayor and councilmembers were

responsible for the passage of local laws and decisions. The judicial system would then enforce these racist laws in the court room, ensuring that a fair trial would be impossible. The police department enforced these laws in the streets and resorted to violent tactics to clear the streets of demonstrators. I frequently draw upon the commentary of the white men who led and worked inside these institutions, as these men represent a combined system of institutional racism in Danville that worked together to keep the white political and social interest in power. By approaching the story from this perspective, the ways in which these authorities figures worked together to create interlocking strategies that built an almost impenetrable wall of white resistance becomes clear. These institutions of white power in Danville initially struggled to figure out how to handle a protest, like the first sit-in at the library, but later adapted as they worked together diligently to cut off a movement seeking equal opportunities for black citizens in the city. The close examination of resistance tactics allows for a broader picture of the civil rights story to emerge, and in many ways explains the significant lack of progress that resulted from the Danville movement. Exploring these institutions of white resistance and how they responded to local movements may be the key to better understanding the successes and failures of the national civil rights movement.

This thesis also explores the ways in which tactics were borrowed from national and local events on both sides of the civil rights movement, an examination that is lacking from current civil rights historiography. In the case of Danville, it is clear that civil rights demonstrators borrowed tactics from the larger national movement such as marching, singing freedom songs, and carrying signs that stated their demands. They also learned strategies directly from larger organizations, like SNCC and the SCLC, that were

aiding other small localities in their own movements. Similarly, white authorities in Danville borrowed techniques of massive resistance they deemed successful from other cities across the South. Though there are no records in which he explicitly states he borrowed tactics from Birmingham, the action taken by Chief McCain during the summer of 1963 mirror the police response in Birmingham almost exactly. This similarity was not lost on the Danville protestors, as many recalled later in their lives that what happened in Danville was exactly like, or even worse, than what happened in Birmingham. A closer examination of such borrowing techniques during the civil rights has the potential to provide historians with a deeper understanding of the way the civil rights movement operated, and expose links and influences that existed between local movements even if they were states apart. It is local movements like Danville that fill the national narrative, and their connections to better-known events in civil rights history deserve to be examined to complete the American civil rights story.

It is easy to look at a civil rights story like Danville's and dismiss it as a failure. Nothing is inevitable, but in considering the extensive and powerful massive resistance that white leadership put forth in Danville, it is hard not to see the movement as doomed from the start. Yet, even in the face of such overwhelming obstacles, the larger Danville movement was able to achieve certain accomplishments. A desegregated library, integration of the public schools, and the hiring of a black police officer and store clerk to name a few. These accomplishments would serve as watershed events to successes much further into the future, even if those successes did not arrive until decades later. The reality of the national civil rights movement may look much more like Danville than it does in Birmingham or Selma. Though larger events are understandably what captured

national attention, and thus the attention of historians, these smaller movements that burned quick and bright have the potential to tell us just as much about the larger civil rights struggle. Until more of these histories are captured, a true image of the civil rights movement in the 1960s remains to be seen.

*Greensboro, 1960*

“I’m sorry, we don’t serve Negroes here,” the waitress told Ezell Blair Jr. as he asked her for a cup of coffee. Blair and three of his friends from A&T University in Greensboro, North Carolina, were sitting at a Woolworth’s lunch counter downtown, an action they knew could be dangerous. Woolworth’s permitted black patrons to enter the store and eat, but they were expected to stand and eat at the end of the L- shaped counter rather than sitting on one of the barstools. The students sat firmly in their seats, refusing to stand and eat at the end of the bar. Though tensions were high in the restaurant, there was surprisingly little that took place after the young men claimed their seats. A policeman showed up, but he simply walked behind the students without saying anything. Reporters and photographers gathered outside as word of the young men’s sit-in spread, all while the students kept their seats. Blair and his comrades left shortly after closing time and the doors were locked behind them.<sup>2</sup>

This sit-in, conducted on February 1<sup>st</sup>, 1960, was not the first of its kind. There had been other sit-ins performed by black students sporadically throughout the South prior to 1960, but these had brought about little change. The change that did occur was most effective at the local level, as there was yet to be a nation-wide cohesive movement.<sup>3</sup> The sit-in at Greensboro set the city apart as it ignited the national firestorm that followed the action of the A&T students. It would have been impossible for the crew to know whether their trip to Woolworth’s would create an effect that stretched beyond the city limits, but it certainly did. Not only did the sit-in spark a broader, national sit-in

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<sup>2</sup> Wolff, Miles. 1990. *Lunch at the % & 10*. Rev. and Expanded ed. Chicago: I.R. Dee. p. 1-20.

<sup>3</sup> Wolff, Miles. 1990. *Lunch at the % & 10*. Rev. and Expanded ed. Chicago: I.R. Dee. p. 1-20.

movement throughout the southern United States, but the Student Nonviolent Coordinating Committee (SNCC) emerged from Greensboro as an organization that would play a crucial role in the national civil rights movement.<sup>4</sup>

The attempt to desegregate the Woolworth's lunch counter launched widespread grassroots integration efforts in the South at the start of the 1960s. The Greensboro sit-in and those that followed were characterized by meticulous planning, contrary to initial historiography which portrayed the movement as spontaneous. One of the cities directly influenced by the Greensboro movement was Danville, Virginia, which sits less than sixty miles north of Greensboro on the southern Virginia border.<sup>5</sup> Articles filled Danville's local paper, the *Register*, of the fallout from Greensboro.<sup>6</sup> Shortly after, the student-led branch of Danville's chapter of the National Association for the Advancement of Colored People (NAACP) picked up the story and wanted to create a version of Greensboro in their own city. Under the influence of Greensboro's events, the Danville group carried out the first steps of the Danville civil rights movement. It would have been impossible for the students to know they were igniting a movement that would drag on for years to come. The library sit-in was the first step in a long battle that would take place in court rooms and the city's streets. Greensboro sparked a protest movement across countless localities in America, and that included Danville, Virginia.

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<sup>4</sup> Morgan, Iwan and Philip Davies, eds., *From Sit-Ins to SNCC: The Student Civil Rights Movement in the 1960s* Gainesville: University Press of Florida, 2012. p. 1-23

<sup>5</sup> Williams, Jr., Jerry. 2020 Interview by Lauren Oakes.

<sup>6</sup> "Three White Men Arrested In Store Where Negroes Are Seeking To Obtain Service," *Register*. February 6, 1960.; "Negro Demonstrations At Lunch Counters Spread To Two More Cities in Carolina," *Register*, February 9, 1960.

*Danville, 1960*

“The incidents were the first hints of a protest movement in this city.”

-The *Register*, April 3<sup>rd</sup>, 1960

One month after the sit-in movements began in Greensboro, North Carolina, a group of Danville NAACP Youth members resolved to execute change in their city. Planning had begun shortly after the Woolworth sit-in, and Greensboro’s proximity to Danville had the town buzzing with news of the nearby protests.<sup>7</sup> Chalmers Mebane, a twenty-three year-old military man who had returned to Danville to finish his high school degree, first collected a prospective group of students from Langston High School willing to execute a sit-in movement.<sup>8</sup> An active member at the Youth NAACP meetings, Mebane and the other students began meeting at Loyal Baptist Church to make their plans.<sup>9</sup> Two of the members included brothers Robert and Jerry Williams whose father was a prominent local attorney and active member in the Danville NAACP branch. After listening to Jerry Williams Sr.’s many dinner table discussions regarding the law, the brothers convinced the youth group it would be best to go a different route than Greensboro and target a public facility rather than a private one. The group hoped that the

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<sup>7</sup> “Three White Men Arrested In Store Where Negroes Are Seeking To Obtain Service,” *Register*. February 6, 1960.; “Negro Demonstrations At Lunch Counters Spread To Two More Cities in Carolina,” *Register*. February 9<sup>th</sup>, 1960; Williams, Robert A. 2004. Mapping Local Knowledge Interview by Emma Edmunds, Gladys Hairston, and Laurie Ripper; Williams, Jerry Jr. 2020 Interview by Lauren Oakes.

<sup>8</sup> Robert A Williams, “Mapping Local Knowledge,” interview by Emma Edmunds, Gladys Hairston, and Laurie Ripper, August 4, 2004, [http://www.vcdh.virginia.edu/cslk/danville/bio\\_williams.html](http://www.vcdh.virginia.edu/cslk/danville/bio_williams.html).; Jerry Williams, Jr., interview by Lauren Oakes, August 21, 2020.

<sup>9</sup> Robert A Williams, “Mapping Local Knowledge,” interview by Emma Edmunds, Gladys Hairston, and Laurie Ripper, August 4, 2004, [http://www.vcdh.virginia.edu/cslk/danville/bio\\_williams.html](http://www.vcdh.virginia.edu/cslk/danville/bio_williams.html).; Loyal Baptist Church was where Reverend Doyle J Thomas presided over services. Thomas was also the leader of the Danville NAACP chapter.

law would side with them if they attempted to desegregate a public facility rather than a privately owned business. They set their sights on the all-white public library.<sup>10</sup>

In 1960, segregation was the way of life in Danville, Virginia. Schools, public transportation, restaurants, recreational facilities, and entertainment venues were all segregated. Longtime Danville residents Jerry Williams, Carolyn Wilson, Thurmon Echols, and Iris Dance all made similar statements during their interviews; in Danville, everything was segregated. The city segregated its public library system into two branches, and William F. Grasty was the name of the facility that served black city patrons. This library was “totally inadequate” as Jerry Williams tells it, much like most of the city’s segregated facilities. Williams recalled that Grasty library held few of the books that many black children needed in order to complete their school assignments. The students would have to walk to Grasty to place a book request, only to have it be brought over from the all-white Memorial Library just a few blocks down the street.<sup>11</sup> The Memorial Library contained around 35,000 volumes available to its white patrons, while Grasty only held 8,000 volumes, confirming Williams’ memory.<sup>12</sup> The Memorial Library was located at the former Sutherlin Mansion, which held local fame as the Last Capitol of the Confederacy. In transforming the mansion into a library, this “showpiece” of Danville served as a public memorial to the Lost Cause of the Confederacy.<sup>13</sup> The mansion, a prominent symbol of white pride rooted deep in the old days of the Civil War, would

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<sup>10</sup> Robert Williams, “Mapping Local Knowledge,” interview by Emma Edmunds, Gladys Hairston, and Laurie Ripper, August 4, 2004, [http://www.vcdh.virginia.edu/cslk/danville/bio\\_williams.html](http://www.vcdh.virginia.edu/cslk/danville/bio_williams.html); Jerry Williams, Jr., interview by Lauren Oakes, August 21, 2020.

<sup>11</sup> Jerry Williams, Jr., interview by Lauren Oakes, August 21, 2020.

<sup>12</sup> “Negro Card Holders Granted Right To Use White Main Street Library,” *Register*, May 7, 1960.

<sup>13</sup> “Library Issue Dominant At Forum For Candidates,” *Register*, May 28, 1960. ;*Register*, “Sutherlin Home To Continue Service Despite Outcome Of Library Issue” May 29<sup>th</sup>, 1960 ; Charity, Ruth Harvey, Christina Davis, and Arthur Kinay. “The People’s Law Takes Hold” *Southern Exposure* 10, no. 4 (1984)

soon sit in the center of the debate over the library, segregation in the city, and the expectations of citizens in Danville by those in power – namely the all-white City Council.

Danville’s white citizens celebrated the Sutherlin Mansion-turned-Memorial Library into a monument to its Confederate past.<sup>14</sup> Built in 1859, the mansion was home to the city’s tobacco tycoon William T Sutherlin, who served as a quartermaster during the Civil War.<sup>15</sup> As the Union was encroaching on Richmond, Virginia, Confederate President Jefferson Davis fled to Danville with his cabinet and stayed at Sutherlin’s home. By 1960, the building had doubled as both the white library and a monument to the “Last Capitol of the Confederacy” for thirty years.<sup>16</sup> The city created its first public library system in 1930, though it is unknown exactly why the mansion was chosen to serve as the city’s first library.<sup>17</sup> A likely explanation is just how important the mansion and property were to the white citizens of Danville. During the fight over desegregation of the public library, the rhetoric from leaders like former congressman Chase Wheatley, councilman John Carter, and city prosecutor James Ferguson made it clear there were strong currents of community pride in the mansion and what it stood for: the lost cause of the Civil War. The city put the mansion on a pedestal of white supremacy even though they had lost the war, and leaders like Wheatley and Carter saw themselves as protecting

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<sup>14</sup> *Register*, “Sutherlin Home to Continue Service Despite Outcome of Library Issue” May 29<sup>th</sup>, 1960.

<sup>15</sup> Danville Museum of Fine Arts and History. n.d. “History” <https://www.danvillemuseum.org/history>.; McClurken, Jeff. May 17<sup>th</sup>, 2019. *A Confederate Son of Danville*. Reconstructing Danville.

<sup>16</sup> *Register*, “Sutherlin Home to Continue Service Despite Outcome of Library Issue” May 29<sup>th</sup>, 1960.

<sup>17</sup> Liepe, Paul. 2015. “Danville Library.” *Bits of History* (blog). February 14<sup>th</sup>, 2015.

their southern identity by excluding African Americans from the building. The refusal to integrate the library seemingly represented the last stand of Danville's Confederate cause.

City leaders like Wheatley accused the youth group of targeting the library because of its Civil War history, but Jerry Williams was adamant statements like those were not true.<sup>18</sup> Williams explicitly said it was not the NAACP's decision to conduct the sit-in, and the library's location in the former capitol of the Confederacy meant nothing to the youth group or African Americans in Danville. The group had chosen the library because it was a public institution, and they knew they had better chances for success at attempting to integrate a city-operated facility rather than a private one. Williams also said the white library was targeted because of how inadequate the library for black residents was in comparison to the white facilities. When Williams testimony is compared to statements like those made by Wheatley, it becomes clear the mansion carried more significance with the white population of the city than with its black citizens. More than just an affront to white order, it was evident white leadership in the city was insulted by the attempted integration of the library at the Sutherlin Mansion, and interpreted the movement to allow black patrons inside as a personal affront.

The day of the planned sit-in, April 2<sup>nd</sup>, the group of black students marched up the front steps and through the doors of the Memorial Library, shocking city librarian Florence Robertson. Chalmers Mebane, Robert and Jerry Williams, and approximately 13 other students approached Ms. Robertson's desk and asked her to issue them library cards. Stunned that the students would brave such a request, the librarian instructed the group she would not be issuing them cards because the library was closed. Despite her

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<sup>18</sup> Jerry Williams, Jr., interview by Lauren Oakes, August 21, 2020.

claim, the students sat down and stayed for about twenty minutes before finally exiting the building.<sup>19</sup> Once they departed, city manager Edward Temple arrived to conduct “a full investigation” of the incident.<sup>20</sup> After leaving the library, the youths regrouped and then headed to Ballou Park, another public facility only open to white residents. The students started playing basketball until a sudden rainstorm forced them to seek shelter under the pavilion. While there, a group of white teenagers in a car pulled up to the park and began verbally harassing the black students. Shortly after the white students’ arrival, city manager Temple and a few Danville city police officers arrived on scene and ordered all students to leave stating the park was closing. The police interrogated the black students regarding their presence in the park, not bothering to detain the group of white students who were also there. In a press statement given the next day, NAACP chapter president Doyle Thomas spoke for the group, stating their reasons for entering the library were because they needed books for a school assignment that were not available at either the Langston High School library or the Grasty branch. Additionally, the sit-in at the park was due to no comparable facility being offered for African American children in the city.<sup>21</sup>

News articles released following the integration attempts portray the students as carrying out the will of the NAACP, yet Jerry Williams is adamant that was not the case.<sup>22</sup> In the weeks following the sit-in city leaders would condemn the act as sponsored by the NAACP, illustrating the group as an outside organization seeking to impose its

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<sup>19</sup> Jerry Williams, Jr., interview by Lauren Oakes, August 21, 2020. (Robert Williams 2004); *Register*, “Negroes Gather At Library, Ballou Park; Both Closed.” April 3<sup>rd</sup>, 1960

<sup>20</sup> *Register*, “Negroes Gather At Library, Ballou Park; Both Closed.” April 3<sup>rd</sup>, 1960

<sup>21</sup> *Register*, “Negroes Gather At Library, Ballou Park; Both Closed.” April 3<sup>rd</sup>, 1960

<sup>22</sup> *Register*, “Negroes Gather At Library, Ballou Park; Both Closed.” April 3<sup>rd</sup>, 1960; (Jerry Williams 2020)

will in Danville. Williams asserted that his father, NAACP lawyer Jerry Williams Sr., discouraged his sons from attempting to integrate because of possible dangers and legal costs if any of the teens were jailed. In spite of Williams Sr.'s pleas, the group remained steadfast in their decision to sit-in at the library. Though the NAACP was hesitant, they pledged their support to the students no matter the outcome.<sup>23</sup> The desegregation attempts caused a frantic city council to close all public libraries in Danville until further notice, igniting a nasty legal battle that would engulf the city for the next six months.

Historian Stephen Cresswell stresses the important role libraries played in desegregation and sit-in campaigns across the south during the 1960s civil rights movement in his article "The Last Days of Jim Crow in Southern Libraries." The city of Danville seemed to follow the model that Cresswell outlines of other southern states when it came to their public library system.<sup>24</sup> It wasn't until around the 1920s that the city established its first public library, which was for whites only. The black Grasty branch followed sometime later, thus establishing a segregated library system around the 1930s.<sup>25</sup> The reign of Jim Crow in southern public libraries was short, but powerful nonetheless. Cresswell highlights a 1961 investigation by the United States Commission on Civil Rights which sent out 256 surveys to libraries across the South receiving federal funds, and although only 109 surveys were returned, the results were illuminating. The survey demonstrated that white libraries were open approximately thirty-three hours per week, a stark contrast to the average fifteen hours a week in which the libraries for black

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<sup>23</sup> Jerry Williams, Jr., interview by Lauren Oakes, August 21, 2020

<sup>24</sup> Cresswell, Stephen. "The Last Days of Jim Crow in Southern Libraries." *Libraries & Culture* 31, no. 3 / 4 (Summer-Fall 1996) 557-573.

<sup>25</sup> "Sutherlin Home To Continue Service Despite Outcome Of Library Issue," *Register*, May 29, 1960.

citizens operated.<sup>26</sup> The exact operating hours of the Grasty branch in Danville are unknown, but considering the lack of resources and funding allotted to the black library, such an assumption that the hours may have differed significantly is not unreasonable. Additionally, the Commission also learned from the survey that white libraries averaged 28,000 book volumes compared to 4,400 volumes housed at the library for black patrons.<sup>27</sup> Given this information, the Danville percentage was a little higher than the survey average, but not by much.

The sit-in movement that sparked from Greensboro triggered other sit-in protests across the South, many of them occurring in public libraries and fueled by the NAACP. Danville is close in proximity to Greensboro, the cities are less than an hour drive from one another. Yet, the first library sit-in in Virginia took place in Petersburg that March, just one month after the Woolworths sit-in. In Petersburg, unlike Danville, nearly all of the demonstrators were arrested by police for refusing to leave the library. However, similarly to the Danville sit-in which would follow one month later, Petersburg officials also decided the best way to solve the problem was to close the public library. The Petersburg sit-in was also constructed by the NAACP, though not the youth branch.<sup>28</sup> The similarities between Petersburg and Danville in combination with national trends indicated from the results of the U.S. Commission on Civil Rights survey places the Danville story right in the middle of a larger struggle over the fight for public libraries during the national civil rights movement. Like the Danville case, Cresswell writes that

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<sup>26</sup> Stephen Cresswell, "The Last Days of Jim Crow in Southern Libraries," *Libraries & Culture* 31, no. 3/4 (Summer - Fall 1996): 558.

<sup>27</sup> Stephen Cresswell, "The Last Days of Jim Crow in Southern Libraries," *Libraries & Culture* 31, no. 3/4 (Summer - Fall 1996): 558.

<sup>28</sup> Stephen Cresswell, "The Last Days of Jim Crow in Southern Libraries," *Libraries & Culture* 31, no. 3/4 (Summer - Fall 1996): 558-559

by 1964 sit-in movements in libraries across the South were nearly over, as federal court judges had continued to rule in favor of black demonstrators and eliminate *de jure* segregation in public facilities.<sup>29</sup> More importantly, the findings from Cresswell's research indicate white resistance tactics in Danville followed a broader national trend, resisting desegregation just as fiercely as many other cities across the southern United States.

Following the sit-ins, Danville City Council convened to debate an appropriate response to the weekend's events. The council enacted an ordinance that declared the library system was currently "over-taxed by the demand of its patrons," and, therefore, would not be issuing new library cards to anyone, effective immediately.<sup>30</sup> The council also discussed the issue of the public parks, which they voted unanimously would only be available to those residing in the park's immediate neighborhood, meaning parks such as Ballou Parks were strictly limited to the white families who lived in its vicinity.<sup>31</sup> The following Wednesday, NAACP lawyers Ruth Harvey Wood, Jerry Williams, and others sued the City of Danville, city manager Temple, and librarian Robertson for black access to the Memorial Library.<sup>32</sup> Though the council had voted to shut down both public library branches and restrict access to public parks, the NAACP chose to focus on the library system, which was partially funded by black taxpayer money. Their lawsuit set the tone for what would become months of turmoil and legal battles between the city

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<sup>29</sup> Stephen Cresswell, "The Last Days of Jim Crow in Southern Libraries," *Libraries & Culture* 31, no. 3/4 (Summer - Fall 1996): 557

<sup>30</sup> The *Register*, "Main Library Open To Card Holders; Parks Limited To Neighborhood Use" April 4<sup>th</sup>, 1960. "Ordinance by the City Council of Danville.," April 4, 1960. The Memorial Library is also sometimes referred to as the Central Library in the newspaper.

<sup>31</sup> The *Register*, "Main Library Open To Card Holders; Parks Limited To Neighborhood Use" April 5<sup>th</sup>

<sup>32</sup> "Five Demonstrators in Suit," *The Commercial Appeal*, (likely date) April 7<sup>th</sup>, 1960.

council and the NAACP for the right to obtain equal access to public facilities and exercise their 14<sup>th</sup> Amendment rights as United States citizens.

Nearly a decade after the Supreme Court overturned the “separate but equal” doctrine with the *Brown v. Board of Education* decision, Danville’s white lawmakers still saw it as their constitutional right to prevent black citizens from enjoying the same rights and privileges granted to white citizens. Their fight over the library, in actuality, was a fight to hold on to the system of white supremacy and power, which blatantly operated in Danville. Refusing to face the legal realities of an end to Jim Crow and the tidal wave of sit-in movements throughout the U.S. South, white leadership in Danville put up a massive resistance to integration, portraying it as fueled by the NAACP whom they saw as “outside agitators” seeking to ruin the city.<sup>33</sup> Utilizing white power rhetoric that portrayed Danville’s fight to hold on to the segregated library as an extension of the Confederate cause during the Civil War, Danville’s power players of 1960 were desperate to maintain an old order that was quickly slipping away.

Federal Judge Roby Thompson heard the NAACP’s case against the city of Danville the following month and ordered the court to prepare an injunction ordering the Memorial Library to service both white and black patrons.<sup>34</sup> Shortly after the hearing began, Judge Thompson asked Danville city attorney James Ferguson, “Is the City of Danville operating a free public library with public funds and denying citizens use because of race?” Purposefully denying black citizens equal access to public facilities was a violation of the 14<sup>th</sup> Amendment, a precedent established by the Supreme Court in

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<sup>33</sup> “Library Issue Dominant At Forum For Candidates ,” *Register* , May 28, 1960. ; “Vote Urged For Private Library And Against NAACP Appeasement ,” *Register* , June 1, 1960.

<sup>34</sup> “Negro Card Holders Granted Right To Use White Main Street Library,” *Register*, May 7<sup>th</sup>, 1960. Pg. 3.

the *Brown v. Board of Education* lawsuit. Ferguson tried to argue that the city did allow African Americans to hold library cards at the Memorial Library under certain circumstances. There was in fact a small number of county educators who held cards at the city Memorial Library, but Ferguson's defense fell flat when the NAACP pointed out that no black city residents were permitted to hold library cards at the white library.<sup>35</sup> It was overwhelmingly clear that the city did not offer library cards to the black residents whose tax dollars were supporting the library system. In his final defense of Danville, Ferguson stated, "Every citizen understands undue mixing of the races can be potentially explosive. That's the one thing I'm trying to show here."<sup>36</sup> Despite this claim by Ferguson, there was no evidence in recent city history that indicated an "explosive" outcome would be the result of black and white citizens being together. The day the students had sat in at the library, the city placed a policeman at the door just in case violence broke out, yet nothing happened. Even at Ballou Park, when the black teens were harassed by white teenagers, events remained peaceful.<sup>37</sup> Judge Thompson then gave the city an option: if they could assure him that black residents would be allowed full access to the library then he would not need to grant the injunction forcing integration. In spite of the olive branch offered by the judge, James Ferguson refused to concede his position. He retorted, "We have no authority to speak for the legislative body of Danville."

In writing his decision, one key point the judge included was that both public libraries were supported by the tax dollars of white and black citizens of the city. It was

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<sup>35</sup> "Negro Card Holders Granted Right To Use White Main Street Library," *Register*, May 7<sup>th</sup>, 1960. Pg. 3.

<sup>36</sup> "Negro Card Holders Granted Right To Use White Main Street Library," *Register*, May 7<sup>th</sup>, 1960. Pg. 3

<sup>37</sup> "Negroes Gather at Library, Ballou Park; Both Closed," *Register*, April 3<sup>rd</sup>, 1960.

clear that the tax dollars supporting the library system were primarily going towards the Memorial Library, as the whites-only branch held nearly four times as many books and was in the middle of an expansion at the time. Granting the injunction, Judge Thompson found that the black citizens of Danville had been denied access to the Memorial Library solely because of their race, which was a violation of the protections given to American citizens under the Constitution. Therefore, all black citizens in Danville must be granted use of the Memorial Library.<sup>38</sup> Thompson's decision falls in line with other civil rights lawsuits and court cases filed throughout the 1950s and 1960s.

Adamant that compliance with Judge Thompson's decision was not the proper solution, the council held a vote on whether or not attorney Ferguson should submit an appeal of Judge Thompson's decision, and the legislative body unanimously voted to proceed with litigation. The council also voted in a five-to-three decision they would put the fate of the library's future up to a public referendum vote.<sup>39</sup> Though the vote would not have any legal binding on the council, it was to serve as a guide for what the city supposedly wanted to do about the library issue. For those on the council who wanted to refuse integration at all costs, the vote seemed likely to go in their favor as the numbers of black citizens in the city registered and eligible to vote was exponentially lower than that of the white citizens.<sup>40</sup> Dr. Lurton Arey, James Catlin, and Charles Womack were the three council members opposed to the referendum vote.<sup>41</sup> These men did not classify themselves as integrationists, but they did seem to indicate more of a willingness to

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<sup>38</sup> "Negro Card Holders Granted Right To Use White Main Street Library," *Register*, May 7<sup>th</sup>, 1960.

<sup>39</sup> "Library Question May Go To Voters," *Register*, May 5<sup>th</sup>, 1960. ; "Council Votes To Hold Referendum On Library," *Register*, May 12<sup>th</sup>, 1960

<sup>40</sup> Zellner, Dorothy. *Danville, Virginia*. Student Nonviolent Coordinating Committee, 1963. An eligible voter in 1960 Danville was one who was properly registered and had paid their poll taxes. Though we know poll taxes were applied to both white and black voters, attempts to find these numbers have proved futile.

<sup>41</sup> "Council Votes To Hold Referendum On Library," *Register*, May 12<sup>th</sup>, 1960.

follow federal orders than other councilmembers like John Carter. It is likely their stance represented a wanting of a peaceful transition into a desegregated library system, as many were concerned a chaotic fight would deter businesses from wanting to settle in the city and negatively affect the economic interests of white citizens. This concern was indicated by concerned citizens during town hall-style meetings later in the summer.<sup>42</sup> If the councilmen had merely had a desire to follow federal order, there should have been a push earlier than the sit-in attempt to follow federal court decisions from the *Brown v. Board* case or an interest shown in desegregating more public facilities, like school, in the aftermath of the library integration. These men were not staunch segregationists like some of the members of city council, but that does not mean they desired an integrated library or that they supported black civil rights in Danville.

The referendum ballot would present five options to the voters, and issue that later would come to complicate the vote even more. Rather than have two options, one to close the library to all or one to open the library to all, the five options seem to further indicate a city council split over what solution to come to regarding the library. The white public would see themselves as having a variety of options to choose from, but the referendum vote would not actually have any legal weight no matter the outcome. The five ballot options as presented to the voters were:

1. Close the library system.
2. Close the library system if it appears that private library facilities will be reasonably available.

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<sup>42</sup>“Library Issue Dominant At Forum For Candidates ,” *Register* , May 28, 1960.

3. Open the library to all citizens.
4. Permit the Council to work out a “modified plan” to keep the library open.
5. Close the library building for public use and dispense books by bookmobile.<sup>43</sup>

There is significance in the various options presented to the Danville voters in regard to the “library issue”<sup>44</sup>. As the legislative body in Danville, the council could have decided to make the decision for the city and not have gone to the trouble of holding a vote. 1960 was an election year for the council, and it is likely that many of the members saw the vote as a way to win favor with voters. In their staunch resistance to integration, language that glorified Danville as the last capitol of the Confederacy, and demonization of the NAACP as an outside force dictating what to do with their own city, many on the council sought to convince white voters that the only logical choice was to close the library rather than integrate. It is also likely that holding a referendum vote would serve as strong argument in court if there were more court battles regarding integration of public facilities. Regardless of the exact reason, or a combination of the above, it was clear the all-white council was only vying for the white vote. Whites comprised the overwhelming majority of voters in Danville, as only 6% of eligible black citizens were registered to vote in Danville.<sup>45</sup> This meant the decision of whether or not to allow black access to the library would be decided by a nearly entirely white electorate who were overwhelmingly opposed to integration. As the weeks would pass leading up to the referendum, rhetoric put forth by the council made it clear that the black vote was not considered important or

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<sup>43</sup> “Council Votes To Hold Referendum On Library,” *Register*, May 12, 1960.

<sup>44</sup> The debate over the segregation of the library was coined the “library issue” by the *Register* and was referred to as such by many of the city councilmen.

<sup>45</sup> Dorothy Zellner, *Danville, Virginia* (Student Nonviolent Coordinating Committee, 1963), 3.

significant when it came to talks over the referendum vote or outcome of the public library.

The council's continuous meetings, voting, and public forums between the sit-in and the end to the library battle in September represent a governing body scrambling to solidify a racial order which had never been openly challenged in Danville. Even with six years of the federal courts supporting a national civil rights movement for African Americans, segregation in Danville operated as a daily function of life for both white and black citizens. Little to no challenges of the laws or social norms occurred prior to 1960, cementing the ideas of segregation and white power in the city. The sit-in at the library and following NAACP lawsuit forced the city council and whites in Danville to confront and clarify a shifting racial order that had always been assumed solid because of its reinforcement by local laws. This order had been shaken by not only the sit-in movement, but the federal court's decision to force integration. Placing a referendum in front of voters would create the illusion whites in Danville had a voice in whether or not to follow the federal court's orders and reinforced the idea of the white role in decision-making for Danville. For leaders like Carter and Wheatley, the solution to their problem was to proceed with a private library facility for whites without waiting for the results of the referendum vote, as a private facility would be out of government reach and maintain the black exclusionary atmosphere that already existed in the city. The decision to proceed with the private library before conducting the referendum vote demonstrates segregationists' confidence that the public would overwhelmingly vote to keep the libraries closed rather than integrate. Ultimately, both the referendum vote and private

library proposal were attempts at explicitly maintaining the system of white power and black exclusion in Danville.

Certainly to the disbelief of Carter and Wheatley, white leadership and community members were not all in agreement when it came to how to handle the library issue. The council's decision to include five options on the referendum vote for the library is the first indicator of a division. In theory, the vote only asked two questions - whether or not the citizens of Danville desired to keep the library open to all or close it permanently rather than integrate. Councilman Carter vocalized this idea, and claimed that the inclusion of five options was too confusing for the public.<sup>46</sup> The variety of options may have been an indicator of discontent among the council, and the options were there to appease the three members who were initially opposed to a referendum vote. Council members like James Catlin who seemed to favor an open library system would have known a private library would ultimately mean black exclusion, a move away from the national trend of expanding civil rights for African Americans. The black electorate would be voting on this referendum as well, even if their turnout would be a fraction of the white vote due to voter suppression in Danville. Those on the council who were more moderate, like James Catlin, Mozelle Fairer, and Charles Womack may have seen the options as a way to include black citizens in the vote. More likely, the permanent closure of a widely-used public resource would signal the end of a free community service that symbolled literacy, education, and progress. Closing the public library system would certainly not make Danville an attractive location for industry or growth. Even for

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<sup>46</sup> "Vote Urged For Private Library And Against NAACP Appeasement," *Register*, June 1, 1960.

white citizens who did not consider themselves integrationists, they realized the closure of the public library solely for the purpose of refusing to allow black patrons might negatively impact the white community in the process by removing a free resource many of them benefited from and risking future financial ventures in the city that could benefit the economy.

A small group of white citizens expressed their discontent at the closure of the public library by sending a petition to the city council requesting the libraries reopen. The original petition contained thirty-one signatures of current Memorial Library cardholders or their relatives, and the group of signees committed to gathering more community support.<sup>47</sup> Led by Dr. Martin Doneslon Jr., a noteworthy white citizen in Danville, his name along with the other signees were listed in the *Register*'s run of the story for all the public to see. The petition itself stated that the group believed the public library was "essential to the cultural life and to the general growth and progress of our community..." When Donelson was asked if the group favored integration, replied with "no comment."<sup>48</sup> After a short time, the group's petition number grew by 300 names, and the updated petition was sent to mayor Julian Stinson.<sup>49</sup> The additional individuals who added their names to the petition were all "leading white citizens" in the city, representing a white body that was adamantly against the library closure.<sup>50</sup> The group as a whole prioritized a functioning public library as a necessity in a growing city like Danville over their personal feelings towards integration. The aim of this group is important to understanding

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<sup>47</sup> "Thirty One Sign Petition To Keep Library Open ," *Register* , April 7, 1960.

<sup>48</sup> "Thirty One Sign Petition To Keep Library Open ," *Register* , April 7, 1960.

<sup>49</sup> "Open Library Petitioners Add Signatures," *Register* , April 1960.

<sup>50</sup> "Open Library Petitioners Add Signatures," *Register* , April 1960.

the lack of uniformity among white citizens in Danville, yet also represents that whites with these views did not hold the majority of power in the city. Even though over 300 white petitioners asked the council to reopen the library, their request was ignored.

Individuals wishing to create a private library facility formed an official body to govern the project. Named the Steering Committee, leaders included former House of Delegates representative Chase Stuart Wheatley and current councilman John Carter. Robert Zellner later described Wheatley's role in the library issue as that of a "political boss" in Danville. Zellner portrayed Wheatley as a man jaded and bitter about his lack of nomination for a congressional seat following his first term and thus was searching for power in an effort to avoid showing further weakness.<sup>51</sup> John Carter, the most right-wing member of city council, held steadfast views on maintaining segregation and keeping the federal government out of Danville's affairs.<sup>52</sup> Carter held a law degree from the University of Virginia and by 1960 had been on the council for two years. Wheatley and Carter were the most vocal public figures against integration during the debates over the library issue, and their leadership role in creating a private library option was not surprising. If anyone else on the council or in the public saw it as a conflict of interest for the councilman Carter to take on such a role, the *Register* certainly didn't report it. At the first public committee meeting Wheatley gave assurance that as soon as a charter could be obtained, the private library would be moving ahead.<sup>53</sup>

The difference in opinions among white citizens over the creation of a private library provides insights into the white citizen's values and the reception of these ideas

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<sup>51</sup> Zellner, Robert. "July, 1960" in "Approximate Chronology of the Danville Movement," circa 1964.

<sup>52</sup> "Gentle Leader Remembered," *The Register & Bee*, February 11, 2004.

<sup>53</sup> "Moves Made To Prevent Integrated Library: Group To Seek Foundation For Private Library," *Register*, May 7, 1960.

from those in power. Physically and financially, it would have been much easier to follow Judge Thompson's orders and open the public libraries to any patron regardless of race. The creation of a private library would require a new facility, new books, money to pay salaries, and more. This money would all have to be comprised of private donations or fees, and was set to cost thousands of dollars. None of that money, even if privately sourced, would be necessary if the city council had chosen to comply with Judge Thompson's orders. There was also significant white support in the community for the continued functioning of a public library despite the integration that would come with it. This illustrates that powerful and influential white leadership in Danville was not concerned with a practical approach to the library issue or the voices of leading white citizens who held opinions contrary to their own. Councilman Carter's position on both the council and Steering Committee further supports the idea that Danville's white leadership was desperate to hold on to their positions of status and power and demonstrated a refusal to compromise at all with black equality in the city. Power and control was at stake, and white leadership like John Carter were desperate to hold on to all they could as any compromise with black citizens or the federal government would take away from the complete social and political control white citizens in Danville had enjoyed for their entire lives. Even a small amount of black social or political power that may arise from the defeat over the library segregation would bring a tremendous loss to white power in the city.

An open forum was held for city council candidates shortly after the counsel closed the libraries. Though only half of the candidates participated, the crowd of 250

people heard the prospective councilmen (and one councilwoman) talk on a variety of issues, but the issue that dominated the night was the public library.<sup>54</sup> It was during this public forum that fear over federal intervention and forced “race mixing” became clear as the candidates boldly declared their feelings regarding the federal integration order and the closure of the public library. W. McCubbins stated that he was “absolutely opposed to mixing of the races in any way, shape, or form.” Supposedly meaning no disrespect to his “colored friends”, McCubbins declared it was not the African American community he was fighting, but rather the NAACP “which gives orders from New York.”<sup>55</sup> In portraying the NAACP as a northern outside organization attempting to dictate how the small southern city of Danville should operate, rather than the local advocacy group it really was, McCubbins’ statements mirrored the ideas expressed by Carter and Wheatly. Councilman hopeful Fletcher Harris also echoed these sentiments, claiming his issue was with federal overreach and a violation of white citizen’s constitutional rights. Harris stated, “I am opposed to the acceptance of federal doctrines which are in conflict with the Constitution of the United States...I believe in the rights of the minority, but the rule of the majority...It is my opinion that the majority of the citizens of Danville would prefer to see the library and parks closed rather than integrated...”<sup>56</sup>

If Harris truly believed in the legal rights of the minority, then he should have had no issue understanding the constitutionality of Judge Thompson’s integration order, which had clearly been influenced by the *Brown v. Board* decision. Additionally, Harris’

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<sup>54</sup>“Library Issue Dominant At Forum For Candidates ,” *Register* , May 28, 1960. Candidates in attendance included W.C McCubbins, Fletcher Harris, James Catlin, E. Gould Barker, Mozelle Fairer, and George Anderson. Those running yet not in attendance were Joseph Mehaffey, George Daniels, Austin Jones, Charles Prescott, A. H. Haraway, and Harry Gentry.

<sup>55</sup> “Library Issue Dominant At Forum For Candidates ,” *Register* , May 28, 1960.

<sup>56</sup> “Library Issue Dominant At Forum For Candidates ,” *Register* , May 28, 1960.

statements regarding the “rule of the majority” only consider the supposed interest of the white citizens of Danville. While it is true that Danville’s racial demographic was majority white, blacks in the city constituted more than 30% percent of the city’s 47,000 residents.<sup>57</sup> The insinuation of Harris’ entire statement is that the rule of the majority was inherently what should be considered “constitutional,” even if those ideas did not actually follow federal interpretation of the United States Constitution. What Harris and other candidates supported was actually a denial of constitutional rights for the African American citizens of Danville, but their segregationist rhetoric was an attempt to appeal to white voters in the city with language that appeared to be common sense. If the Constitution supported majority rule, then why should white citizens, who comprised a majority in Danville (albeit a slim one) be expected to give up their rights in order to give more rights to black citizens? Harris’ arguments were meant to appeal to a sense of anger and denial within white voters to motivate them to go to the polls and vote for him and councilman while also voting against any form of library integration.

At the same public forum, several white citizens expressed concern that the closure of the public library would be a deterrent for new industry in the city, therefore minimizing Danville’s growth and economic potential. When taking questions from the public about Danville’s future, Dr. Ralph Landes asked, “If libraries, parks, and schools were closed, how would we get new industry?”<sup>58</sup> Catlin and Harris both responded that the question of schools was not an issue in the current campaign and a bit “premature,” as

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<sup>57</sup> “Civil Rights Protests in Danville, 1963” (The Library of Virginia, n.d.), [https://edu.lva.virginia.gov/online\\_classroom/shaping\\_the\\_constitution/doc/civil\\_rights\\_protests\\_in\\_danville](https://edu.lva.virginia.gov/online_classroom/shaping_the_constitution/doc/civil_rights_protests_in_danville) ; “Vote Urged For Private Library And Against NAACP Appeasement ,” *Register* , June 1, 1960.

<sup>58</sup> “Library Issue Dominant At Forum For Candidates ,” *Register* , May 28, 1960.

it was the issue of libraries and parks at stake.<sup>59</sup> Landes' question was actually quite relevant to the current issue, rather than "premature" as Catlin and Harris deemed it. Prince William County Schools in Virginia had closed rather than integrate only about a year prior, and potential school closures along with the libraries seemed a natural concern. Citizens in Danville would have heard all about Prince William's closure, and it would seem to follow that if the library closed to avoid integration this might apply to a federally ordered school integration as well.

Candidate Barker responded to Dr. Landes' question by commenting, "I believe we had industry before we had a library."<sup>60</sup> Even though current councilmen and those running for the position seemed unconcerned about the negative impacts that the closure of the library might have on industry in the city, a change of heart came quickly. The story of Danville's library closure and eventual reopening in its vertical-integration style made the city a national embarrassment, and leadership in Danville was condemned by *Time*, *The New York Times*, the American Library Association, and the *Wilson Library Bulletin*.<sup>61</sup> Richard Bourne, a professor the University of Baltimore who grew up in Danville wrote in an essay years later that the pressure of the library issue potentially hindering industry in the city was eventually what led city leadership to backdown, claiming that businesses did not want "to move to the backwater Danville would become" if they continued closures of public facilities for the sake of segregation.<sup>62</sup>

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<sup>59</sup> "Library Issue Dominant At Forum For Candidates," *Register*, May 28, 1960.

<sup>60</sup> "Library Issue Dominant At Forum For Candidates," *Register*, May 28<sup>th</sup>, 1960.

<sup>61</sup> Stephen Cresswell, "The Last Days of Jim Crow in Southern Libraries," *Libraries & Culture* 31, no. 3/4 (Summer - Fall 1996): 558. ; "Vertical Integration" is the term utilized by scholars to characterize the amended style of integration that Danville enacted in the library after reopening. It indicates the physical condition of integration, one where white and black patrons could only stand next to each other rather than gather around a table and read and converse with one another in the public library.

<sup>62</sup> Robinson, Mildred Wigfall, and Richard Bonnie, eds. *Law Touched Our Hearts: A Generation Remembers Brown v. Board of Education*. Nashville: Vanderbilt University Press, 2009. 143-148.

Robert Zellner, a field secretary for the Student Nonviolent Coordinating Committee, claimed that it was the threat of industry removal, not the federal judge's orders, which eventually motivated the council to reopen the public library on an integrated basis.<sup>63</sup>

Another obstacle that made white citizens hesitant about a private library were the costs of such a project. In June a public letter was published in the *Register* that condemned the idea of a private library for many reasons, but a key reason being the cost. The anonymous author wrote that the current public library was valued at more than 500,000 dollars, and cost 74,000 dollars a year to operate. Councilman Carter took exception to this statement, calling it "irresponsible."<sup>64</sup> Carter claimed that the author of the letter was overstating the amount it costs to run the library, and that in reality it would only cost about half of what the city was currently spending on the library. He also pointed out that the current operational cost of the public system included supporting a book mobile and the Grasty branch, neither of which would be operated with the proposed private facility for whites. Carter vocalized that funds for the library would be provided through private donors and fees for holding a library card.<sup>65</sup> He also proposed the way to fill the private library with books would be to simply purchase them from the city's library, which he expected to remain closed.<sup>66</sup> Thus, Carter's plan was to fill the new private library with the books from the former libraries which had been purchased with the taxpayer money of both black and white citizens. Carter's seeming entitlement to the city's resources demonstrates a complete disregard for the black community in

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<sup>63</sup> Robert Zellner, "Approximate Chronology of the Danville Movement," circa 1964, "August-1960."

<sup>64</sup> "Private Library Letter Called 'Irresponsible'," *Register*, June 12, 1960.

<sup>65</sup> "Private Library Letter Called 'Irresponsible'," *Register*, June 12, 1960.

<sup>66</sup> Stephen Cresswell, "The Last Days of Jim Crow in Southern Libraries," *Libraries & Culture* 31, no. 3/4 (Summer - Fall 1996): 559.

Danville. Not only did he feel they did not deserve access to public educational facilities in the same way white citizens did, he found it totally acceptable to take the books that had been purchased with black taxpayer money for his own white library. Carter's push for a private facility also demonstrates an attempt to go beyond federal government reach, believing that the government could not mandate a privately funded facility to uphold black citizen's 14<sup>th</sup> Amendment rights.

In the same letter, the presumed white author also takes issue with the five options that would be presented to the voters in the coming weeks, stating that the question is merely, "Do you or do you not, desire a library in Danville?"<sup>67</sup> Wheatly, who "sharply" took issue with the simplification of the library question, stated the real question was whether or not the city of Danville would concede to the NAACP. He also stated, "...it must be the question of whether you approve of integration or segregation." Wheatley continues, "If a person says he is for segregation, yet, because he is unwilling to disturb his comfort or undergo some inconvenience, trouble, and sacrifice, he permits the things to happen that bring about integration. He is giving only lip service to segregation and might as well just say he is for integration."<sup>68</sup> Wheatley's quote enlightens the true intent behind the creation of a private library and a forceful fight against the federal government. As much as the leading segregationists in the city wanted to claim the fight over the library was about not conceding to the NAACP or advocating for their constitutional rights, the reality of the situation was simple: white leadership in Danville

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<sup>67</sup> "Private Library Letter Called 'Irresponsible' ," *Register*, June 12, 1960.

<sup>68</sup> "Private Library Letter Called 'Irresponsible' ," *Register*, June 12, 1960.

could not grasp a future in which they would have to intertwine their lives publicly with people of color.

The Danville Library Foundation held its own public meeting following the city council's public forum. The crowd of about 200 people once again heard arguments to demand their "constitutional rights" and refusal to surrender to the NAACP when it came to desegregating the public library. The meeting was predominately led by Wheatley and councilman Carter, and both heavily emphasized there should be absolutely no compromise with the NAACP whatsoever.<sup>69</sup>

"You cannot appease the NAACP," Carter said. "If we comprise this thing, we will have to face it again..." Carter, though steadfast in his fight to hang on to white power in the city, knew the reality of the situation the Danville city government was facing. Cities across the South had been facing federal integration orders for years by 1960, and it is likely Carter knew that his best bet for holding the city was to continue to resist federal integration measures. Once one public facility was forced to integrate, it likely wouldn't be long before more followed. Carter continued his beratement of the NAACP by claiming the "militant group" had only come to the city of Danville to bring "strife, racial trouble, distrust, and hate," ignoring the groups obvious local ties and leadership.<sup>70</sup> Carter also rebutted Judge Thompson's argument that black citizens paid taxes and were therefore entitled to the library by stating that even though blacks constituted around 44 percent of the population, whites paid 95 percent of the taxes. In portraying an image where whites in the city "generously and unbegrudgingly" carried the financial burden of non-tax paying blacks, Carter insisted white leadership in the city had "provided equal

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<sup>69</sup> "Vote Urged For Private Library And Against NAACP Appeasement," *Register*, June 1<sup>st</sup>, 1960.

<sup>70</sup> "Vote Urged For Private Library And Against NAACP Appeasement," *Register*, June 1<sup>st</sup>, 1960.

facilities, and in some cases superior” ones for African Americans.<sup>71</sup> Even if it was true that whites paid 95 percent of the city’s taxes, it was likely because African Americans in Danville were not able to hold more than menial jobs, and thus brought in a significantly lower income than white families.<sup>72</sup> Carter’s arguments continued to build on this segregationist rhetoric as he sought to have white voters in Danville buy in to the argument that they were the ones carrying the black community on their backs, and therefore owed them nothing. Carter continuously resounded the message that whites in Danville would pay the price for black equality if they gave up on the fight to maintain their power in the city. Any compromise with the black citizens, NAACP demands, or federal government would lead to the downfall of white social and political power in the city. This downfall would affect men like Carter the most, and it would be impossible for him to maintain his position if white voters were not supporting him.

The mid-June city council election brought in more than 6,000 voters, with 4,427 people casting a vote for one of the five options listed on the referendum. As expected, the majority of those votes, 2,829, were cast for the referendum options that would lead to a permanent closure of the public library system.<sup>73</sup> The day following the elections the front page of the newspaper contained the headlines, “Citizens Would Close Library Rather Than Integrate: Voters Pick Catlin, McCubbins, Anderson, Harris, and Daniels.” The first two lines of the left column of the article immediately reiterated the title, stating, “Danville voters Tuesday refused to surrender the Last Capitol of the Confederacy to the NAACP. By a vote of 2,829 to 1,598, local citizens voted to close the public library

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<sup>71</sup> “Vote Urged For Private Library And Against NCP Appeasement.” *Register*, June 1<sup>st</sup>, 1960.

<sup>72</sup> “Danville Civil Rights Demonstrations of 1963 – Encyclopedia Virginia,” n.d., <https://encyclopediavirginia.org/entries/danville-civil-rights-demonstrations-of-1963/>.

<sup>73</sup> “Vote Of 2,829 To 1,598 Reported In Advisory Referendum on Issue,” *Register*, June 15<sup>th</sup>, 1960.

system outright rather than integrate it.”<sup>74</sup> Councilman Carter was quick to release a statement immediately after the vote count had been announced. Again touting claims about constitutional rights, Carter stated, “I am pleased the people of the City of Danville will not compromise their constitutional rights with the NAACP.”<sup>75</sup>

Drawing once again on language that elevated Danville’s “legacy” as the last capitol of the Confederacy, the *Register*’s celebratory tone declared victory over the NAACP which had already been established as an outsider force. Prior to the referendum and newspaper article, leaders in the fight to maintain segregation had been vocal in their disdain for the NAACP and drawn on rhetoric that glorified Danville’s position during the civil war in order to empower whites who still believed in Danville’s white supremacist legacy and to wage war against those who sought to integrate the public library. Without explicitly stating such either in the paper or by the city’s leading segregationists, if the Sutherlin Mansion represented Danville’s glory days of the Civil War, then the NAACP represented the northern forces who overtook the South, a sore spot for post-Civil War states who were forced to give up their lifestyle of slave ownership. Indicative in the newspaper writings and declarations of Wheatley and Councilman Carter, it is almost as if there is Confederate redemption in the closure of the libraries. Danville was forced to surrender to the Union at the end of the Civil War, but their refusal to comply with the federal government’s orders of integration was a victory in their eyes.

In addition to the referendum vote, the new city council was decided in the June 14<sup>th</sup> election as well. The results of the council vote brought in three new members,

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<sup>74</sup> “Vote Of 2,829 To 1,598 Reported In Advisory Referendum on Issue,” *Register*, June 15<sup>th</sup>, 1960.

<sup>75</sup> “Vote Of 2,829 To 1,598 Reported In Advisory Referendum on Issue,” *Register*, June 15<sup>th</sup>, 1960.

George Anderson, Fletcher Harris, and George Daniels, with sitting members Catlin and McCubbins reelected to their seats.<sup>76</sup> Interestingly enough, vocal supporter of a public library James Catlin received the highest amount of votes for city council members. McCubbins, one of the most outspoken candidates against a public library if it meant integration, received the second highest vote count.<sup>77</sup> The new council was scheduled to convene in September 1<sup>st</sup>, yet even with the results of the referendum vote and a new council body looming shortly ahead, the library issue would remain a hot debate amongst the council members for weeks to come.

On September 13<sup>th</sup>, the debate over the library issue in Danville came to a quick close. The new city council elected to re-open the public libraries in a 5-4 vote.<sup>78</sup> The decision was a shock after months of meetings, bitter debates, and all the hype over the referendum vote in June. There was a catch to the facilities' reopening though; the library would not have any chairs. In a move of "vertical integration", library patrons would only have the option to stand if they decided to conduct research at the library or check out a book.<sup>79</sup> This was an effort to prevent black and white patrons from sitting amongst one another or sharing the same space for too long, something that would be one more clear affront to segregated order in Danville. Councilman John Carter was livid about the decision. Not only was the decision an offense to the majority of citizens who had voted to close the libraries in the referendum vote (although everyone knew it was not legally

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<sup>76</sup> "Voters Pick Catlin, McCubbins, Anderson, And Daniels," *Register*, June 15, 1960.

<sup>77</sup> "Voters Pick Catlin, McCubbins, Anderson, And Daniels," *Register*, June 15, 1960.

<sup>78</sup> "Council Votes To Re-Open Library On Standup Basis," *Register*, September 13, 1960.

<sup>79</sup> "Council Votes To Re-Open Library On Standup Basis," *Register*, September 13, 1960.

binding) was second only to his offense that black citizens had gained access to the sacred ground of the Confederate memorial building. In reference to the Sutherlin Mansion, Carter stated, “ It’s a memorial to the brave men in grey who died in the second war of independence that the constitutional right of local self-government might prevail.” A compromise with the Federal government, he continued, “will not, I think, set well with the people.” Regardless of Carter’s complaints and the objections of councilmembers Anderson, McCubbins, and Harris, the day after the council vote U.S. Wester District Court Judge Ted Dalton ordered the Danville public libraries to reopen to all, on an integrated basis, the following day.<sup>80</sup>

The bitter debate over the integration of the public libraries was the first of its kind that Danville had ever experienced. The chaos and conflict were something the city and its white leadership had never had to face before, as segregated order had never been challenged in such a blatant and intense way. In the end, these first-time problems that city council attempted to reconcile with the legality of segregation, hiding away through private avenues, or letting the people decide in the name of democracy were to no avail. It was a victory for black citizens and the NAACP to be sure, but a small one when compared to the vast amount that remained unchanged in Danville immediately following the library integration. Schools, restaurants, and essentially all other aspects of public and private life remained segregated for the next two years. Between 1961 to 1962, small changes would take place in Danville, but nothing would compare to the firestorm that was coming in the summer of 1963. Black civil rights activists were preparing to take on

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<sup>80</sup> “Court Conference Today,” *Register* , September 14, 1960.

a new means of demanding their rights, but this time institutions of white power would be much more adaptable and forceful than they had been during the library fight of 1960.

*The Years Between, 1961-1963*

Civil rights efforts in Danville in the years following the library desegregation slowed, yet never fully came to a halt. The NAACP and black citizenry of Danville had been granted a significant legal win in regards to their demands of city leadership, and it was anticipated that the library would only be the first step towards a fully integrated city. A new city council was seated in the municipal building during the 1960 election, not realizing in two short years the battle that would arise in Danville would bring a violence and intensity far beyond that which the fight over the library had stirred up. The integration of the public library and the city's tactics of "vertical integration" characterized the final chapter of 1960, but Danville's civil rights story was only beginning.

Events in Danville continued to intersect with and be influenced by the larger, national civil rights movement. On May 7<sup>th</sup>, 1961, the Freedom Riders came through Danville after embarking south on their campaign trail.<sup>81</sup> Organized by James Farmer, national director of the Core For Racial Equality (CORE), a mixed group of white and black activists trained in Washington D.C. for a few days before loading themselves onto a bus and planning to drive throughout the South to put segregation to the test. The Supreme Court had recently handed down a ruling for *Boynton v. Virginia* decreeing segregated lunch counters, bathrooms, and waiting rooms were unconstitutional. The Freedom Riders had set out to see for themselves if this ruling had any real affect in cities

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<sup>81</sup> Sinclair Broadcast Group, "50 Years Since Freedom Rides: Central Virginia Remembers," *WSET*, last modified May 4, 2011, <https://wset.com/archive/50-years-since-freedom-rides>. ; Derrick Bryson Taylor, "Who Were the Freedom Riders?," *The New York Times*, n.d., sec. U.S., <https://www.nytimes.com/2020/07/18/us/politics/freedom-riders-john-lewis-work.html>.

across the South, and they planned to challenge any facility they saw resisting the court order.<sup>82</sup> Danville was the last Virginia city to be visited by the group after departing from Richmond. A week after their stop in Danville the group headed to Birmingham, Alabama, when member of the Ku Klux Klan threw a fire bomb into the bus and attacked riders as they exited.<sup>83</sup> Although the stop by the Freedom Riders does not appear to have caused any initial outburst in the city, their visit to Danville marks a historical cross-section where Danville's civil rights story interacts with that of the national movement's timeline.

In addition to the role that Student Nonviolent Coordinating Committee would come to play in the Danville civil rights movement, other national organizations saw the city as a beneficial place to set up operations. Led by Martin Luther King Jr., the Southern Christian Leadership Conference (SCLC) also decided Danville was an ideal location to establish an official partnership. The Danville Progressive Christian Association (DCPA) became an official affiliate of the SCLC in 1962 under the leadership of a group of local church leaders. Reverend Lawrence Campbell, Reverend Wendell Chase, A.I. Dunlap, and Julius Adams joined together to activate the organization, and they collectively decided Reverend Chase would be the right man to serve as president of the organization.<sup>84</sup> The close partnership between the SCLC and

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<sup>82</sup> Derrick Bryson Taylor, "Who Were the Freedom Riders?," *The New York Times*, n.d., sec. U.S., <https://www.nytimes.com/2020/07/18/us/politics/freedom-riders-john-lewis-work.html>.

<sup>83</sup> Derrick Bryson Taylor, "Who Were the Freedom Riders?," *The New York Times*, n.d., sec. U.S., <https://www.nytimes.com/2020/07/18/us/politics/freedom-riders-john-lewis-work.html>.

<sup>84</sup> Campbell, Lawrence. *1963: A Turning Point in Civil Rights*. Five Sisters Publishing, 2019. p. 16.

DSPA would lead to three visits to Danville by Martin Luther King Jr. in the following year, all of which helped ignite and sustain the local protest movement.

Civil rights leader Martin Luther King Jr., made his way to Danville in late March after visiting several other small Virginia cities and delivered a speech at the city auditorium to the estimated 2,500 people in attendance. He spoke of freedom for black citizens in Danville, boldly declaring that justice would “flow over Danville like a stream from mighty waters.”<sup>85</sup> Once he concluded his speech and headed outside, an angry white mob was waiting for him out on the street. King was rushed to his car and driven to his hotel an hour away in Greensboro, North Carolina, where he had been forced to stay since none of the city hotels would allow him to book a room. After returning to his hotel room once leaving Danville, Reverend Lawrence Campbell recalled that King had a gash in his side where a woman had tried to stab him as he left the auditorium that day.<sup>86</sup> This visit by King would only be his first of three in 1963, and though it did not directly stir protestors in Danville to action, his visit certainly fits into the chronology of events that took place in building momentum for the Danville movement which would spark in the late spring of 1963.

The final event that occurred leading up to the Danville protest movement was the Children’s March in Birmingham. On May 2<sup>nd</sup>, thousands of black schoolchildren and left their classrooms to flood Kelly Ingram Park in an effort to protest ongoing segregation and discrimination in Alabama. They were joined by bystanders and other

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<sup>85</sup> southernspaces, *Television News and the Civil Rights Struggle: The Views in Virginia and Mississippi: Dr. Martin Luther King Jr.*, 2015, <https://vimeo.com/131577386>.

<sup>86</sup> JOHN R. CRANE, “King’s Visits to Danville Recalled,” *NewsAdvance.Com*, [https://newsadvance.com/archives/king-s-visits-to-danville-recalled/article\\_7af560f2-d091-11e2-ab15-0019bb30f31a.html](https://newsadvance.com/archives/king-s-visits-to-danville-recalled/article_7af560f2-d091-11e2-ab15-0019bb30f31a.html).

protestors as the days went on, gathering momentum that would propel the event onto the national stage. The children and protestors were met with intense police violence, beatings, dog attacks and arrests.<sup>87</sup> The Birmingham story made headlines across America, the front page of the Danville *Register* included. “Nearly 800 Negroes Jailed in Birmingham” was written boldly across the paper on May 3<sup>rd</sup>, and the article went on for several pages describing the group of young protestors in Birmingham anxious to go to jail for the civil rights cause. The article also included details of police action, such as the police arresting demonstrators for parading without a permit, and the usage of fire hoses and police dogs.

The significance of the Birmingham civil rights story to that of Danville is twofold. First, the Birmingham movement directly influenced civil rights leadership in Danville to spark their own civil rights protest. Even though civil rights action was being taken by black city leadership, such as an omnibus segregation suit in 1962 and the visit by Martin Luther King Jr. in March 1963, it did not appear that a protest movement was imminent. The events of Birmingham and their heavy reporting by the *Register* are what ignited the city’s first direct action protests. Secondly, actions by the Danville Police Department closely mirrored the tactics taken on by the Birmingham Police Department, specifically tactics that were widely publicized in the local paper. The Danville police chief, Chief McCain, was even characterized as a “Bull Connor type” by one of the SNCC activists that came to Danville that summer to aid in organization of the movement.<sup>88</sup> It is unlikely that Chief McCain came up with such tactics of massive

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<sup>87</sup> Eskew, Glenn T. *But for Birmingham: The Local and National Movements in the Civil Rights Struggle*. Chapel Hill: University of North Carolina Press, 1997. 3-19.

<sup>88</sup> Robert Zellner, “Approximate Chronology of the Danville Movement,” circa 1964, “1961.”

resistance and violence on his own, but rather procured the ideas from Chief Bull Connor's handling of the Birmingham situation. When Danville police began mass arrests of protestors, they too arrested people for the violation of parading without a permit, and utilized the local fire department and police dogs as a form of crowd control. The similarities are too great to be explained by mere coincidence: usage of these Birmingham tactics in the city of Danville was intentional.

*Danville, 1963**May*

“The chief beat me; while many others had concussions. One woman’s breast burst open and the demonstrators were beaten by white, deputized garbage collectors, state troopers, and the Danville Police...demonstrators were hosed down to the ground and washed away like trash.”

-Gloria Campbell, demonstrator, SCLC activist, and wife of Reverend Campbell recalling the night of Bloody Monday, June 10<sup>th</sup>, 1963.

The 1960 fight for the public library was a battle fought mostly behind closed doors between the all-white city council and NAACP leadership. Though the public was highly aware, and even participated in the referendum vote, no public demonstrations took place outside of the original sit-ins on April 3<sup>rd</sup>. As sit-ins and protests movements swept through the South in the early 1960s, Danville’s civil rights fight continued to take place in distant courtrooms. Though there was incremental change occurring in Danville it was slow, and easily ignored by white city leadership. In the two years since the library fight, segregation in Danville remained firm. Entering into 1963, black individuals were still barred from white-owned restaurants and private businesses, and there were no black retail associates, firemen, police officers, city councilmen, or other public officials in the city.<sup>89</sup>

In the late spring of 1963, the Children’s March in Birmingham, Alabama, sparked a new phase of the Danville civil rights story, and an inspired Danville Christian Progressive Association began planning public protest marches in the downtown area. The now public movement during the hot summer of 1963 would cause Danville’s white power structures to adapt quickly in order to confront and diminish the perceived threat

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<sup>89</sup> Thurmon Echols, interview by Lauren Oakes, June 1, 2020. ; Carolyn Wilson, interview by Lauren Oakes, June 13<sup>th</sup> and July 20<sup>th</sup>, 2020.

that was suddenly right in front of them. Hanging on to segregation in a court room was one thing, but managing hundreds of people marching downtown to demand equal rights was completely different. In order to create a wall of powerful white resistance, the Danville city administration, police department, and city judge all joined together to construct a barrier to the city's civil rights movement that was so overwhelming it was nearly impossible to overcome.

Daily reporting in the *Register* captured the brutality of the events in Birmingham. Police dogs attacked young children and teens in the local park and police chief Bull Connor ordered the fire department to spray down protesters with powerful fire hoses that pushed them against buildings and washed them down the street.<sup>90</sup> However, despite these brutal events, the paper continued to praise what it considered an appropriate and measured response by the city's law enforcement. "Nearly 800 Negroes Jailed In Birmingham" read the headlines of the *Register* the morning after the first demonstration. "Pupils Skip Classes To State March In Renewed Racial Demonstrations" was the subtitle, immediately identifying that most of those arrested were indeed underage schoolchildren.<sup>91</sup> The lengthy article states on the front page that "there was no violence", yet the pages that follow describe the usage of water hoses and marchers being bitten by police dogs. Rather than declare these events as violent, which it was, the paper wrote that the police merely "obliged" the protestors after their reported chants of "Bring on the

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<sup>90</sup> Glenn T. Eskew, *But for Birmingham: The Local and National Movements in the Civil Rights Struggle* (Chapel Hill: University of North Carolina Press, 1997), 3–19.

<sup>91</sup> "Nearly 800 Negroes Jailed in Birmingham: Pupils Skip Classes To State Marches In Renewed Racial Demonstrations," *Register*, May 3, 1963.

water. Bring on the dogs.”<sup>92</sup> The *Register*’s classification of the police response in Birmingham as an appropriate measure are indicative of a white public perception in Danville that supported a certain amount of police brutality as an acceptable means of crowd control when dealing with civil rights protestors. These same ideas would manifest about Danville later in the summer, when police became increasingly violent towards demonstrators in the downtown area.

The stories of both Birmingham and Danville are similar in many ways, and the tactics employed by both civil rights protestors and the police closely resembled one another. There are a few likely explanations for this. First, at the time of the Birmingham march, Danville had yet to experience a city-wide protest movement like the one that would follow the Children’s Crusade. Until the late spring of 1963, city leadership had only faced their battles in a courtroom. The outcome of discrimination lawsuits filed by the NAACP brought about the desegregation of certain public facilities, such as parks, the library system, and city transportation.<sup>93</sup> The direct protest action which would begin in Danville at the end of May was the first time Danville city police and city council were faced with the physical bodies of hundreds of black citizens who were through with tolerating the city’s racist practices. Once faced with such a large-scale protest, the actions taken by the DPD and city council mirrored the events that took place in Birmingham during the Children’s March and were reported in the *Register*. Just like Birmingham, protestors were arrested on charges of parading without a permit, parents

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<sup>92</sup> “Nearly 800 Negroes Jailed in Birmingham: Pupils Skip Classes To State Marches In Renewed Racial Demonstrations,” *Register*, May 3, 1963.

<sup>93</sup> The fight over the library had ended in a federal court order in September of 1960, and at some point during 1962 the city had been ordered to desegregate the public transportation system (though exact details and dates are unknown.)

were arrested for their demonstrating juveniles, and the police chief brought in the local fire department to hose down demonstrators when they refused to clear the scene.<sup>94</sup> Due to the national fame of Birmingham and the reporting of events in the local paper, is highly likely that the police chief in Danville garnered his knowledge of Birmingham police tactics from these newspaper reports and utilized them in Danville.

Another similarity is found in the leaders of the police departments of both Danville and Birmingham. In Birmingham, police chief Theophilus Eugene Connor earned his fame as an obstinate man with no interest in serving the black citizens of the city in the same way he served those who were white. Born in 1897, he moved to Birmingham from Selma in 1922. Prior to his reputation of police brutality, Connor was known as an unwavering opponent of labor unions in Birmingham's industries.<sup>95</sup> An hard and unsympathetic man, he became known as Bull Connor. In Danville, police chief Eugene McCain has been described by many in the decades that followed his tenure as one who was a "Bull Connor figure," and resembled the Birmingham police chief in both thought and action.<sup>96</sup> Considering Chief McCain took a similar approach to the Danville protestors as Bull Connor did to those in Birmingham, commentary such as this does not seem far off. There is not much known about McCain's personal life, but through his preferred tactics, a picture of a man who thought similarly to Birmingham's police chief emerges. Whether Chief McCain was a hardened man like Bull Connor, or simply wished to mimic his tactics for a variety of potential reasons, the steps Chief McCain

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<sup>94</sup> "Nearly 800 Negroes Jailed in Birmingham: Pupils Skip Classes To State Marches In Renewed Racial Demonstrations," *Register*, May 3, 1963. "Fire Hoses, Billy Sticks Rout Night Demonstrators," *Register*, June 11, 1963.

<sup>95</sup> Glenn T. Eskew, *But for Birmingham: The Local and National Movements in the Civil Rights Struggle* (Chapel Hill: University of North Carolina Press, 1997), 89–91.

<sup>96</sup> Robert Zellner, "Approximate Chronology of the Danville Movement," circa 1964, "1961."

took during the movement closely mirror those from Birmingham, and demonstrate an exercise of white power through violence during the Danville civil rights movement.

These similarities between Birmingham and Danville are important for contextualizing the city of Danville and where it fits in the larger civil rights narrative. Though there had been work put in to further civil rights efforts in Danville, an actual civil rights movement in the southern Virginia city was by no means inevitable. The quiet happenings through 1961 and 1962 gave the appearance that change was taking on a slower pace, thus the broader protest movement that occurred in 1963 was an unexpected shock to the city and its leadership. A close examination of the rhetoric taken on by the *Register* after the Birmingham movement lends insights into the ways in which the white public and leadership would treat their own civil rights protestors. The contempt at the display for equal rights not only shocked white power structures in Danville, but enraged them.<sup>97</sup>

After two years of taking small steps towards racial progress in Danville and garnering inspiration from the events in Birmingham, the Danville Christian Progressive Association (DCPA) planned the first direct protest march in Danville. The first demonstration was held on May 31<sup>st</sup> and led by DCPA leader Reverend Alexander Dunlap, who was the Reverend at the Saint Paul African Methodist Episcopal Church.<sup>98</sup> There is little evidence of the first several days of the protest, as the local media and

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<sup>97</sup> Ruth Harvey Charity, Christina Davis, and Arthur Kinay, "The People's Law Takes Hold," *Southern Exposure* 10, no. 4 (1984). ; Towler, Juby. *The Police Role in Racial Conflicts*. Charles C Thomas Publisher, 1969.

<sup>98</sup> Robert Zellner, "Approximate Chronology of the Danville Movement," circa 1964, "May 31st, 1963."

leadership largely ignored it.<sup>99</sup> What can be gathered, however, is that there were around 250 black citizens in attendance, many of them young adults and high school teenagers.<sup>100</sup> The marches took place in the downtown area, and demonstrators would leave from High Street Baptist Church and march in columns, chanting and singing, until they reached the large stone steps of the municipal building. Once there, they would climb the steps and begin singing songs of freedom and equality, two things they desperately wanted white city leadership to give them.<sup>101</sup>

The municipal building on Patton Street holds many of the same offices today as it did in 1963. The building houses the city manager's office, clerk's office, and other offices for city administration. This building was the target spot of most of the protests that summer, not only because it was the location of the city's administrative offices, but it was also connected by a concrete courtyard to both the city courthouse, police station, and jail. The combination of these buildings created a hub of activity for the summer-long protests. Marchers would head to Patton Street to demand time with the mayor and city manager, protest the mass arrests of their comrades at the jail, and later attend their court hearings all at the same central location. Some of the most iconic pictures of protestors from that summer show groups of demonstrators piled along the municipal building steps and protesting in front of the court house, taking advantage of the elevated surface to put on a show of singing and clapping. Just to the right across the concrete

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<sup>99</sup> Jay Gaidmore, "A Guide to the 1963 Danville (Va) Civil Rights Case Files, 1963-1973" (The Library of Virginia, September 1999).

<sup>100</sup> Robert Zellner, "Approximate Chronology of the Danville Movement," circa 1964, "June 5th, 1963.;" Jay Gaidmore, "A Guide to the 1963 Danville (Va) Civil Rights Case Files, 1963-1973" (The Library of Virginia, September 1999).

<sup>101</sup> Carolyn Wilson, interview by Lauren Oakes, July 20, 2020. ; Dorothy Zellner, interview by Lauren Oakes, July 7, 2020.

courtyard sits the courthouse, and a Latin phrase dedicated to justice is carved in stone above the doorway. A pathway between the courthouse and municipal building leads directly behind the courthouse to the city jail, a trifecta that served the police department just as well as it served the civil rights marchers. Protesters could easily be dragged from the steps of the municipal building, booked into a jail cell, and pulled later for their court dates all within the same city complex.

The first demonstration of the protest movement in Danville occurred on May 31<sup>th</sup>, 1963. Reverend Alexander Dunlap let a group of about 250 demonstrators to go marching in downtown Danville.<sup>102</sup> Accounts of the first days of the movement are difficult to find, and what does exist is lacking in detail. However, first-hand accounts of the movement throughout the summer are largely consistent as far as the tactics and methods used by the protestors as they began the city's first-ever direct protest civil rights movement. Groups would congregate either at High Street Baptist Church or Bible Way Church in the city and use them as a base to organize before marching downtown. Reverend Chase and Reverend Campbell served these two churches, respectively, and were key leaders during the Danville movement. High Street Baptist sits atop a hill in the downtown area, with clear views of the Dan River to the left and the downtown business section directly in front. It is a short walk from the church's doors to the city municipal building. Bible Way is still in the city, though quite a bit further away. Demonstrators would still march to and from Bible Way, or run there for cover to avoid police brutality and arrests, but from all accounts it seems High Street was the most utilized.

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<sup>102</sup> Robert Zellner, "Approximate Chronology of the Danville Movement," circa 1964, "May 31st, 1963."

Demonstrators would march in straight columns, carry signs, and chant and sing songs of freedom as they marched to the downtown city hall steps. Once there, they would crowd the steps and continue their chanting and singing, an event which quickly gained the attention of the public, police, and city officials.<sup>103</sup>

The first several days of the protest passed peacefully; there were no arrests and no violence. City officials considered the marching a nuisance to downtown life that disrupted the flow of traffic.<sup>104</sup> The lack of arrests in those first days of protests are significant. The police did not make any arrests because the protestors were not breaking any laws. Marching, singing, clapping, and standing on the city hall steps was not a crime. More so, the demonstrators right to peacefully assemble and protest their complaints were protected by the United States Constitution. When arrests did start, slowly at first and then greatly increasing in number as the movement gained momentum, it was because white local authorities used their powers to create new laws specifically targeted at demonstrators' actions. Nothing about the protestor's methods changed, yet they began facing mass arrests as authorities intentionally created laws to criminalize protestor's actions. These laws took the form of an injunction issued by Judge Aiken and a law requiring a permit to "parade" downtown passed by city council which never even officially made it into Danville's law books.

Danville Corporation Court Judge Archibald Aiken exercised a substantial amount of authority in the city. He was infamous for the pistol he wore on his hip in the courtroom as he handed the convicted defendants their sentences. Aiken later tried to

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<sup>103</sup> Thurmon Echols, interview by Lauren Oakes, June 1, 2020. ; Carolyn Wilson, interview by Lauren Oakes, June 13, 2020. ; Dorothy Zellner, interview by Lauren Oakes, July 7, 2020.

<sup>104</sup> Juby Towler, *The Police Role in Racial Conflicts* (Charles C Thomas Publisher, 1969), 41–43. ; Carolyn Wilson, interview by Lauren Oakes, July 20, 2020.

deny that he had ever worn the pistol while serving on the bench, but Chief McCain openly admitted to the *Register* he had recommended to Judge Aiken that he carry one on him at all times because of the “tenseness of the situation.”<sup>105</sup> Thus, Judge Aiken had the reputation for being intimidating in the courtroom and very friendly with the chief of police. On June 6<sup>th</sup>, after a full week of protesting without any sign of easing up, Judge Aiken issued an injunction attempting to ban all further demonstrations, effective immediately, and also called for the formation of a special grand jury to investigate “racial disturbances” in the city.<sup>106</sup> The injunction, which would be reinforced throughout the summer and upheld as lawful in federal court later on, criminalized unlawful assembly in the streets or public buildings of Danville, unlawful interference with the enterprises of private businesses, and “unauthorized gatherings and loud, boisterous and concerted demonstrations interfering with the peace and quiet enjoyment of the citizens of the City of Danville.”<sup>107</sup> This injunction would make it impossible for any demonstrations to be carried out without violating Aiken’s orders, thus insuring the mass arrests of protestors downtown. The special grand jury was also called to examine the possibility to bring charges against those arrested in violation of State Statute 18.1-422.<sup>108</sup> This statute, otherwise known as John Brown’s law, was adopted by the Virginia legislature after John Brown’s raid on Harper’s Ferry in 1859. This original statute stated that individuals could be charged with inciting the black population to acts of war against whites. After the abolition of slavery in 1865, Virginia adapted the wording of this statute

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<sup>105</sup> “Judge Mitchie Restrains Demonstrators; King Not To Be At Langston Rally Today,” *Register*, July 3, 1963.

<sup>106</sup> “Court Enjoins Demonstrators; Special Grand Jury Is Called,” *Register*, June 7, 1963.

<sup>107</sup> “Court Enjoins Demonstrators; Special Grand Jury Is Called,” *Register*, June 7, 1963.

<sup>108</sup> “Court Enjoins Demonstrators; Special Grand Jury Is Called,” *Register*, June 7, 1963.

to keep the intent of the law, yet have the appearance it was no longer targeted towards African Americans. The new revised version of State Statute 18.1-422 included charges that could be brought against members of the white or black race who incited acts of violence against one another.<sup>109</sup> Aiken's special grand jury shortly decided to indict the demonstration's leaders and participants under this John Brown Statute.<sup>110</sup>

Aiken's injunction and grand jury indictments under a pre-civil war slave law were only one of the legal avenues white authorities took to resist the ongoing movement by criminalizing its participants. As the movement progressed in July, city leadership grappled for additional ways to hinder the protest movement. Thus, on July 10<sup>th</sup> city council amended the city's parading ordinance already in existence to do the exact same thing Aiken's injunction had done: limit the demonstrations by criminalizing protestor action and carrying out mass arrests for violation of the law. After the ordinance change, Chief McCain was the only one who had the authority to accept or deny parade permits, assuring that even if the demonstrators did go through the proper channels they certainly would have been denied.<sup>111</sup> The changes to the ordinance were never legally published, nor published in the newspaper where the changes might be widely circulated for public knowledge.<sup>112</sup> Thus, it would be impossible for protestors to follow the law even if they had been aware of their legal rights. The laws they were breaking that led to their arrests did not even exist until they began demonstrating in the streets.

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<sup>109</sup> Original law found in "Acts and Joint Resolutions of the General Assembly of the Commonwealth of Virginia 18.1-422.," n.d. Updated law code found "§ 18.2-485. Conspiring to Incite One Race to Insurrection against Another Race," <http://law.lis.virginia.gov/vacode/title18.2/chapter11/section18.2-485/>.

<sup>110</sup> "Three Indictments Asked By Special Grand Jury," *Register*, June 8, 1963.

<sup>111</sup> *Owen Calvin Cardwell, Jr. (Petitioner) v. City of Danville (Respondent)* (May 1964).

<sup>112</sup> *Owen Calvin Cardwell, Jr. (Petitioner) v. City of Danville (Respondent)* (May 1964).

Realizing they needed additional resources to keep up the movement, the Reverend Campbell and the DCPA called the headquarters of the Student Nonviolent Coordinating Committee in Atlanta on June 8th, and several SNCC members arrived in Danville the next day.<sup>113</sup> Campbell never wrote in his book what exactly led him to call on SNCC, but with the presence of the SCLC, DCPA, and NAACP already in Danville it is likely he sought them out as an additional resource with experience and money that could bring reinforcements. It is unknown when exactly all SNCC members arrived, but within a few days there were fifteen representatives including Avon Rollins, Bernice Reagon, Cordell Reagon, Robert (Bob) Zellner, Dorothy Zellner, and photographer Danny Lyon.<sup>114</sup> By 1963, SNCC was operating two unofficial sectors in its organization: one that was focused on voter registration and one focused on direct protest action. Community leaders could call SNCC when they request additional resources and would receive help from SNCC members specializing in direct action tactics. It was members of this group that SNCC sent to aid the Danville protestors.

SNCC's stay in Danville only lasted about ten days, yet the organization had a significant impact on the local protest movement.<sup>115</sup> SNCC brought tactical training, resources, and publicity to Danville. In training sessions held at High Street Baptist Church, just a few blocks from the municipal building downtown, SNCC field workers taught young protestors the strategies they would need in order to make it through the mass arrests that would follow in the coming weeks.<sup>116</sup> Demonstrators were instructed to

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<sup>113</sup> Robert Zellner, "Approximate Chronology of the Danville Movement," circa 1964, "June 8th, 1963." ; Lawrence Campbell, *1963: A Turning Point in Civil Rights* (Five Sisters Publishing , 2019), 22.

<sup>114</sup> Dorothy Zellner, interview by Lauren Oakes, July 7, 2020.

<sup>115</sup> Dorothy Zellner, interview by Lauren Oakes, July 7, 2020.

<sup>116</sup> Carolyn Wilson, interview by Lauren Oakes, July 20, 2020.

go limp when arrested, a tactic that infuriated police.<sup>117</sup> Police captain Juby Towler later claimed that demonstrators were also taught how to fall down, grimace, and scrape their face on the pavement to appear as though they had been beaten by police, but there is no evidence to indicate this was ever taught or exhibited by the Danville protestors.<sup>118</sup> SNCC photographer Danny Lyon snapped pictures of the movement that were dispersed throughout SNCC's national offices, and Dorothy Zellner wrote a pamphlet that was published by the organization's national office and sent to other SNCC offices across the country highlighting the particularly bad violence in Danville.<sup>119</sup> Zellner later stated in an interview that, out of all the localities she traveled to during her years with SNCC, Danville was by far the worst she ever saw and experienced when it came to outright violence and police brutality.<sup>120</sup>

White authorities in Danville took quick action shortly after the protesting began in order to prevent the movement from gaining further momentum. The city court system, city administration, and police force worked together to create a wall of white resistance they hoped would be solid enough to hold back the tides of change rolling through the South in 1963. Similar to the desegregation of the public library in 1960, local authorities in Danville aimed to ignore and even override national policies and federal court orders in an attempt to maintain control over social and political life in Danville. The fight over

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<sup>117</sup> Carolyn Wilson, interview by Lauren Oakes, July 20, 2020. ; Juby Towler, *The Police Role in Racial Conflicts* (Charles C Thomas Publisher, 1969), 11–27.

<sup>118</sup> Dorothy Zellner, interview by Lauren Oakes, July 7, 2020. ; Carolyn Wilson, interview by Lauren Oakes, July 20, 2020 ; Juby Towler, *The Police Role in Racial Conflicts* (Charles C Thomas Publisher, 1969), 6.

<sup>119</sup> Lyon, Danny. *Memories of the Southern Civil Rights Movement*. The Lundhurst series on the South. Chapel Hill: Published for the Center for Documentary Studies, Duke University, by the University of North Carolina Press, 1992. 62-69 ; Dorothy Zellner, *Danville, Virginia* (Student Nonviolent Coordinating Committee, 1963).

<sup>120</sup> Dorothy Zellner, interview by Lauren Oakes, July 7, 2020.

civil rights in Danville came to be more than just black equality versus white supremacy, but also local versus national. Black citizens in Danville led the civil rights battle backed by national organizations and leaders such as Martin Luther King, Jr., the Southern Christian Leadership Conference, and Student Nonviolent Coordinating Committee. These organizations brought with them resources in the form of organizers, speakers, secretaries, photographers, writers, money, and more in hopes of turning the tide in favor of civil rights achievement in Danville. Yet, despite help from such prominent national groups and figures, white resistance in Danville still had a greater advantage over the protestors. It seemed to be that no amount of money and national resources would be enough to successfully fight a local system of white political power that was reinforced by a violent police department and racist legal system.

Mayor Julian Stinson and city manager Edward Temple, both of whom held the same respective positions during the library fight two years earlier, were quick to speak out after the first arrests on June 5<sup>th</sup>. In a statement to the *Register*, Stinson commended police chief Eugene McCain for calling in the fire trucks as a threat to the crowd, and praised them on the restraint they were able to show “in the face of an unfortunate situation.”<sup>121</sup> The fire hoses were not used on demonstrators during this encounter, but the threat they would be deployed if needed was enough to make much of the young crowd disperse. Stinson’s praise of restraint also indicates an acknowledgement by him that the use of firehoses on demonstrators could be extremely dangerous, yet clearly a necessary step if the protestors did not clear the town hall steps. The fire department was called in by Chief McCain only a few days after the protests started, and the speed at

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<sup>121</sup> “Demonstrators Become Unruly; Ignore Pleas Of Judge, Leader,” *Register*, June 6, 1963.

which the fire department was used as a dispersal tactic, coupled with its endorsement by the mayor, was a clear indication that key power structures in Danville had no intention of even considering listening to the civil rights marches, and were more than willing to resort to violence in order to silence them.

Mayor Stinson also demeaned the protestors by claiming their actions would have a negative effect on the industry which was planning to come to Danville, an industry Stinson stated would mean jobs for both black and white citizens. Stinson's comment casts blame on the black community for their own economic misfortunes by insinuating it was their own actions that keep beneficial jobs out of the city. His comments also echo a similar concern expressed by white citizens during the library fight two years earlier. As seen during city council meetings in 1960, there was a collective white concern that civil rights protests would harm whites in Danville by creating an environment that no industry would want to settle. Stinson's comments demonstrates both a strategy and concept of white thought in Danville that sought to blame black civil rights seekers as those responsible for the city's problems, specifically causing a threat to industry in this case. The implication is also that the fault lies specifically with the protestors, as it was the "responsible" African American citizens who did not participate in the demonstrations.<sup>122</sup> Additionally, in making such public comments, Mayor Stinson is convincing the white public to perceive the movement and demonstrators as he does, as well as to justify the action of the Danville police department and Judge Aiken. While many other resistance tactics by Danville authorities were aimed at the protestors themselves, Stinson was simultaneously emitting a message to the public that aims to

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<sup>122</sup> "Demonstrators Become Unruly; Ignore Pleas Of Judge, Leader," *Register*, June 6, 1963.

keep white citizens in line regarding the civil rights movement, who is perpetuating the chaos, and the justifications for violent and legal avenues need to be taken to restrain them.

Mayor Stinson made it clear at the start of the protests that he had no intention of meeting with anyone who had been arrested during a demonstration, many of whom were the leaders of the movement, and in doing so he surely cut himself off from the people that were most desperate to talk to him. About six weeks into the protest, the mayor and city manager Temple met with a group of “responsible negroes” whom Stinson claimed were leaders in search of black community progress, yet had stayed away from the summer demonstration.<sup>123</sup> He also made the bold claims that some of the people with whom he would be meeting had been discussing progressive issues with him “for the last five years” and insisted “communications with the Negro citizens of Danville have never been cut off at the hands of the mayor or city manager.”<sup>124</sup>

Both of Mayor Stinson’s statements seem significantly far from the truth when considering the events of the 1963 summer and the library battle of 1960. During the months-long legal fight over the desegregation of the public library two years prior, it does not appear that Stinson ever made any public comments indicating he was meeting with “responsible” black citizens who desired racial progress in the city.<sup>125</sup> If this were true, it is very likely it would have been printed in the newspaper. Additionally, it appears that communication was in fact cut off by the city mayor both in 1960 and 1963. The 1963 demonstrators were eager to talk to both Mayor Stinson and Temple, which is why

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<sup>123</sup> “Mayor’s Advisors To Talk With ‘Responsible’ Negroes,” *Register*, July 7, 1963.

<sup>124</sup> “Mayor’s Advisors To Talk With ‘Responsible’ Negroes,” *Register*, July 7, 1963.

<sup>125</sup> “Mayor’s Advisors To Talk With ‘Responsible’ Negroes,” *Register*, July 7, 1963.

the marches were carried out at the municipal building in the first place.<sup>126</sup> This is also the reason demonstrators entered the building and headed to the floor where Manager Temple's office was located, yet Temple did not meet or speak with any demonstrators there during the first days of protests. Stinson and Temple's actions reflect the truth of the situation, which was that white city leadership had no intention of meeting or listening to the demands of protestors, but rather put out messages to the public that continued to demean demonstrators and portray them as irresponsible trouble-makers.

One of the most powerful mechanisms for resisting the local civil rights movement and maintaining an order of white supremacy in Danville was the Danville Police Force. Eugene McCain served as police chief in 1963, a job title undoubtedly earned through his twenty-three years of service to the DPD.<sup>127</sup> There is little known about Chief McCain's personal life, but through his actions it is evident he firmly supported the agenda of white city leadership. His leadership techniques and utilization of his officers during the Danville protests mirrored that of police action in Birmingham, likely explaining why SNCC activist Robert Zellner later referred to McCain as a "Bull Connor type."<sup>128</sup> It was McCain's decision on the violent night of June 10<sup>th</sup> to call in the Danville fire department, urged on by Mayor Stinson who told McCain to "give 'em all you've got."<sup>129</sup> That particular day there were thirty-eight demonstrators arrested during the day's events, and that night a group of sixty-five demonstrators marched to the jail to

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<sup>126</sup> Lawrence Campbell, *1963: A Turning Point in Civil Rights* (Five Sisters Publishing, 2019), 46.

<sup>127</sup> *City of Danville v. Lawrence Campbell, Et Als* Clerk of Court T. F. Tucker, 84 (1963).

<sup>128</sup> Robert Zellner, "Approximate Chronology of the Danville Movement," circa 1964, "1961."

<sup>129</sup> "Fire Hoses, Billy Sticks Rout Night Demonstrators," *Register*, June 11, 1963.

pray and sing. The group was led by another local church leader, Reverend H. McGhee, and Gloria Campbell the wife of leader Reverend Lawrence Campbell who had also been arrested that day.<sup>130</sup> Recollections from demonstrators state that they marched from Bible Way church to the city jail, and planned to surround it and pray for those arrested.<sup>131</sup> Demonstrators claim that police attacked as they were kneeling to pray, but McCain states in his court testimony during the trials that fall that the group was rowdy and attempting to storm the jail.<sup>132</sup>

McCain had already called the fire trucks in several days prior to threaten the protestors, yet this time when the crowd remained undaunted by their appearance the police chief ordered the hoses to be released directly on the demonstrators. In the aftermath, protestors would describe how when they fled from the hoses, McCain had them cornered next to the jail with another truck.<sup>133</sup> McCain essentially admitted to this in his court testimony months later, acknowledging that because the hoses would not reach the protestors he ordered another truck pull in behind them and release the hoses.<sup>134</sup> Protestors recall how people were knocked to the ground and sent sliding down the street “the way rain washes away trash during a storm.”<sup>135</sup> Once sprayed to the ground, the police descended on the wet and injured protestors, beating and arresting many. Though

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<sup>130</sup> Dorothy Zellner, *Danville, Virginia* (Student Nonviolent Coordinating Committee, 1963).

<sup>131</sup> Dorothy Zellner, *Danville, Virginia* (Student Nonviolent Coordinating Committee, 1963) ; Lawrence Campbell, *1963: A Turning Point in Civil Rights* (Five Sisters Publishing , 2019), 24.

<sup>132</sup> Dorothy Zellner, *Danville, Virginia* (Student Nonviolent Coordinating Committee, 1963). ; Lawrence Campbell, *1963: A Turning Point in Civil Rights* (Five Sisters Publishing , 2019), 24. ; *City of Danville v. Lawrence Campbell, Et Als* Clerk of Court T. F. Tucker, 83–243 (1963).

<sup>133</sup> Dorothy Zellner, *Danville, Virginia* (Student Nonviolent Coordinating Committee, 1963).

<sup>134</sup> *City of Danville v. Lawrence Campbell, Et Als* Clerk of Court T. F. Tucker, 145–146 (1963).

<sup>135</sup> Dorothy Zellner, *Danville, Virginia* (Student Nonviolent Coordinating Committee, 1963). ; Lawrence Campbell, *1963: A Turning Point in Civil Rights* (Five Sisters Publishing , 2019), 24.

records only exists for thirteen individuals, there are reports that say more than forty needed medical attention at the all-black Winslow Hospital.<sup>136</sup>

Dorothy Zellner, SNCC activist who was attacked by police on the night of Bloody Monday, wrote of the demonstrators in her pamphlet, “Danville, Virginia.” Zellner wrote with great detail of the attacks on demonstrators the night of Bloody Monday, when Chief McCain used the fire department to wash protestors away from the jail, and the police used batons and dogs to attack peaceful demonstrators clamoring for safety. Zellner describes how about sixty-five demonstrators, including several of the SNCC activists, marched to surround the jail and sing hymns in support of those arrested earlier in the day. Reverend Campbell and several of the other had been arrested, so the group was led by Campbell’s wife, Gloria, and Reverend McGhee. As the group approached the police tried to stop them, smashing Robert Zellner’s camera and demanding Reverend McGhee disperse the crowd. Instead, when the reverend began to pray Chief McCain gave the orders to the waiting fire trucks to “Let ‘em have it.”<sup>137</sup> Gloria Campbell’s testimony reinforces this account, claiming that Chief McCain personally beat her with a baton while demonstrators were attacked by dogs and “hosed down to the ground and washed away like trash”.<sup>138</sup>

The level of violence inflicted onto protestors by police in Danville seemed to be an innate reaction to the chaos and unpreparedness of the police department in response to an unexpected civil rights movement. Whether Danville police believed themselves to

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<sup>136</sup> Dorothy Zellner, *Danville, Virginia* (Student Nonviolent Coordinating Committee, 1963).

<sup>137</sup> Dorothy Zellner, *Danville, Virginia* (Student Nonviolent Coordinating Committee, 1963).

<sup>138</sup> Lawrence Campbell, *1963: A Turning Point in Civil Rights* (Five Sisters Publishing, 2019), 24. No other written source mentions dogs, but Carolyn Wilson mentions in her interview with me that the Danville police used dogs to intimidate protestors during the marches.

be ill-equipped in numbers, or seeking to create a more intimidating presence, they also brought in assistance from the state police and deputized white garbage collectors and bus drivers from the street.<sup>139</sup> Resorting to violence so soon into the protest movement indicates a heightened fear at the potential loss of white power in the city. The black citizenry had been making slow steps towards equality since the desegregation of the public library, but the direct protests were different. They were a visible threat in a way that the legal battles behind closed doors had never been. Lawsuits were one thing, but ongoing protests by hundreds right in front of the city government offices were another.

One year after the Danville protests police captain Juby Towler published a book titled *The Police Roll in Racial Conflicts* intended to guide to other police officers and departments in the South on how to properly handle racial demonstrations as the civil rights movement intensified. Towler states at the beginning of the book will focus on the morality of the policeman's "obligations, responsibility, duty, and his respect for his role in maintaining law and order."<sup>140</sup> Though the book never blatantly says it is about the events in Danville, Towler only served as an officer of the DPD throughout his career, thus his only experience in dealing with "racial conflict" must have come from the Danville protests. Additionally, all of the pictures and events referenced in the book very clearly depict the events that took place in downtown Danville during the summer of 1963. It is uncertain how many copies were printed of Towler's book or how widespread its usage was, but after the book's first printing in 1964 there was a second printing done by the original publishers five years later in 1969. The book also received high reviews

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<sup>139</sup>Dorothy Zellner, *Danville, Virginia* (Student Nonviolent Coordinating Committee, 1963). ; Lawrence Campbell, *1963: A Turning Point in Civil Rights* (Five Sisters Publishing , 2019), 24. ; Carolyn Wilson, interview by Lauren Oakes, July 20, 2020.

<sup>140</sup> Juby Towler, *The Police Role in Racial Conflicts* (Charles C Thomas Publisher, 1969), v.

from *Police-Law Digest* and *The Journal of Criminal Law, Criminology, and Police Science*.<sup>141</sup> In an analysis of Towler's book, a clearer picture of Danville police motivations and actions to uphold white supremacy during the protest movement becomes evident. Through Towler's writing a visual of the Danville police response to and perception of the movement emerges.

Towler sets the tone for his book in the first chapter, "Background or Basic Understanding" by detailing what police departments utilizing this guide should understand about black citizens and civil rights protestors at their most basic level: that black persons are impressionable to outside agitators, protestors fake injuries in order to portray unrealistic violence to the media, and that demonstrators do not believe the law applies to them simply because they believe the law is unfair.<sup>142</sup> He writes that police must consider that "the negro race may or may not have an inherent weakness for being easily incited to action" by those from national organizations that claim to bring peace but only incite chaos and lawlessness.<sup>143</sup> Towler's choice to focus on the chaos brought by outside organizations likely mirrors the DPD response to the presence of SNCC, the SCLC, and other national figures in Danville during the civil rights marches. SNCC's tactic of hosting workshops, those of which were held at High Street Baptist Church in Danville, was common knowledge to both protestors and police.<sup>144</sup> Towler wrote that these workshops cast a hypnotical spell over the demonstrators, which cause the muscles of those who march to "twitch spasmodically, and their minds seem to be removed from

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<sup>141</sup> Juby Towler, *The Police Role in Racial Conflicts* (Charles C Thomas Publisher, 1969), Back cover.

<sup>142</sup> Juby Towler, *The Police Role in Racial Conflicts* (Charles C Thomas Publisher, 1969), 5-7.

<sup>143</sup> Juby Towler, *The Police Role in Racial Conflicts* (Charles C Thomas Publisher, 1969), 5.

<sup>144</sup> Carolyn Wilson, interview by Lauren Oakes, July 20, 2020. ; Juby Towler, *The Police Role in Racial Conflicts* (Charles C Thomas Publisher, 1969), 8-9.

immediate comprehension.”<sup>145</sup> If it is true that demonstrators who were arrested twitched or appeared to be in a daze, the answer for such behavior may lie in the fear they felt at being arrested by a violent police force rather than a “self-induced hypnotism.”<sup>146</sup>

Towler’s assessment ultimately portrays civil rights demonstrators as having weak and impressionable minds which are easily subject to manipulation tactics.

This is similar to the tone the *Register* undertook during the demonstrations as they portrayed the movement as being fueled by outside agitators who had nothing to do with Danville.<sup>147</sup> It also reinforces the comments made by Mayor Stinson about meeting with “responsible” black citizens to discuss racial progress in Danville, indicating that the black leaders and participants of the movement in Danville were irresponsible.<sup>148</sup> These comments and suppositions made by leadership in the city demonstrate that these white institutions of power were working together, whether intentionally or not, to actively put out the message to the public that African Americans who participated in civil rights demonstrations were inferior, weak-minded, and had no real self-motivation to participate in the movement themselves. Rather, they had been stirred up by national forces outside of Danville and thus did not reflect the real wishes of the black community in the city. Though the *Register*’s publishing of the mayor’s comments likely only reached Danville’s citizens, it is almost a certainty that Towler’s book reached many more. Towler’s target audience were those that were responsible for directing the physical force behind resisting the civil rights movement: southern policemen. The extent of the

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<sup>145</sup> Juby Towler, *The Police Role in Racial Conflicts* (Charles C Thomas Publisher, 1969), 6.

<sup>146</sup> Juby Towler, *The Police Role in Racial Conflicts* (Charles C Thomas Publisher, 1969), 6.

<sup>147</sup> “Mayor’s Advisors To Talk With ‘Responsible’ Negroes,” *Register*, July 7, 1963.

<sup>148</sup> “Mayor’s Advisors To Talk With ‘Responsible’ Negroes,” *Register*, July 7, 1963.

potential damage that Towler's guide to the proper police role in "racial conflicts" is impossible to know, but it is not unreasonable to suppose the same attitudes taken on by the Danville police force, later to be published in Towler's book, influenced many other police forces throughout the South during the civil rights movement.

Towler also minimizes the extent of police violence by claiming protestors intentionally scraped their face on the ground and practiced wincing in front of cameras, as well as staging scenes during the protest to make it appear as though the police were being violent or acting improperly, even though they were not (according to Towler).<sup>149</sup> For example, on page 29 of Towler's book there is a picture of a black protestor who looks to have fallen on the ground and two police officer leaning over him. One officer has a night stick in his hand, and the other holds his left foot up as if he was caught mid-kick by the camera. Towler uses this instance to instruct other policemen not to issue nightsticks to officers who are untrained in being able to identify situations such as this, where the protestor will put on a fake grimace in front of the camera. This picture "worth 1000 words, may then go public and make the officer look like the one committing the wrong in the situation when, in reality, it was clearly the law-breaking protestor."<sup>150</sup>

In an interesting twist, Towler does not reference the use of firehoses as a tactic in any sort of way, though it was clearly used by the Danville police department multiple times.<sup>151</sup> It may be that Towler did not agree with Chief McCain's use of the firehoses, as he considered those to be too violent of a method, or at least one that brought the police department bad press.

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<sup>149</sup>Juby Towler, *The Police Role in Racial Conflicts* (Charles C Thomas Publisher, 1969), 6, 21-22, 29-30.

<sup>150</sup> Juby Towler, *The Police Role in Racial Conflicts* (Charles C Thomas Publisher, 1969), 29-30.

<sup>151</sup> "Fire Hoses, Billy Sticks Rout Night Demonstrators," *Register*, June 11, 1963. ; *City of Danville v. Lawrence Campbell, Et Als* Clerk of Court T. F. Tucker, 83-243 (1963).

On the opposite side of Towler's book which portrays civil rights demonstrators as mindless degenerates, his writings also lend insight into the disorganization and miscommunication experienced by the DPD in their handling of the demonstrations. A few of his summarizing points in the final chapter include "Don't issue guns and night sticks to untrained men", "Don't let prisoners be manhandled", "Do give thought to eliminating confusion", and "Do give thought to simple selective assignment of police personnel to insure calmest performers in most hectic duties."<sup>152</sup> There are very few sources available from the civil rights movement in Danville that come from the police perspective. In the last sixty years, evidence has been destroyed, notes thrown away, and arrest reports long discarded.<sup>153</sup> Thus, Towler's book serves as an invaluable piece of evidence in lending insight to the police approach during the movement. In its totality, the book represents the thought behind the all-white Danville Police Force which fought violently to put down the protests and maintain an order of white supremacy in Danville.

The end of June brought the end of the first month of the direct protest phase of the civil rights movement in Danville. White resistance adapted quickly, utilizing their political power and influence to sway the white citizenry, change laws, and transform police techniques in order to put an end to the movement as quickly as they could. Their combined efforts and willingness to utilize violence led to mass arrests, which left protestors fearful and the movement with fewer and fewer resources after each

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<sup>152</sup> Juby Towler, *The Police Role in Racial Conflicts* (Charles C Thomas Publisher, 1969), 115–117.

<sup>153</sup> In my search for sources and through contacting the police department, I learned that in a small department such as Danville evidence is destroyed periodically to create room for new boxes of evidence. My contact at the department assured me that any evidence and arrest records from the 1960s would have been gone for years by now.

demonstration. Even with the support from national civil rights groups like the SCLC and SNCC, the movement was slowly draining away. July would bring a new phase to the movement. As demonstrations began to die down, black city leadership would adapt as best they could while their resources dwindled, massive arrests perpetuated, and their relationships with outside organizations deteriorated. White resistance tactics would also continue adapting, but unlike the demonstration movement, their institutional power permitted them to remain steady and intense in their fight against civil rights. The protest movement was nearly over, but the ongoing battle would soon move from the streets back to the courtroom.

*August, 1963*

The most notable event in the national civil rights movement took place on August 28<sup>th</sup>, 1963. The March for Jobs and Freedom in Washington D.C. drew national attention as more than 200,000 demonstrators flooded the national mall. It was a scorching hot day, yet protestors still marched in the same fashion as many of the marches in the years prior had been carried out, with plenty of signs, singing, and clapping. The intent behind the march was to pressure legislators in Washington to push for more comprehensive civil rights for black Americans.<sup>154</sup> Dr. Martin Luther King Jr. delivered his famous “I Have a Dream Speech” about his hopes for the future of black Americans and their children. King used his speech to speak against the horrors of racism in 1963 America, including segregation, economic injustice, and police brutality.<sup>155</sup> This landmark event marked a turning point in civil rights history as it pushed lawmakers in Washington to craft widespread civil rights legislation which eventually led to the passage of the Civil Rights Act of 1964.<sup>156</sup>

Many of King’s sentiments from his speech reflect the injustices faced by African Americans all throughout the South, including those living in Danville, Virginia. Though King’s speech at Washington was not the same as the one he delivered at High Street Baptist Church in Danville the previous month, his statements that civil rights activists

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<sup>154</sup> © Stanford University, Stanford, and California 94305, “March on Washington for Jobs and Freedom,” *The Martin Luther King, Jr., Research and Education Institute*, last modified July 6, 2017, <https://kinginstitute.stanford.edu/encyclopedia/march-washington-jobs-and-freedom>.

<sup>155</sup> “NAACP | I Have a Dream: Full Text March on Washington Speech,” *NAACP*, <https://www.naacp.org/i-have-a-dream-speech-full-march-on-washington/>.

<sup>156</sup> © Stanford University, Stanford, and California 94305, “March on Washington for Jobs and Freedom,” *The Martin Luther King, Jr., Research and Education Institute*, last modified July 6, 2017, <https://kinginstitute.stanford.edu/encyclopedia/march-washington-jobs-and-freedom>.

“will not be satisfied until justice rolls down like waters and righteousness like a mighty stream” closely mirrored his famous line from his Danville speech that “justice would flow over Danville like water from a mighty stream.”<sup>157</sup> King’s heavy emphasis on the need for economic justice nationally for black Americans is an echo of the demands of the DCPA in Danville for job equality and the rationale behind their city-wide boycott of businesses that refused to hire black workers. His references to intense police brutality also closely mirrored the situation in Danville, where protestors had been faced by a militant police department all summer. The 200,000 marchers listening to King speak knew all too well the struggles highlighted in his speech. To them, and to the protestors in Danville fighting for their rights, the horrors of social, political, and economic injustice were a lived experience every day.

Danville resident and civil rights activist Carolyn Wilson recalled traveling to the March on Washington to participate in the historic event with other demonstrators from Danville. Fifty-two years had passed, and some of her memories were foggy. She couldn’t remember how many people went, just that they were all so excited on the bus trip up north. They left Danville from High Street Baptist Church incredibly early in the morning to begin the journey, and stayed with a kind Jewish family in Maryland the night before the march. The morning of the march they drove into Washington D.C. to meet the crowds of hundreds of thousands just like them. This time, thankfully, they were able to march surrounded by like-minded people without being attacked by police or thrown in jail. Only fourteen years old in 1963, Carolyn recalled that she never thought about her

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<sup>157</sup> “NAACP | I Have a Dream: Full Text March on Washington Speech,” *NAACP*, <https://www.naacp.org/i-have-a-dream-speech-full-march-on-washington/> ; southernspaces, *Television News and the Civil Rights Struggle: The Views in Virginia and Mississippi: Dr. Martin Luther King Jr.*, 2015, <https://vimeo.com/131577386>.

participation in the movement that summer as something historic, or as a national movement that would be written about in history books years later. “We were just doing what we thought was right,” she said. When asked what it was like to attend the March on Washington with her fellow justice-seeking friends, her eyes became teary and her hands clasped together over her chest. “It was magnificent.”<sup>158</sup>

August of 1963 marked a turning point in the national civil rights narrative, and a turning point in the Danville movement as well. The direct-protest action phase of the movement would come to a close as the fight moved from the streets and into the courtroom. White authorities would continue working together in Danville to ensure the movement was defeated legally just as it had been defeated physically in the city. There were some immediate, tangible gains that would result from the demonstrator’s efforts. The integration of George Washington High School took place that month when five black students, all children of local demonstrators, attended classes at the formerly all-white high school.<sup>159</sup> In the following months, the city would hire its first black police officer in seventy years and businesses would finally begin caving to the boycott and hiring black clerks in department stores.<sup>160</sup> These small steps were notable, especially when faced with such strong white resistance in the city. However, white authorities in the street and courtrooms were the ones who held the real institutional power. Working together to form a barrier of extreme white resistance to the Danville civil rights movement, Judge Aiken, prosecutor Ferguson, and councilman-turned-prosecutor John

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<sup>158</sup> Carolyn Wilson, interview by Lauren Oakes, June 13, 2020.

<sup>159</sup> “Girl Seeks And Is Refused Transfer Back To Langston,” *Register*, July 13, 1963. ; Robert Zellner, “Approximate Chronology of the Danville Movement,” circa 1964, “September 1963.”

<sup>160</sup> Robert Zellner, “Approximate Chronology of the Danville Movement,” circa 1964, “October 1963.” ; Carolyn Wilson, interview by Lauren Oakes, July 20, 2020.

Carter dominated local legal battles against demonstrators and the NAACP in the years following the Danville movement. In the decade following the end of the Danville movement, a tumultuous ride of wins and losses on each side would continue to rage on. Ultimately, the goals of the movement were unable to be realized in the face of an insurmountable barrier of white power that controlled social, political, and legal life in Danville, Virginia.

*Danville, 1963*  
*July*

“But it was difficult to mobilize masses under conditions of intense and sustained repression...The administration of justice in Danville was by now such a farce that this sort of nonsense had become standard practice.”

-Robert Zellner, activist of the Student Nonviolent Coordinating Committee on Danville

As the hot summer progressed into July, the Danville movement dwindled significantly until coming to a complete halt in August of 1963. The DCPA fought tirelessly to keep the movement alive, but it seemed that weeks of violence and turmoil had drained the resources and willpower of Danville’s civil rights protesters. The *Register*’s mischaracterized and belittling reports of the events had ensured no city-based white support would offer themselves to aid the movement. Though a few white resources from outside Danville came to offer their help, it was no use. The Danville Police Department had arrested hundreds of black citizens, many of whom were facing large fines and would be required to take days off from work to attend court hearings. The NAACP and DCPA tried to pay as many legal fees as they could, but the financial burden of so many arrested and court hearings obliterated the organizations’ funds for the Danville movement. One by one, SNCC activists fled south away from Danville to escape a definite prison sentence that was waiting for them if they stayed to see their day in court. African Americans were terrified for their safety, and began showing up to demonstrate less and less. There would still be a few small wins granted to black citizens in the fallout of the movement, but they seemed insignificant in the face of months’ worth of hard work and organizing. By the time the nation watched Martin Luther King Jr. deliver his famous speech at the March on Washington in late August, the Danville civil

rights movement had come to a close. Though the movement had brought about a few pieces of tangible change to the city, white resistance fueled by institutional privilege, control, and leadership in Danville would emerge the victor at the end of the summer.

Following the end of the direct action, a significant transition in the Danville civil rights movement occurred. Though the protest movement had wound down after an intense two months, there was still a legal fight to be carried out in the courtroom. Hundreds of demonstrators had been arrested and would have to show their faces in court, and both NAACP defense lawyers and city prosecutors geared up for what everyone anticipated would be months of drawn-out court battles. Rather than months, the legal fallout from the Danville movement perpetuated for an entire decade as court trials were held, decisions made then appealed, and state and federal courts became involved. The trial transcripts provide further insights into the powerful force of white institutions of justice in Danville, highlighting the nearly insurmountable obstacles faced by demonstrators when they saw their day in court. Charged in violation of laws that had been crafted specifically to target the Danville civil rights participants, defendants found themselves in a courtroom fighting against the very individuals responsible for creating those laws, primary Judge Aiken city councilman-turned-prosecutor John Carter. Judge Aiken, along with prosecutors Carter and James Ferguson had the power to ensure no black protestor in Danville would see a fair trial.

The once organized and fiery movement slowly began to unravel as July passed. In an effort to drum up support once more, Dr. Martin Luther King Jr. returned to

Danville to deliver a speech at a very full High Street Baptist church on July 11<sup>th</sup>.<sup>161</sup> Earlier in the day a small demonstration had taken place downtown once again at the steps of city hall, which at this point had been barricaded. SNCC field secretary Bob Zellner wrote that two other SNCC workers, Sam Shirah and Daniel Foss, were observing the protest when they were sized by Virginia State Trooper and four detectives. Zellner also wrote that Shirah was taken to the police station and severely beaten, emerging later with an injured right leg and ripped clothes.<sup>162</sup> In response to Shirah's beating, masses of students marched downtown in protest approximately sixty of them are arrested.<sup>163</sup> After a full day of events, the crowd at High Street Baptist Church was sweaty, exhausted, and motivated. King's address, in which he boldly declared "justice will flow over Danville like a stream from mighty water," was met by an eruption of applause from the audience.<sup>164</sup>

Stirred to action once more from the day's events and King's words, members of the crowd begged King to march downtown with them, but he ultimately refused their pleas with the excuse he was experiencing stomach trouble. King then headed to the airport to exit the city as soon as he could, leaving Danville with only his words for the second time in six months.<sup>165</sup> Unwilling to be deterred by his refusal, over one hundred people left the church to make the short march to city hall. Chief McCain met them at the city hall steps, confronting the group with a militant police force and racial slurs. "Why

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<sup>161</sup> Robert Zellner, "Approximate Chronology of the Danville Movement," circa 1964, "July 11th, 1963."

<sup>162</sup> Robert Zellner, "Approximate Chronology of the Danville Movement," circa 1964, "July 11th, 1963."

<sup>163</sup> Robert Zellner, "Approximate Chronology of the Danville Movement," circa 1964, "July 11th, 1963."

<sup>164</sup> southernspaces, *Television News and the Civil Rights Struggle: The Views in Virginia and Mississippi: Dr. Martin Luther King Jr.*, 2015, <https://vimeo.com/131577386>.

<sup>165</sup> Robert Zellner, "Approximate Chronology of the Danville Movement," circa 1964, "July 11th, 1963." King also did not march with the demonstrators nor urge the demonstrators to march when he spoke earlier in the year in March. He never stayed for extended periods of time, only long enough to speak and then return to his hotel room.

don't you n\*\*\*\*\* get on back where you came from?" McCain reportedly asked as the crowd began to disburse.<sup>166</sup> There wasn't any violence that evening, but another thirteen arrests carried out, which brought the day's total to around seventy-five arrests. Fueled with the excitement and resolve from the day prior, the following day several more demonstrations took place, and between twenty-five and thirty persons were arrested. The total number of jailed protestors had risen to over one hundred in just forty-eight hours.<sup>167</sup>

The July 12<sup>th</sup> headline of the *Register* announced "Police Halt March After King Talks and Negroes Walk," including pictures of Martin Luther King Jr. with Danville leader Reverend Chase, a woman holding a protest sign, and a picture from inside the High Street Baptist Church. The picture from inside the church only shows one side of the large auditorium, with the caption "Small audience hears King in first speech of day," even though the room is clearly holding a significant number of people. The rest of the article focuses on the demonstrations of the previous day, and brings the perspective of white power and authority to the story of the day's events. In describing the large amounts of arrests that were carried out during the day, most of whom were students and young adults, the article states the police were "accommodating the Negroes in their wishes to "fill the jails"." This rhetoric is almost an exact replica of the stories published by the *Register* during the Birmingham, Alabama march a month prior. In Birmingham, the police had "obliged" the protestors when they chanted "fill the jails." Now, in Danville, the police "obliged" their own demonstrators who chanted the same things.<sup>168</sup>

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<sup>166</sup> Robert Zellner, "Approximate Chronology of the Danville Movement," circa 1964, "June 10th, 1963."

<sup>167</sup> Robert Zellner, "Approximate Chronology of the Danville Movement," circa 1964, "July 12th, 1963."

<sup>168</sup> "Nearly 800 Negroes Jailed in Birmingham: Pupils Skip Classes To State Marches In Renewed Racial Demonstrations," *Register*, May 3, 1963. ; "Police Halt March After King Talks And Negroes Walk," *Register*, July 12, 1963.

Reporting such as this kept the fault of disruption and violence in Danville with the black demonstrators, and ensured that the paper's wide white readership knew who to blame for the chaos downtown. Another white city paper, *The Bee*, characterized King's speech and subsequent demonstrating as "a hit-and-run commando raid".<sup>169</sup>

*The Bee* article also includes similar sentiments, but goes a step further by explaining a multitude of perceived white generosity to the black community. To the white reader, not only were the black demonstrators bringing harm to themselves by asking the police to essentially react with force and massive arrests, but their actions seemed especially heinous in light of the overwhelming white generosity offered to the black community in the years leading up to the demonstrations. An unnamed author wrote,

"Not many other Southern communities can boast of what we have done of recent years for the Negro community. We have given it a million dollar high school, a city operated hospital, a generous welfare and social services policy, two all-Negro developments providing attractive homes, and destruction of the unsightly subnormal dwellings. We have given and continue to make a contribution to seasonal unemployment by giving equal pay to Negroes employed in like capacity. And yet, in spite of these progressions an element of our Negro population allows itself to be led by the halter into the vicissitudes which today beset us."<sup>170</sup>

The implication of this comment is that white leadership in Danville had given the black community everything it needed and more prior to the protest movement. They had their own schools, a hospital, and, supposedly, better housing. However, nothing in this list the author has curated has anything to do with the real demands of the demonstrators which they had proclaimed since the start of the movement. Leaders of the Danville civil rights movement wanted equal employment opportunities and an end to segregation, but their

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<sup>169</sup> "Fanning The Flames," *The Bee*, July 12, 1963.

<sup>170</sup> "Fanning The Flames," *The Bee*, July 12, 1963.

demands had fallen on deaf ears since the start of the movement. The Danville newspapers carried no real weight in political or legal decisions over the course of the summer, but they did hold a strong social significance. In catering to white segregationist sympathies throughout the course of the summer, Danville papers, especially the *Register*, had served to reinforce the ideologies of Danville authorities and ensure a negative public portrayal of the national and local civil rights movement.

Further newspaper reports after King's visit to Danville lend insight into how misguided the public white perspective was when it came to the protest movement in the city. After King's visit to Danville and speech at High Street Baptist Church, the *Register* and *The Bee* placed King at the fault behind the rush of protesting after his speeches, and immediately elevated him to a place of significance within the Danville civil rights movement. The Register headlines included "Police Halt March After King Talks And Negroes Walk" and "King's Many Boasts – All Empty!" along with the earlier referenced piece from The Bee, "Fanning the Flames" which blamed King for the continued uproar in Danville.<sup>171</sup> In treating King, the SCLC, SNCC, and other whites from outside Danville who came to offer their support as outside agitators who did not represent the views of the city, the paper created the public perception that Danville was a city under attack from a liberal agenda, rather than the grass-roots organization it truly was. The incorporation of these national figures and organizations was intended to revive the movement after weeks of exhaustive marching and protesting, yet it is likely this inclusion actually hastened the movement's demise. The perpetuated narrative by the

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<sup>171</sup> "Police Halt March After King Talks And Negroes Walk," *Register*, July 12, 1963. ; "Fanning The Flames," *The Bee*, July 12, 1963. ; "King' Many Boasts -- All Empty!," *Register*, July 13, 1963.

city's primary white-controlled newspaper reinforced the negative public perception of protestors and created even more barriers for the movement to face.

After King's departure and deeper fissures forming in the movement, one last, massive protest event was planned for downtown. It would be called D-Day, short for "demonstration day," and Reverend Campbell declared that over 1,000 individuals would show up to pledge their support.<sup>172</sup> According to SNCC secretary Robert Zellner, D-Day was initially scheduled for July 21<sup>st</sup>, but Reverend Campbell, who had been gathering signatures of support, decided to push back the event by one week. Though Zellner doesn't explicitly write the reasoning behind this decision, it is likely Campbell was trying to buy time in order to gain more tangible support. When D-Day finally did arrive, it was a complete disaster. The newspapers had reported that the alleged 1,000 people were to show up, but only seventy-seven did, all of whom were arrested and thrown into jail. Robert Zellner writes that the demonstrators in Danville were tired and afraid, and rightfully so. After experiencing weeks of high-stress marches, police violence, and massive arrests accompanied by high bail costs, individuals were worn down. The community was bankrupt, as all their funds had been dumped into lawyer fees and bail pricing that were accumulating higher and higher with each demonstration. Furthermore, the relationship between SNCC and the DCPA began to break down as disagreements over tactics and how to push forward arose in the final efforts to sustain the movement. By the end of the month, nearly all of the SNCC workers in Danville had fled the state to avoid further beatings, arrests, and court battles that would undoubtedly land them in

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<sup>172</sup>Robert Zellner, "Approximate Chronology of the Danville Movement," circa 1964, "July 13th, 1963."

jail.<sup>173</sup> The pressure of a white supremacist institution was too great for civil rights protestors to overcome, even with national aid and resources sent to aid them. As Zellner concludes, “it was difficult to mobilize the masses under conditions of intense and sustained repression...”<sup>174</sup> Under such intense and sustained white pressure, as Zellner phrases it, the movement could no longer continue as it had since its conception at the end of May. The Danville civil rights movement had burned hot and bright for several weeks, but ultimately with no political power or allies in Danville’s white institutions, the movement was extinguished. .

Moving into August, there were no longer any mass demonstrations or organizing hundreds of protestors to descend on city hall. The public organizing and demonstrations of the Danville civil rights movement was over, even as leaders scrambled to find ways to keep the fight alive. When school started that month, seven black students were selected to attend the formerly all-white George Washington High School. This was the first integration of any public schools in the city, and the students chosen to integrate were all children of the movement’s leaders.<sup>175</sup> The DCPA had been encouraging a boycott all summer of businesses that refused to employ African Americans, and sometime that fall the first black clerk at a local department store was hired. More soon followed, as the boycott was successful in affecting white-owned businesses.<sup>176</sup> There were even local Jewish business owners who had given money to the movement over the summer in an

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<sup>173</sup> Dorothy Zellner, interview by Lauren Oakes, July 7, 2020.

<sup>174</sup> Robert Zellner, “Approximate Chronology of the Danville Movement,” circa 1964, “July 28th, 1963.”

<sup>175</sup> Robert Zellner, “Approximate Chronology of the Danville Movement,” circa 1964, “September 1963.” ; Carolyn Wilson, interview by Lauren Oakes, July 20, 2020.

<sup>176</sup> Carolyn Wilson, interview by Lauren Oakes, July 20, 2020.

effort to relieve the economic pressure brought on by the DCPA boycott.<sup>177</sup> In October, the first black policeman in over ninety years was hired at the Danville Police Department, though Chief McCain made sure to state it was only because there were not enough suitable candidates to choose from. There was a brief glimmer of hope the direct protest movement would revive itself that November when Martin Luther King Jr. swore he would return to Danville and lead another demonstration in the city, but, as Robert Zellner writes, “the Messiah never showed up.”

The black community had secured a few tangible victories since the start of the movement in the late spring, and the phase of the movement consisting of direct protest action and demands for economic and social equality were over. Though the outcome was not nearly what civil rights leadership had desired, the victories there were able to accomplish in the face of such intense repression was certainly notable. However, white city leadership was far from satisfied with the outcome of the movement. Enraged that such an affront to social order had been brought to the city, Judge Aiken, Danville police officers, and Councilman John Carter were set to get their revenge through months of ongoing court proceedings that would continue to place a significant economic toll on demonstrators and their families. In addition to court costs and bail money, city attorneys sought to humiliate and downgrade the civil rights participants and thugs, criminals, and liars. The local branch of the NAACP utilized its best lawyers, Ruth Harvey Wood and Jerry Williams, to defend demonstrators and cross-examine police, but it was of little use. The court trials following the end of the movement reinforced that oppressive systems of

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<sup>177</sup> Robert Zellner, “Approximate Chronology of the Danville Movement,” circa 1964, “July 11th, 1963.”

white power in Danville had barely faltered during the course of the movement, and they ensured to make a mockery of the black citizens who had fought for their civil rights.

The trials of demonstrators began in July, kicking off what would become years of bitter court battles. By the start of the trials over 250 demonstrators had been arrested and were charged with “contempt, trespassing, disorderly conduct, assault, parading without a permit, and resisting arrest.”<sup>178</sup> There were also many parents charged with contributing to the delinquency of a minor for allowing their children to participate in the demonstrations. Local lawyers Ruth L. Harvey and Jerry Williams, both affiliated with the NAACP, along with NAACP lawyer Len Holt from Norfolk, took the job of defending demonstrators.<sup>179</sup> It was Jerry Williams’ sons, Robert and Jerry Jr., who had participated in the sit-in at the public library two years prior to start the direct protest movement in the city. Now, their father would be responsible for continuing the civil rights fight from the legal side by defending those arrested during the summer’s many protests. The defense group attempted to get the demonstrators’ cases moved from corporation to federal courts, but each of the defendants were insistent they wanted their own day in court. Scheduling so many trials overran the court docket schedules for the coming months, and all cases not related to civil rights arrests were pushed back to a significantly later date.<sup>180</sup>

The city prosecutors representing Danville were none other than attorney James Ferguson and councilman John Carter, two of the most prevalent and powerful

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<sup>178</sup> Jay Gaidmore, “A Guide to the 1963 Danville (Va) Civil Rights Case Files, 1963-1973” (The Library of Virginia, September 1999), “Historical Note.”

<sup>179</sup> Jay Gaidmore, “A Guide to the 1963 Danville (Va) Civil Rights Case Files, 1963-1973” (The Library of Virginia, September 1999), “Historical Note.”

<sup>180</sup> Jay Gaidmore, “A Guide to the 1963 Danville (Va) Civil Rights Case Files, 1963-1973” (The Library of Virginia, September 1999), “Historical Note.”

individuals who had led the segregationist cause during the fight for the library three years earlier. Ferguson had been exasperated at the state court's ruling that allowed black citizens to use the formerly all-white public library at the Sutherlin Mansion. If Ferguson thought the idea of black citizens being in the Confederate library was "blasphemous," it is likely he found protestor's demands for equal rights, access to private and public facilities, and fair economic opportunity equally repulsive.<sup>181</sup> His 1960 loss in federal court no doubt left him with a bitter attitude towards black civil rights activists, and the prosecution of demonstrators in 1963 presented an opportunity to redeem himself. Like Ferguson, councilman John Carter had also suffered a humiliating loss in the aftermath of the federal decision to open Danville's public libraries to all citizens regardless of race. Not only was Carter leading the fight to close the public libraries completely from his position as a city councilmember, but he was also a leading figure in the planning of a private library for white citizens. Once city council voted to allow all citizens use the library, and their decision was supported by federal courts shortly after, John Carter's work for a private library quickly fell apart. In 1963 he was still serving on city council, yet simultaneously took on the role of prosecutor in handling the massive case load that came at the end of the movement. In 1960, Carter had been adamant he would never give in to the NAACP, and yet he would face them directly in court as both sides fought an extension of the battle that had been brewing for the past three years. The pending court battles would be a struggle over who held the power in Danville, and it was going to get ugly.

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<sup>181</sup> Ruth Harvey Charity, Christina Davis, and Arthur Kinay, "The People's Law Takes Hold," *Southern Exposure* 10, no. 4 (1984).

The first of the trials to take place was *The City of Danville, Virginia v. Lawrence G. Campbell, et als* at the beginning of August in 1963. On trial were Lawrence Campbell and other leaders and participants of the movement who had been arrested for violating Judge Aiken's injunction and the John Brown Statute. Arguing for the prosecution were James Ferguson and John Carter, with NAACP lawyers Ruth Harvey Wood, Jerry Williams, Irwin Miller, and Harry Wood representing the defendants. The long lineup of witnesses included key members of the movement and its opposition such as Chief Eugene McCain, Juby Towler, T. Edward Temple, Reverend Chase, and Doyle Thomas.<sup>182</sup> Judge Aiken was the presiding judge, and the transcripts reveal that most of the objections made by the NAACP defense council were shut down or brushed off over the course of the hearing. Each side had their own story; the defense claimed wrongdoing by the city police during the demonstrations, and the prosecution argued they were particularly gracious throughout the demonstrations. Altogether, the transcripts from that first trial provides thorough insights into the reinforcing facets of white resistance in Danville that existed between city leadership, legal system, and police department working together to halt the civil rights movement.

Chief McCain's questioning by prosecutor Ferguson focused predominately on the tactics of the demonstrators since the movement began and followed a chronological approach, seemingly trying to construct his argument by demonstrating a pattern of widespread disruption to businesses and the downtown areas during the summer. McCain's responses centered around justifying the police department's actions and mass arrests because demonstrators would not listen to police order to disperse from the

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<sup>182</sup> *City of Danville v. Lawrence Campbell, Et Als* Clerk of Court T. F. Tucker (1963).

sidewalks and roadways. McCain's account lacks a description of any police violence whatsoever, even on the violent and chaotic night of Bloody Monday. McCain's description of the night was brief when asked by Ferguson what transpired, and stated that he only the demonstrators had marched to the jail and refused to disperse. "They wouldn't leave, again being told to do so. And I told the fire department to turn the water on them, which they did."<sup>183</sup> Gloria Campbell and SNCC activist Dorothy Zellner both testified later on the group had been praying when the fire hoses were turned on them, something that McCain does not address.<sup>184</sup> Afterwards, Ferguson asked McCain if the water hoses dispersed the crowd and McCain responded that the crowd had not broken up, so he sent his officers in "to pull them alose from the cars and from each other."<sup>185</sup> In spite of this claim, the multiple witness accounts, hospital records, and photographs of banged headwounds of demonstrators, indicate that McCain's men did significantly more than just "pull them alose". They severely beat protestors as well.<sup>186</sup>

Irwin Miller's cross examination was quite different from Ferguson's initial questioning of McCain. Miller attempted to ask McCain more pointed questions about his and the police department's actions in enforcing Judge Aiken's injunction, but was asked interrupted by attorney Ferguson and dismissed by Judge Aiken. When Miller asks McCain if he was aware of the numerous individuals who needed treatment at Winslow hospital after the night of Bloody Monday, Ferguson interrupts and tries to answer the question himself. Ferguson openly admitted there were some African Americans who

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<sup>183</sup> *City of Danville v. Lawrence Campbell, Et Als* Clerk of Court T. F. Tucker, 52 (1963).

<sup>184</sup> Dorothy Zellner, *Danville, Virginia* (Student Nonviolent Coordinating Committee, 1963). ; Lawrence Campbell, *1963: A Turning Point in Civil Rights* (Five Sisters Publishing , 2019), 24.

<sup>185</sup> *City of Danville v. Lawrence Campbell, Et Als* Clerk of Court T. F. Tucker, 52 (1963), 52

<sup>186</sup> Dorothy Zellner, *Danville, Virginia* (Student Nonviolent Coordinating Committee, 1963). ; Lawrence Campbell, *1963: A Turning Point in Civil Rights* (Five Sisters Publishing , 2019), 24.

went to the hospital for first aid that night, but there was no proof they had taken part in the demonstration, and “that’s as far as the Chief can testify.”<sup>187</sup> Chief McCain goes on to state essentially the same thing Ferguson had just said, and that he didn’t know the extent of any injuries that may have occurred.<sup>188</sup> Later, Miller attempts to ask McCain if he could prove that there were citizens in Danville complaining of the demonstrations downtown by producing the letters of complaint McCain claimed existed. Ferguson objects over the relevancy of such complaints, and Aiken agrees and dismisses the line of questioning as immaterial.<sup>189</sup> As Miller tries to hand off examination to co-counsel Ruth Harvey Wood, Aiken refuses to allow it, claiming that in the interest of brevity only one member of counsel is permitted to examine each witness.<sup>190</sup> The exact time that Ferguson was permitted by the court to question McCain is unknown, but the trial transcript shows that Ferguson’s questioning took up over 100 pages, while Miller’s cross examination was significantly shorter in both page length and actually questioning considering the multiple interruptions.<sup>191</sup>

The rest of the witness testimony followed a similar pattern, with Judge Aiken showing considerable leniency with Carter and Ferguson, yet eager to shut down and begrudge the work of the NAACP defense lawyers. Ferguson and Carter worked diligently to go through each day of the protest movement in an effort to portray the movement as orchestrated by dangerous outsiders who had flocked to Danville to cause trouble during the summer. At one point during the questioning of Danville police officer

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<sup>187</sup> *City of Danville v. Lawrence Campbell, Et Als* Clerk of Court T. F. Tucker, 224 (1963).

<sup>188</sup> *City of Danville v. Lawrence Campbell, Et Als* Clerk of Court T. F. Tucker, 225 (1963).

<sup>189</sup> *City of Danville v. Lawrence Campbell, Et Als* Clerk of Court T. F. Tucker, 229 (1963).

<sup>190</sup> *City of Danville v. Lawrence Campbell, Et Als* Clerk of Court T. F. Tucker, 229 (1963).

<sup>191</sup> *City of Danville v. Lawrence Campbell, Et Als* Clerk of Court T. F. Tucker, 83-185 and 185-243 (1963).

Neal Morris, John Carter went through the list of multiple SNCC workers who had come to Danville, asked Morris if he knew them, and had Morris state over and over they were not natives of the city.<sup>192</sup> There were also heated questions between the prosecution and defense over whether or not there had been any violence committed by the protestors towards police. Officer W.L Osborne claimed his patrol car had been shot at the night of Bloody Monday's events as he drove past Winslow Hospital where the beaten demonstrators were being treated.<sup>193</sup> Ruth Wood brought an intense cross-examination in an effort to illustrate that even if the incidents Osborne was testifying to had occurred, there was no proof that the act had been committed by a civil rights protestor. Thus, Wood motioned for Osborne's testimony to be struck from the record as it could not be tied in with the demonstrations. Judge Aiken denied her request.<sup>194</sup> At the end of the trial, all four defendants were convicted.<sup>195</sup>

This first trial is important not only for understanding the perspective of police and those in power who sought to hinder the movement, but also for recognizing the institutional factors that enabled white authorities in Danville to utilize such power while simultaneously blocking African Americans from exercising the same rights. In the courtroom, Judge Aiken was the voice of authority. This trial specifically was for the purpose of deciding whether or not to convict Lawrence Campbell, A. I. Dunlap, Julius Adams, and Arthur Pinchback on the charges of violating Aiken's own injunction and the John Brown Statute, which Aiken had convened the grand jury for earlier that summer. Judge Aiken had issued the injunction specifically to criminalize any further

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<sup>192</sup> *City of Danville v. Lawrence Campbell, Et Als* Clerk of Court T. F. Tucker, 279-282 (1963).

<sup>193</sup> *City of Danville v. Lawrence Campbell, Et Als* Clerk of Court T. F. Tucker, 345-346 (1963).

<sup>194</sup> *City of Danville v. Lawrence Campbell, Et Als* Clerk of Court T. F. Tucker, 347-351 (1963).

<sup>195</sup> Lawrence Campbell, *1963: A Turning Point in Civil Rights* (Five Sisters Publishing , 2019), 22.

demonstrations in Danville, so of course he considered the leaders of the continued movement to be in violation of his own injunction. Furthermore, the legal representation by Ferguson and Carter were leaders in the city committed to upholding white order and staunch supporters of Aiken's injunction. Ferguson had argued for the continued exclusion of black patrons three years earlier during the library fight, and Carter was a sitting council member when they passed the new addition to the parade ordinance specifically targeted at making the downtown demonstrations illegal. Working together, these men representing the functions of law and order in the city created web of white power that was nearly impenetrable. They could create laws to benefit themselves with the power to also enforce those laws in the streets and in the courtroom. Considering such an insurmountable system, a victory by the NAACP in the courtroom would have been nearly impossible.

In September of 1963, a class action lawsuit was filed in the Federal District Court for the Western District of Virginia on behalf of Delores J. Page, et als against Eugene McCain and the members of city council stating the city's parade permit was unconstitutional.<sup>196</sup> That decision was still pending in January when at least seventy-two individuals were tried and convicted for violating the Danville City Code Section 16-20. This law was the one which prevented parading without a permit and was changed on July 10<sup>th</sup> to make sure it would include the civil rights protestors, and all the appellants for this case had been arrested during the failed "Demonstration Day" attempt on July 28<sup>th</sup>. In March, NAACP lawyers Ruth Harvey Wood and Jerry Williams, with the assistance of Jack Greenberg of New York, represented the defendants as they filed their

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<sup>196</sup> *Brief In Opposition Of Petition For An Appeal In The Supreme Court Of Appeals Of Virginia*, 4. (1964).

appeals claims with the Supreme Court of Appeals in Virginia. The lawyers argued that this section was illegal as it violated the due process clause of the Fourteenth Amendment, as well as the free speech and rights to assembly and petition found in the First and Fourteenth Amendments.<sup>197</sup> Furthermore, the updated version of the ordinance which was passed July 10<sup>th</sup> was never made public knowledge or published legally so that any citizen might be made aware of the updated changes or have access to it.<sup>198</sup> In supporting their three key arguments as to why the defendants should have their convictions overturned, the NAACP cited twenty-eight state and federal court cases.<sup>199</sup> James Ferguson refused to be bested by the NAACP, and filed a brief in opposition of the NAACP's file for an appeal to the Supreme Court of Appeals in Virginia. However, the justices of the Supreme Court of Appeals sided with the NAACP, handing one of a few court wins to civil rights in Danville.<sup>200</sup>

The civil rights cases from Danville, Virginia, continued to appear in state and federal courts for a decade after the movement had actually come to a close. In 1964, the Fourth Circuit Court of Appeals had struck down Judge Aiken's injunction order by a slim margin, 3-2, and a strong dissent supporting the constitutionality of the order based off John Brown's law. Three years later during the appeals process, the state courts overturned this ruling in *Thomas v. The City of Danville* and declared Judge Aiken's injunction constitutional, allowing the court trial to proceed through the late 1960s and early 1970s. This ruling was upheld once again in *York v. City of Danville*. The former

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<sup>197</sup> Owen Calvin Cardwell, Jr. (*Petitioner*) v. *City of Danville (Respondent)*, 2 (1964).

<sup>198</sup> Owen Calvin Cardwell, Jr. (*Petitioner*) v. *City of Danville (Respondent)*, 5-6 (1964).

<sup>199</sup> Owen Calvin Cardwell, Jr. (*Petitioner*) v. *City of Danville (Respondent)*, Table of Cases (1964).

<sup>200</sup> *Brief In Opposition Of Petition For An Appeal In The Supreme Court Of Appeals Of Virginia*, 1-15 (n.d.).

rulings were challenged in *Rollins v. Commonwealth* in 1970, and a victory was given to demonstrators when the court ruled that there had to be proof that any demonstrator not explicitly listed in the injunction, that is anyone other than Lawrence Campbell, Alexander Dunlap, Arthur Pinchback, and Julius Adams, had to have had prior knowledge of Aiken's injunction before violating it. As a result of the court's decision in *Rollins v. Commonwealth*, the courts overturned the convictions of nearly 270 individuals arrested during the 1963 protests. However, those listed specifically in Aiken's injunctions did not have their convictions overturned, but upheld for their violation of the law which the courts had deemed constitutional several years prior. The final court proceedings from the fallout of the Danville movement came early in 1973 from Judge Glynn R. Phillips. Judge Aiken had died two years prior, and the current Danville Corporation Court judge had recused himself from the case. Judge Phillips suspended any jail sentences that remained, but did order numerous fines to be paid to the city, which in total was over \$5,000. This action by Judge Phillips was met with intense objection by the city's prosecutors, but their cries fell on deaf ears.<sup>201</sup>

The finale to the civil rights court battles in Danville signaled the end of a messy and tense decade. The ongoing fight in the courtroom lasted exponentially longer than it did in the streets and provides significant insights into how white power in Danville adapted itself in order to uphold its continued resistance to black civil rights in the city. Judge Aiken was alive and serving as Danville's Corporation Court judge, yet in the eight years between the end of the movement and his death he never rescinded his injunction. Doing so would have brought the fight to an end that resulted in all demonstrators, even

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<sup>201</sup> Jay Gaidmore, "A Guide to the 1963 Danville (Va) Civil Rights Case Files, 1963-1973" (The Library of Virginia, September 1999), "Historical Note."

the ones named in the injunction lawsuit, went free with no fines or penalties. There is no doubt that the ongoing trials meant the city incurred exorbitant costs in legal fees, and nullifying the injunction may have meant considerable time and money saved for the city of Danville. Ten years and 270 people indicates a significant amount of time, money, and overall resources being poured into these court trials all so that white power in Danville could be afforded the last word on the matter. When Judge Phillips decided to do away with the demonstrators' convictions, white prosecutors objected.<sup>202</sup> No matter how long it took, if all 270 demonstrators could be convicted then that meant they would be criminals, not fighters for justice or equal rights, but law-breakers. The civil rights movement in Danville had revealed the force with which white leadership was willing to fight back against black equality, but the drawn-out court battles revealed the determination and stamina white power was ready to invest in the fight to ensure they held onto their power in the end.

It was clear the defeat of the civil rights movement in Danville was the result of an interlocking web of the city's institutions of white power which worked together to reinforce each other's actions and effectively extinguish the Danville movement. The *Register* dominated the local narrative received by the white public and made sure no material that favored the demonstrations in any capacity was ever published. Spreading misinformation about the movement and its goals, the *Register* mischaracterized the movement to its white readers, effectively curtailing white public support. City leadership had never demonstrated a real desire to work with protestors or listen to their demands, but instead wrote them off as troublesome, irresponsible criminals. The courts, led by

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<sup>202</sup> Jay Gaidmore, "A Guide to the 1963 Danville (Va) Civil Rights Case Files, 1963-1973" (The Library of Virginia, September 1999), "Historical Note."

Judge Aiken, ensured that no true justice would ever be shown to any civil rights seeker who found themselves in front of the pistol-toting judge. Through intimidation and manipulation of the law, Judge Aiken ordered the enforcement of an Antebellum slave law that allowed the police to react violently and dangerously towards the city's black citizens. Knowing their actions would be justified by Judge Aiken and the broader white public, Chief McCain had borrowed horrendous crowd dispersal techniques used by Birmingham, Alabama's own Bull Connor and perpetuated violence and mass arrests of law-abiding protestors in Danville. Mayor Stinson, Judge Aiken, and Chief McCain waged war for social and political power in the city, and unlike the demonstrators, they had the resources and institutional backing to accomplish their goals.

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