

# *An Unseen Light*

Black Struggles for Freedom  
in Memphis, Tennessee

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## “Since I Was a Citizen, I Had the Right to Attend the Library”

### *The Key Role of the Public Library in the Civil Rights Movement in Memphis*

Steven A. Knowlton

Memphian Jesse Turner, an African American, wanted his wife to be able to use the library. Throughout the winter of 1949 Allegra Turner was in mourning for a younger brother who had been killed in a railroad accident. Looking for a diversion, Jesse Turner suggested that a visit to the library might help Mrs. Turner “become engrossed in both fun and facts.”<sup>1</sup> Mr. Turner, an officer at the Tri-State Bank located just a few blocks from the Cossitt Library on Front Street, had used the Memphis Public Library’s main branch (named for its benefactor, Frederick Cossitt) in the past. Crucially, he had never sat down or tried to borrow a book. Due to a quirk in the rules of segregation, Jesse Turner had been allowed to stand in the reference section while he looked up a few facts in a book. Had he attempted to use the full range of the library’s facilities, he would have known better than to suggest that Mrs. Turner would be welcome at the Cossitt Library downtown.

Her travails that day encapsulate the everyday realities of African American life in segregated Memphis. Allegra Turner, who was familiar with the workings of libraries from her days as a student and instructor at Southern University and the University of Chicago, entered the library and made straight for the card catalog. Almost immediately, a white library employee redirected her to a “small, white picket-fenced area” to wait while library staff bustled about deciding “what should be done.” In the end, Mrs. Turner was instructed to leave Cossitt Library and visit the Vance Avenue branch library, reserved for the use of African Ameri-

cans.<sup>2</sup> She proceeded out to Main Street to find a telephone, intending to call her husband and have him pick her up—but the only establishments open at that hour were restricted to whites. So she caught a bus and, sitting in the rear, rode all the way out to her apartment in the Binghampton neighborhood, several miles away.<sup>3</sup>

Eight years later, Jesse Turner would surprise his wife when he appeared on the television news in a report about “a well-dressed Negro man [who] entered the front door of the main library at Peabody and McLean and requested a library card to borrow books.”<sup>4</sup> Turner’s actions on June 17, 1957, were among the earliest in a swirl of antisegregation activism that African American Memphians and their allies would engage in until the city’s public facilities were open to all. The libraries were the locus of legal action and direct action, and Jesse Turner would become one of the foremost spokespeople for civil rights in Memphis. All this became possible in the eight years between Mrs. Turner’s ejection from Cossitt Library and Mr. Turner’s formal application to use the facility. Memphis and its libraries—and the United States—had changed, but not always in ways that made life easier for African Americans.

In a way, the struggle to desegregate the public libraries of Memphis is a microcosm of the larger civil rights struggle in the Bluff City. While the white leaders of the city did not encourage the violence seen in other southern cities toward civil rights protesters, they were slow and reluctant to open the library to readers of all races—and the library was the first public institution to be desegregated. The libraries of Memphis loomed large in the minds of Jesse Turner and others as symbolic spaces from which the city government barred them.

The concept of libraries as communal sanctuaries is vital. As Wayne Wiegand describes it, the library is a place where “the act of reading becomes dependably pleasurable, empowering, intellectually stimulating, and socially bonding” because it occurs in the presence of others who also value reading.<sup>5</sup> For African American readers, the segregation of the Memphis Public Library was doubly damaging: the only branch open to African Americans suffered from an inferior collection and poor service, and they were excluded from the community of readers who found their intellectual home in the Central Library.

In the end, the desegregation of the libraries met less resistance than

did the efforts to open up schools. Michael Fultz offers the perspective that, compared with other public facilities, libraries provide less of an occasion for the dreaded “social equality” (which, according to Whitney Strub, translates as whites and African Americans forming intimate relationships). Library service is a transactional enterprise, more akin to shopping than to sharing a schoolroom.<sup>6</sup> The director of the Memphis Public Library during the desegregation lawsuit, C. Lamar Wallis, concurred: “I told [the library board] that . . . there would be no violence. . . . Reading in a library is a fairly private affair, you do not mingle with the people around the table with you.”<sup>7</sup> Nonetheless, Turner’s victory in the courts—which was spurred by direct action, including some of the first sit-ins in the city—proved to be a key moment that led to many other legal breakthroughs in the desegregation of public facilities in Memphis.

While victories in the courts—notably *Brown v. Board of Education* in 1954—broke down some legal barriers to integration (de jure if not de facto), they also led to “massive resistance” by whites, who chose to close schools rather than allow their children to attend classes with blacks. Efforts to desegregate libraries also met with massive resistance.<sup>8</sup> But just as school closures quickly eroded white citizens’ will to resist desegregation by sacrificing their own services, so did library closures and vertical integration—in most cases, library service was restored, with full access to African Americans, within a few days.

Massive resistance had little support in Tennessee. Rather, white authorities responded to court rulings that ordered desegregation with foot-dragging.<sup>9</sup> Memphis authorities kept mum throughout the period, and in fact, they continued to build segregated schools even after *Brown*.<sup>10</sup>

The hostile atmosphere of mid-1950s Memphis brought about bold actions by African Americans to end legal segregation, including lawsuits to open Memphis State University to students of all races and to desegregate city buses.<sup>11</sup> A forty-five-day boycott of the city’s largest newspaper, the *Commercial Appeal*, demonstrated the economic clout of the African American community and succeeded in forcing the largest white-oriented newspaper in Memphis to agree to use “titles of respect before the names of Negroes” and otherwise engage in fair reporting about African American activities.<sup>12</sup>

It was in this atmosphere of African American activism and white backlash that Jesse Turner made his move to desegregate the library.

In 1955 the Board of Directors had opened the new Central Library at McLean and Peabody and officially changed its name to the Memphis Public Library; the old Cossitt Library downtown had been transformed into a reference-only branch. As was the case throughout the establishment in Memphis, library leaders apparently chose to ignore the question of desegregation and simply moved forward in administering the city's segregated libraries. In response to frequent petitions from African American citizens, the library board began construction of a second branch for African American readers, but it would not open until after all the libraries had been desegregated.

Before the library board could make any headway on building another branch for blacks, it was confronted with an immediate demand for service by an African American patron at the Central Library. On a sunny Monday, June 17, 1957, Jesse Turner left home for work. During a break from his duties at Tri-State Bank, he ventured to the Central Library and "requested of Mr. Jesse L. Cunningham the necessary cards and/or permission for him and his children to use the facilities of the main library."<sup>13</sup> Library director Cunningham denied him such permission and told reporters, "I was acting on the custom that prevails in this community and the South." The librarian referred Turner to the Vance Avenue branch. The library's Board of Directors "sustained [his] action, unanimously."<sup>14</sup>

Turner's audacious request generated headlines in the white-owned *Memphis Press-Scimitar*. When a reporter pressed Cunningham to provide a legal justification for denying Turner library services, the director admitted, "There is no law, city, county, or state, that I know of that would have prevented" issuing a library card to Turner, and the board had never adopted a policy "in writing" against serving African Americans at the main library. He asserted, however, that the library on Vance Avenue served African Americans, and although it did not have the same holdings as the Central Library, "the library assistant there, if she knew what the borrower wanted and that he was a person really trying to do something and not trying to make a scene, would get the book and have it for the borrower."<sup>15</sup>

Once his personal visit failed, Turner formally appealed for access to the library. Via his attorney H. T. Lockard—president of the Memphis branch of the NAACP and the litigator handling the bus lawsuit as well—

Turner asked for a library card and noted that a denial based on race was “unlawful as well as discriminatory.”<sup>16</sup> After months of stalling, on October 2 the board voted unanimously to deny Turner’s application to use the Central Library.<sup>17</sup> In his formal response to Lockard, board president Wassell Randolph wrote:

It will be contended that Negro readers are not permitted to have joint use of reading rooms with White readers, and it has been and is the unanimous opinion of the Directors that this is not advisable, nor is it conducive to harmonious relations among the people of our City. Forcing people to associate together against their will is the antithesis of freedom. . . . Sadly, recent events have opened wounds which we thought were healed forever, and have destroyed friendships developed among the people of the two races for the welfare, principally of our Negro citizens and for their general advancement; and the Library Directors on their own part, are unwilling to increase the tension or widen the breach now so painfully apparent.<sup>18</sup>

Turner and Lockard persisted, corresponding with the library board throughout the first half of 1958, but they were repeatedly rebuffed. However, other parties were also pressuring the library to desegregate. The most forceful protest was launched by a group that made its case on June 20. Rowland Hill, a white professor at the still-segregated Memphis State University, had gathered signatures from students and faculty at his institution and other colleges in the city and presented an impassioned plea to the Board of Directors.<sup>19</sup> The library did not change its policies, but Hill and his colleague Lawrence Edwards were “ousted” by university president J. Millard Smith.<sup>20</sup> Several signatories later corresponded with Cunningham to rescind their support of desegregation.

Within a fortnight, the African American-owned *Memphis World* was speculating whether Lockard would file suit against the library on Turner’s behalf. The report quoted Turner:

When I go to the library, I am not looking for a particular book. I want to look in some periodical for statistics and facts, in mate-

rial which can not be found at the Negro branch. I feel that I have the right to go [to] any library I choose, for my tax money also goes to support the libraries. It was pretty insulting to be told by Mr. Jesse Cunningham that I was "too intelligent" to want to go to the main library. It would seem to me that "the more intelligent you are the less you need a library" is going backwards.

Turner admitted he had not used and "would never" use the Vance Avenue branch, despite its proximity to his home.<sup>21</sup>

Despite recent setbacks in the other desegregation cases proceeding in Memphis, Lockard and Turner moved forward with legal action. Working with fellow attorneys A. W. Willis Jr. and Russell Sugarmon Jr., Lockard filed suit in federal court on August 15, with the support of the national NAACP.<sup>22</sup> Turner, "on behalf of himself and others similarly situated," sued all the members of the Board of Directors of the Memphis Public Library, as well as Cunningham. For ease of reference, the case was called *Turner v. Randolph*. Turner asked the court to adjudicate the question of whether segregated libraries in Memphis are permissible, to issue an injunction forbidding segregation in the libraries, and to grant him his court costs.<sup>23</sup> Turner sued under laws arising from Reconstruction-era legislation to preserve the rights of freed people under the Fourteenth and Fifteenth Amendments.<sup>24</sup> Although they had been "dead letters" for many years, these laws were still on the books and had formed the basis for much important litigation since the late 1930s.

Despite evidence that desegregation must come—the federal government had made it clear in Little Rock in 1957 that it would support school desegregation, and the Tennessee Board of Education had approved the desegregation of Memphis State University—the whites in charge of the library were steadfast in their maintenance of the color line. Even before the board had a chance to meet and discuss Turner's lawsuit, Cunningham was confidently reporting that "the Library Board is definitely committed to the continuance of our policy."<sup>25</sup>

The City Commission was firmly behind segregation at the library. Commissioners Stanley Dillard, John T. Dwyer, Henry Loeb, and Claude Armour all affirmed that they were "strongly opposed to integration of the Memphis public libraries and will fight any lawsuit that seeks to force

it.” Loeb repeated Cunningham’s assurance that “we have separate but equal facilities. Anyone from one branch can call for a book from any other branch. I don’t know how you could make it more equal.”<sup>26</sup> In the midst of all this action, Cunningham retired as library director and was replaced by C. Lamar Wallis beginning December 1.<sup>27</sup>

The suit would linger many months in court, as Judge Marion Boyd allowed delays to obstruct any decision. Even after the case was reassigned to William E. Miller of the Middle District of Tennessee, there was no movement on the library lawsuit until the spring of 1960.<sup>28</sup>

This did not mean the library escaped the attention of African Americans in Memphis. On the evening of September 22, 1958, four young people followed Turner’s lead and approached the Central Library for service. The first student was told he must go to the Vance Avenue branch, request his book, and wait another day for it to be sent there. He then proceeded to ask librarian Mary Haley if he could listen to records in the library’s music room. “You know that you cannot use the music room,” she replied. He asked if he could borrow a record but was told this was impossible because “none of the Branches may borrow records, since the Record Collection is set up for borrowers who come to this branch.” The other students were also denied access to the books they requested.<sup>29</sup> Cunningham was convinced that these young people had been “sent to the library [and] coached and rehearsed for the definite purpose of being witnesses in our case when it comes to trial.” If so, their interaction with Haley provided plenty of proof that the treatment of African Americans at the Central Library was discriminatory and unequal.<sup>30</sup>

A similar incident occurred on December 15 when a black woman was directed to the registration desk to get a library card, and the registration desk directed her to Vance Avenue.<sup>31</sup> Whether Cunningham’s suspicions were well-founded is unknown. There is no record of any coordinated activity to create a pool of witnesses for the lawsuit.

There was no direct action at the library throughout 1959, but other events that year were of concern to African American library patrons. The winner of that year’s mayoral race was Henry Loeb, the former city commissioner and a strong supporter of segregation at the library. In his campaign, Loeb pledged to “fight any integration order all the way.”



However, he maintained that a Loeb administration would provide services that were "separate but equal, but I mean equal in all fairness."<sup>32</sup>

By the beginning of Loeb's term in January 1960, Turner was still waiting for his lawsuit to have its first hearing. With one delay after another, Memphis had managed to avoid both desegregation and the violence that accompanied it in other cities. The exceptions were the peaceful matriculation of eight black students at Memphis State in the fall of 1959 and compliance with federal regulations at the interstate bus terminal.<sup>33</sup>

The desegregation movement continued despite Loeb's election. Turner filed another lawsuit to desegregate the airport.<sup>34</sup> A mass meeting was held to organize a boycott of local car dealers after a segregated auto show was held in the city auditorium.<sup>35</sup> And on March 19, 1960, African Americans took their place in the Memphis Public Library, regardless of policy. The sit-in was not a novel form of protest; back in 1939, several African American youths had entered the library in Alexandria, Virginia, and read quietly until they were arrested. As a result of their protest, the city built a branch for African Americans.<sup>36</sup> Even so, the wave of sit-ins that swept the South in early 1960 took most observers by surprise. From a single sit-in at a Greensboro, North Carolina, Woolworth's on February 1, the idea spread to Raleigh, Nashville, Montgomery, and other locales across the South.<sup>37</sup> The students of Memphis were ready, and one of their first targets was the Central Library.

Marion Barry, a graduate of LeMoyne College who was attending graduate school at Fisk University in Nashville, had participated in sit-ins at the state capital. He returned to his hometown and spread enthusiasm for protest among his acquaintances.<sup>38</sup> The leaders of Memphis civil rights organizations were caught by surprise when a group of students from LeMoyne College and Owen Junior College staged the first sit-in at the lunch counter of McLellan's Variety Store on March 18. The protesters left the lunch counter as police arrived, and no one was arrested. The students had brought along a photographer from the African American-owned *Tri-State Defender* but had apparently neglected to inform anyone at the NAACP of their plans.<sup>39</sup> Years later, many key figures in the NAACP such as Willis, Sugarmon, and Maxine Smith had no recollection of the lunch counter being the site of the first sit-in.

The next day's protest would have a far different outcome. More than

three dozen students staged simultaneous sit-ins at the Central Library and the Cossitt Reference Library. The reason for choosing the libraries over other segregated facilities remains unclear. But one protester, Jennie Betts, recalled having a strong grievance against the libraries: “There wasn’t nothing in [the Vance Avenue branch]. . . . I was in college and you just couldn’t find anything in the black library that we needed. . . . The one I sit in, everything I wanted.”<sup>40</sup> In court hearings, protesters Gwendolyn Townsend, a LeMoyne student, and Clyde Battle, a student at Owen Junior College, testified that a group of students had been discussing their term papers, and a common complaint was that their college libraries lacked the materials they needed for research, so “they decided to go to the main branch to get the books we needed.”<sup>41</sup>

On Saturday, March 19, a little after noon, twenty-two young African Americans entered the Central Library and, saying little, began to use the library’s card catalog and read at the tables provided. A white librarian observed, “They just came in and scattered around and sat at the tables.” Even hostile witnesses admitted that they were “courteous and not loud or boisterous.” Fourteen others entered the Cossitt Reference Library and sat in the section reserved for white patrons. At both locations, white librarians advised the African American patrons of the rules regarding segregation and asked them to leave. When the protesters remained in the library, the librarians called police. They admitted that “the reasons they had the students arrested was that they were Negroes.”<sup>42</sup>

Within minutes of the protesters’ arrival, police had arrested thirty-six of them. Also arrested were five reporters and photographers from the *Memphis World* and *Tri-State Defender*. This was the first time members of the press had been arrested during a sit-in protest. The students and newspapermen were charged with disorderly conduct, loitering, and threat of breach of peace.<sup>43</sup>

The charges were serious enough that the accused were required to post bond, and they spent many hours in jail until they were able to do so. To pass the time, the protesters sang spirituals and prayed with Baptist ministers.<sup>44</sup> The students put on a brave face, commenting that the only hardship they suffered was “sitting on those hard benches they have in the jail.”<sup>45</sup> The arrested newsmen—and African American public opinion—were less sanguine. The *Memphis World* noted that the young



LeMoyne College students arrested after Cossitt Library sit-in, March 19, 1960.  
(Courtesy Special Collections Department, University of Memphis)

men had been “dumped into jail cells with drunks and other socially undesirables.”<sup>46</sup> Burleigh Himes, the arrested city editor of the *Tri-State Defender*, recalled his experience with “disgust. . . . Offensive to the physical, moral, or aesthetic taste, and you can throw in all the synonyms such as loathsome, sickening (you should have seen the food they offered us in that jail), repulsive, revolting and nauseous for a good measure of the treatment.”<sup>47</sup> L. F. Palmer, the *Defender’s* editor, recounted being “forced to line up against the wall, frisked (searched) and ordered into a small bull pen. . . . Made to accommodate about 15 or 16 . . . shortly our bull pen was holding 41 men . . . back to back or belly to belly.”<sup>48</sup>

The “gutsy, wonderful kids . . . threatening the status quo by fighting peacefully for first class citizenship” galvanized the Memphis civil rights community.<sup>49</sup> Maxine Smith recalled that the executive board of the local NAACP branch was meeting to discuss plans for a Memphis sit-in movement when it received the call to come bail out the library protesters.<sup>50</sup> Lawyers Russell Sugarmon and A. W. Willis were quickly dispatched to the jail to arrange for the protesters’ release.<sup>51</sup> The proceedings lasted several hours. Judge Beverly Bouche set the bond at \$352 for each protester, totaling \$14,432 for the group.

In the meantime, a hastily arranged mass meeting on Saturday evening at the Mount Olive Christian Methodist Episcopal Church drew ministers from numerous churches, and they promised to call on their congregants to contribute money for the sit-in movement.<sup>52</sup> The meeting also resulted in the adoption of a statement for the press, which read: “The Memphis Branch of the NAACP . . . wishes to declare its wholehearted support of these students, their objectives and their non-violent demonstrations. This branch further pledges its moral, financial and legal resources to assist them in achieving these goals.”<sup>53</sup> By the time the bond hearings began at 10:30 p.m., the NAACP had rounded up \$5,270 in cash and put up corporate bonds for the remainder.<sup>54</sup> The police entered the church at around 1:15 a.m., nightsticks in hand, to clear out the building, threatening to “lock you up for loitering on the streets at 1:30 a.m.”<sup>55</sup>

The library protesters, released in groups of fifteen or so, were greeted outside the jailhouse by a jubilant crowd of about a hundred people and escorted to a gathering in a residence at 519 Vance Avenue—right next

door to the Negro branch of the library.<sup>56</sup> As they were released, most of the protesters declined to comment for the press, although Ed Young served notice that "We have just begun to fight."<sup>57</sup> When asked why she was at the library, Gwendolyn Townsend told a reporter, "I felt that since I was a citizen, I had the right to attend the library."<sup>58</sup>

The arrests were not inconsequential. The *Tri-State Defender* ceased publication for a week until its staff could file their reports.<sup>59</sup> A number of students were fired from their part-time jobs or domestic work.<sup>60</sup> Despite the approbation they received in the press, not all the students' families were pleased. Marion Barry recalled that his mother's first reaction to the sit-ins in Nashville had been to reprimand him: "Boy, what are you doing in jail?"<sup>61</sup> The long-term fate of most of the Memphis protesters has not been tracked, but Fred Jones, one of the Greensboro sit-in pioneers, was blackballed from employment after his graduation.<sup>62</sup>

The Sunday following the first sit-ins, African American churches were filled with sermons urging support for the protesters. Herbert Brewster noted that the students "were merely applying Gandhi and Nehru's tactic of passive resistance to compel the white race to live up to its own political and religious philosophy," and he claimed that "even the old, discarded Supreme Court doctrine of 'equal but separate' education facilities is not being lived up to." He told his congregants that phonograph records could be checked out only at the Central Library, and when library director Wallis was asked for a response, he claimed that "so far as he knows no Negro has asked to take out records."<sup>63</sup>

The protesters appeared in court before Judge Bouche on Monday, March 21. In addition to the crowd (including parents of the protesters) that filled the courtroom gallery to capacity, around 250 African American supporters quietly rallied outside the Central Police Station, which also housed the City Court, for the duration of the hours-long hearing. A line of police blocked every entrance to the building, fire hoses at the ready to disperse the crowd.<sup>64</sup> The team of lawyers from the NAACP (described as "every single Negro attorney in Memphis") defended the protesters.<sup>65</sup> Benjamin Hooks claimed that the charge of disturbing the peace should have been pinned on the police rather than the students who were quietly using the library: "If the city policemen would have not arrested these defendants, this hearing would not have

been necessary. This mass disturbance was brought on by the police department.” The city attorney, James F. A. Shea, pressed the argument that the students had conspired to create a disturbance. Lockard took offense, saying, “There cannot be a conspiracy as long as you are acting within law, within your constitutional rights. These students were within their rights to enter a public library and use its facilities in an orderly manner.”<sup>66</sup>

Despite Judge Bouche’s admission that the defense lawyers had “done pretty good,” he found the protesters guilty of disorderly conduct; the charges of loitering and disturbing the peace were dropped. Bouche, in the end, agreed with the prosecutor’s argument that the protesters’ actions were a “threat to disorder.” Bouche declared that the sit-ins were a “mass demonstration that breeds contempt for the law, an open invitation to mob rule, to violence. I don’t care whose mob rule or whose violence, I am not going to stand for it.”<sup>67</sup>

The journalists’ fates were different. Bouche agreed with their defense that they had merely been performing their normal duties associated with reporting and dismissed the charges against most of the newspaper staff. L. F. Palmer, however, was fined \$50 for “talking above a whisper while covering a story in the Front Street Library.”<sup>68</sup>

In addition to the 250 standing vigil outside the courtroom, 2,000 African American Memphians gathered that evening at Mount Olive Church to await news of the hearing. Another \$3,000 in cash was raised for the students’ defense, and “feeling for the cause of the Negro students and their fight ran high through the two-hour meeting.” The library sit-ins had stirred the African American community of Memphis to take mass action. Vasco Smith “said the day has finally arrived. ‘People are shedding tears; tears of joy.’” In addition to the cash raised, the Mount Olive meeting resulted in a proposal to stay away from (but not “boycott”) downtown businesses on Thursdays and Mondays. The NAACP garnered 115 new members that night.<sup>69</sup>

The promised mass action started the very next day. On Tuesday, March 22, there were sit-ins at the Cossitt Reference Library as well as at the Brooks Memorial Art Gallery. Thirteen protesters entered the Brooks Gallery, and ten entered Cossitt, “selected books and began reading.”<sup>70</sup> Prosecutors proffered charges of loitering, disorderly conduct, and dis-

turbing the peace, and the Tuesday protesters spent the entire day in jail before being bailed out after midnight.<sup>71</sup>

The fervor throughout the African American community carried forward into the spring. On March 29 a crowd of 4,500 met at Mount Olive Church and pledged \$6,700 in cash and a commitment to continue to "struggle as long as it is necessary for us to obtain full citizenship."<sup>72</sup> On the morning of April 4 police arrested four students at the Cossitt branch, and four more students were arrested that afternoon at the Central Library.<sup>73</sup>

The library sit-ins sparked a mass movement in Memphis. Sit-ins occurred over the next seven months at lunch counters, bus stations, and churches, resulting in 318 arrests and the eventual desegregation of most public accommodations in the city.

Reactions in the white community varied. The Memphis Committee on Community Relations (MCCR), a body of "moderate" whites whose main aim, according to Laurie Green, was "avoiding civil strife," attempted to arrange meetings with new mayor Loeb and the City Commission.<sup>74</sup> On March 28 the mayor and the City Commission held a conference, closed to the public, with the attorneys representing the protesters. In defiance of the MCCR's hope for moderation, the attorneys requested that "this honorable body desegregate forthwith all public facilities." City commissioner William Farris commented, "I was elected by the citizens of Memphis on a platform to maintain racial segregation and I am going to do just that."<sup>75</sup> No compromise was reached.

The lack of progress was unsurprising. Loeb had recently called the protests an "attempt to take the law and customs of generations into their own hands in groups."<sup>76</sup> Faced with the city government's intransigence, protesters continued their sit-ins and other direct action—but they also ramped up their legal activity. In early May, Willis and Sugarman announced plans to sue for desegregation of the city's tennis courts, the Brooks Art Gallery, the Pink Palace Museum, and Ellis Auditorium.<sup>77</sup>

As these sit-ins and boycotts pressured the segregated establishments of Memphis, lawyers for Jesse Turner finally got their day in court. On June 29 Judge Miller ruled against Lockard's motion for summary judgment—meaning that both parties agreed to the set of facts presented, and the judge would be required to rule only on the question of how the law

applied.<sup>78</sup> Depositions occurred through the summer. Among the facts revealed were the budgets for the different libraries, with vastly different sums appropriated to the Vance Avenue branch and the branches serving white patrons.

A swift turn in the mayor's attitude was noted at the end of the summer. Loeb and the city commissioners met with the library board to reconsider the “long standing policy” of keeping facilities segregated. The library board voted unanimously to defer to the City Commission in determining whether to change the policy.<sup>79</sup>

Loeb was under pressure to desegregate from a number of directions. The federal Justice Department was urging him to desegregate, and he thought that doing so in the libraries would bolster the city's defense in a lawsuit against the public school system. It would show that the city was acting in good faith to move with “all deliberate speed” to desegregate public facilities.<sup>80</sup> Although Loeb never admitted it, the continual disruption caused by the sit-ins and picketing must have influenced his decision. He frequently announced publicly, “I am a segregationist . . . but not a professional segregationist.” His personal inclination toward segregation was tempered by a strong sense of duty to enforce the law and maintain order.<sup>81</sup> In addition, his own lawyers advised him that the lawsuit would probably be decided in favor of Turner.<sup>82</sup>

The first step in Loeb's desegregation program was the announcement on September 19, 1960, that bus riders “will not be asked to change seats because of their race.”<sup>83</sup> Meanwhile, the City Commission had met on September 15 and agreed to desegregate the libraries. The library board agreed to “abide by that decision.”<sup>84</sup> On October 13 the City Commission announced the new policy: “The City Commission has decided the facilities of the public libraries shall be made available to all citizens of the city.” Loeb added, “The libraries were open to all citizens this morning, period. That's all there is to it.”<sup>85</sup> Later that day he explained, “We have opened the libraries. I'm a segregationist and I'm going to do everything I can to hold on to what we've got. But I'm going to do it legally. We will not go beyond the law.”<sup>86</sup>

Despite Loeb's statement “That's all there is to it,” there was, in fact, more to the case. During a hearing on November 9 regarding a consent decree governing the desegregation of the libraries, an unexpected issue



arose. Randolph, the library board president, observed that the board had agreed to desegregate only the library—not the restrooms. “There was no discussion about desegregation of the restrooms, and I understand that there is a city ordinance which prohibits this,” he testified.<sup>87</sup>

Because the libraries had been built without separate restrooms, African American patrons were required to use the janitor’s bathroom in the basement of the Central Library. It was a single toilet for both sexes, cramped and difficult to access.<sup>88</sup> Loeb and the City Commission agreed with Randolph that the desegregation order did not cover the restrooms. They authorized their lawyers to amend the proposed consent decree to clarify that the restrooms would remain segregated, even though the library was not.<sup>89</sup>

At a hearing on December 9, attorneys for the library board argued that the ordinance requiring segregated bathrooms was part of the building code. It required separate restrooms for whites and African Americans and that each be labeled as such. Turner’s lawyers demanded that the order include language desegregating “all facilities within the library” and that the case not be dismissed until enough time had passed to assess the success of desegregation.<sup>90</sup>

Judge Miller ruled in favor of both sides. His order of January 4, 1961, confirmed that all library units, “excepting restrooms and toilet and lavatory facilities,” were to be operated without racial discrimination. However, he agreed to hear the new defense and rule on the constitutionality of the city ordinance.<sup>91</sup> The case was continued until May.

In the meantime, the North Branch—planned as a second segregated library for African Americans—was completed and officially dedicated on March 26, 1961. The library’s information pamphlet about the new branch stated, “It will be open to all residents of both Memphis and Shelby County.”<sup>92</sup>

At the May 3 hearing, the defense argued that, based on an earlier decision out of Norfolk, Virginia, “separate but equal” was still constitutional with regard to restrooms. They also introduced evidence that, in Memphis, “venereal diseases among negroes are 27 times greater than among whites,” making public health a justification for maintaining separate restrooms.<sup>93</sup> Lockard called the last point “a flagrant subterfuge aimed at cutting off one segment of the population from public places.”<sup>94</sup>

Miller's ruling came on July 22, 1961. He found that the "separate but equal" doctrine "has been generally swept away" and that segregated restrooms violated the equal protection clause of the Fourteenth Amendment. As to the issue of venereal disease, Miller found that "in the absence of proof, one would be led to believe that venereal disease would not be expected to occur to any appreciable extent among that segment of the population, whether white or negro, using the . . . public libraries of the city." Furthermore, toilets are not a significant vector for venereal disease.<sup>95</sup> Miller's order stated that "all public restrooms, lavatories, toilets and other public facilities in all public library units . . . shall hereafter be maintained and operated by them without discrimination."<sup>96</sup>

Although Loeb wanted to "fight the restroom case to the final limit," all parties recognized that the law was on Turner's side, and the board agreed to drop the suit. After the final order was filed on August 19, Wallis had his staff "remove the 'white' and 'colored' signs from the restrooms quietly and with as little publicity as possible."<sup>97</sup> The public libraries in Memphis were no longer segregated by law.

In contrast to the great publicity surrounding the inauguration of the library sit-in movement, the successful conclusion of Jesse Turner's lawsuit garnered little attention. The *Press-Scimitar* and the *Commercial Appeal* each gave it three or four column inches. The *World* made it front-page (but not headline) news, and the *Tri-State Defender* ignored it completely.<sup>98</sup> The final ruling on the restrooms got a two-sentence write-up in the *World*.<sup>99</sup>

The lack of press coverage was proportionate to the lack of drama at the library after desegregation. In the first week, fewer than 200 African American patrons registered for library cards at the formerly all-white branches.<sup>100</sup> Among them were Allegra Turner and her three sons.<sup>101</sup> Two African Americans attended a book talk on October 20, and their presence caused no disturbance.<sup>102</sup>

Although the number of African American patrons at formerly all-white branches increased over the next few months to more than 2,000, African Americans' library use lagged behind white use at least through 1967. A report commissioned by the library that year found that only 35 percent of African Americans surveyed had library cards (compared with 48 percent of whites), and that only 18 percent had visited a public

library in the previous year (versus 41 percent of whites). The Memphis Public Library's long history of segregation, underfunding, and poor service to African American patrons had lasting effects. One African American respondent reported that she didn't use the library because "we used to couldn't go for so long and I never worried about it then."<sup>103</sup> Some may have been put off by the attitudes of people like Wallis, who wrote that the African American patrons he encountered were "polite, courteous, and understanding, and the older students have shown a surprising knowledge of the card catalog."<sup>104</sup> Others, deterred by the distance of the Vance Avenue branch from their homes, never picked up the habit of visiting the library once branches were opened closer to them. And, of course, reading requires both literacy and leisure time, both of which were more common among whites than among African Americans in the 1960s.

Allegra Turner called the day of Miller's desegregation order "bittersweet." Her oldest child was already ten, well past the age when she would have liked to introduce him to the pleasures of the library and instill a lifelong habit of patronizing it.<sup>105</sup> And the library's resistance to desegregation left ill will in the community. In 1967 the Youth Council of the Memphis NAACP sent a petition to the library board accusing it of hiring "Negroes for your Negro branches only." It reminded the board, "Your record of service to this large segment of our community is disgusting. We have not forgotten that it was you who, when forced to integrate, continued to maintain segregated restrooms and then attempted to justify your action in court by arguing that you were protecting your white patrons from the venereal disease infested Negroes. No, we have not forgotten."<sup>106</sup>

Perhaps the lack of jubilation over the library's desegregation was simply due to a shift of focus, as African Americans in Memphis had moved on to new lawsuits, new protests, and new threats. The library sit-ins kicked off an energetic embrace of protest by black Memphians that lasted for years and had profound effects. Boycotts and pickets of downtown businesses absorbed the energies not only of students but also of many adults working with the NAACP and other civil rights organizations. By 1963, movie theaters, buses, the zoo, the Brooks Memorial Art Gallery, and three golf courses were desegregated. Schools were deseg-

regated by law in 1961 but remained largely segregated in practice until at least 2016, despite the implementation of a busing plan in the 1970s. Parks remained segregated through 1963.<sup>107</sup>

Doris Mulhearn notes that the library desegregation suit had “tremendous symbolic meaning in the struggle for civil rights in Memphis.”<sup>108</sup> It was one of the first of many victories. Yet, even as Judge Miller was ordering the restrooms desegregated, Mayor Loeb was outlining what the rest of the decade would hold in a speech at the Rotary Club:

I know, as does every intelligent Negro citizen of Memphis, that full citizenship never comes to any minority group through the hands of politicians attempting to use the minority group. It does not come from always asking and never giving. It does not come from continuously pushing and not pulling in the whole community's interest. It does not come from political chicanery of shrewd leaders of Negroes whose talents could be better used in leading their constituents down the road of responsibility. Full citizenship comes from the toil of the level-headed people of common sense and moderation. . . . It comes finally—and this had not been done and this is the challenge—with an assumption of responsibility by the Negro community meeting the white community half way on what is best for all of us.<sup>109</sup>

Even as Loeb was conceding defeat, he was making it clear that he would continue to resist the inclusion of African Americans in the civic life of Memphis. Loeb's intransigence would have tragic repercussions in 1968, when his hard line against striking sanitation workers caused Martin Luther King to visit Memphis to support the protesters—and encounter an assassin's bullet.

The legacy of Jim Crow library operations was not resolved overnight. In fact, allegations of racism in hiring and promotions persisted into the 1980s.<sup>110</sup> But by 2005, the library system showed that, in Wanda Rushing's words, “Memphis is not the place it was” when it named its main branch after Benjamin Hooks (who had gone on to have a long career as a judge, federal communications commissioner, and executive director of the national NAACP), thereby creating “a powerful sym-

bolic resource in civic space for establishing a community of memory and retelling the constitutive narrative of the city.”<sup>111</sup> Today, visitors to the Benjamin L. Hooks Central Library will find African Americans well represented among its patrons and, to a lesser extent, among the staff. In another show of change, the widow of Jesse Turner, the man who sued to force the library’s desegregation, was appointed to its Board of Directors in 1990 and served for twelve years.<sup>112</sup>

## Notes

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3. Turner, *Except by Grace*, 110, 120.

4. *Ibid.*, 111.

5. Wayne A. Wiegand, *Main Street Public Library: Community Places and Reading Spaces in the Rural Heartland, 1876–1956* (Iowa City: University of Iowa Press, 2011), 6.

6. Michael Fultz, “Black Public Libraries in the South in the Era of De Jure Segregation,” *Libraries and the Cultural Record* 41, no. 3 (2006): 348–49; Whitney Strub, “Black and White and Banned All Over: Censorship and Obscenity in Postwar Memphis,” *Journal of Social History* 40, no. 3 (2007): 685–715.

7. C. Lamar Wallis, interview by JoAnn A. Lynn, November 28, 1984, transcript, Mississippi Valley Collection, University of Memphis Libraries.

8. The cities of Danville and Petersburg, Virginia, and Greenville, South Carolina, closed their libraries rather than desegregate. See David M. Battles, *The History of Public Library Access for African Americans in the South, or, Leaving behind the Plow* (Lanham, MD: Scarecrow Press, 2009), 119–20; Stephen Cresswell, “The Last Days of Jim Crow in Southern Libraries,” *Libraries & Culture* 31, no. 3/4 (1996): 559–61.

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14. John Spence, “Negro Asks to Borrow Books from Library,” *Memphis Press-Scimitar*, June 28, 1957.

15. *Ibid.*

16. Lockard to Randolph, July 15, 1957, LHC.

17. Minutes of the Board of Directors of Memphis Public Library, October 2, 1957, LHC.

18. Wassell Randolph to H. T. Lockard, October 3, 1957, LHC.

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