

Civil Rights and the Press Symposium
Opening the School House Door: Brown and Its Aftermath

Saturday, April 24, 2004

Panel: Ray Jenkins, Herb Kaplow, John Herbers, Moses Newson, and Gene Roberts

Professor Lynne Flocke: Good morning, everyone. Welcome to panel two of the Newhouse Civil Rights and the Press Symposium at Syracuse University. The title of this panel is “Opening the School House Gate: Brown and Its Aftermath.” I particularly would like to welcome the students that are here today. I was thinking of you during the first panel. I hope you feel like you are part of this. I hope you feel proud to be a part of seeing journalism at its very best. “With all deliberate speed,” the Supreme Court stated in the decision to desegregate American schools in the Brown case. As the plaintiffs in the case, Linda and Cheryl Brown said last week on our campus, “If you look up deliberate in the dictionary, it means slow and unhurried.” So there was an interesting choice of words – “with all deliberate speed.” The struggle that ensued to integrate the schools in the South became a defining movement in American history.

We have with us today witnesses to that struggle. They were there with their cameras, their microphones, their reporters’ notebooks, and pens, scribbling down what they saw and pounding out their words on typewriter keys. They have come here today to share with us their experiences and their insights. I am honored to introduce our guests. Starting on your far left: Herbert Kaplow, a native of New York City, graduated from Medill School of Journalism at Northwestern University in 1951, is now a Washington correspondent for ABC News. He spent many years with NBC News reporting on the Civil Rights Movement. He’s covered the Supreme Court’s ruling in the Brown case in 1954, the Little Rock confrontation in 1957, among other desegregation crises in other cities. He’s covered every political convention for the last quarter of a century. He’s covered President Nixon – as president, as vice-president on his trip to South America, and as governor-hopeful Nixon. He has won numerous awards, including the 1983 Unity Award for “The Kennedy Years,” an ABC radio report. “The Dream Revisited,” an ABC Radio news special report, marking the 20th anniversary of the March on Washington, and an Emmy for the ABC series “Directions.” I’d like you to welcome Herbert Kaplow.

To his left is Moses Newson. In his 25 years as a journalist, covering a wide range of civil rights stories, including the 1955 Emmett Till murder trial in Mississippi; school desegregations in Hoxie, Arkansas, in 1955; Clinton, Tennessee, in 1956; Central High School in Little Rock, Arkansas, in 1957; and the desegregation of the University of Mississippi in 1962. He covered these

events for the Baltimore Afro-American newspaper. He was one of only two reporters aboard the CORE – Congress of Racial Equality – Freedom Ride bus that was firebombed in Anniston, Alabama, on Mother’s Day in 1961. The winner of numerous editorial, news, and feature writing awards, Mr. Newson has reported from four national conventions and several foreign countries, including Nigeria, South Africa, Panama, Cuba, Jamaica and the Bahamas. He graduated from Lincoln University in Jefferson City, Missouri, with a degree in journalism, and is a co-author of “Fighting for Fairness,” the life story of Hall of Fame sports writer Sam Lacy. Let’s welcome Moses Newson.

To his left is Ray Jenkins. Ray is a Georgia native and a University of Georgia graduate. He began his journalism career in 1951 as a reporter for the Columbus Georgia Ledger. In 1954 he covered the Phenix City, Alabama, upheaval, winning the Pulitzer Prize for public service for his newspaper. For 20 years, in the ‘60s and ‘70s, he worked for the Montgomery Advertiser Journal. His posts at the Alabama capital city’s newspaper included city editor, managing editor, executive editor, and vice-president. And, by golly, if there are any of my Comm Law students here who have read “Make No Law” by Anthony Lewis, he is the man that started it all by “knocking out,” as he said, the first little short story about that famous advertisement that appeared in The New York Times. He’ll tell you more about that. He covered the rise of Martin Luther King, the governorship of George Wallace, the decisions of federal judge Frank Johnson, which in time would become the foundations of expanded Civil Rights in the South. From 1979 to 1981 he was Special Assistant for Press Affairs to President Jimmy Carter. After 10 years as the editorial page editor of the Evening Sun in Baltimore, he retired from daily journalism in 1992. He’s been a member of the Alabama Bar and even fellowed at Harvard Law School, a lecturer at journalism programs in China. In 1985, he was awarded the Ernie Pyle Award for human interest reporting. He has written extensively on Southern politics and culture for The New York Times, The Christian Science Monitor, and other publications. He is the author of “Blind Vengeance,” a book about the assassination of a federal judge in Georgia in 1989. Let’s please welcome Ray Jenkins.

Next to him, John Herbers. John Herbers was born in Memphis, Tennessee, and educated at Emory University before beginning his journalism career in 1949 in Mississippi. He spent 12 years at The Greenwood Morning Star, The Jackson Daily News, and United Press International. During that time, he covered the origins of the civil rights movement, the effects of the Supreme Court’s Brown v. Board of Education decision, the trial and acquittal of the two white men for the murder of Emmett Till – the 14-year-old black boy who was accused of whistling at a white woman, and other aspects of the racial struggles. In 1963, he joined The New York Times Atlanta bureau. From there he covered Martin Luther King’s movements in Birmingham, in Selma, in St. Augustine; the KKK’s attacks on Civil Rights workers and church burnings in the summer of 1964. In 1965 Mr. Herbers moved to Washington, D.C., where he covered civil rights legislation,

Congress, and the White House. He also worked at the Times as the Times' assistant national editor, Washington bureau, news editor and roving national correspondent. His books include "The Lost Priority – What Happened to the Civil Rights Movement in America?"; "The Black Dilemma"; "No, Thank You, Mr. President"; and, "A New Heartland: America's Flight Beyond the Suburbs and How It's Changing Our Future." Please welcome John Herbers.

And our final panelist is Gene Roberts. Gene Roberts has had a legendary journalism career spanning 50 years and including work at Detroit Free Press, The News & Observer of Raleigh, and The Norfolk Virginian Pilot. He served as the Southern bureau chief for The New York Times in charge of its civil rights coverage from 1965 to 1967. He also reported from Norfolk, Virginia, where the state was closing – I found this incredible when the Brown sisters mentioned this last week – closing public schools in their state to avoid integration after the Brown decision; the spread of the sit-in movement across the South, and Martin Luther King's marches in Durham, North Carolina. After leaving the Times, he became one of the nation's most respected editors at The Philadelphia Inquirer, which won 17 Pulitzer Prizes under his leadership. He currently teaches a course on the press and the civil rights movement at the University of Maryland, and is writing a book on the era. He graduated from the University of North Carolina and was a Neiman Fellow at Harvard. He currently sits as a member of the Neiman Fellowship Selection Committee. He serves on the Board of Governors for Columbia University's Seminars on News Media and Society, and chairs the Pulitzer Prize Board for awards in arts, letters and journalism. In 1993 he won the National Press Club's Fourth Estate Award for distinguished contributions to journalism. Please welcome Gene Roberts.

Lengthy introductions, but very important for the people that are here today. Each person is prepared to speak for a few minutes about their association with covering the civil rights movement. I thought a good place to start would be with Herb Kaplow. He is the lone television person on the panel, so that distinguishes him. But, also, he was there at the very beginning of Brown v. Board of Education when NBC got the bulletin that the Supreme Court was ready to rule. So I will let Mr. Kaplow start from there.

Herb Kaplow: First, a logistical matter. I retired in 1994. I must have sent you a really old biography. What I've been doing since has been important things, like playing with children, sitting with our children, taking out the garbage, having lots of lunches with colleagues. And they're always the same lunch. We always say the same thing – "You guys don't know what you're doing, do you?" Then, of course, we talk about our health problems. More and more, we talk about our health problems. It is a drastic, dramatic turn from what I did for 50 years. I think I'm adjusting. I don't know whether I want to do this another 50 years, but unlikely I'll have that problem.

May 14th, 1954, the bells rang on the tele-printers. May 17th? That shows you how accurate a reporter I am. But I only missed by three days. The bells rang on the tele-printer in our bureau. I went to it. It indicated, of course, that there was a bulletin to move, or maybe a flash. A flash in those days was even higher than a bulletin in terms of what was to be put out. Sure enough, a few seconds later, the printer started to print out the story, something to the effect – “Washington ‘separate but equal’ doctrine enunciated about 60 years earlier was overturned by this Supreme Court.”

It was, of course, the Brown decision saying that things have changed. It was, of course, a monumental move. I was sent up with about every other reporter in town to the court to get whatever we could, assuming that people were going to gravitate there and that the participants in the litigation would be available, as they were. We got up to the court, people were gathering. Among the people we saw and we’d start to interview were Thurgood Marshall, the lead lawyer for the Legal Defense Fund, which was allied with the NAACP. I remember James Nabrit was there. Then there were the lawyers and participants on both sides in question. We just ran around grabbing everything we could. We knew it was an historic moment because, of course, there had been a buildup. The cases had been argued and we started to get acquainted with what was happening. We knew it was a very historic event, but I must say, looking back now 50 years, I really don’t think we understood how far-reaching the Brown decision would be. It went far beyond just the question of education. It went to just about every facet of American life. Even now, 50 years later, it reverberates from time to time. We look back again, we say to ourselves, “Boy, that was our biggest story.” I have sort of taken a poll about men who served and who covered stories in Vietnam, which was a major story. Almost all of them say this was the bigger story, the biggest story we ever covered, for a lot of reasons – dramatic, for its historic value, for the challenge, for the personalities we ran into, and for trying to figure out what we came to believe more and more what was going to be an epic moment in American history.

After the decision was handed down, the next step was to implement it. That meant several of us and, before we knew it, we were off mostly to the South, where the segregation laws were on the books and were really the most tangible targets for the first steps in implementing Brown. I don’t know exactly when it was, but we all headed south mostly because that was where the laws were, the segregation laws. We ended up going to places you all heard of: Little Rock was 1957, but there were a few places in between 1954 and 1957. I remember going to Farmville, Virginia, which was one of the five cases in the Brown decision. It seemed to turn into a touring group of all of us. We kept seeing the same people every day going from one place to the other, and it became sort of a fraternity.

So, for about the half dozen years after Brown was handed down in 1954, the action was in implementing the decision. First, in the most obvious target, the South. Then, it happened in about 1962 – John Kennedy was president. Quite a

bit had been accomplished in desegregating. We still had obviously a long way to go, but some progress had been made; particularly, in the area of the federal courts. The federal courts were remarkable in enforcing the Brown decision. They never swerved from pushing that. They didn't tolerate any nonsense. Jack Bass, a South Carolina reporter wrote a good book about the federal appeals court in New Orleans. They just drove home everything. It was the Democrats and the Republicans. There were Elbert Tuttle and John Minor Wisdom, both of whom were Republican functionaries in Oklahoma and somewhere else. Most of what they did in that appeals court was unanimous, as was the ultimate decision. Then, all of a sudden, in 1961 or 1962, Birmingham came along. Birmingham was probably the toughest segregation nut to crack in the whole country. It was rough and tough.

But, you all know what happened. One day, Bull Connor, who, sort of right out of a bad novel, decided that he would go after the demonstrators. They were there as part of Martin Luther King's operation. They turned the dogs and the hoses, and you saw Charlie's pictures up here. These pictures, of course, by that night, were sent probably around the world, certainly all over the country. Also, the words from the print crew sent around the world. What was significant then was, there was a debate. Kennedy had said in about '61 or '62, "Maybe it's time to have a respite in our pursuit of Brown." His idea was not any flagging of his dedication to desegregation. It was more a political judgment, I think. He had other things he wanted to do legislatively, and he knew that some of the key figures who would be involved were people like Jimmy Eastland of Mississippi, Russell of Georgia, who were very powerful and could stymie a lot of the other legislation that he might want. So he said maybe you could mollify these guys for a while by easing up on the civil rights stuff. A debate ensued. Not so much among the public, but in the political sphere – in Congress in particular. Should we have a respite or move on? Kennedy submitted a new package of legislation. It was immediately criticized by a lot of these civil rights activists as being too timid, not far-reaching. I think it was essentially a voting rights package. But they criticized because the argument came down to, "Whatever your concerns, Mr. President, with other legislation, we can't not press on. We should not have a respite." The pictures from Birmingham went out. By nightfall, they were all throughout the country, and then they went elsewhere.

In a short time, the public consensus formed, and the answer was "No respite. Press on." I thought it took about a couple of weeks for the message to get back to the White House. Subsequently, I ran into somebody who worked right in Bobby Kennedy's office, and I said, "Two weeks." He said, "We got the message a lot faster than that and we knew." Kennedy withdrew that poor, modest package of legislation that he was proposing to Congress. The resubmitted one, which was essentially a stronger one, it was a public accommodations package. It was passed in Congress. It was implemented. Jack Kennedy died. Lyndon Johnson picked it up, and it became the law of the land in 1964. The message I got out of it goes back to our roles as journalists.

I think everybody will agree that journalists' basic obligation is to tackle tough issues that involve the American people, to investigate them, to study them, to go into them. Then report all that material back to the American people – the best information we could possibly get – whether it's on television or radio or magazines or the wires or newspapers – get it back to the American people. Lay it out before the American people, so that the public can decide the best possible public policy. In this case, what happened was the public decided on the basis of all the stuff we shoveled out, the message was “press on.” Never before that, nor since, have I been involved with a story where that connection has been so graphic and so present as that time. That, I thought, was a major turning point, and I think about it a lot because it's a great story.

Flocke: We'll have plenty of time to ask questions of our panelists later. Moses Newson, you were a reporter for the black paper in the Afro-American press in Baltimore. As Dorothy Gilliam so eloquently described in the first session, the black press was there. The black press did not need the 1954 decision to be there. The black press had been there since a very early date, 1827. From your unique perspective, I hope you will share with us among your experiences.

Moses Newson: Actually I started my first five years with the Tri-State Defender in Memphis, Tennessee. Little Rock was my first story for the Afro-American newspapers. One of the things we were confronting after the decision came down, which made a lot of people very angry and a lot of people very happy and a lot of people very hopeful, was the attitude of a lot of people and various differences in the way things were enforced. I would pick up at Hoxie, Arkansas. Hoxie was a very small town. It decided in July, 1955, to integrate its school system. The thing that was important about Hoxie was it was the first Southern school system to integrate. It was sort of surprising when we got over there, it was one of those things that people in the press would call a piece of cake. They invited us to get on the school buses and shoot pictures and talk to the kids. They invited us into classrooms to talk to teachers and talk to kids. That was the last time that would happen that way.

Several weeks after the schools opened, they ran into some problems and they had a legal fight. Eventually they won and continued. After that, I was sent to Clinton, Tennessee. Clinton, Tennessee, was one of those strange little towns. Actually the son of the mayor was one of the people who was representing his school board. It had been a long, drawn out fight. Most of the black people in Clinton, Tennessee, lived up on a hill. I don't know if you've been in east Tennessee – a lot of mountains and hills. Every day the kids had to walk down that one hill, come down another hill, walk down that one road to the school, which was on the left. On the right we had this large group of people who were yelling things, jeering at the kids, calling them names. One of the things that interests me about that situation, there was a white minister there who one day walked down the hill with those kids to give them a little support. What

happened? The white people started haggling among white people. This minister lost his church and had to leave the area.

That kind of added to what was going on there. At night, people would come down from the mountains and fire off guns. I took it upon myself to live over in Knoxville, which was about 18 miles away. Every night I would get out of there except one night, the KKK was supposed to ride up through there. They sent word that they were coming up for a little intimidation. There were a couple of GI's there, the people told me I should talk to. They had sent word back down the hill that if the KKK came up and bothered anybody, they were not going to get back down the hill. I stuck around that night but nothing actually happened. In 1957, my first job for the Afro-American newspapers started over to Little Rock. My first day in Little Rock, I was going up Park Avenue, which runs across the front of the school. This was shortly after Governor Faubus had called out the National Guard. I was greeted by Colonel Marion Johnson, who told me he thought my presence there might cause problems. So he gave me a couple of troops to escort me out of the area. The next day that I was there, I believe, was the 23rd of September. Four of us were going up towards the school, going up 16th Street. We were attacked by a mob of about 300 people. I made it my business, along with Jimmy Hicks, to stay ahead of them as we ran down the hill.

One guy who didn't run was L. Alex Wilson. He had been my boss at the Tri-State Defender. Talking to him later, I found out the reason he didn't run is because down in Florida, he had run from the KKK once and promised himself he would never do that again. He took quite a beating there in Little Rock. On the 25th, President Eisenhower sent in troops. What is important about Little Rock there is this was the first time military force had been used to uphold a court decision. That was one of the most important things. It was a tough situation there. There were a lot of human stories that came out of that that might get a chance to mention later.

One day, I picked up the paper and saw a couple of inches there saying that a boy was missing down in Mississippi. This is the story of a 14-year-old kid who had come down from Chicago to visit with his relatives down there. The word is that he had whistled at a white woman. Being from the South – Florida myself – I knew that was going to be a problem, so I went down and shot some pictures. When we got to trial date, September 19, they started the trial. They didn't mess around like they do now. The event happened around August 24, and they were having a trial. First thing we learned when we got there, we were greeted by Sheriff Strider. He announced to us that blacks would not sit at the press table with whites. He wasn't going to have that kind of thing in Mississippi. He said we could sit in the audience out there and do the best we could. Eventually they put a table over for the black press off to the side. Some of the black reporters had protested to Judge Swango. Also Congressman Diggs had come down as an observer from Detroit. He put in some words and we finally got a press table there.

That was sort of a sticky situation there because Strider was the sheriff who would normally work for the prosecution. He was working for the defense. The first thing we found out is that prosecutors need more witnesses. I joined with three people from the NAACP. We put on our old clothes, like plantation people would wear. We went out to some of the plantations to see if we could find some witnesses that might be helpful. We found two people who turned out to be good witnesses – a woman and a young 18-year-old kid. They testified, but, of course, I think most of us never figured there would be a conviction in that case. Later, in '61, I got a call from James Farmer of CORE. He was going to go down and test whether blacks could use transportation facilities.

A lot of people don't know it, Rosa Parks – when she refused to give up her seat, that resulted in a Supreme Court decision that covered intrastate transportation. In 1946, a woman named Irene Morgan, in the Supreme Court case of Morgan v. Commonwealth of Virginia, she had refused to give up her seat and had won a case dealing with the interstate transportation. But nobody had gotten around to enforcing that law. That's what the Freedom Rides were about. There were two buses – a Greyhound and a Trailway. People who were involved would get off at these various places – a white person, a black person, and go in and see if they could use the facilities. John Lewis, who will be speaking here tomorrow, one of the first people I saw shed a little blood. A little place called Rock Hill, South Carolina. He went in with a couple of whites, and they were thrown out of that place. That was Mother's Day when we went into Anniston, Alabama. We had been warned by a bus driver who met us on the road to tell us there was a mob up there at the bus station. And it was. They started calling names, they were breaking out windows, they had chains and pipes. Police were relaxing off at the side. What happened, we didn't realize it at the time, they had put nails and things in the tires of the bus. We started to pull out of there. You know, you get that good feeling, "Oh, boy, we're out of here." Then the tire goes down. The tire goes flat, the bus has to stop. We couldn't get very far because there was a little car standing in front of the bus to keep it from picking up speed. There was a line of cars following us from the back side. Once we got out there, they started breaking out windows again, calling names. I suppose what really saved us was the state trooper that we didn't know was on the bus. He got out, strapped on his pistol, stood in the door of the bus, and he wouldn't let them come on the bus. Eventually they broke out the window and threw a bomb just a seat behind me. The worst I got out of it was some spots behind the ears. I got burned behind the ears. Some of us got hung up there in the hospital and couldn't get out until Fred Shuttlesworth sent some buses in to pick us up.

The last story I will mention is Ole Miss. James Meredith decided he wanted to go to Ole Miss in Mississippi. I'm not sure why he wanted to pick Mississippi or do something like that. He was an Army veteran. He's a very brave guy. So many of these young people were very, very brave people. I had been in Memphis five years, so I thought I'd get a jump. I know the federal marshals had

him out in the air base. I went out there trying to get some sort of scoop. It didn't work out. Nobody could get close to Meredith. On the way down to Oxford, Mississippi, I was listening to all these radio stories. Jimmy Hicks and I were driving down together, and they were actually fighting a little civil war down there. As you've heard, two people got killed. One of them was a reporter. On the way down, we decided we wouldn't go out there that night. We found a place where we could get a rooming house, and the next day we got up on the campus and talked to a lot of people. That was the kind of thing that was going on if you were covering the civil rights movement at that time.

Flocke: We've started with a television network based in New York. Then we went to the black Southern press. Now we'll hear a perspective from the Southern white press. Ray Jenkins.

Ray Jenkins: Thank you, Lynne. Many times in this conference it has been mentioned that this is the 50th anniversary of Brown v. Board, also the 40th anniversary of the Civil Rights Act of 1964. But it is also another anniversary, the 40th anniversary of the case of The New York Times v. Sullivan. I'd like to take my 10 minutes to talk a little about that because I have a certain proprietary interest in it.

You have to go back to 1960. One of the most tense and violent times of the civil rights movement. I was the city editor of the Alabama Journal in Montgomery, Alabama, at that time. One of our readers of our newspaper was a young minister named Martin Luther King, who was causing a lot of trouble for the authorities in Alabama. They were using every resource at their disposal to stop this troublemaker. One of them was that they indicted him on a charge of evasion of Alabama income tax. He was the only person in history, either before or since, who has been indicted on that charge. The allegation was, when people contributed money to the collection plate in the Dexter Avenue Baptist Church on Sunday mornings, this was personal income to Martin Luther King. He should have been paying taxes on it, which would have been thousands and thousands and thousands of dollars. The charge was so utterly ridiculous that, in time, an all-white jury in Montgomery, Alabama, acquitted Dr. King. In any case, it was taken very seriously. If he had been convicted of this, there probably would have been no basis for an appeal to the federal courts because it was an exclusively state matter. Alabama could have sentenced King to a long prison sentence, and he may never have been heard of again.

It was a very serious matter. In order to defend him, a group got together calling itself "The Committee to Defend Dr. King" or some such, and they published a full-page ad in The New York Times soliciting funds for his defense. If you'd show the ad, I believe we've got it: "Heed Their Rising Voices" was this full-page ad. I can't read that date, but it was some time in 1960. You'll see down at the bottom, you can't read those names, but it was signed by some very 60 prominent people in America. Eleanor Roosevelt's name was on it; Harry

Emerson Fosdick, the great theologian; Harry Belafonte; Shelley Winters, the actress. That gives you the drift of who was on it. Appealing for funds to defend Dr. King, who was at that moment on trial across the street from my newspaper on this charge of evading state income taxes.

At that time, The New York Times had a total circulation in Alabama of under 600 – I think it was 587 papers. Most of them came to libraries or to eccentrics like Harvard graduates and so on. But one of these papers came to The Montgomery Advertiser and Alabama Journal. It first went to the publisher's office, who leafed through it and clipped out whatever he chose. Then it went to the editor's office, who clipped out a few more things. Then it went to the managing editor, who clipped out a few more things. Finally, this tattered rag reached my desk, as city editor. I remember so well. I was sitting at my desk eating my bologna sandwich for lunch between editions. We had put out the first edition and getting ready for the second edition. I was fanning through this tattered New York Times, and I came upon this ad, which everyone else seemed to have escaped at that point. They had not noticed it. I read it through and said, "Well, there must be a story in this. They're talking about a man who is on trial right across the street from us at this very moment."

I sat down and knocked out about an eight or ten paragraph story, in which I did point out that the ad contained some relatively minor factual mistakes – nothing to be considered serious. For instance, they alleged that the Montgomery police encircled the campus at the local black college. In fact, they didn't – they only surrounded three sides of it, that type of thing. The story appeared as the lead in front page of our local section in the next edition. At this point, Grover Hall, Jr., who was the editor of The Montgomery Advertiser and, by that time, he had become a leading segregationist defender. He came roaring out of his office when he read the story in the final edition, demanding to see this scurrilous ad. At this point, I had thrown the thing away. I had to fish it out of the trash can and I gave it to him. So Grover stormed back into his office. The next morning, an editorial came out in the Advertiser. The headline on it was, "Lies, lies, lies." The last paragraph of it, in effect, invited everyone in Alabama to sue The New York Times.

On the next day, they were lined up at the courthouse to sue The New York Times. The first person in line was Commissioner L.B. Sullivan, the police commissioner of Montgomery, who maintained that he had been defamed by this ad, which made it look as if he were an oppressive police commissioner. Actually, that's how he got elected – by being an oppressive police commissioner. But, nonetheless, he claimed that this defamed him, and he asked for half a million dollars in damages. The case went to trial. Here I am going to deviate a little bit. It went to trial before a judge named Walter B. Jones. The story of the Sullivan case is extremely well done in Anthony Lewis's book about 10 years ago, "Make No Law." Since then, there's a legal scholar named Kermit Hall. I believe now he is the president of the University of Utah. But a

distinguished legal scholar. And he has done a great deal of research on this. He's turned up information that was apparently not available when Tony did his book. Among them being that Grover Hall, Jr., the editor of the Advertiser, actually held meetings with Commissioner Sullivan and his lawyers. And Grover was the person who encouraged the lawsuit against The New York Times. I didn't even know this, even though we occupied the same office. Even by the journalistic standards of 1960, this would have to be regarded as unethical conduct. Those loose standards in those days.

In addition to that, the case went to trial before a judge named Walter B. Jones, a very colorful figure in Montgomery. It was widely rumored in the community that he was a pedophile, and that he used his position as a judge to secure young male offenders in the juvenile court system to satisfy his perverse needs. None of this was reported, I must say with some sense of shame. Not even hinted at in the newspaper. We could have at least hinted at it. We probably couldn't have reported it. What Professor Hall found out in his research was Commissioner Sullivan had adequate information that he could have taken to a grand jury to have Walter B. Jones indicted for abusing a child. He did not do so. So Sullivan's case was tried before this judge, a very, very biased judge in almost every ruling. He ruled against The New York Times and for Sullivan. The jury retired for 30 minutes to an hour and returned the verdict, giving Sullivan half a million dollars, which at that time was the largest libel judgment in history. Other officials followed suit – the mayor sued for half a million and got it. Several other local officials did so – the police chief, I believe. The governor, John Patterson, felt that he was sufficiently defamed, that he sued for a million and he got the million dollars.

The upshot of it was that not even The New York Times could sustain this kind of legal attack. There was every reason to believe that the judgments would stand because they threw some legal abracadabra and managed to keep it into the state courts, and it was entirely a state matter. There was every reason to believe that when it reached the state supreme court, that they would uphold the judgments and put The New York Times out of business. This was appealed to the Supreme Court of the United States. The result was, in 1964, in the case of *The New York Times v. Sullivan*, the court wrote a revolutionary new libel law. Its importance cannot be overstated. It really ranks right up there with the John Peter Zenger case; the First Amendment itself; the case of *Near v. Minnesota*, which prohibited censorship of newspapers, prior restraint of publication of newspapers. It's one of the pillars of the free press in the United States.

The gist of the ruling was that what Alabama was attempting to do was to resurrect the old discredited theory, the concept of seditious libel. Now that's not libel of an individual, but libel of the government itself. Libel of the king, or the king's colonial governor, or, in the present context, the government of Montgomery, Alabama and Alabama. The court, in effect, nullified the libel laws not merely of Alabama but of all 50 states and created a new test for libel, which

was if a public official sues a newspaper for libel, they have to be prepared to prove that the newspaper engaged in, what they call, actual malice, or a reckless disregard for the truth. They created an almost insurmountable defense. Its application became far more significant than merely the Sullivan case, so much so that Archibald Cox, who was the first prosecutor of the Watergate case, said in a little book that he wrote a few years back that had it not been for the Sullivan case, The Washington Post would have never taken the chances it did in writing about Watergate. In fact, Richard Nixon himself explicitly stated that had it not been for the Sullivan case, he would have sued The Washington Post. So the upshot is that the impeachment of Richard Nixon began in Montgomery, Alabama, in 1966, with a publication. This is a very humbling experience.

I guess that in the course of my newspaper career – I made a calculation once just based on average, daily output – that over my 50 years, I had written something like 17 million words, which is half enough to fill the Encyclopedia Britannica. Now, 99.9 percent of those words were forgotten 24 hours after they were written, utterly irrelevant. But the most significant story that I wrote, in terms of its impact, was written in 10 minutes and it didn't even carry a byline. I think that's an object lesson for particularly you young journalism students, that when you write a news story, you never know what you're going to set into motion.

Flocke: Next, let's hear from one of those New York Times reporters, although John Herbers, as I said earlier, started with two Southern newspapers, The Greenwood Star and The Jackson Daily News.

John Herbers: Thank you. After that I moved to United Press, and it became United Press International. It was a substantial news service at the time. It's almost defunct now. We reported state news from a small bureau from Jackson to something like 28 broadcast stations, maybe 11 or 12 newspapers. Frankly we reported to the best newspapers at the time, including Hodding Carter's Democrat Times in Greenville. What I want to do is just open up a very small window in this Brown v. Board situation to make a little clearer understanding about how things were then. It's nothing like what anybody after that or certainly even some time before would ever believe happened. I must put this precaution, however. Reporting from Mississippi or viewing the events from Mississippi at that time was something like viewing the universe from a black hole. There was no light.

Long before the Supreme Court ruled in this case, Brown v. Board, the white officials in Mississippi – their antennae was ever tuned to any kind of thing that would come along that might interfere with their preoccupation with keeping things just like they were. The fact that they heard from the Supreme Court way before the ruling was some pretty chilling information. That the Supreme Court just might rule that segregation was unconstitutional. So they did everything they could. They started this dialogue, which was all very public, all from the

governor, the legislature, on down, the white official. We at the United Press were preoccupied with covering things like automobile wrecks.

We also had a sense that this was an important thing we ought to cover. We started writing about it and reported extensively on what they said and covering their plans they had to avoid it if it came down. One of which, of course, was to bring the black schools up to the level with the whites. That was soon dropped because everybody knew that would be an impossible thing to do within a period of time. They finally adopted the theory from John Calhoun that has long been dishonored. It was unproven during the Civil War that settled the score on that one – that the States could do what they wanted to, they had the authority over the federal government in making their decision. This knocked around for a long time. I didn't wonder conscious of it at the time, but what I reported at the time, and what we reported in our small bureau out of Jackson, was what the white official said, what the procrastination was, what would happen if this terrible disaster should descend upon us – which was what the white people said. Frankly, I thought at the time personally it would be a good thing.

But what about the other side? We didn't have any black press in Mississippi that I was aware of. We knew about them in Memphis. They had a black newspaper up there. We knew that there was in Chicago, in New York, a strong black press. But there was no statewide NAACP acting. There was no Medgar Evers. Medgar Evers was unknown. Nobody. That's what we reported and sent out to all of these stations. There may have been some local stories and newspapers that did their own reporting and found some black leader somewhere who would say something about it. But we never reported it. It never occurred to me that there was anything to report at the time, which I regret now. I don't know how I would've gone about finding all these. There was certainly no movement in Mississippi before then. Day after day after day, the Supreme Court decision came down. I spent all day on the telephone calling every person I could think of that would have anything to say on this. I called for the governor's statement, the legislature's, the various organizations that had been formed to oppose desegregation. We rolled it out to the wires to all the newspapers and radio stations that we served. But never anything reported from the other side. As far as I can remember, I don't remember seeing anything else in any of the other publications because we were in a black hole. No pun intended. That was no lie.

It was a totally distorted situation. If I knew what I know now and to go back then, I would have either assigned a reporter or done it myself. Gone out and found and say, "What will happen if this comes about?" The closest we got to that was, I remember going through one or two of the black schools to see what would happen if these schools were brought up to par. Well, I could tell you – I went through these schools. There was no learning going on in there. The facilities were run down. It was just a wild scene. We knew that it would never work to try to bring black schools up to par and keep them segregated as indeed

they wanted to do. We could have found out there was another side to this that could have been reported. It was only a sense of justice that a decision like this should come down, even in places like Mississippi. But it didn't happen at the time.

As a result, when the federal government started enforcing the Supreme Court decision, which took some time – I moved to Washington in 1965 and started reporting – and even then, after court, they were still trying to enforce this decision because most of the schools were still segregated. It was accepted at that time by the white community and all of us who didn't know any better, it reinforced the ability of the white segregationists to make people respond in hostile ways to the enforcement of the decision. In every Southern state, there was severe hostility going on. That was the state of reporting then. We didn't realize what a long way we had to go. That's why I just think it's an important lesson in the history of all this. It's not too much to realize now. Thank you.

Flocke: Gene Roberts.

Gene Roberts: Charlotte asked me at this point to see if I could connect a few dots. The truth is that in the 1930s and 1940s and until more than a year after the Brown decision, the mainstream press in America, with an exception here and there, did not cover race and segregation. That was left to the black press. Gunnar Myrdal, the Swedish scholar, was startled when he discovered this in the late 1930s when he was gathering material for *An American Dilemma*, which arguably is the most important book written about race in America in the 20th Century. He thought the condition of most blacks in America was deplorable beyond belief and that white Americans weren't responding because they didn't know the facts. They didn't know, he concluded, because mainstream papers – especially Northern ones – weren't informing them. Myrdal said it very clearly in his book, "The key to racial change in America was the press." He thought Americans were fair-minded people who genuinely believed in a creed of fair play and equal justice all. If they were told what was happening by the press, he thought, they would demand change. "The Northerner," and I'm quoting Myrdal, "does not have the social conscience in all his political thinking permeated with the Negro problem as the Southerner does," Myrdal wrote in the second chapter of his book. "Rather he succeeds in forgetting about it most of the time. The Northern newspapers help him by minimizing all Negro news except crime news." The future of race relations, Myrdal believed, rested largely in the hands of the American press. Myrdal was right. Segregation would be abolished, only when the Northern press, the national media, covered the story.

But before that could occur, there were two important phases of press attention: phase one was a black press. Black weekly newspapers were published by the hundreds in the South and the rest of the nation and distributed for the most part without any sort of hindrance. Northern black newspapers, some as outspoken as any papers ever published in America, could be found in newsstands and

mailboxes and every Southern state. Between 1827 – when the first black newspaper appeared in New York – and 1951 – when a detailed survey was made, 2700 Black newspapers were founded. Serving poor and less than affluent communities, most black newspapers lived hard and died young. The average black paper died after nine years.

But, collectively, they made their mark. Many of these papers were utterly fearless. They were fierce in their denunciation of discrimination. They berated white hypocrisy. They built a climate among black readers that really paved the way for the civil rights movement. The gains made by blacks in the '60s and '70s arguably would not have been possible had the black press not been free in the '30s, '40s, and '50s – free to distribute; free to advocate over and over that all persons should be equal before the law, and the economy and on education; free to prepare the black South for an assault on segregation. While most of the black press was mobilizing and cheering on the fight against segregation, a group of white liberal and moderate Southern editors took on a major task after the Supreme Court's 1954 school desegregation decision. This might be called the press's second phase.

There may never have been a time in national history when a small group of editors became as important or as influential as in the South during the Civil Rights era, especially immediately following the Brown decision. The region's political leaders – the vast majority of the South's governors, senators, and U.S. representatives – played politics with the Supreme Court's school desegregation decision, questioning whether it had to be obeyed. Those handful of Southern editors, probably no more than 20 at peak, placed the national interests above regionalism and argued that if the Supreme Court was not obeyed, anarchy would descend upon America and especially the South. Through editorials or columns, these editors spoke out and became voices for sanity in a period of Southern abdication from national responsibility. They were at odds with most of their readers. They risked advertising and reader boycotts, but they were forceful and often eloquent. When political leaders like Harry Byrd of Virginia advocated closing schools to avoid school desegregation, Jonathan Daniels of the Raleigh News & Observer reacted with style: "Closing schools was something beyond secession from the Union, it was secession from civilization."

Some of the editors, Harry Ashmore of The Arkansas Gazette, and Ralph McGill and Gene Patterson of The Atlanta Constitution, became more than Southern voices. They became national leaders, supporting federal action, troops if necessary, to hold up the law. Editors like McGill, fearful at times that they were years ahead of their readers, denied early on that they were integrationists, "only believers in the law." But all of them and McGill said integration not just because it was a law but because it was the right and just position to take. Humor even in the toughest times kept the editors afloat. Two of the most courageous editors were father and son – Hodding Carter, Jr. and Hodding Carter III of Mississippi's Delta Democrat-Times. They never lost their ability to laugh or their sense of

outrage at racial injustice, particularly the organized brand pushed by the White Citizens' Councils. After Hodding Carter, Jr. wrote an article for Look magazine detailing the dangerous menace and spread of the White Citizens' Council, the article was branded on the floor of the Mississippi House of Representatives as a "willful lie by a nigger-loving editor." The House then voted to censure Carter. Carter's reply in a front-page editorial was a classic. "By a vote of 89 to 19, the Mississippi House of Representatives has resolved the editor of this newspaper into a liar because of an article I wrote. If this charge were true, it would make me well-qualified to serve with that body. It is not true, so to even things up, I hereby resolve by a vote of one to nothing that there are 89 liars in the state legislature. I am hopeful that this fever, like the Ku Kluxism that rose from the same kind of infection, will run its course before too long a time. Meanwhile, those 89 character mobbers can go to hell collectively or seemly and wait there until I back down. They needn't plan on returning."

When it became popular among racists to refer to Ralph McGill as "Rastus Ralph," McGill fought back. He named his little dog Rastus and trained it to bark whenever a telephone receiver was pointed at it. Thereafter, when he received harassing phone calls at home, McGill would say, "So you want to speak to Rastus?" and point the receiver at the dog and the dog would bark away. The outcome of the civil rights struggle might have been different, and almost certainly, the South's resistance might have even been more violent, had the editors not provided leadership at a crucial time. Think of the consequences if the Southern editors had not stood up and reached out to the rest of the nation, even at the risk of angering their readers and touching off reader and advertising boycotts. The gulf between the South and the North might have grown wider. A stormy period in our nation's history might have become considerably stormier. While these Southern editors were urging the South to abide by the law, the national press was in a later state of metamorphosis. It was beginning to believe that Southern segregation and white supremacy were news.

This would happen in force in 1955, '56, and '57, when journalists rushed into the South by the score to cover the Emmett Till case. Autherine Lucy's attempt to desegregate the University of Alabama, the bus boycott in Montgomery, and school desegregation and mob violence in Little Rock – these stories were the great turning points for the national press. Two important news developments were to occur in Little Rock. The discovery of a run-in, break-in racial story by national television, which was then a fledgling. The second development was the assignment by The New York Times of Claude Sitton to the South and the civil rights story. With Sitton for the first time, a Northern newspaper would cover the story, not simply as a far story, but as a day by day news story. Claude, a Southerner, was a consummate civil rights reporter. He anticipated events, and when he didn't, he was there on the first plane, often when the angels were absent. He and Karl Fleming of Newsweek often traveled together and were courage, accuracy, precision and action. The Times along with Newsweek and for a period, Time magazine, gave a nation continuity of coverage. The Los

Angeles Times ultimately joined them by hiring Jack Nelson, a brilliant reporter from The Atlanta Constitution. United Press International, with reporters like John Herbers, gave exceptional coverage throughout the movement era.

With reporters like Herbers and the others I mentioned, the public began getting the news and the message. The civil rights story would become arguably the finest hour in the history of newsmagazines in America. Reporters like Claude Sitton and Karl Fleming would write the manual for civil rights reporting and national reporting for generations to come. What Claude wrote day by day often determined what network TV would cover. TV news would grow and mature and come of age on the civil rights story. With this kind of coverage, no longer could Northern Americans look the other way. Change was inevitable. Gunner Myrdal could not have written a better script. Thank you.

Flocke: We have a little bit of time for questions. Anybody have a question for the panel?

Audience Question: First of all, I would like to say that this has been a pleasure to have all of you here at the Newhouse School of Public Communications in this April of the year 2004. I've been a professor here for 30 years – as an African-American professor of mass communications. May 17th, 1954, my late mother, Mrs. Lily Mae Wright – Gene, you'll love this story. On the front porch of a street in Elizabeth City, North Carolina, in 1954, my mother pulled out a newspaper, which was a Daily Advance. George W. Haskett was the editor of that newspaper. I grew up in extreme racism in northeastern North Carolina. My mother looked at me and said, "The Supreme Court of the United States, son, has ruled in a case Brown v. Board of Education, that you can go Elizabeth City High School." But then she looked me and said, "That's not going to happen." She told me, "At least for the next 10 years. You got to take it up to a whole 'nother notch because the Supreme Court decision has opened up a can of worms. It's going to stir up a storm. It's going to be incredible in American history." That's what my mother told me.

Ten years later, I graduated from Elizabeth City State University in 1964. But that whole 10-year period was incredible. What was fascinating to me was the position that the Southern newspapers took – small papers like the Daily Advance in Elizabeth City. You talk about anti- against this ruling by the Supreme Court. The press did come forward. I'm also wondering of our radio and newspaper and television in that era. Thank God for Hodding Carter and the people who saved us, and also Charles Moore, who showed up with those cameras. I was arrested six times in that 10-year span. I didn't do anything wrong other than exercising the right to break down the barriers of segregation in movie theaters and lunch counters. My question today is - you probably answered it already – wasn't there a manifesto also that was passed in Congress that was written right after? We had the congressmen who said, "We're not

going to agree with this.” The Supreme Court said yes, but there was a Southern manifesto.

Herbers: Even the Southern moderates supported that and voted for it.

Newson: Hundreds of people voted for it.

Jenkins: Albert Gore.

Newson: Yeah, Gore didn’t vote for it.

Jenkins: The point you make is very important. For every Hodding Carter and Ralph McGill, there were eight or ten James Jackson Kilpatricks, who invented the whole concept of the so-called interposition and nullification. And (Judge J. Waites) Waring in South Carolina. In Jackson, Sullins and Ward – they were the leading end. There were far more of those – the Kilpatricks, the Warings – than there were the Carters and the McGills.

Kaplow: I have a couple of good news stories that are related to a couple of things that were said here. Moses, you talked about black reporters not being able to get to the press table. I was sent to cover the desegregation at Clemson. That was, I think, in '63. By that time, the leadership of South Carolina saw what happened at Ole Miss and decided it was not going to have that. They did all legal things to try to stop the desegregation order. It was one of the best stories I was involved in. The white power group, about eight men, decided, “We’re going to fight it all the way through the courts. When the court rules, we obey and we do it.” He kept saying, “We’re a law-abiding people.”

In the course of this, I got to Clemson a little early, a couple of days before Harvey Gant, who later became mayor of Charlotte, enrolled or tried to enroll. I was the only out-of-state reporter who had come that early. I got a call from the public relations man from Clemson University. He was fluttering around because he hadn’t handled this desegregation of Clemson, and he never had a little assignment like that. Finally, he sputtered out and said, “We have a couple of black reporters coming down from New York, and we want to make sure there’s no problem there. We want to make sure they get the story. How do we do it?” We kicked it around for a while, a few of us. We’ve set up this thing to have pools at various parts on the campus, so we wouldn’t have all the reporters running all over, hell and gone, and disrupting everything. Everybody should get the story. Hatcher, I think his name was, said, “We want to make sure the black guys get everything that everyone else has” and sort of indicated that maybe a little more to make sure. We thought about it and finally, I said, “Why don’t you just put the reporter from the magazine with the magazine pool with the white guys and put the fellow with the newspapers with the pool with that.” He said, “Oh, I’ll go back and talk to them.” He was worried. He came back a day or so later, and I said, “What happened?” He said, “Well, I was very careful, and I

outlined what we were planning and what our concern was. We want to make sure he got coverage. You go in the magazine pool, and you go in the newspaper pool.” They said that makes a lot of sense.

That’s a story within a story. Desegregation was one thing, and sort of a recognition, some progress in our own craft about the press. The other story which is sort of a good news story. Ray, you talked about the biased judge – Walter Jones, was it? This was from a story I heard from John Doar, who was one of Bobby Kennedy’s aides and he was in the whole civil rights thing. They had one of these federal indictments of some fellows in Mississippi. They couldn’t get them on murder, but they got them on civil rights. It happened that a judge was assigned who people knew was pretty segregationist. John Doar said, “We didn’t know how we were going to come out with this case because this fellow had a pretty strong record of segregation.” Well, the day came and the trial began. The defendants – (Lawrence) Rainey and (Cecil) Price and a few others – they were pretty damn cocky. They thought they had it made. This segregationist judge finally said, “Fellas, you just shut up. This is a court of law. We are going to carry this out.” Doar said, “We were just amazed. This fellow, whatever his political views or sociological views were, was acting like a judge.” The guys were chastened, and more than that, they were convicted. If you want to take some good news, if you need a little pinch of good news every day.

Audience Question: Let me tell you one little story about that judge, though. Not to take away the good news. I was covering that trial. I did a profile on that judge, in which I said that he earlier referred to blacks in his courtroom as acting like “a bunch of baboons.” Somebody showed him that article. The marshal came back and grabbed me and said, “The judge said you’re not going to have privilege with the press here anymore.” He wasn’t all that good.

Audience Question: (In a federal judge’s courthouse) There was a big mural in the courthouse (of Jackson, Mississippi) with the history of Mississippi – cotton, black people, white people, and he had a curtain put in front of it. It was never shown again until finally 20 years later. Winifred Green also named her cat Harold.

Newson: One of the reasons that whites often missed out on what was going on in civil rights is, as late as 1952, in the South, there were about 200 Southern newspapers who still advocated getting news of the black community by having a black writer do a column. Usually they ran a black page or a black section. I was from Florida, and The Times Union at one point had a six-person office in the black community. Actually, for a lot of times, before things got better, we used to call the white press part of the establishment. It helped the white community form opinions that were harder to dislodge later.

Audience Question: Thank you all so much. It’s sort of extraordinary to hear these amazing personal narratives from people who were there, who saw, felt,

and understood the amazing challenges' daily dealing. I would love to call the names of those so many young people who bear the brunt of widening the path for every one of us who are sitting in this room. What an extraordinary thing that a 5-year-old, a 10-year-old, a 15-year-old could walk that walk, all of that hatred on their side. It must have been an amazing thing. But I am wondering: What does it mean contemporarily? For instance, looking at Brown v. the Board of Education, the levels of segregation in schools and still sort of the continuing need for historically black schools, etc., seems to be still very high. I am wondering about the contemporary role that the press in looking at the ways in which Affirmative Action continues to impact education now. Your own specific roles or that of the press in looking at the systemic effects of Brown v. the Board of Education and its relationship to Affirmative Action and how the press has had a hand in shaping public opinion about Affirmative Action.

Jenkins: Well, I could say that it was well after the Brown decision that the ASNE, American Society of Newspaper Editors, really began to make serious efforts to bring black people into the newsrooms. It really was more like 1965 to '70, and, later, yeah. I remember I hired my first black intern, a young woman from a town called Monroeville, Alabama, which happened to be the setting for "To Kill a Mockingbird." I hired her, I believe it was around 1970. Her name was Cynthia Tucker. She's now the editor of The Atlanta Constitution.

Flocke: Let's thank our panelists for the perspectives they gave us.

Professor Charlotte Grimes: I want to thank Lynne for taking on this duty, too. Thank you very much, Lynne.