

JIM CROW 95-98

*Why all university students, staff, and faculty
should support*

The Repeal of General Statute 95-98

Dr. John K. (Yonni) Chapman,
History Committee Chairperson
Chapel Hill-Carrboro NAACP

With a Special Preface and Closing

By Rev. Dr. William J. Barber II
President, *State Conference of NAACP Branches*



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Preface

Rev. William Barber, President of the State Conference of NAACP Branches, talked about the historical context in which the State of North Carolina passed the Jim Crow Law 95-98 on Labor Day in 2005, in the W.W. Finlator auditorium at Pullen Baptist Church in Raleigh. General Statute 95-98 was enacted into law in 1959. It made it illegal for public institutions to bargain collectively with their employees. Rev. Barber's talk is a good introduction to Dr. Yonni Chapman's fine research on how the University of North Carolina helped to pass and maintain Jim Crow laws to deny internationally recognized human rights to public employees. Rev. Barber has also written a special Closing for Dr. Chapman's article, which we print at the end.



The Historical Context of one of N.C.'s Last Jim Crow Laws

Address by

**Rev. Dr. William J. Barber II, President of NC NAACP
Labor Day, 2005
W.W. Finlator Hall of Pullen Baptist Church, Raleigh.**

Jason Burton and David Zonderman, faculty members of the History Department at N.C. State, have written a fine article about the immediate causes of the Jim Crow law—General Statute 95-98. In 1958 the Teamster's Union announced it was going to organize 10 million public employees, including members from Charlotte's transportation and police departments. This threat stirred up Charlotte's Chamber of Commerce, *The Charlotte Observer*, and all the conservatives who were afraid that if bus drivers and cops could form Unions, it would upset "our Southern way of life." Within a few months a bill outlawing Unions¹ and Union contracts for public employees was written and passed—June 1959. The Burton-Zonderman history can be found on the web pages of HOPE, the coalition of several public service worker organizations working to repeal 95-98. nchopecoalition.org.

Although the mere threat of the Teamsters to organize the police and bus drivers in Charlotte was the immediate precipitating factor for this law, we believe that any anti-labor law in North Carolina must be looked at through the prism of race, in particular, the history of North Carolina's treatment of its African American workers. One of the best examples is how the State's oldest governmental agency, the University of North Carolina at Chapel Hill, has treated its Black workers during its 210-year history.

¹ The Courts declared this part unconstitutional, since no public body can pass any law or rule forbidding workers to associate with each other, and to petition their employers for the redress of their grievances, under the First Amendment to the Constitution.

The new State of North Carolina chartered the first state University in 1789. Slaves helped build its first building, Old East, beginning in 1793. Slaves welcomed its first student, who enrolled in 1795.

University of North Carolina Orange County									
Joseph Caldwell and The other professors	2	2							2
Pleasant Henderson	2		1	1	1		2		19
The students (thereof)	16	52							
William Nunn	1	2	1	1	1	1	1		5
Thomas Searcy	1		1		3		1		11
John Taylor	1	1	1	1	1	2	1		19
Thomas Hoff	1		1			1			3
Bennett Watson	2	1	1				1		1
William Cook	1		1		2	1			
David Sheppard	1		1	1	1		1		
John W. Cooley	3	1	1	1	1	2			1
John Puckett			1		2		1		1
Samuel Hopkins		2	1		2		1		5
Augustine Benton	1		1				1		3

The 1800 Manuscript Census counted slaves in the last column on the right. Pleasant Henderson and John Taylor, the largest slave owners in Chapel Hill, both contracted with the university to feed the students and provide other services. In 1800, according to the census, there were 68 UNC students and 65 slaves out of a total population of 231.

The University was based on the same U.S. Constitution that provided that nearly all people of African descent were not human beings. We were mere chattel property--like mules and cows. The N.C. Constitution provided that the State would fund the University partly from "escheated property." This was property—including slaves--left when its owner died without a will or clear lines of descent. The lawyer for UNC would petition the County Judge (usually a graduate of the University) to order escheated property sold, and the proceeds sent to UNC. Thus the State built and staffed its first major agency with the profits made from the sale of human beings of color. For 70 years the faculty of the all-white male student body used slaves to build and clean classrooms,

libraries, dormitories and their own homes; to cook and do their laundry, raise their children, and to make the University one of the most beautiful in the world.



Thos. Ruffin	1	70	W	13
	1	63	F	13
	1	57	F	13
	1	55	F	13
	1	52	W	13
	1	50	W	6
	1	75	M	13
	1	61	M	13
	1	49	M	44
	1	47	F	44
	1	47	W	44
	1	65	F	13
	1	45	F	13

The federal census reveals that prominent UNC trustee Thomas Ruffin owned 59 slaves in 1850 and 107 in 1860. Ruffin was a planter, NC Supreme Court justice, and slave trader. Slaves had no names in the Manuscript Census, which gave the name of the slave owner and indicated the slave with a slash, age, sex, and whether black or mulatto. Like the census slash, the fieldstone grave markers in the Old Chapel Hill Cemetery conveyed that in that place, in that time, slaves were anonymous, of no account to the men who held power at the university.

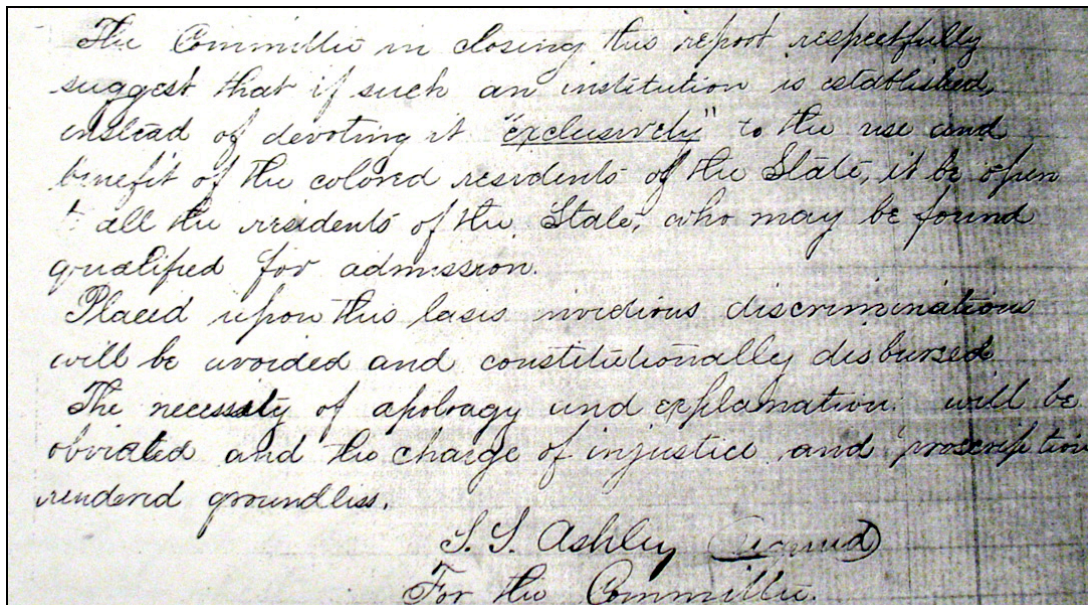
In 1860, on the eve of the Civil War, University President David L. Swain owned 32 slaves, making him part of the North Carolina ruling class, or “gentry.” But his university—the Slave Owners’ University—had not taught one Black person to read, write, or understand the inner workings of the political and social world the white male graduates of the University had exclusive control of. This “keep them ignorant” policy remained in effect a century later in 1959, when this same worldview was behind the easily adopted G.S. 95-98.

After the slave owners lost in their effort to create a separate slave-nation, and after the U.S. Army left the Chapel Hill area where it had camped, a few University graduates helped establish a secret political society under the leadership of Col. William L. Saunders², Class of 1854, which became known as the Ku Klux Klan. The purpose of

² Joseph Grégoire de Roulhac Hamilton, *Reconstruction in North Carolina*. Raleigh: Presses of Edwards & Broughton, 1906, 461. James Vickers, *Chapel Hill: An Illustrated*

this terrorist organization was simple: to insure that the all-white churches, schools, colleges and political structures were not challenged by the newly freed citizens of color. The Klan's message was clear: we were to remain in our place, subservient to the white masters and their armed militia. The Klan's tactics were cold: nightriders, burning crosses, burning houses, and lynching. Their aim was to overthrow the biracial Radical Republican coalition that controlled the University, the Courts, the Legislature, and other state institutions from 1868 to 1870. By day, these men posed as respectable citizens. At night they helped organize and condoned the use of the burning cross, the white sheet, the hangman's noose.

In 1868, after African American males gained the vote, a biracial Republican coalition took power in the North Carolina legislature and in state institutions, including UNC. Although at least one prominent historian at UNC, Harry Watson, has argued that university trustees never considered racial integration, the Trustee Minutes refute this assertion.³ In 1869, the Executive Committee of the Board of Trustees recommended that the trustees establish an integrated campus of the university in Raleigh.⁴ Although the Board refused to endorse integration, it did vote to establish a campus of the university for African Americans. Fear of such racial justice reforms caused KKK leaders like Col. William L. Saunders and journalists like Cornelia Phillips Spencer to launch a violent white supremacy campaign to cripple the "Peoples' University" and overthrow Radical Reconstruction.



The Committee in closing this report respectfully suggest that if such an institution is established, instead of devoting it exclusively to the use and benefit of the colored residents of the State, it be open to all the residents of the State, who may be found qualified for admission. Placed upon this basis no odious discriminations will be avoided and constitutionally disburssed. The necessity of apology and explanation will be obviated and the charge of injustice and proscription rendered groundless.

S. J. Ashley, Grand
For the Committee.

History. Carrboro, N.C.: Barclay Publishers, Inc., 1985, 80. Saunders Hall, the first UNC History Department building, honored the KKK founder.

³ Harry Watson, letter to the *News and Observer*, January 12, 2005.

⁴ UNC Trustees Minutes, Report of the Executive Committee, 8 January 1869, 58 in University Archives.

In 1868, the U.S. Constitution was amended to provide “equal protection” for the new Black citizens. But for the next 100 years, these two important words were empty promises. Before the first generation of Black men and women had been able to breathe much freedom, get hold of any land, educate a talented few to help lead the many, the U.S. Government formally sanctioned “Separate and unequal” as its national policy. The U.S. Supreme Court, in 1895, held *that a Black man—actually 1/16th Black—could not ride in the first class section of a train that crossed interstate lines*. My brother was forced to the back of the train, in the second-class car. The U.S. Government made it clear that African Americans were inferior. We had to make do with second-hand, second-class, half-funded places on trains, buses, schools, jobs, health care, and housing. And we had no right to vote.



Cornelia Phillips Spencer
White Supremacy journalist



Col. William L. Saunders
Leader of NC KKK

This was the official U.S. Policy for three more generations. This separate and unequal official policy embedded the idea of racist castes deeply into the minds and hearts of all working people. *Plessy v. Ferguson*, in 1896, began the official period of Jim Crow that had been unofficially in place since 1874. This lasted until the mid 1960's several years after Jim Crow Law 95-98 was passed in 1959, a reaction to the growing militancy of southern Black and white labor.

The first crack in the Jim Crow South—in public employment where the U.S. Constitution applied directly--was made after WWII. At its end, the U.S. Armed Services was the largest employer of African Americans in the country. More than 1 million African Americans were drafted and served during WWII. We constituted about 11 per cent of all the men and women in every branch of the service except the almost all-white Marine Corps and we served in all theaters of operations during World War II.

President Roosevelt was snowed under with complaints about race discrimination during the war. In 1941 he issued Executive Order 8802--the most far-reaching employment discrimination law of its time. The President ordered that Black workers must be accepted into job-training programs in defense plants and outlawed

discrimination by defense contractors. Roosevelt organized the Fair Employment Practices Commission (FEPC), the model for the EEOC of 1964.

When the War ended in 1945, the first Million Man March of Black soldiers was organized, as they marched back to their tightly segregated communities in the South. Congress, controlled by the all-white Democratic Party in the South, shut down the FEPC. In December 1946 President Truman's appointed his Commission on Civil Rights to develop recommendations for "more adequate means and procedures for the protection of the civil rights of the people of the United States." In late 1947, the Commission recommended anti-lynching and anti-poll tax laws, a permanent FEPC, and strengthening the civil rights division of the Department of Justice. In February 1948, Truman asked Congress to enact each of these. North Carolina's senators along with the solid block of the old racist Democratic Party in the Southern States announced they would filibuster any anti-discrimination employment laws.

In response, Truman by-passed Congress and appointed the first African American judge to the Federal bench, named several African Americans to high-ranking administration positions and, most important for public employees, on July 26, 1948, ordered the complete racial **integration** of all the armed services. For the first time, Black and White public workers in the armed forces fell under a legally binding order, Executive Order 9981. It was a strong order: "There shall be equality of treatment and opportunity for all persons in the armed forces without regard to race, color, religion, or national origin." Truman set up an advisory committee that examined the rules and practices of the armed services and recommended ways to make integration a reality.

The order to integrate the nation's largest public employer met with a strong white backlash by many southern white veterans who had left the army and gone into politics. By 1958 when the Teamster's threatened to organize the police force and bus drivers in Charlotte, most of the armed forces had been integrated. When Black GI's returned to civilian life in the 50's and early 60's, having seen the power of a federal order and a glimmer of first class citizenship within the Army, they provided the backbone for the modern civil rights Movement. I encourage you to see *Freedom Song*, a film made about Mississippi by SNCC veterans, starring Danny Glover as a returning G.I., to get a good sense of this.

Only six years after the Order to integrate the largest public employer, the U.S. Supreme Court ordered all public schools integrated. Public schools were the second largest public employer in the country, and the most segregated institution in the South. Thanks to the NAACP's valiant organizing and brilliant legal strategies, the five different School systems segregated schools were declared inherently oppressive to our young Black brothers and sisters. The Court's order, by overturning *Plessy v. Ferguson*, ordered that all other segregated public institutions were unconstitutional. In short, the floodgates were opened, and the public institutions throughout the South that had been used to keep us in second-class status were now open to direct constitutional challenge. Most important, we would be able to sit as equals with our white brothers and sisters at a bargaining table.

The 1954 decision was so threatening to the entrenched racist structures in the South, that even the Supreme Court was forced to pull back the next year. In 1955, it announced the South's separate and unequal public schools and other agencies' policy did not have to be changed any time soon. "All deliberate speed" the Supreme Court said. The dictionary says "deliberate" means "slow" and "unhurried." North Carolina government officials slowed down to a deliberate stall. It was four years into this stall, into the "unhurried" and "deliberate" period, that N.C. passed the Jim Crow law that would stop Black teachers, bus drivers, cops, fire fighters, housekeepers, groundskeepers, health aides, and the thousands of Black workers who now were going to be working side by side with their white brothers and sisters from being able to bargain for decent working conditions. On one hand, we began to see the light at the end of the tunnel, but on the other hand, they take away the workers' only real strength—collective bargaining.

While the white power structures throughout the South declared massive resistance against the Supreme Court Decision, an experienced labor organizer, E. D. Nixon, trained in the Sleeping Car Porters Brotherhood of A. Phillip Randolph, and hardened as president of the NAACP in Montgomery and the State of Alabama, showed what deliberate speed can mean. Working with a courageous young seamstress named Rosa Parks, they deliberately and speedily challenged Alabama's official policy of inequality. On December first, 1955, Ms. Parks was coming home from her job with a Montgomery Department Store. When the white bus driver told her to give up her seat for a white passenger and move to the back of the bus after a long day at work, she said no. The driver called the cops and had her arrested. Mr. Nixon and his NAACP chapter bailed her out of jail and organized a citywide bus boycott. A young minister, only 27 years old with a new Ph.D. from Boston University, was thrust into the leadership of a Movement that is still going strong. And he never turned back until he was murdered 13 years later trying to help Black and white sanitation workers in Memphis organize a union in 1968.

The Movement that E.D. Nixon, Rosa Parks, and Dr. King helped start—the Movement which still rages in the heart of every Black person and many white people of good will--was fueled by returning G.I.s in the 1950's. We will never turn back. This Movement gained momentum when students from N. C. A & T and Central (who will be fighting it out on the football field tomorrow here in Raleigh), and from Shaw and St. Augustine's, and the many Historically Black colleges in North Carolina, took matters into their own hands in the winter of 1959-1960 with the Freedom Rides and Sit-Ins, and the formation of SNCC in Raleigh in the Spring of 1960, just as the ink was drying on the oppressive Jim Crow Law—95-98.

Black people have always known that you can't separate employment discrimination from education discrimination. The white power structure has always tried to keep us subservient on the job by keeping us illiterate. The white power structure loves it when young Black men think it is cool not to study, to drop out, and to say learning is a "white thing." The White Power structure laughs at its sick joke all the way to the bank.

It was against the law for a Black slave to learn to read and write. Even into the 1950's, the official policy was to teach us how to work with our hands, not with our heads. What is the first thing they ask you when you apply for a job? How far did you get in school? College Degree? Why have they set up policies and practices today that lead most of our young Black men to drop out of schools, with almost a third ending up in the criminal justice system?

That's why our analysis keeps coming back to the University of North Carolina at Chapel Hill. It was the first, always one of the largest, and always the richest and most powerful of all the State agencies. What has this Jim Crow Law meant for its housekeepers, groundskeepers, cooks, and laundry workers? In 1959, the year the law was passed, UNC-CH had no Black faculty or administrators. It had a handful of Black students, grouped in Steele dorm near South Building who were prevented by University policy from participating in social or athletic functions. It had no Black professionals, no Black cops and only a handful of Black secretaries until the 1960's. There were no protections, equal protection or otherwise, for Black state and county employees in the 1960's.

The cafeteria workers at Lenoir Hall on the University campus tried to organize a Union in the late 1960's. Two strong women of color, Mrs. Mary Smith and Mrs. Elizabeth Brooks, led a Union movement at Lenoir Hall that was strongly supported by the new Black Student Movement. When the Black students with more and more white students joining in, shut down the cafeteria, the workers made sandwiches and sold them in Manning Hall, to finance the strike and keep the students nourished. The Governor first called in the all-white Highway Patrol. Remember the first Black troopers were not hired until 1974, after the Civil Rights Act was finally applied to public workers. There was a tense confrontation on campus between the Lenoir workers and their student allies and the Troopers. A repeat of the Kent State killings was narrowly averted when Gov. Scott met with the workers and their lawyer, Julius Chambers, and agreed to meet the Union's demands. The strong unity between the workers and students, in the face of the Jim Crow Law, was the basis for this magnificent victory.



Strike Leader Mary Smith



Strike Leader Elizabeth Brooks



In 1969, cafeteria workers at UNC went on strike to demand overtime pay owed them, black supervisors, advancement opportunities, higher wages, and respect. Despite intimidation by state troopers called onto campus by the governor, the workers prevailed. GS 95-98 helped destroy their movement after 1969, but the UNC Housekeepers Movement took up the struggle against Jim Crow employment in the 1990s.



Elizabeth Brooks (left) and Mary Smith (right) are honored by UNC students, faculty, and alums in 2005. The Carolina Campaign for Historical Accuracy and Truth (CHAT) created the Elizabeth Brooks-Mary Smith Human Rights Award to honor their leadership.

The gains of 1969 were short-lived. Because of the Jim Crow law, the workers could not sign any long-term contract. The agreement Gov. Scott made with them was quickly forgotten. The University got the last laugh, contracting out its food services, like Bush contracts out in Iraq. Aramark is the University's Blackwater.

Southern congressmen prevented public employees from being protected by the Civil Rights Act of 1964. It was not until 1972 that Black and female public employees could file EEOC charges of discrimination in hiring, promotion, and training decisions. Of course in 1980, as part of the deal he made with the Southern politicians to get them to switch to the Republican Party, Pres. Reagan put a man named Clarence Thomas over the EEOC, and he quickly gutted much of the law. But that is another story.

Shortly after the Civil Rights Act applied to state and local government employees, making it illegal to discriminate against them because of their race or sex, North Carolina leaders passed its first laws in 1974 to provide parallel administrative appeal procedures for workers of color. For another 13 years these internal laws were administered by the agencies themselves, but in 1986, the legislature finally set up an independent Office of Administrative Hearings, and for the first time, racial discrimination began to be found at the University and other large State agencies, including the DOT. Our NAACP Legal Redress Chair in Chapel Hill, Al McSurely, has

won some important cases for individual Black employees in this arena. In 1998, after a six year struggle, under the strong leadership of Marsha Tinnen, Barbara Prear and many other courageous housekeepers, the NAACP Legal Redress Chair helped win a class action lawsuit on behalf of over 400 Housekeepers at UNC—forcing the University to sign a 3-year contract with the Housekeepers Association that ran from 1996-to 1999.



UNC housekeepers win a historic victory, but GS 95-98 is still law in NC

One of the reasons the Chancellor signed the 3-year contract with the Housekeepers Association was because he did not want a 3-week show trial that would have highlighted the long history of UNC's oppression and exploitation of black workers, exposing the seamier side of the "University of the People." He did not want people reminded that from 1814 to 1953, 27 out of the 44 white male governors of N.C. were UNC graduates who fought hard to maintain slavery and Jim Crow. He did not want people to learn that most other public agencies have adopted many of their policies and leadership from the University, including its employment caste systems based on race. Like the University, until 1975, there were only a handful of African Americans at the professional level in any state or local government agency. Most people of color were stuck in menial jobs with no advancement in sight.

Most of all, the University did not want one of its own distinguished graduate students, Yonni Chapman, to testify at the trial. The Housekeepers had retained Dr. Chapman, who went on to write his Ph.D. dissertation on the history of Black workers struggle at UNC and in Chapel Hill, as their expert witness. So it is with great pleasure that we in the NAACP help to popularize Dr. Chapman's excellent history of the workers' struggle in Chapel Hill. We believe it will help us understand why we call G.S. 95-98 a Jim Crow Law.



WHY ALL UNIVERSITY STUDENTS SHOULD SUPPORT *THE REPEAL GS 95-98 MOVEMENT*

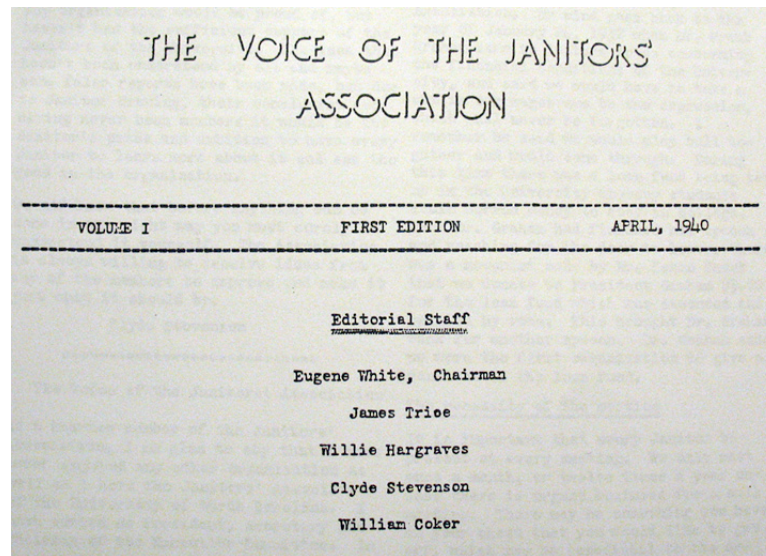
By Dr. John K. (Yonni) Chapman

Edited from his Ph.D. Dissertation, *Black Freedom and the University of North Carolina: 1793-1960*, and from his MA Thesis, *Second Generation: Black Youth and the Origins of the Chapel Hill Civil Rights Movement, 1937-1963*. Dr. Chapman's thesis is available to UNC students, faculty, and staff at Wilson Library's North Carolina Collection. His dissertation can be viewed by searching the Electronic Theses and Dissertation Collection at <http://dc.lib.unc.edu/etd/index.php?CISOROOT=/etd>

Dr. Chapman will email his thesis or dissertation to you if you contact him at john.k.chapman@gmail.com

The university was a bulwark of white supremacy from its founding until the 1960s. Institutional racism—the legacy of slavery and Jim Crow—persists today. The wealthy white men who have always held the reigns of power at UNC wanted to maintain a supply of cheap black labor for the state and keep black and white laborers politically divided and impotent. These “pillars of the community” were the organizers of the Klan after Emancipation and of the white supremacy movement of the 1890s that brought Jim Crow to North Carolina. The black freedom struggle of the 1960s forced UNC to desegregate and conform to civil rights legislation, but institutional racism persisted. It was never a trustee or administration priority to eradicate racism, root and branch. One of the clearest examples of the ongoing legacy of slavery and Jim Crow has been the treatment accorded black workers. The habits and practices of white supremacy are still

alive and well in the racial employment hierarchy maintained by the university, in the institutional culture that demeans workers of color, and in the low wages and lack of advancement opportunities for service workers.



Since at least the 1920s, the conditions imposed on black workers have provoked them to form labor organizations to defend their rights. It is in the history of these black labor struggles led by the Janitors' Association, the CIO, the Lenoir strikers, and the Housekeepers Movement that we see revealed the racist attitude of the university toward workers of color. Since 1959, the power of General Statute 95-98 has made it possible for UNC to repress every effort by black workers to organize for their rights. It is time all people of good will came together to overturn this piece of Jim Crow legislation and stand up for human rights. —Yonni Chapman

Black Workers Rise Up in Chapel Hill-Carrboro in 1937

In the mid 1930s a new Black freedom struggle arose throughout the nation. In August 1937 a Black rebellion shattered the summer calm of Chapel Hill. The discontent and energy of African Americans evident in this revolt led to ten years of labor insurgency among Black workers at UNC. It also heightened the sense of Chapel Hill's white leaders that additional concessions to Black freedom were necessary. In particular, it led to a biracial effort on the part of the Negro Civic Club and white elites to develop a black recreation facility, today known as Hargraves Center.

In Chapel Hill and elsewhere in North Carolina, a labor based civil rights movement developed after 1937 founded on the increased local and national power of Black workers. Support for this movement came from courageous white allies willing to support Black challenges to the Jim Crow order. At the University of North Carolina, this group of students and professors included religious radicals, members of the Communist Party and other leftists, and liberals committed to the New Deal. The University

President, Frank Porter Graham, maintained a delicate balance between his responsibility to implement the will of the trustees and his sympathy for labor rights and gradual reform of Jim Crow. While he did not directly participate in the union movement on campus, he sheltered Black workers and their allies from attacks by reactionaries, as long as he was able. The University trustees, on the other hand, proved to be intransigent supporters of Jim Crow and the suppression of labor rights.

During the era of McCarthyism after World War II, the labor-based civil rights movement of the early 1940s was crushed, both nationally and locally. In Chapel Hill, the 1950s did not give evidence of labor militancy or large-scale black protest. Still, some of the conditions that had nurtured the Black workers struggle of the 1930s and 1940s persisted. There were increasing numbers of Black workers in Chapel Hill due to the University's continued growth. Jim Crow became even more institutionalized because of the concentration of Black workers at the University and its new hospital built in 1952. What was lacking was leadership and organizational support for the kind of grassroots struggle that could tap the power of Black workers. In fact, because of the era of Cold War repression, the Black freedom struggle had to create new leaders and new institutions.

Beneath the relatively calm surface of the 1950s in Chapel Hill, a second generation of Black leaders was developing. African American youths, coming of age during the era of the 1954 Supreme Court decision of *Brown vs. Board of Education* and the Montgomery Bus Boycott, were developing their own rebellious attitudes. With the support of progressive black church leaders like Dr. Martin Luther King, Jr., as well as seasoned radicals from North Carolina like Ms. Ella Baker and Attorney Floyd McKissick, Black youths across the South took a stand for freedom in 1960. Black high school students from working class families led a sustained and powerful movement in Chapel Hill from 1960 to 1964. The audacity and determination of these young people broke through the barrier of fear built by leaders of white supremacy during the 1950s. The Black youth sit-in movement, and all of the massive grassroots organizing that followed it, overthrew Jim Crow in the early 1960s and demonstrated the power of what poet, Margaret Walker, called "a people loving freedom come to growth."

Black Workers At UNC And The Workers' Revolt In Chapel Hill

Throughout the Depression, African Americans pressed on with community building. Yet these efforts could not stop the drastic deterioration in living standards caused by the combined effects of economic crisis and white supremacy. Nor did they speak to the rising hopes of African Americans sparked by the New Deal and militant labor organizing. It was in this context that a workers revolt developed in Chapel Hill.

The revolt was not only a protest against hard times and Jim Crow; it was also, to some extent, a rejection of freedom strategies that relied solely on deferential relationships between "the better class of Negro" and elite leaders of the white community. The Black revolt in Chapel Hill grew out of both local and national changes that reflected the growing power and radicalization of Black workers. Increasingly, these

men and women relied on their own organized strength. The uprising began with an unprecedented Black rebellion and armed confrontation with the white mill workers of Carrboro in August 1937. It took institutional form with the organization of a local of the Congress of Industrial Organizations at the university in 1942.

Before the New Deal began in 1933, the Great Migration brought millions of Black workers out of the South to the industrial centers of the Northeast and the Midwest. A million and a half African Americans moved north during the 1920s alone. Within the South, large numbers of Black workers left farms for the rapidly growing urban areas. These migrations resulted in the formation of an urban Black working class that led to labor organizing, powerful Black political influence, and a more assertive Black culture.

As early as 1928, African Americans in Chicago used their newfound political rights to elect the first Black Congressman since 1900. Between 1934 and 1936, Black voters throughout the nation deserted the Republican Party en masse and became an important component of Franklin Delano Roosevelt's New Deal coalition. At the same time, Black urban culture developed themes of racial assertiveness and militant struggle. Young Black writers, many associated with the Harlem Renaissance, popularized such themes. In 1937, Richard Wright published his autobiography, *Black Boy*, gave voice to the new Black militancy:

The white South said that it knew 'niggers,' and I was what the white South called a 'nigger.' Well, the white South had never known me—never known what I thought, what I felt. The white South said that I had a 'place in life.' Well, I had never felt my 'place'; or, rather, my deepest instincts had always made me reject the 'place' to which the white South had assigned me. It had never occurred to me that I was in any way an inferior being. And no word that I had ever heard fall from the lips of southern white men had ever made me really doubt the worth of my own humanity.

White radicals joined with militant African Americans to denounce southern Jim Crow and join grassroots organizing efforts. Members of the Communist Party led the way with their work in the Gastonia textile strike of 1929 and the defense of the Scottsboro Boys in 1931. After the 1935 passage of the National Labor Relations Act, which guaranteed workers' rights to organize unions, much of this biracial organizing took place through the efforts of the Congress of Industrial Organizations (CIO).

Unlike the discriminatory craft unions of the American Federation of Labor, the CIO organized Black workers alongside of white workers, women as well as men, the unskilled as well as the skilled. The CIO had militant organizers, including communists. CIO locals were the foundation for the "civil rights unionism" that developed rapidly in the South during the late 1930s and early 1940s. In North Carolina this movement was particularly strong among the tobacco workers of Winston-Salem, but it manifested itself in Chapel Hill and other communities, as well.

Hard times bore down heavily on both Black and white workers in Chapel Hill. Yet neither Depression-era hardships nor the provocations of Jim Crow were new in 1937. Nevertheless, the participation of hundreds of African Americans in an armed revolt was something new. By bringing masses of Black workers onto the center stage of history, the rebellion altered the dynamics of race relations in Chapel Hill. It marked the loss of moral authority for longstanding strategies of gradualism endorsed by white liberals and some Black leaders and it cleared the way for a new strategy of left-led, civil rights unionism in Chapel Hill.

The August 21st Movement

<h2 style="text-align: center;">Judge Phipps Urges Officers To Arrest and Bring to Court Both White and Negro Rioters</h2>	
<h3>George Penn Killed</h3> <p>George Penn, member of the state highway patrol, who was a student here and won many friends in the village when he worked in the Pritchard-Patterson drugstore, was shot and killed by two criminals early Sunday evening near Fairview, a few miles from Asheville.</p> <p>On duty at a weighing station, he had given chase on his motorcycle when an automobile passed the station without stopping.</p> <p>A blue sedan found in Ashe-</p>	<p>Says Vagrancy Laws Should Be Invoked against Men Who Turn Down Job Offers</p> <h3>SCORES HABITUAL LOAFERS</h3> <p>At the session of the recorder's court Monday evening Judge L. J. Phipps addressed the prosecuting attorney and the police officers as follows:</p> <p>"Mr. Solicitor, the near rioting on West Franklin street last Saturday night demands a thorough investigation by all law-enforcement officers of Chapel Hill and Carrboro to the end</p>

On Saturday afternoon, August 21, 1937, tension along the color line crackled like high voltage electricity in the streets of Chapel Hill and Carrboro. Crowds of angry Blacks faced off against and white men on Main Street, between West Franklin Street and Lloyd Street, at the entryway to Carrboro. "The Negroes were silent, grim, defiant; the whites were raging, screaming, threatening," according to one eyewitness.⁵ The night before, the Black rage at Jim Crow police practices had erupted.⁶ At 11 P.M. Friday night, an unidentified white motorist pulled into Yarborough's filling station on the corner of Franklin Street and Merritt Mill Road, near the boundary between Chapel Hill and Carrboro. Immediately, a rock crashed into the car windshield. Jumping out, the driver punched a Black Chapel Hill man named Tom Atwater. Atwater tried to fight

⁵ Scales and Nickson, *Cause at Heart*, 49.

⁶ "Better Police Protection Is Essential Step toward Remedy of a Bad Situation," *Chapel Hill Weekly*, August 27, 1937, and Matt Robinson, "Race Riot," *The Independent*, July 31, 2002.

back, but James Horne, a white attendant at Yarborough's, smashed a beer bottle over his head. The crowd swelled.

At that point, police arrived, arrested Horne and took him to the Carrboro jail. Chief Sloan took Atwater to a doctor. The growing crowd reacted angrily, believing Atwater was being arrested. For a while, that seemed to be the end of it. Someone, however, rallied the crowd and "a crowd of 40 or 50 negroes" marched to in front of the jail, "clamoring to get at the prisoner." Believing that violence might follow, the white authorities took Horne to the jail in Hillsborough.

Word of the fight spread throughout the Black community. Along the main street leading into Carrboro, a large crowd of Black residents gathered. Chief Sloan estimated the crowd's size at three hundred African Americans. Some threw rocks and bricks at passing whites. The crowd took over Main Street, blocking all traffic.

Suddenly the wail of a fire siren blared in the darkness. Out of Carrboro, a truck barricaded with crossties appeared. As it approached, white men in the truck began shooting into the crowd of African Americans. Chief Sloan reported, "The negroes were returning the gunfire very promptly." Chapel Hill Alderman P. L. Burch estimated that 100 to 200 shots were fired, and 5-10 people were wounded. Within a short time, 8 Durham police officers arrived armed with tear gas and tommy guns. By 4 a.m., the streets were clear.

According to Graves, "never before has there been any such clash between the races as occurred at this week-end It serves to throw light on a situation that is unquestionably dangerous." The white power structure that governed Chapel Hill agreed. The fact that Black workers had stood their ground, and returned blow for blow and shot for shot reflected more than hostility toward white mill hands. The powerful people who ran the University and the Town knew this was a sign that Black workers in Chapel Hill were fired up and willing to stand up for their rights.

The members of the white establishment of the University/Chapel Hill initiated an unprecedented coalition with "the better class of Negroes." They raised money to fund the purchase of land and the cost of constructing a Negro Community Center. They formed a biracial committee to carry the Community Center project through. Although leaders in the Black Community had been talking about a Community Center for many years, there were no resources for such an undertaking.

After the August 21st Movement, however, rich white people seemed to see the project in a new light. It was probably worth a small investment to get young Black men off the streets and pacify the Black community.⁷ University and Town administrators

⁷The history of the Black community center is examined extensively in Mason, "The Negro Community Center of Chapel Hill." Over the next five years, the Black community again mobilized its resources under the leadership of the Negro Civic Club to try to finish what is now called Hargraves Center. It took the U.S. Navy, in 1942, to finish the building to house the Black band members of the Navy

began talking about increased support to the town police, hiring “colored policemen,” and increasing the second-class educational services provided in the colored schools.

While they considered and built these “carrots,” the University/Town establishment took steps to strengthen their “sticks”—police powers to deal with future incidents. On Sunday morning, August 28, 1937, Police Chief Sloan, Chapel Hill Town Manager J. L. Caldwell, Carrboro Manager Winslow Williams, and Alderman Burch, who was also the University’s manager of its Physical Plant, met to sum up events and explore methods of suppressing future disorders. Burch reported that Caldwell was going to buy a submachine gun with ammunition, twelve hand grenades, and “three gas billies with twelve cartridges.” The four white men agreed that Chapel Hill, Carrboro, and UNC would split the costs for these new weapons, with UNC’s share to be \$164.50.⁸

While it was the new militancy of the Carrboro-Chapel Hill Black workers that inspired them to act, the White leaders saw the elite interracial coalition and the recreation center itself as means of controlling dissent and disorder, not as a step toward racial justice. The Black community welcomed the recreation center, but neither the center nor the interracial coalition led by white elites addressed the needs of Black workers and their families. It was not surprising, therefore, that Chapel Hill’s Black workers were attracted to the southern organizing drive of the CIO that was picking up steam in 1937, on the heels of the passage of the National Labor Relations Act.

In remarks that reveal much about the motivations of white businessmen who pursued alliances with “the better class of Negro,” Louis Graves wrote several editorials denouncing John L. Lewis and the CIO’s southern organizing drive during the same period he was exposing the “outrage on Franklin Street” and calling for a “Negro Community Center.” Like Gov. Clyde Hoey, Graves denounced the CIO’s militant tactics. Following the CIO’s victory in organizing the steel industry in Pittsburg, Graves called the CIO a “lawless and ruthless minority group.” He demanded that the North Carolina government “protect the majority of workers in their right to work” if the CIO came to North Carolina.⁹ In these remarks we can see the foreshadowing of GS 95-98.

From Human Relations to Power Relations—Bring on the Union

Paying this self-appointed white “protector” no heed, Black workers in Chapel Hill formed the first CIO local union at the University in March 1942. They turned to the CIO because they had drawn lessons from previous movement-building experiences. Based on a 1943 interview with Elliott Washington, former President of the Janitors’ Association, sociology graduate student Charles Maddry Freeman summed up how Black workers saw the difference in the two groups. “The Janitors Association . . . has been

Band, who could not find housing elsewhere in the tightly segregated Chapel Hill. At the end of the war, the Center was turned over to the Black community.

⁸Robinson, “Race Riot.”

⁹“When the C.I.O. Comes South,” *Chapel Hill Weekly*, April 2, 1937 and “Gangsterism Wins Victories on the Labor Front,” *Chapel Hill Weekly*, June 25, 1937.

important more as a social and civic organization than as an economic force. It has had the power to recommend to the University what men should be hired as janitors, but as a bargaining group it has been weak. Just before the C. I. O. was organized . . . the Janitors Association had been trying for a year to get a raise and finally succeeded in securing an increase of only fifty cents a week.”¹⁰

When the University’s Black workers invited the CIO to help them unionize, they knew it involved both risks and advantages over their previous Association. The State, County, and Municipal Workers of America (SCMWA-CIO) had much union experience to share and resources to pay organizers. It had strong anti-racism leadership so it brought Black workers at the University into a close association with the vibrant new “Southern Freedom Movement” made up of trade unionists, socialists, radical Christians, and New Dealers.¹¹ The SCMWA-CIO union also introduced Chapel Hill’s Black workers to other militant Black-led unions, such as the Tobacco Workers Union (TWU-CIO) in Winston Salem, an important part of the Southern Labor Movement. The militant egalitarianism of the CIO was also compelling. Union organizers encouraged the leadership of Black workers and women, and strongly challenged Jim Crow employment practices. These advantages were offset by the fact that the radical associations and more militant tactics of the CIO directly challenged the White Establishment’s Big Lies, and therefore usually evoked redbaiting and violent reprisals.

Black University workers had tried rational appeals to administrators through the Janitors’ Association in traditional, non-confrontational ways, based on an implied promise to stay in their “place.” Despite the good intentions of Frank Porter Graham, their traditional appeals had achieved little. The issue was not human relations (a fancy term for “race relations”), but rather power relations. Black workers needed more power, so they joined the CIO.

By 1942, increasing numbers of students and faculty were ready to support Black workers in their efforts to have a strong Union. Catching the New Deal Spirit, many professors and students began looking for ways to support labor organizing in the late 1930s. When they appealed to their own University to improve conditions for Black campus workers, they soon learned the limits of liberalism.¹² In September 1937, for example, Professor Wiley B. Sanders of the Division of Public Welfare and Social Work wrote a sharply worded letter to Frank Porter Graham criticizing the University’s “failure to practice what we preach.” Prof. Sanders wrote that, despite the University’s liberalism, “We have not seen fit to reward our faithful Negro janitors with a vacation anytime during the year.” He called on Graham to grant them two weeks vacation with pay, saying he thought the faculty would support this.¹³ Pres. Graham instructed L. B.

¹⁰Freeman, “Growth and Plan,” 27.

¹¹Honey, *Southern Labor*, 115-21, 142-44.

¹²Dick and Fran Koral interview; Sidney Rittenberg interview; Junius Scales interview; Harvey Segal interview.

¹³From W.B. Sanders to Dr. Frank P. Graham, 8 September 1937, Business and Finance: Physical Plant Division; Office of Director 1937-1939, UA.

Rogerson, Assistant Comptroller, to write a letter to Sanders defending the university's treatment of the janitors. While the letter reflected Graham's efforts to protect the janitors from the full impact of the General Assembly's Depression era wage cuts, it also revealed that Black workers were still treated as second-class human beings at UNC. Rogerson wrote that while the University granted vacations with pay to workers "in certain units," it "hoped" to extend such benefits to all employees "as soon as conditions permit." While the University provided white employees with a club house and recreational programs including "lectures, dances, bridge, checkers, ping pong, soft ball, golf, and other tournament[s]," it "hoped" to provide Black workers "the same type of social, recreational, and educational facilities which have been provided for the white employees . . . just as soon as conditions permit."¹⁴ The University's open racism radicalized an increasing numbers of students and faculty.

Charles Maddry Freeman believed that Harvey Segal and Frank Green, two UNC students, carried out the initial organizing efforts to bring workers into the union while members of the American Federation of Teachers assisted the students. Nevertheless, Segal recalled that most of the initiative for organizing came from the Black workers. "It wasn't anything that was hard to sell It seemed to me they were doing the [organizing] I just sort of functioned as an advisor." Segal's main job was writing leaflets.¹⁵

Dr. Graham Supports Union's Demand for Collective Bargaining and Contract

On June 29, 1942, shortly after the formation of SCMWA Local 403, President Graham wrote to Governor Broughton suggesting he either grant an "emergency adjustment" in wages for those in "the low wage brackets" or allow the workers to "on their own initiative, collectively, petition for adjustment."¹⁶

The Governor replied with vehemence, spanking Graham like an insolent child for forgetting the longstanding antagonism of North Carolina's ruling class to labor unions. "Certainly," wrote Broughton, "I think it would be unfortunate and wholly undesirable for workers in the employment of the State to yield to any suggestion that may have been made that they form unions and affiliate with the C. I. O. or any other labor group. Such a step would be out of harmony with a long established policy and would be productive, in my opinion, of much harm rather than good."¹⁷

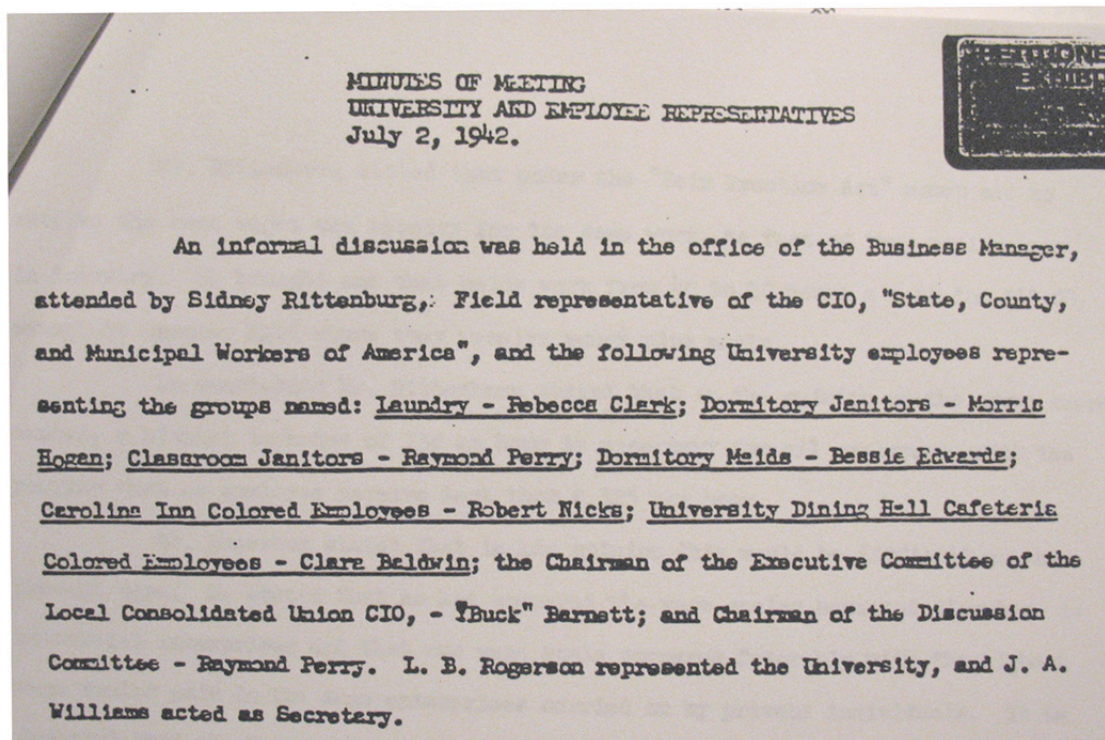
¹⁴From L.B. Rogerson to Prof. W.B. Sanders, 11 September 1937, Business and Finance: Physical Plant Division: Office of Director, 1937-1939, UA.

¹⁵Freeman, "Growth and Plan," 27; Segal interview.

¹⁶These quotes are from Broughton's reply to Graham on 2 July 1942 in which he paraphrased Graham's letter of 29 June 1942.

¹⁷From J. Melville Broughton to Dr. Frank P. Graham, 2 July 1942, Business and Finance Records: Physical Plant Division: General Files, 1940-1945, UA. Graham's letter of 29 June 1942 is noted and paraphrased in Broughton's letter.

On the same day the Governor spanked President Graham, collective bargaining began between the union and university administrators. On one side of the table was Sidney Rittenburg, the CIO field representative, with the Union representatives from different departments in the University: Laundry—Rebecca Clark; Dormitory Janitors—Morris Hogan; Classroom Janitors—Raymond Perry; Dormitory Maids—Bessie Edwards; Carolina Inn Colored Employees—Robert Nicks; University Dining Hall Cafeteria Colored Employees—Clara Baldwin; the Chairman of the Executive Committee of the Local Consolidated Union CIO—Buck Barnett; and Chairman of the Discussion Committee—Raymond Perry. On the other side of the table was L. B. Rogerson, Assistant Comptroller and J. A. Williams, Personnel Officer of the University.¹⁸



There were two key organizational support groups for this strong union drive. For over six years, the Communist Party had been active in Chapel Hill, recruiting local activists, students, faculty members and workers. At least two party “clubs” were meeting regularly by 1942.¹⁹ The other institutional support for the union came from

¹⁸“Minutes of Meeting University and Employee Representatives,” 2 July 1942, Business and Finance Records: Physical Plant Division: General Files, 1940-1945, UA,

¹⁹Junius Scales interview.

the Black churches of Chapel Hill. “The union has received the support of the churches. The regular meetings have usually been held in Rock Hill Baptist Church and occasionally at St. Paul’s and the Second Baptist Church. Meetings are announced regularly from the pulpits. Union meetings are held at the Hollywood Theater whenever there is a conflicting religious meeting.”²⁰

By 1944, the union had approximately 200 members, representing a majority of the Black campus workers. Paying dues was not a requirement of membership, but still over 80 members paid \$1r a month dues. Laundry workers paid \$.75 monthly, because of their extraordinarily low wages.²¹

The CIO enjoyed broad support among the University’s Black workers, the local Black community, and among many students and professors. This strength translated into some important victories. While the Janitors’ Association won a mere \$.50 per week wage increase after a year of effort, just before the formation of SCMWA Local 403 in March 1942, the workers won a 16% raise of \$2.50 per week.²² After the first collective bargaining session with SCMWA Local 403, the University agreed to

- *limit arbitrary employment practices by dealing with lay-offs and promotions on a seniority basis;
- *improve food served to workers at Carolina Dining Hall and the Carolina Inn;
- *alleviate heat exhaustion by providing salt tablets for workers at the Laundry, the Dining Hall and the Inn;
- *decrease gender-based wage differentials between maids and janitors by raising the wages of maids to \$.30 per hour for a forty-four hour week, or \$13.20 a week.²³

Despite these important victories, a pattern emerged during these first negotiations that was to characterize labor relations at UNC during the next five years. While the University gave small concessions with one hand, it took away with the other. While raising janitors’ wages from \$.29 per hour to \$.37 per hour, the University cut their hours from 54 to 48 per week. While the University raised the wages of maids, it stopped providing free meals it had given to them at Spencer Dorm (the White women’s dormitory). And to let the Union know who remained in charge, the University set up a backbreaking piecework system at its Laundry.²⁴

²⁰Freeman, “Growth and Plan,” 29.

²¹Freeman, “Growth and Plan,” 29.

²²Freeman, “Growth and Plan,” 29.

²³Minutes of a Meeting, 13 July 1942, Business and Finance Records: Physical Plant Division: General Files, 1940-1945, UA.

²⁴Minutes of a Meeting, 13 July 1942, Business and Finance Records: Physical Plant Division: General Files, 1940-1945, UA; Minutes of a Meeting, 21 July 1942, Business and Finance Records: Physical Plant Division: General Files, 1940-1945, UA; Freeman “Growth and Plan,” 29-30.

On August 5, 1942 the SCMWA Local 403 rejected the University's piecework system in the Laundry because it was an attempt to force workers to "accept a piece-work system as an assurance of improved conditions and earning power without an immediate guarantee of a substantial increase in wages." The Union argued that the largely female laundry workers had substandard and unequal wages already, "even when compared to what small advances the janitors have been able to make recently."²⁵ The University did not respond to the union's critique of gender discrimination and empty promises. It arrogantly implemented the piecework system.

It is revealing to read the basic positions of the SCMWA Local 403 and the University from the minutes of their first collective bargaining session. In response to the Union's demand for significant wage increases, the following interchange took place:

UNC [Mr. Rogerson]: It is doubtful that the University should take the leadership in forcing wages up, particularly where laundries are concerned. If our laundry prices go up we will be requiring students to pay more for their laundry here than they would have to pay at a commercial laundry."

Union [Mr. Rittenburg]: The State should not exploit the laboring man in order to keep prices low for students.²⁶

It appears the University, despite President Graham's progressive tendencies, was determined to maintain the norms of Jim Crow and resist union organizing.

The University Blames Its Discrimination on the Navy

On August 11, 1942 the university summarily dismissed eight Black women working in the cafeteria.²⁷ The Union's response was immediate. The same day, Abram Flaxer, the national president of SCMWA, telegraphed Graham, who was in Washington, D.C., concerning "unfair dismissals and other problems concerning union members" at the university.²⁸ Graham telegraphed back to the Union the same day: "Report no dismissals but two day layoff for work adjustment to new conditions Wish to assure you there will be no discrimination."²⁹

²⁵From Mrs. M. Morphis, Mrs. Rebecca Clark, Sidney Rittenberg to Mr. L.B. Rogerson, n.d., "rec'd Aug. 5, 1942," Business and Finance Records: Physical Plant Division: General Files, 1940-1945, UA.

²⁶"Minutes of Meeting University and Employee Representatives," 2 July 1942, Business and Finance Records: Physical Plant Division: General Files, 1940-1945, UA.

²⁷Conference Between L.B. Rogerson, C.E. Gooch, J.A. Williams, n.d., Business and Finance Records: Physical Plant Division: General Files, 1940-1945, UA.

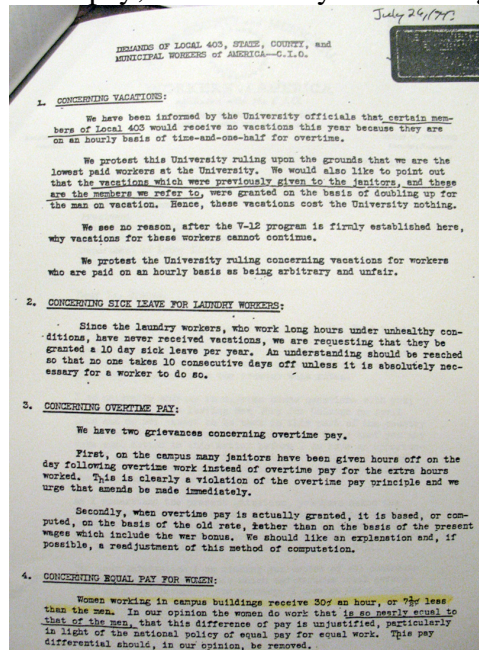
²⁸Abram Flaxier to The Hon. Frank P. Graham, telegram, 12 August 1942, Business and Finance Records: Physical Plant Division: General Files, 1940-1945, UA.

²⁹Frank P. Graham to Abram Flaxier, telegram, 12 August 1942, Business and Finance Records: Physical Plant Division: General Files, 1940-1945, UA.

Graham had been misled. In a carefully worded statement to Graham some days later, Assistant Comptroller Rogerson, as well as the Manager of Lenoir Dining Hall and the Personnel Supervisor, acknowledged the layoffs but stated the action came in response to a request from the Navy, claiming:

The Navy has indicated its preference for white girls as 'mess attendants.' To meet this request, . . . the colored girls were laid off pending a final decision of the Navy as to the type of service it will standardize. This change also necessitated the laying off of two dishwashers and two mop boys.³⁰

Within a year, labor relations had become even more polarized. On July 26, 1943 the union issued a set of demands reflecting its awareness of the University's practice of giving with one hand and taking away with the other. Previously, for instance, janitors had received vacations if other janitors were willing to "double up" for them. These vacations cost the University nothing. However, after the janitors became hourly employees eligible for overtime pay, the University refused to grant any vacations.



The union protested and called for the reinstatement of vacations for janitors. In consideration of the unhealthy conditions endured by laundry workers, and because they had never received vacations, the union demanded ten sick days for laundry workers. Third, the union protested the practice of giving janitors hours off on the day following overtime work, "instead of overtime pay for the extra hours worked." Moreover, the union asked for an explanation of why overtime was calculated on the old rate of pay rather than the new scale. Fourth, the union demanded equal pay for maids and janitors

³⁰Conference between L.B. Rogerson, C.E. Gooch, J.A. Williams, n.d., Business and Finance Records: Physical Plant Division: General Files, 1940-1945, UA.

since the work of the women was “so nearly equal to that of the men.” Fifth, the union noted that, “In some buildings men are doing 50% more work than they normally perform.” In such instances, the union demanded that, “wages should be increased to compensate for the increased load.”³¹

SCMWA Local 403’s efforts bore fruit. After considering its demands, the University issued policies granting one week of paid vacation to every full time University employee, as well as twelve paid sick days per year.³²

Graham was away from the campus a great deal during the war attending to various New Deal responsibilities. In his absence, the conservative Carmichael was in charge, whose open hostility to the Union more nearly reflected the views of the trustees.³³

Throughout 1944 and 1945, Local 403 advocated for both the human rights and material needs of black workers. On March 31, 1945 a memo from J. A. Williams to Graham demonstrated that Local 403 was tackling racial discrimination head on, as well as gender discrimination.³⁴ The Union filed complaints with the Fair Employment Practices Commission concerning wage discrimination between Black and white workers at the Laundry. At the time the University admitted its Laundry employed “14 white men, 42 white women, 17 colored men, and 87 colored women.” The University segregated its workers by Jim Crow job descriptions. Several Black women workers complained to the FEPC they were paid less than white women doing comparable work.

The University denied this disparity, claiming: “The contention that service operators or folders receive a higher wage than press operators because of race is untrue. Service operators receive more because their position requires more capable and responsible people We attempt to select persons best qualified for each type of job without regard for race, color, or previous nationality.”³⁵

The University’s racism was evident, when one considers that all press operators were black, while all listers, checkers, and folders were white. The fact the University segregated jobs by race was an essential foundation of the Jim Crow employment system, much as its apologists denied it.

³¹“Demands of Local 403, State, County, and Municipal Workers of America—CIO,” 26 July 1943, Business and Finance Records: Physical Plant Division: General Files, 1940-1945, UA.

³²Memo to Service Departments, “Personnel Regulations with Regard to Vacation Leave and Sick Leave,” summer 1943, Business and Finance Records: Physical Plant Division: General Files, 1940-1945, UA.

³³For the relative hostility of Carmichael toward the union, see Rittenberg interview.

³⁴From J.A. Williams to President Frank P. Graham, March 31, 1945, Business and Finance Records: Physical Plant Division: General Files, 1940-1945, UA.

³⁵For evidence of the racial segregation of jobs in the Laundry as late as 1949 see Bain, “Study.”

On May 14, 1946 Martin A. Watkins, Representative of Local 403, notified President Graham that the union wanted to negotiate a contract.³⁶ Graham responded to this escalation the next day saying he and other administrators would be glad to meet with union representatives to discuss the matter. He added, “Since we are a state institution, the negotiation of a contract is subject to state policy through the Board of Trustees as the legally responsible agency of the state for making a contract binding the University.”³⁷ On May 21, administrators met with union representatives and informed them that they had no authority to discuss a contract but that they would refer the matter to Chancellor House to bring before the Board of Trustees.³⁸ In May, the Board of Trustees passed the following resolution: “Moved that it is the sense of the Board of Trustees of the University of North Carolina that neither the Board nor the officers of the university have the authority, in the absence of legislative declaration of policy, to recognize any organization of its employees or to enter into collective bargaining relations with them.”³⁹

On June 4, 1946, Graham wrote to Chancellor House saying, “I feel very low that the full Board turned down the request that the representatives of the union be given a hearing by the Trustees Committee on the matter of a contract.”⁴⁰ Graham also wrote to the Union to inform it about the Trustees stonewalling, and suggested that “some of the local workers go through the regular grievance procedure.” Embarrassed by the Trustees, Graham wrote, “Personally, I believe in unionism and collective bargaining, but, as you also know, I am subject to the regulations of the Board of Trustees of the University.”⁴¹

The University’s Role In Outlawing Collective Bargaining

World War II ended and the southern power structure declared war on its black workers. Black GI’s returned to the Jim Crow South, but were unable to attend the University that they had fought for. These citizens of North Carolina were prevented by

³⁶From Martin A. Watkins to Dr. Frank P. Graham, 14 May 1946, Business and Finance: Physical Plant Division: Office of Director, 1940-1945, 1946-1947, UA.

³⁷From Frank P. Graham to Mr. Martin A. Watkins, 15 May 1946, Business and Finance: Physical Plant Division: Office of Director, 1940-1945, 1946-1947, UA.

³⁸From C.E. Teague to Chancellor R.B. House, 22 May 1946, Business and Finance: Physical Plant Division: Office of Director, 1940-1945, 1946-1947, UA.

³⁹Quoted in a flyer distributed by the Executive Committee of the Chapel Hill Chapter of the Southern Conference on Human Welfare, 8 August 1947, Business and Finance: Physical Plant Division: Office of Director, 1940-1945, 1946-1947, UA.

⁴⁰From Frank P. Graham to Chancellor R.B. House, 4 June 1946, Business and Finance: Physical Plant Division: Office of Director, 1940-1945, 1946-1947, UA.

⁴¹From Frank P. Graham to George Farbman, n.d., Business and Finance: Physical Plant Division: Office of Director, 1940-1945, 1946-1947, UA.

law from taking advantage of the GI Bill, that brought the Best and the Whitest back to Chapel Hill. The only Justice Black GI's ever saw in Chapel Hill was when Choo Choo was practicing and the janitors watched him run around. No Black football players from Lincoln H.S., the State Champions in two of the post-war years, could ever even dream of going to the University.

The University was swept up in the racist reaction to the growing power of Black workers, particularly with the return of Black GI's who had served in Europe and experienced less racist societies. The Trustees, in conjunction with the gathering storm of anti-communist Cold War hysteria, were determined to smash Local 403 at UNC.

On June 25, 1947, Leroy W. Clark, the long-time Black janitor who was chair of Local 403's Negotiations Committee, sent Graham a copy of the letter the union had submitted to J. S. Bennett, Supervisor of Operations.⁴²

Dear Mr. Bennett,

Our membership has asked me to bring formally to your attention a program designed to offer immediate, essential improvement of our pay and working conditions. We are all deeply disturbed by the failure of the University, over a long period of time, to improve a labor situation which is almost intolerable. We are shocked to learn that the University contemplates reducing even our present inadequate wages by dropping all or part of our war bonus and by increasing the amount taken out of our pay for the retirement fund.

We should like to remind you of the problems faced by some of our members. Workers in the dining hall, for example, take home about \$19 a week for a work-day that begins at 6:30 in the morning and does not end until 8:30 at night. Workers in the laundry get 33 cents an hour. With the bonus, which they may now lose, they have a take-home pay of \$22 or \$23 for a 45 hour week. Janitors, attendants and cleaners in the University buildings work long hours for about \$26 a week.

University workers now receive about one week of paid vacation in the entire year. Some receive one paid holiday, Christmas. Many, including over one hundred laundry workers, are not even paid for Christmas. Many others are forced to work on holidays with no extra pay.

After thorough discussion, our membership decided to put forth the following minimum program:

*No pay reduction now. At present prices we cannot live decently on what the University pays us. The loss of any more pay is impossible.

*The granting of two weeks of paid vacation, instead of one week, to all University employees.

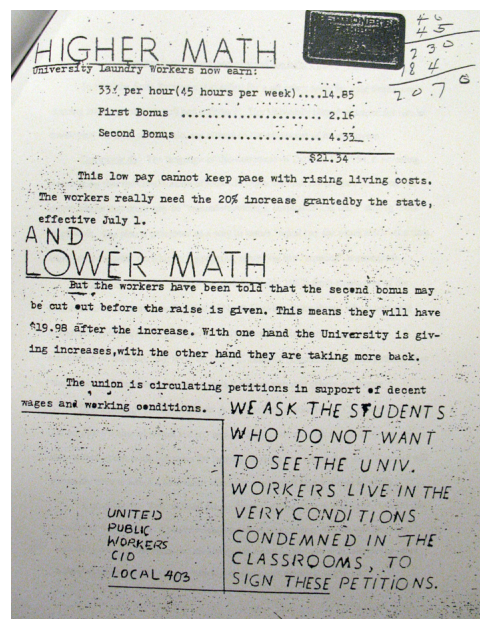
⁴²From Leroy W. Clark to Dr. Frank Porter Graham, 25 June 1947, Business and Finance: Physical Plant Division: Office of Director, 1940-1945, 1946-1947, UA.

*The granting of eight paid holidays every year. Extra pay to workers forced to work on any of these holidays.

*Formulation of immediate plans by the University to raise the wages of its employees. Money must not be spent on new highways and other expensive projects while we are paid starvation wages.⁴³

The Union tried to mobilize the university community to support the Black workers with a flyer distributed on campus, showing the “HIGHER MATH” of workers’ wages, which included a much publicized bonus and the “LOWER MATH” which showed the miserable pay minus the bonus. The flyer tried to awaken the students that the people who cleaned their rooms, did their laundry, kept the beautiful campus, cooked and fed them, had been jerked around with the same old tactic. “With one hand the University is giving increases, with the other hand they are taking more back.” The leaflet closed with an appeal:

WE ASK THE STUDENTS WHO DO NOT WANT TO SEE THE UNIV. WORKERS LIVE IN THE VERY CONDITIONS CONDEMNED IN THE CLASSROOMS, TO SIGN THESE PETITIONS. 44



⁴³From Leroy W. Clark to J. S. Bennett, 25 June 1947, Business and Finance: Physical Plant Division: Office of Director, 1940-1945, 1946-1947, UA.

⁴⁴Flyer, “Higher Math and Lower Math,” n.d., Business and Finance: Physical Plant Division: Office of Director, 1940-1945, 1946-1947, UA.

This June 1947 appeal to students is the last local union activity for which records have been found. What destroyed Local 403, in addition to the trustees ban on dealing with the union, was the anti-communism that gripped the university and the rest of the nation in 1947. The local environment became super-heated on October 29, 1947, when Junius Scales, a World War II veteran and graduate student in history at Carolina, revealed his membership in the Communist Party and the existence of a party chapter at UNC.⁴⁵

Cold War repression was aimed not just communists, but nearly all progressives in the years ahead. In 1949, progressive causes at the university, particularly trade union organizing, lost their most powerful defender when Frank Porter Graham was appointed to fill the unexpired U.S. Senate term of J. Melville Broughton, who died on March 6, 1949. The next year, the reactionary tide swept over Graham as he lost his Senate election bid to archconservative Willis Smith, who was helped by a young man named Jesse Helms who red-baited and race-baited Dr. Frank daily across the state.

North Carolina's anti-labor environment and Cold War repression imposed a high price on black workers. Their vulnerability and isolation is perhaps well illustrated by a brief article that appeared in the *Daily Tar Heel* in the fall of 1947. On September 26, an article headlined "Uncle Has Trouble" reported that the sixty-nine year old janitor of the Zoology building, Elliott Washington, had cancer and required an operation he could not afford.⁴⁶ The year before, Washington had spent his life savings on a cataract operation for his wife that restored her sight in one eye. Although Washington had worked for the university for thirty-five years, he was "ineligible for retirement benefits." Thus, without savings, health insurance, or retirement benefits, Washington was dependent on the goodwill of white professors, who were raising a fund for his operation. A year later, Junius Scales led prayers at his funeral.⁴⁷

Despite UNC's "relative freedom of thought," those that spoke out and acted on behalf of Black workers faced a decidedly hostile environment in the late 1940s. The purpose of this Jim Crow institutional culture, as it had been since the beginning of the century, was to enforce low wages on black workers by keeping them isolated from all support. This was part of the low wage strategy of North Carolina's New South industrial leaders. They enforced their will on both black and white workers by keeping the working class divided and without power. These businessmen remained the dominant power at the university, despite the best efforts of black workers, progressive students, and liberals like Frank Porter Graham to create a democratic countervailing power.

The civil rights unionism of the CIO in Chapel Hill and elsewhere was part of a larger national upsurge of black labor militancy. Though many of the local labor organizations that came into being during this period, including the Chapel Hill union, did not endure, black workers played a critical role in creating a national employment

⁴⁵"Chapel Hill Communist Party Openly Revealed by Circular," *Daily Tar Heel*, October 30, 1947.

⁴⁶"Uncle Has Trouble," *Daily Tar Heel*, September 26, 1947.

⁴⁷Junius Scales interview.

standard of equal opportunity. A good example of this growing consensus is the 1945 assertion of UNC's personnel manager that "We attempt to select persons best qualified for each type of job without regard for race, color, or previous nationality." While still resisted by most southern politicians, the 1947 Truman Commission report, "To Secure These Rights," is further evidence of this growing trend. Frank Porter Graham served on the committee that drafted this report. Although he endorsed "the elimination of segregation as an ultimate goal," he disagreed with the report's recommendations to pursue that goal by means of federal laws and sanctions.⁴⁸

The growing "fair employment" consensus was the context in which the state of North Carolina undertook a large-scale standardization of state job classifications and pay grades. Despite superficial compliance with "equal pay for equal work" principles, Jim Crow employment practices were still firmly in place at the university and throughout the state. While it is beyond the scope of this dissertation to discuss the history of the State Personnel Act, a brief illustration will demonstrate that UNC did play an active role in the formulation of state personnel policy. The university did not advocate the dismantling of Jim Crow or justice for black workers and its recommendations in no way challenged the low wage, anti-union strategy of North Carolina's industrial leaders.⁴⁹

After World War II, North Carolina began to implement a standard job classification plan for state workers. In part, this was in response to a growing national consensus that pay should not vary arbitrarily or unfairly among workers doing the same job. This "fair employment" movement called for "equal pay for equal work."

The State Personnel Act of 1949 established a process to classify all state jobs and establish uniform rates of pay among state institutions. Negotiations between the university and the State Personnel Department took place after 1954, when the classification plan was being put in place.⁵⁰ The same year the Supreme Court declared Separate but [un] Equal was Unconstitutional, starting a social earthquake in every institution of [white] learning in the South. Cold war McCarthyism had struck fear into the hearts of most liberals, the vicious and violent backlash against *Brown vs. Board of Education* had begun, and there were few people of influence at UNC willing to advocate for black workers. This set the stage for the passage of the Jim Crow Act of 1959—G. S. 95-98. This act put into law the University's Trustees and the Governor regular spanking of Dr. Frank Porter Graham and the valiant efforts of the Janitors and other Black workers at the University to unionize and be treated with respect and dignity at the "University of the People" where they could never dream of going.

⁴⁸Egerton, *Speak Now Against the Day*, 413-16

⁴⁹On the anti-union, low wage strategic consensus in North Carolina, as well as the state "right to work" law, see Luebke, *Tar Heel Politics*, 39, 71, 88, 85-101.

⁵⁰Many of the documents relating to the university's implementation of the "equal pay for equal work" provisions of the State Personnel Act of 1949 can be found in Chancellor's Records: R. B. House Series, Subseries 3: Administration, Personnel: General, 1952-1957, UA.

The 1950's Environment for the Passage of G.S. 95-98

In 1957 Business Officer A. H. Shepard, Jr., reported to UNC President William Friday and Business Manager W. D. Carmichael, Jr. about a meeting he had attended with State Personnel Department officials to personnel classifications and pay grades.

Dear President Friday and Mr. Carmichael:

[Commenting on the State's proposed raises for Black Workers.]

The University representatives submitted that the proposed new scales for janitors and maids were too high—that some increase might be desirable but that the new scale would throw University wages for this type of personnel out of line with prevailing rates in the community.”

The “University of the People” also objected to the State Personnel Office’s efforts to raise the laundry workers’ wages, to reducing hours of “custodial, maintenance and utilities employees” to a standard 40 hour week, and to paying the proposed higher rates, or being bound by any state standard for hiring “seasonal, casual or ‘spasmodic’” workers.

In short, when the new State Personnel Office tried to get the University to at least move in the direction of fairness and to cut the obscene racial discrepancies in pay and job descriptions, it appears the University used its considerable influence to insure that wage rates for workers in the lowest pay classifications, i.e. Black workers, remained as low as possible. Witness what another document from the University archives says about the State Personnel Office’s effort to classify employees.

It is our feeling that rates of pay to employees in the several different occupational categories should likewise be competitive with those paid by the private business community. For them to be lower, as may be the case in the top management levels, puts us at a real disadvantage in recruiting and retaining the high caliber men who can assure us of an efficient, profitable enterprise.

On the other hand, when rates of pay for the lower echelon of workers are much in excess of those paid by our competitors in the community, our overhead costs are out of balance and our profits suffer unless the added costs are passed along to the consumer.

In addition, very delicate public relations problems arise as between the University and the private community, and we must be sensitive to these relationships.⁵¹

⁵¹Undated memo in UNC Housekeepers, “Sixty Years of Struggle,” exhibit 4d Section 4.

While the University Trustees and their administrators were helping to engineer a backlash to increasing labor militancy, the Black community in Chapel Hill and Carrboro, led by University employees who had been trained in the Union movement, developed new community organizing tactics. In 1949, Black parents demanded that the old Orange County Training School be renamed Lincoln High School. When the new Lincoln High School was built on Merritt Mill Rd., Black parents sued because the school did not have adequate resources. In 1953, Hubert Robinson, former chauffeur to President Graham, became the first black alderman since the 1880s in 1953.⁵² Rev. J. R. Manley, still Pastor at First Baptist Church in 2007, was made first Black member of the school board in 1959. In 1960, the NAACP helped Lattice and Lee Vickers file a lawsuit against the Chapel Hill-Carrboro public schools on behalf of their son, Stanley, to have him transferred to an all-white school.⁵³

Although a number of attempts were made by African Americans to enroll in UNC during the 1930s and 1940s, it was not until 1951 that unrelenting pressure from the NAACP forced the *all-white* Trustees to reluctantly admit Edward O. Diggs to *their* Medical School, only because their attorneys believed they could not prevail before the Supreme Court, since no “separate but equal” medical school existed in North Carolina.⁵⁴ The NAACP also forced UNC to desegregate its Law School and other graduate schools, also in 1951. UNC was finally forced to admit a handful of Black students to its undergraduate program 1955.⁵⁵

These decisions by the Trustees were made with great resistance. Gordon Gray, scion of the R. J. Reynolds Tobacco fortune and the University President said, when requesting the Trustees admit Mr. Diggs to the Medical School:

I wish to say at the outset that I am frankly opposed to breaking down segregation in the public schools, and I am opposed to the admission of Negroes to our undergraduate schools or graduate and professional schools in cases where the State has attempted to provide such facilities for Negroes.”⁵⁶

⁵²*Chapel Hill Weekly*, June 21, 1957 and December 12, 1972.

⁵³*New York Times*, Feb. 1, 1960.

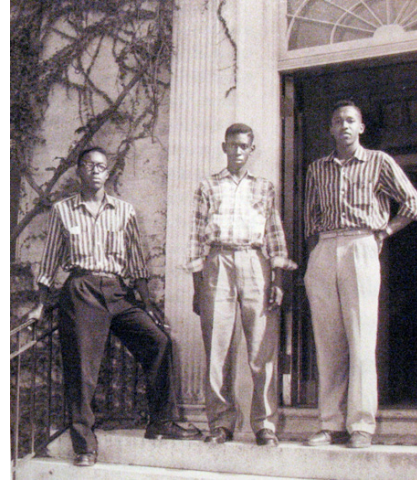
⁵⁴The U. S. Supreme Court’s 1938 decision in *Missouri Ex Rel. Gaines v. Canada* put southern states on notice that they would be required to improve their graduate and professional schools for African Americans or face court ordered desegregation. North Carolina responded in 1939 by founding a law school at Durham’s black North Carolina College. The state did not build any facilities for black medical education.

⁵⁵Cheek, “Desegregation of the University.”

⁵⁶Cheek, “Desegregation of the University,” 134.



First black UNC law students—Floyd B. McKissick, Kenneth Lee, Harvey Beech, and James Lassiter.



First black UNC undergrads—Leroy Frasier Jr., John Brandon, and Ralph Frasier.

Although voluntarily desegregating its Medical School, UNC Trustees fought desegregation of *their* UNC Law School that had produced many of the State's political and almost all of its judicial leaders through the 1950's. The Trustees argued that North Carolina College Law School in Durham [now North Carolina Central School of Law] was "separate but equal." UNC had established it in 1940 to keep from desegregating its all-white Law School. The Trustees lost again, as the Supreme Court ordered four young men to be entered into Carolina's Law School in the summer of 1951: Floyd B. McKissick, Kenneth Lee, Harvey Beech, and James Lassiter. Except for the housekeepers, groundskeepers, maids, cooks, laundry workers and other menial laborers who built and maintained the University, these four men, and their brother Edward O. Diggs, who started classes at the Medical School in the Fall, were the First Black citizens to get any return on all the tax money African Americans (and anti-racist white citizens) had paid to fund the University for over 85 years since emancipation. The quintet was treated shabbily. The Black law students were denied swimming passes, required to live on a segregated floor of Steele dormitory with the adjoining rooms empty, like a lepers colony. They had to sit in the segregated section for football games, and the Trustees prevented the annual Law Association dance on campus because Jim Crow regulations prohibited mixed social functions.⁵⁷ To his lasting credit, Floyd McKissick jumped in the UNC pool with his clothes on, showing the same spirit he showed later after graduating from Central's Law School to become a prominent civil rights lawyer representing hundreds of activists arrested in Chapel Hill and elsewhere from 1960 through 1964, and going on to be a national civil rights leader as head of CORE.

After "separate but equal" was struck down in 1954, the Trustees tried again to block Black citizens from coming to the University of the People. The NAACP beat them again. Ralph Frasier, John Brandon, and LeRoy Frasier became the first African Americans to enroll as undergraduates in the fall of 1955. A long-time Chapel Hill leader, Ed Caldwell, Jr. (direct descendant of November Caldwell, a slave owned by the

University President Caldwell) told his classmates at Hampton Institute that he expected to be “the first Black to go to the University of North Carolina.” His plans to transfer were thwarted by the University’s last-ditch fight against the Supreme Court’s ruling. Caldwell recalled, “I hate to use these words but the Whites in power never had any intention of desegregating the University or the schools. Every loophole that they could find, they found to keep it from happening.”⁵⁸

In 1959 white students at the Campus Y initiated efforts to negotiate with businesses in Chapel Hill to achieve desegregation⁵⁹ and members of the University Board of Trustees fought successfully to pass General Statute 95-98, declaring any contract between the state or a local governing body and any labor organization is “against the public policy of the state” and is “illegal, unlawful, void and of no effect.”

* * * * *

Closing Remarks by Rev. Barber

Please allow me to give thanks for Dr. Chapman’s fine research and writing. This long-time civil rights and NAACP activist is a stalwart member of Pres. Fred Battle’s important Branch in Chapel Hill and Carrboro. I hope he won’t mind if I close with a call to arms. First a quick review of the present situation of Black people in North Carolina.

Black Workers started on the lowest pay grades. We got paid nothing for over 250 years! We have just started to climb the ladder. But we will never get anywhere if we can’t challenge the depressed pay-grades that are direct legacies of Jim Crow and Slavery—the old “colored” job categories with their *3/5ths of a Man* pay that Dr. Chapman discusses. These racial job categories hold all of us down, White, Black and Brown, because we can’t bargain collectively. Our state constitution prohibits slavery and racism by public bodies. I believe our state has an affirmative duty to eliminate the *badges of slavery* and Jim Crow. The hands of our state, as it has treated its employees of color, are unclean. It has blood on its hands. Let us challenge this Jim Crow Law. Challenge it through education. Challenge it in the streets. Challenge it in our churches. Challenge it in our courts. Please make this pledge with me that by Labor Day 2008 we will all celebrate the end of this Jim Crow law. I ask everyone to repeat this pledge with me.

I will study the history of Black people in the South so I will know in my heart how these strong members of the human race have been treated, particularly in the workplace.

⁵⁸Ed Caldwell, Jr. quoted in Hill, “Local Histories/Local Memories,” 100.

⁵⁹“Letter of Clarification,” Pappy Churchill and Paul Wehr, *Daily Tar Heel*, March 3, 1960.

I will help my friends and family understand that unless we stand together, Black, Brown and White--we will die separately.

I will go to an extra meeting a month—a Union meeting , an NAACP meeting, or a church meeting, to help bring this evil law down. I will join when Dr.Barber and the Unions call for an all-out drive on the legislature to erase this law from the books. I will attend the Historic Thousands on Jones Street Rally on February 9, 2008 to give life and power to Rep. Dan Blue and all legislators who must do what is right and Repeal 95-98.

Thank you.