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WAS MEMPHIS'S ELECTORAL STRUCTURE ADOPTED OR MAINTAINED FOR A RACIALLY DISCRIMINATORY PURPOSE?

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ABSTRACT

Two themes run throughout this chronologically organized, extensively documented paper: The first is the pervasiveness of racial issues and racial conflicts in Memphis from 1955 to 1971, the period on which the paper centers. The second is the interconnection between electoral politics and electoral rules. That these are central and tragic themes in southern history is precisely the point: Memphis has never entirely outgrown the worst parts of its southern heritage.

The two themes imply one conclusion: The changes in Memphis's electoral rules in this period came about for racially discriminatory reasons. More particularly, the designated post and majority vote requirements were adopted primarily for the purpose of preventing African-Americans from enjoying a fair opportunity to elect candidates of their choice, and at-large seats on the Memphis City Council and School Board were maintained because of the same racially discriminatory motives. Key elements of the redrawing of election district boundaries in 1971 were probably influenced by a desire to keep as many council seats as possible in white hands.

In the mid- and late-nineteenth century, as in the mid- and late-twentieth, white political and business leaders in Memphis put down political threats from the lower social orders, especially African-Americans, by changing electoral laws. Events of more than a century ago are apposite because they show that similar "solutions" have repeatedly been applied to similar "problems" in Memphis, as elsewhere in the United States. If racially discriminatory purposes moved men of the 1870s and 80s to rewrite electoral laws, as historians have found, then we should at the very least be alert to the possibility of racial motivation behind later electoral laws.

Particularly important were moves, first proposed by wealthy white Memphians a few months after the enfranchisement of blacks in Tennessee, to replace the ward-based local government with a five-man commission appointed by the governor. In 1879, after a terrible yellow fever epidemic, similar forces managed to convince the state to replace the local government with a "taxing district," whose officials were eventually to be elected at large. Thereafter, lower status groups held proportionately many fewer elective offices, although they were not excluded altogether until the passage of registration, secret ballot, and poll tax laws in 1889-90. There were no district elections for local government in Memphis from 1879 until 1967.

Blacks were allowed to cast ballots, or, often, to have their nominal ballots counted, under the regime of E.H. Crump. After 1927, Crump's control was so complete that he did not need black support to survive, and he effectively ran the leading black politician out of town. Whatever corruption, violence, and degradation of the democratic process existed under Crump was not the fault of blacks. Indeed, African-Americans were much more often the victims than the beneficiaries of Crump's dictatorship, for the boss was a virulent racist who had those blacks whom he could not browbeat physically beaten, and who enthusiastically embraced the Dixiecrat party in 1948. By 1951, a smaller number of blacks were registered to vote in Memphis than there had been in 1914. It was in this environment that those whites who framed the electoral laws of the post-1954 period, and those blacks who opposed them, grew up.

From 1909 through 1955, Memphis City Commissioners, except for the mayor, were elected without running for specific posts. The top four in a "free-for-all" race were chosen, and they

then decided among themselves what departments each would head. Four members of the Board of Education were chosen by the same process. In 1955, however, black Baptist minister Roy Love finished fifth out of sixteen candidates for the school board, missing election by less than 6,000 votes out of 260,000 cast. Before the next municipal election, two local private acts, backed unanimously by the Shelby County delegation and passed as a matter of courtesy by the state legislature, required that each candidate for the Commission and Board of Education run for a specific post. This prevented black "single-shotting," a widely understood and often discussed tactic by which a politically cohesive minority can elect candidates of its choice, even in at-large elections. Statements made during this period, as well as the sequence of events, make clear the racial motivation of this change in electoral laws.

The framers, however, forgot to include a majority vote requirement. When a strong black candidate, Russell Sugarmon, and four serious white candidates announced for an open seat on the Commission in 1959, Commissioner Henry Loeb, then and thereafter the leader of the segregationist forces in Memphis government, asked Gov. Buford Ellington to call a special session of the state legislature purely in order to pass a runoff law for Memphis. After Ellington declined, and an attempt to set up a local white primary was abandoned because of doubts about its legality, the vestiges of retiring Mayor Edmund Orgill's organization, both daily newspapers, Loeb, Commissioner Claude Armour, and several white civic organizations orchestrated a bandwagon for one of the white candidates, Bill Farris, who was elected.

Sugarmon's threat to the white monopoly on political offices provided an unmistakable lesson on the necessity of including a runoff in the at-large, designated post scheme, and led to renewed attempts to pass such a law for Memphis. Even though Loeb and a unanimous city commission twice backed a runoff amendment, it failed to pass the legislature.

In 1961-62, the Chamber of Commerce spearheaded an attempt to consolidate Memphis and Shelby County into one metropolitan government. Although the initial draft provided for district elections, the Charter Commission eventually proposed an all at-large plan. The one black on the ten-man Charter Commission, Lt. George W. Lee, protested, because he said that no black could win an at-large election in Memphis, and he was joined by virtually every black community leader. Black and AFL-CIO opposition, conjoined with that of the county political organization and some middle-class whites who were afraid of higher taxes, defeated metro government soundly.

Frustrated at their inability to pass such regulations as the runoff law, Memphis's civic leaders put a "home rule" amendment on the November, 1963 ballot. Although black leaders opposed it, fearing that it would facilitate the passage of discriminatory provisions, it was too difficult to rally the community against such an abstract, seemingly harmless proposal, and it passed.

Dispirited by their defeat in 1959, blacks in 1963 ran no candidates for mayor or commissioners, but only for less visible at-large posts on the board of education and for a vacant city judgeship. A formalized bar association primary, publicized for weeks in the newspapers, conducted with city voting machines, and continuing for several rounds until one white candidate received a majority, kept the judgeship safely in white hands and once more demonstrated for all to see the usefulness of the runoff in preserving a white monopoly on offices. In the mayoral contest, a majority of blacks rejected the endorsee of most black leaders, Bill Farris, and instead voted for a shrewd and contentious "populist" candidate, William B. Ingram. Black candidates for the Board of Education once again proved that, no matter how noncontroversial and seemingly well-qualified, a black could not be elected in an at-large election in Memphis, even if he were endorsed by one of the daily newspapers.

In 1965-66, leaders from the Chamber of Commerce and other governmental reformers renewed their effort to replace the commission form of government with a council-manager or council-mayor. Having learned several lessons from the 1962 metro loss, they involved black, labor, and Republican leaders from the beginning. The most controversial issues, which badly split the "Program of Progress" ("POP") committee of 25 members, were whether to replace at-large elections wholly or in part with district contests and whether to include a runoff provision

in the new charter. Throughout the discussion, the issues were treated primarily as racial controversies, and everyone agreed that it would be much more difficult for blacks to be elected under at-large systems and with runoffs. Black leaders, who preferred all or the vast majority of seats to be elected by districts, almost unanimously opposed the 7 district, 6 at-large final plan, and accepted it only reluctantly, as at least better than the current all at-large system. Had the POP charter included a runoff requirement, they would almost certainly have opposed the whole charter in the referendum, so the POP committee finessed the issue. The City Commission put the runoff question on the August primary ballot and the POP charter on the November general election ballot, partly for fear that black opposition to the former would spill over to the latter, and partly because they thought that whites would be more likely to accept some districts in the POP plan if they knew that the runoff would keep the vast majority of council seats white. The voters accepted (although they did not frame) both the runoff and the POP charter.

In the 1967 elections, the new system worked almost exactly as designed. The widespread view that no black could possibly win in an at-large runoff destroyed the first campaign for mayor by a black in Memphis's history and discouraged any serious African-American candidacy for an at-large city council seat. Black candidates won two solidly black council districts, placed third in another that was 38% black, and eked out a victory in a 47% black district against a weak white opponent. Whites won 10 of 13 council seats, and their favored candidate in the runoff, Henry Loeb, beat Mayor Ingram by gaining the "white backlash" vote in a very racially polarized election.

White incumbents also swept the school board seats, which were all still elected at large. The board, all-white from the 1880s until 1970, despite the growing proportion of black students in the school system, had thrown nearly every possible impediment in the way of integration. By 1969, in the wake of the garbage strike and the assassination of Martin Luther King, Jr., blacks, in a militant mood, launched a massive school boycott. To split the black leadership and end the boycott, a majority of the school board promised to appoint two blacks as interim "advisers" and to press the legislature to allow at least some school board members to be elected by districts, which everyone agreed was the only way to elect a black to the board. After some jockeying in the 1970 legislature, it was agreed that the board would use the same seven districts as the City Council, and that two other members would be elected at large. Winners for every seat would have to be elected by a majority. Everyone assumed, of course, that the at-large members would be white. Again, blacks leaders accepted the compromise as at least better than the status quo.

In 1971, there was another, rather half-hearted attempt to consolidate Memphis with Shelby County. Because of continual annexations, 91% of Shelby's people lived in Memphis as it was. Again, blacks opposed metro, this time because they did not want to add white flight suburbanites to a city in which their proportion and influence were increasing. Metro failed again. After that vote, the City Council reapportioned itself, significantly decreasing the black proportion in the district with the highest proportion black that was currently represented by a white councilman. Interdistrict transfers put more blacks in an overwhelmingly black district and more whites in an overwhelmingly white district.

To sum up in one sentence: Memphis politics has been racial politics, and Memphis's election laws were the most effective weapons in maintaining white political power for so long.

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> "In fact, the political history of this community [Memphis] will show that, in every instance when the Negro unity and voting strength materialized to such an extent that the chance for electing a Negro to an important post became better than average, rules for election to that post were changed in subsequent elections."[1]
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> --Jesse H. Turner

I. INTRODUCTION

The rules for the election of the Memphis City Council and Board of Education contain three provisions that have been repeatedly singled out for having racially discriminatory effects: election at large, instead of by wards or districts; the use of "designated posts" to name those officials, instead of having every candidate run against every other candidate; and the requirement that winners get over 50% of the votes. If there are no designated posts, voters from minority ethnic or other groups can concentrate their ballots on one or two candidates and possibly elect their choices even if a majority group is hostile. Plurality-win systems similarly benefit minority groups because their preferred candidate may be able to avoid runoff elections with the preferred candidate of an antagonistic majority group, if the majority group splits. These facts are obvious, and, from the First Reconstruction in the nineteenth century to the present, southern whites have employed these and similar devices to put African-Americans at an electoral disadvantage.[2] Indeed, the Senate Report on the Voting

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[1] *Hearings of the United States Commission on Civil Rights: Hearings Held in Memphis, Tennessee, June 25-26, 1962* (Washington: GPO, 1962), p. 130. Turner was President of the Memphis chapter of the NAACP in 1962.

[2] See J. Morgan Kousser, "The Undoing of the First Reconstruction: Lessons for the Second," in Chandler Davidson, ed., *Minority Vote Dilution* (Washington: Howard Univ. Press, 1984), pp. 27-46 (originally delivered as testimony before the House Judiciary Committee, Subcommittee on Civil and Constitutional Rights in 1981).

Rights Act in 1982 specifically mentioned all three devices as ones that are often racially discriminatory when employed in jurisdictions where voting is racially polarized.[3]

That legislative and other districts can be and often have been drawn in a racially discriminatory fashion is also well known. From the egregious Mississippi and South Carolina congressional district maps adopted at the end of Reconstruction, to the famous Tuskegee gerrymander, which gave the Supreme Court no option but to enter the political thicket, to the recent Los Angeles County Board of Supervisors case, scholars and judges have identified certain district lines as blatant ethnic gerrymanders.[4]

What does evidence of the type that historians generally employ in scholarly work show about the motivation behind the adoption and maintainence of these electoral rules in Memphis? Were their obvious effects understood at the time, or could they have been unintended? Were there other, non-racial reasons for adopting them that were so compelling that, even if there had not been any racial purpose, would have been adopted anyway? If it is not possible to weigh the purposes of those who framed the laws with fine precision, can one at least say whether they were adopted in part because of their racially discriminatory effects?

II. MEMPHIS'S RACIAL CLIMATE AND ELECTORAL LAWS BEFORE 1954

The Memphis version of the widespread southern myth of good race relations is often expressed in a particularly cloying manner. Eight years after *Brown* v. *School Board* mandated integration, Memphis responded to an NAACP lawsuit by allowing thirteen of the approximately 44,000 black children in the district to attend previously white schools that were closer to their homes than any of the "colored" schools.[5] In an editorial entitled "The Memphis Way," the allegedly more liberal of the two local newspapers commended the city for obeying court orders without violence. "Memphis has again proved, as city schools opened, that it is a community of responsible citizens. Further change was made necessary by court orders. Three

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[3]Senate Report No. 97-417, 97 Cong., 2d Sess. (1982), pp. 29-30.

[4]See J. Morgan Kousser, "How to Determine Intent: Lessons from LA," *Journal of Law and Politics*, 7 (1991), pp. 591-732.

[5]*Northcross* v. *Board of Education of Memphis, Tennessee*, 302 F. 2d 818 (1962), p. 820.

more previously all-white schools have admitted negro [*sic*] students. This change was accepted by the public. Everyone kept their heads. This is the only right way."[6]

In fact, Memphis's history of legal and extra-legal racial discrimination and polarization reflects more closely its informal designation as "the largest city in Mississippi" than its claim to be a progressive Border South metropolis. Its history before the doubly significant date of 1954 is relevant not only because it demonstrates how electoral rules were employed to discriminate against Memphis blacks, but also because the values of those who made and ratified the decisions of the 1950s, 60s, and 70s were shaped in part by the climate of racial opinion in preceding years.

II.A. BLACK POLITICAL POWER AND ELECTION LAWS IN THE NINETEENTH CENTURY

Under pressure from national Republicans and fearing overthrow by ex-Confederate Democrats, the Republican-dominated Tennessee legislature enfranchised black Tennesseans in February, 1867.[7] In 1868, long before the famous yellow fever epidemic of 1878-80, a group of wealthy Memphians asked the state legislature to replace the system of ward elections that the city had used to choose its alderman since 1850 with a gubernatorially-appointed five-man commission.[8] The legislature refused, and several blacks served on the Memphis city council during the 1870s. In 1874, a coalition of Irish-, Italian-, and African-Americans swept native-born whites from office. Despite numerous controversial calls from black leaders for school integration, blacks also served on the school board. Alfred Froman and Fred Savage, for instance, were elected in 1878.[9] Under the district system, blacks, as well as lower-status whites used their votes to obtain jobs as teachers, policemen, firemen, and other appointive city

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[6]*Memphis Press-Scimitar* (hereinafter *PS*), Sept. 5, 1962, p. 4. The fact that the *PS* continued to use "negro" uncapitalized long after other big city southern newspapers had adopted "Negro" capitalized is a sign of its continued and self-conscious racial conservatism. To avoid excessive pedantry, I will not insert "*sic*" after every use of "Negro" uncapitalized. To preserve the racial insensitivity of the usage, I will, however, print the word just as the *PS* did.

[7]Joseph H. Cartwright, *The Triumph of Jim Crow: Tennessee Race Relations in the 1880s* (Knoxville: University of Tenn. Press, 1976), p. 11.

[8]Lynette B. Wrenn, "Commission Government in the Gilded Age: The Memphis Plan," *Tennessee Historical Quarterly*, 47 (1988), p. 218.

[9]Walter J. Fraser, Jr., "Black Reconstructionists in Tennessee," *Tennessee Historical Quarterly*, 34 (1975), pp. 362-82; David M. Tucker, "Black Politics in Memphis, 1865-1875," *The West Tennessee Historical Society's Papers*, 26 (1972), pp. 13-19.

officers, as well as a government that was willing to spend money on schools and charity services for the less advantaged.

The policies and personnel of the city government--particularly black officials and pro-black programs--led to moves by Memphis businessmen to abolish it. "We have in our midst a large and controlling voting element which has but little at stake in the welfare of our city," declared an 1875 report calling for abolition of the current city government.[10] As intended, the "tax district" Memphis government, established in 1879 and elected at large, rather than by wards, curtailed the city's redistributive policies and changed the color and character of its elected officials. Between 1860 and 1879, only 11% of the elected officials of the city government held property assessed at $50,000 or more, while 44% held less than $10,000. From 1879 to 1898, 63% held $50,000 (a very sizable fortune in those days), and only 12.5% held less than $10,000.[11] Because blacks, who made up 56% of the population when the census takers canvassed the plague-emptied city in 1879, could still vote freely, one African-American, Lymus Wallace, a drayman, was put on a nonpartisan, ethnically balanced slate that won election in 1882. Apparently added to the slate to counter the candidacy of Robert R. Church, Sr., who had the endorsement of black Republican leaders, Wallace, in the judgment of a recent historian, "had little influence" as one of five unsalaried supervisors of public works.[12] The at-large feature of the tax district provoked frequent charges "that [the government] did not represent all groups and sections of Memphis. . . . This left numbers of black and Irish residents without effective representation."[13] The government's first budget allocated 50% of its funds to streets and lighting, 20% to fire and police, and only 10% to schools. It was often remarked at the time that the Tax District government "left the

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[10]Joseph H. Cartwright, *The Triumph of Jim Crow: Tennessee Race Relations in the 1880s* (Knoxville: Univ. of Tenn. Press, 1976), p. 139, quoting *Memphis Appeal*, Jan. 12, 1875.

[11]Wrenn, "Commission Government," p. 224.

[12]*Ibid.*, p. 223. Lynette Boney Wrenn, "The Taxing District of Shelby County, A Political and Administrative History of Memphis, Tennessee, 1879-1893," (Unpub. Ph.D. thesis: Memphis State Univ., 1983), pp. 110-11.

[13]Wrenn, "Commission Government," p. 223.

poor folks out in the cold."[14] When the tax district government was replaced in 1893, the at-large feature was retained. From 1879 to 1966, there were no district elections for the Memphis city council.

Before 1883, the school board in Memphis was composed of two members from each of the eleven wards in the city. When a bill establishing a five-member board, to be elected at large, was presented to the school board for its approval in 1882, the board split, rejecting the bill, eight to seven, with Irishmen, small businessmen, and the board's one black opposing the change, while members employed by large and medium-sized firms and professional men favored the smaller board. The Democratic legislature ignored the local body's sentiments and instituted the change. One black, Alfred Froman, was initially appointed, and another, Fred Savage, subsequently elected to the school board, but a violently racist campaign defeated Savage in 1886.[15] In subsequent governmental reorganizations, the school board continued to be elected at large. It was 83 years before another black served on the Board of Education.

The period of unfettered black voting in Memphis came to an end in 1889-90, when the state legislature adopted measures requiring registration, a secret ballot (a *de facto* literacy test), and the payment of a poll tax as suffrage prerequisites.[16] All of these acts, the major students of these events agree, were aimed primarily at disfranchising blacks, virtually all of whom were Republicans, and secondarily at disfranchising poor whites, and they had dramatic effects. In Memphis and Shelby County, the Republican vote dropped by over 90% from 1888 to

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[14]Wrenn, "Taxing District," pp. 30, 108, quoting *Memphis Daily Avalanche* [hereinafter referred to as *AV*], Nov. 18, 1881. It also repudiated the debts owed to out of state bondholders, as it was meant to do. See *AV*, "The City Debt," Jan. 1, 1879, p. 1, c. 3-4; "The City's Business," *ibid.*, Jan. 14, 1879, p. 1, c. 3; "Almost Gone," *ibid.*, Jan. 30, 1879, p. 4, c. 3; L.D. Bejach, "The Taxing District of Shelby County," *West Tennessee Historical Society Papers*, (1950), pp. 5-27; Henry Clifton Davis, "Some Aspects of the Formation, Operation and Termination of the Taxing District of Shelby County, Tennessee," (Unpub. M.A. thesis, Memphis State Univ., 1964).

[15]Lynette B. Wrenn, "School Board Reorganization in Memphis, 1883," *Tennessee Historical Quarterly*, 45 (1986), pp. 329-41; Wrenn, "Taxing District," pp. 273-76.

[16]Although statewide estimates of black voting in Tennessee are very small from 1896 through at least 1910, locally, various factions of Memphis politicians, including E.H. Crump, appear to have allowed blacks whose votes they could control to register to vote in the early twentieth century. Kousser, *Shaping of Southern Politics*, p. 120; William D. Miller, *Mr. Crump of Memphis* (Baton Rouge: LSU Press, 1964), pp. 56, 74, 102-03. The most detailed work on race relations in the city during this period is Joel Roitman, "Race Relations in Memphis, Tennessee, 1880-1905," (Unpub. M.A. thesis, Memphis State Univ., 1964).

1890. Democrats swept black wards that the Republicans had carried for a generation.[17] Even the policies of the dominant David P. Hadden faction in the Tax District government were too liberal for those who proclaimed that they wished a "more vigorous, progressive leadership." The Hadden faction, said the *Memphis Avalanche*, "considered it necessary to pander to the sentiment of the Negro party." In the 1889 municipal election, the paper believed, "there are no politics in it. . . . It is a question of race." Race won and Hadden's ticket, which contained a token black, lost.[18]

In the nineteenth century, threats of black political power were put down by changes in electoral laws.

II.B. CRUMPDOM

Edward Hull Crump did not merely reflect or help to shape public opinion or governmental policy in Memphis from 1905 to his death in 1954. In large part, he *was* public opinion and government. In the four mayoral elections from 1931 to 1943, Crump-backed candidates polled almost 99% of the votes.[19] In the twenty years before 1948, only two precincts in Shelby County cast majorities for candidates whom Crump opposed. The precincts were abolished shortly after the election in which they blasphemed.[20] When Crump endorsed Gordon Browning for Governor ten days before the 1936 primary, Browning polled better than 98% of the Shelby County vote, even though his opponent had the support of the powerful native Memphian, Senator Kenneth D. McKellar.[21] If a labor organizer agitated at the Ford plant, or a local reporter such as Turner Catledge, later managing editor of the *New York Times*, got too

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[17]Cartwright, *Triumph of Jim Crow*, pp. 223-53; Kousser, "Post-Reconstruction Suffrage Restrictions in Tennessee: A New Look at the V.O. Key Thesis," *Political Science Quarterly*, 88 (1973), pp. 655-83, and *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-Party South, 1880-1910* (New Haven: Yale Univ. Press, 1974), pp. 104-23.

[18]Wrenn, "Taxing District," pp. 138-52.

[19]Gerald M. Capers, "Memphis: Satrapy of a Benevolent Despot," in Robert S. Allen, ed., *Our Fair City* (New York: Vanguard Press, 1947), p. 221.

[20]Harry Holloway, *The Politics of the Southern Negro: From Exclusion to Big City Organization* (New York: Random House, 1969), p. 278.

[21]V.O. Key, Jr., *Southern Politics in State and Nation* (New York: Vintage Books, 1949), p. 63. Browning broke with Crump before the 1938 election. He had received 59,874 votes in Shelby County in 1936. He got only 9,315 in 1938. *Ibid.*, p. 62.

nosy, Crump or his minions had the man beaten up, often savagely.[22] When a nationally known black political leader, Robert R. Church, Jr., became too independent, the Crump machine had his property confiscated for unpaid taxes. When one of Church's successors, the pharmacist J.B. Martin, proved difficult to control, the city stationed policemen outside his store, stopping and questioning every customer. Both leaders fled town, financially ruined.[23] A black Baptist minister, G.A. Long, was beaten and his church effectively confiscated for inviting a black "radical" to speak at his church in 1944.[24] Edward Ward Carmack, a senatorial candidate who opposed Crump's ally McKellar in 1934, had his car wrecked, back damaged, jaw broken, and teeth knocked out by unknown assailants during the campaign. He was in bed and a wheelchair for four years.[25]

Through 1927, the black community retained some independent political power. Having backed Rowlett Paine for mayor in 1923, only to see him turn against them, Bob Church and Lt. George W. Lee organized a black voter registration campaign to support Watkins Overton, whom Crump also endorsed, in 1927. Although Paine's virulent race-baiting allowed Overton to obtain most black votes without meeting their requests for such luxuries as paved streets and streetlights in black sections of the city, Lee's "Lincoln League" could at least obtain the satisfaction of revenge on a turncoat, as Paine's loss was at least partially attributable to black votes.[26] Criticized for supporting Overton, one black Memphian, Merah S. Stuart, reflected on the race's limited power in defending the leadership's actions: "We do not divide, in general, on

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[22]David M. Tucker, *Memphis Since Crump: Bossism, Blacks, and Civic Reformers, 1948-1968* (Knoxville: Univ. of Tennessee Press, 1980), p. 28; Turner Catledge, *My Life and THE TIMES* (New York: Harper & Row, 1971), pp. 45-46; Ralph J. Bunche, *The Political Status of the Negro in the Age of FDR* (Chicago: Univ. of Chicago Press, 1973), pp. 493-502; George B. Tindall, *The Emergence of the New South, 1913-1945* (Baton Rouge: LSU Press, 1967), pp. 527-28.

[23]Roger Biles, "Robert R. Church, Jr. of Memphis: Black Republican Leader in the Age of Democratic Ascendancy, 1928-1940," *Tennessee Historical Quarterly*, 42 (1983), pp. 362-82; David M. Tucker, *Lieutenant Lee of Beale Street* (Nashville: Vanderbilt Univ. Press, 1971), pp. 126-30.

[24]Tucker, *Lieutenant Lee*, pp. 142-43; Gloria Brown Melton, "Blacks in Memphis, Tennessee, 1920-1955: A Historical Study," (unpub. Ph.D. diss., Washington State Univ., 1982), pp. 212-221.

[25]Kousser, "Tennessee Politics and the Negro, 1948-1964," (Unpub. Senior Thesis: Princeton Univ., 1965), p. 20.

[26]Walter P. Adkins, "Beale Street Goes to the Polls," (Unpub. M.A. Thesis: Ohio State Univ., 1935), pp. 42-44; David M. Tucker, *Lieutenant Lee of Beale Street* (Nashville: Vanderbilt Univ. Press, 1971), pp. 91-95.

most occasions . . . because the white people do not divide with reference to us. Usually it is all one side abusing and criticizing us, and whenever we can find any group of white men that will even refrain from abuse of us, certainly we feel that these are the men to be aligned with."[27]

As Table 1 demonstrates, 1927 was the height of black voter registration in Memphis until August, 1951. After 1932, when the Republicans lost the presidency, and therefore, federal patronage, Crump's control over the city was sufficient that he could bar the vast majority of blacks from registering, while simply counting the ballots of a controllable few. Whether Crump's dictatorship was benevolent or malevolent, honest or corrupt, "progressive" or crassly self-interested, its character was not determined by any influence of black voters or leaders.[28]

(Table 1 about here)

Crump was no racial liberal. Although his need for their votes early in his career had forced him to give blacks control over gambling and prostitution on Beale Street, by the 1930s, the organization was secure enough to hand the rackets over to whites, even in the black community. As Ralph Bunche summed up conditions in Memphis in his classic 1935 study of black politics, "Negroes now give their votes and receive nothing in return."[29] Even in his earlier days as mayor, before he perfected his absolute control over the city, Crump issued a police order "to run every Negro man or woman who cannot give a good account of himself or herself out of town." For a black to state that he was as good as a white man was to hazard arrest by Crump's police.[30] Crump never slated a black for political office, he kept the police and fire departments lily white--the only offices blacks could hold in city government were janitor and garbage man--and he was a stalwart Dixiecrat in 1948, vowing that he would stay in jail for the rest of his life rather than see blacks enjoy civil rights.[31] No doubt with Crump's approval, the Dixiecrats carried Shelby County for their presidential and vice presidential

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[27]Quoted in Gloria Brown Melton, "Blacks in Memphis, Tennessee, 1920-1955: A Historical Study," (unpub. Ph.D. diss, Washington State Univ., 1982), p. 106.

[28]For different judgments of Crump, see William D. Miller, *Memphis During the Progressive Era* (Memphis: Memphis State University Press, 1957) and *Mr. Crump of Memphis* (Baton Rouge: LSU Press, 1964); and Tucker, *Memphis Since Crump*. Tucker's antagonistic picture is much better substantiated.

[29]On the reality of black politics in Memphis during the 1930s, see Bunche, *Political Status*, pp. 493-502.

[30]David M. Tucker, *Lieutenant Lee of Beale Street* (Nashville: Vanderbilt Univ. Press, 1971), p. 19.

[31]Tucker, *Memphis Since Crump*, pp. 17-18, 57.

candidates, Strom Thurmond and Fielding Wright.[32] When a "freedom train" containing copies of the Constitution and Declaration of Independence scheduled visits throughout the nation in 1948, Memphis officials refused to let the train stop in Mr. Crump's town because officials of the sponsoring American Heritage Foundation required that the exhibition be open to all, regardless of race. Some Memphis blacks had to go to the more liberal town of Jackson, Mississippi to view the parchment proof that their nation, if not yet their city, was committed to freedom.[33]

Approached to buy an advertisement in a rather timid local black newspaper, Crump exploded: "I wouldn't put an ad in that paper--you have a bunch of niggers teaching social equality, stirring up social hatred. I am not going to stand for it. I've dealt with niggers all my life and I know how to treat them. That darn paper is using communistic propaganda--we are not going to put up with Pittsburgh stuff here. This is Memphis. We will deal with them in no uncertain terms and it won't be in the dark--it will be in broad daylight. You be sure to tell them I said so."[34]

Although Crump's choices for local offices ran virtually unopposed for a generation--a record of one-man control unmatched in any large city in American history--Crump underestimated his statewide opponents, Gordon Browning and Estes Kefauver, in 1948. In a characteristic attack, Crump denounced Kefauver as a supporter of unionization, Communism, and equal employment opportunity for blacks. But his bitter attack gave the relatively unknown Kefauver free publicity, and Crump's derogation of the reticent Yale Law graduate as a "pet coon" also backfired. Kefauver donned a coonskin cap, a symbol of the independent frontiersman, and attracted the support of a small, but influential section of the Memphis elite, headed by businessman Edmund Orgill, lawyer Lucius Burch, and *Press-Scimitar* editor Edward Meeman--men too influential to attack physically and too stubborn to frighten off.[35] Kefauver won with a plurality when Crump refused to endorse incumbent Tom Stewart. Had there been

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[32]Harry Holloway, *The Politics of the Southern Negro: From Exclusion to Big City Organization* (New York: Random House, 1969), p. 277.

[33]Melton, "Blacks in Memphis," pp. 254-56.

[34]James C. Dickerson to Edwin Meeman, Oct. 30, 1940, in Meeman Papers, Mississippi Valley Collection, Old Brister Library, Memphis State University, Box 6, Folder 16. The "Pittsburgh" phrase is apparently a reference to the *Pittsburgh Courier*, a militant black newspaper that circulated nationally.

[35]Kousser, "Tennessee Politics and the Negro," pp. 21-28; Tucker, *Memphis Since Crump*, pp. 42-57; Charles L. Fontenay, *Estes Kefauver, A Biography* (Knoxville: Univ. of Tenn. Press, 1980), pp. 137-52.

a runoff requirement, the future Democratic Vice-Presidential nominee might well have been beaten. The loss of state and federal patronage probably hurt Crump less than that of his reputation for invulnerability.

Symptomatic of Crump's diminished power was the campaign of Dr. Joseph Edison Walker, a black insurance company president, for the school board in 1951. Early in that year, fewer blacks were registered in Memphis than there had been in 1914 (see Table 1). In percentage terms, about 46% of the potentially eligible black population managed to register to vote in 1914, compared to only about 7% in 1951--another evidence of how malevolent Crump's rule had been for blacks. Aimed less at winning than at spurring black registration and organizing the black community politically, Walker's campaign was the first serious attempt of an African-American to run for local office in Memphis in 71 years. When Walker began, only 7000 blacks were registered to vote. By the time the campaign ended, 19,608 (18.7% of the electorate and about 20% of the eligible black population) were.[36] Walker's campaign literature invited blacks to vote for him alone, while the Crump organization distributed two different brochures: in white areas, the campaign literature contained pictures of all the candidates, with Walker portrayed as unmistakably dark; in black areas, the literature did not display any photographs.[37] Nonetheless, Walker's candidacy was a landmark in Memphis's history. When even blacks, always fair game for violence at the hands of Crump's police[38] dared to challenge the Mississippi-born Crump, an era was beginning to wane.

In 1954, Mister Crump died and the Supreme Court gave its blessing to integration.

III. DESIGNATED POSTS AND THE GENESIS OF THE RUNOFF

Under the Commission form of government set up in Memphis in 1909, Commissioners were elected at large, but without running for specific offices.[39] The four highest vote getters

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[36]William E. Wright, *Memphis Politics: A Study in Racial Bloc Voting* (New Brunswick, N.J.: Rutgers Univ. Press, 1962), p. 6; Thomas B. Ripy Jr., "Changes in the Formal Structure of Municipal Government and Their Effect on Selected Aspects of the Legislative Process: A Case Study of Memphis, Tennessee" (Unpub. Ph.D. thesis: Univ. of Kentucky, 1973), p. 99; Holloway, *Politics of the Southern Negro*, p. 279.

[37]Melton, "Blacks in Memphis," pp. 316-19.

[38]See Bunche, *Political Status*, pp. 493-502.

[39]Often the candidates apparently ran without having decided which posts they wished to fill. See, e.g., *Commercial Appeal* (hereinafter referred to as *CApp*), Nov. 13, 1955, p. 1, c. 3.

of an undifferentiated group simply became the four commissioners, and they divided the administrative tasks between them after assuming office. Likewise, the four leaders in the school board contest comprised that board's members. Only the mayor was elected for a specific office, and he named the President of the Board of Education, giving each board five members. Everyone except a few Kefauverites who fancied a council-manager form of government was perfectly satisfied with this setup until the 1955 school board election.

III.A. POLITICS AND THE CLIMATE OF RACIAL OPINION IN MEMPHIS IN THE 1950s

Black registration in Memphis rose to 38,847 in 1955, an increase of over 500% since the beginning of 1951. White registration grew, as well, as Crump's death promised meaningful politics. Blacks now comprised 24.4% of an electorate which had grown overall by more than 50% in only four years. And those who registered, voted. The number of voters in the 1955 elections more than tripled that in 1951.[40]

Sixteen candidates ran for the four elective school board spots in 1955, fifteen whites and black Baptist minister Roy Love. Instead of "single-shotting," however, blacks supported both Love and a sympathetic white candidate, Mrs. Frances Coe. Although Coe was successful, Love came in fifth, 5784 votes behind the fourth-place finisher in an election in which 260,368 votes were cast.[41] The campaign, as one student noted, "marked the beginning of white leaders' concern about the Negro vote."[42] "The strong finish by the Reverend Love," the black *Memphis World* predicted, "will undoubtedly encourage other Negroes to seek office."[43] To the "liberal" *Press-Scimitar*, Love's showing was less encouraging, and the paper's editorialist was fully aware of the blacks' tactics: "'Single-shotting' in the school board race--voting for Love and no other candidates--made Love come as close to victory as he did."[44]

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[40]*Capp*, Nov. 5, 1955, p. 1, c. 3; Ripy, "Changes in the Formal Structure of Municipal Government," p. 99.

[41]*CApp*, Nov. 15, 1955, p. 1, c. 1. Each voter could cast up to four votes in the school board contest. The total number of those who voted was 86,370. *Ibid.*, Nov. 15, 1955, p. 19, c. 8.

[42]Wright, *Memphis Politics*, p. 6.

[43]*Memphis World*, Nov. 18, 1955, p. 1, c. 1.

[44]*PS*, Nov. 11, 1955, p. 8, c. 1-5.

In other contests, a coalition of Kefauver Democrats and Eisenhower Republicans (both factions had disliked Crump) elected Edmund Orgill mayor. Heir to a wholesale hardware company that had been established in 1867, Orgill had married a Mississippi cotton planter's daughter and served as President of the Memphis Chamber of Commerce. A civic-spirited man of good will, Orgill was hardly a radical. He had been attracted to Kefauver because of the Congressman's internationalist foreign policy stance, and in spite of, rather than because of Kefauver's liberal domestic views.[45] When Orgill endorsed Dr. J.E. Walker for the school board in 1951, he did so, he said in a public statement, because "This might lessen to some extent their [i.e., blacks'] insistence upon their children attending the same schools as white children."[46] In 1955, about two-thirds of the blacks supported Orgill, as well as Henry Loeb and Stanley Dillard, both of whom won, and both of whom turned strongly segregationist shortly thereafter. Black Republican leaders Lt. George W. Lee and attorneys Benjamin L. Hooks and J.F. Estes endorsed former Crump ally Watkins Overton, who, along with ex-Crump men Joe Boyle and Oscar Williams, lost races for mayor and commissioners.[47] The era when the Organization could control everything, and when blacks had no choice but to accept thankless subordination, was at an end.

Tennessee's nationally ambitious political leaders, Gov. Frank G. Clement and Senators Estes Kefauver and Albert Gore, Sr., rejected the extreme reaction to *Brown* and the subsequent attacks on the Constitution that politicians in most other southern states, sometimes cynically, put forth. By 1957-58, however, white public opinion had forced the Tennessee legislature to

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[45]Tucker, *Memphis Since Crump*, pp. 44-48.

[46]Tucker, *Memphis Since Crump*, p. 65.

[47]Ripy, "Changes in the Formal Structure of Municipal Government," pp. 74, 80; James B. Jalenak, "Beale Street Politics: A Study of Negro Political Activity in Memphis, Tennessee" (Unpub. Senior Honors Thesis: Yale Univ., 1961), pp. 13, 61, 126; Tucker, *Memphis Since Crump*, pp. 42-46, 74-76, 81-82. Dillard was a former Crump ally, but he would not have been elected without black support. The *Memphis World* estimated that Orgill received about 15,000 of about 22,000 black votes cast in the contest. *World*, Nov. 18, 1955, p. 1, c. 1. Since Orgill's margin over Overton was 19,116, blacks were unnecessary to his victory. On the split in the black leadership, see *Memphis Tri-State Defender*, Nov. 5, 1955, p. 1, c. 5.

adopt pupil placement and "parents' preference" laws and to issue a fruitless "manifesto of protest" against desegregation.[48]

In Memphis, there was no need for a reaction, for, as a historian of race relations during the first three decades of the century noted, "Memphis was almost totally lacking in white liberalism."[49] By the 1950s, the statement was still largely true. Commenting on a 1955 U.S. Supreme Court decision that mandated the integration of public parks, golf courses, playgrounds, and swimming pools, for instance, the *Commercial Appeal* denounced the decision's "complete lack of realism." To require public nondiscrimination by law was "of course, preposterous" to the paper's editorial writer.[50] A white college professor who campaigned for the school board on an integrationist platform in 1955 was treated as a mere curiosity, finishing fifteenth of sixteen candidates.[51] In 1956, the old Crump group, ironically calling itself "Citizens for Progress," adopted the slogan "Keep Memphis and Shelby County Down in Dixie," a barely veiled reference to segregation.[52]

When Mayor Orgill nominated the unimpeachably respectable Dr. J.E. Walker to the board of a municipal hospital which served an overwhelmingly black clientele, not a single one of the other four commissioners supported the move. The white public responded by flooding Orgill's office with adverse telegrams and sending police and fire trucks to answer false alarms at his house in the middle of the night.[53] Although Orgill told Prof. David Tucker of Memphis State in 1973 that he had favored desegregating Memphis buses after the federal district court's opinion in the Montgomery bus case of 1956, he made no move to do so at the time, the city staunchly and successfully fought bus desegregation until it lost a court decision in 1961, and

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[48]Earl Black, *Southern Governors and Civil Rights: Racial Segregation as A Campaign Issue in the Second Reconstruction* (Cambridge, MA: Harvard Univ. Press, 1976), pp. 118-23; Hugh Davis Graham, *Crisis in Print: Desegregation and the Press in Tennessee* (Nashville: Vanderbilt Univ. Press, 1967), pp. 68-72, 84-89, 118-23, 269-74; Numan V. Bartley, *The Rise of Massive Resistance: Race and Politics in the South During the 1950s* (Baton Rouge: LSU Press, 1969), pp. 275-76.

[49]Lester C. Lamon, *Black Tennesseans, 1900-1930* (Knoxville: Univ. of Tenn. Press, 1977), p. 223.

[50]*CApp*, Nov. 9, 1955, p. 6, c. 1.

[51]*CApp*, Nov. 11, 1955, p. 1, c. 1.

[52]Tucker, *Memphis Since Crump*, pp. 86-87; Wright, *Memphis Politics*, p. 8.

[53]Stephen M. Findlay, "The Role of Bi-Racial Organizations in the Integration of Public Facilities in Memphis, Tennessee, 1954-1964," (unpub. paper, Dec. 3, 1975, in Memphis Room, Memphis Public Library), citing *PS*, Feb. 27-28, 1956.

Orgill publicly stated in 1957 that "I have never advocated or desired integration."[54] In fact, the city's bus desegregation suit started in 1956, at the same time as Montgomery's, only to be delayed on technicalities by arguments of the city's lawyers, to which district judges, but not the U.S. Supreme Court, responded favorably.[55] The city also contested and delayed suits aimed at desegregating public libraries (filed in 1958), the zoo and other parks (1959), and schools (1960). As Orgill said at the time, "We will use all legal means to preserve segregation as it now exists. We have hired the best lawyers in the business in the bus and library integration cases. We'll continue that policy."[56] It took eighteen months of sit-ins, perhaps the most extensive of any southern city, and a black boycott of downtown businesses to desegregate major restaurants, and these businesses held out until 1962, long after Nashville and other Tennessee cities had begun serving anyone with ready cash.[57]

Orgill ran for governor in the 1958 Democratic primary, finishing a close third to two even more strongly segregationist candidates, Buford Ellington and Andrew "Tip" Taylor. Forced to defend earlier statements recommending support for the law of the land, Orgill declared in his opening campaign speech that "I have never advocated integration of our public schools and as governor I shall never do so."[58] Local school boards, he stressed, "would rule on racial matters and no federal troops would march in Tennessee."[59] Nonetheless, an unsigned anti-Orgill handbill, distributed widely in West Tennessee just before the primary vote, purported to tell the truth about "The NAACP, Orgill, and Segregation," and featured a picture of Orgill shaking hands with blacks at what the handbill said was "an organizational meeting of the NAACP in Memphis." Actually, it was a *Commercial Appeal* photograph of a meeting of the "Good Local

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[54]Tucker, *Memphis Since Crump*, pp. 83-85.

[55]"Retrial in Bus Suit Begins Here Today," *CApp*, June 27, 1960; Fred Chisenhall, "Judges Again Hear Bus Suit," *PS*, June 27, 1960.

[56]Clark Porteous, "Orgill to Appoint Aide for Industry," *PS*, June 6, 1959, p. 1, c. 2-3.

[57]Tucker, *Memphis Since Crump*, pp. 118-21, 133-36; Harry Holloway, *The Politics of the Southern Negro: From Exclusion to Big City Organization* (New York: Random House, 1969), pp. 281, 286-87; "New Suit Filed by NAACP Man," *PS*, Jan. 5, 1959, p. 1, c. 1; "30 Eating Places Are Integrated - Quiet Desegregation by 10 Firms in Memphis Brings Praise," *CApp*, Feb. 6, 1962, p. 17, c. 1. By integrating the city's lunch counters, Chamber of Commerce President Edward B. LeMaster emphasized, Memphis was merely "following the precedent already established in most of the larger Southern cities. . . ." Among the black activists arrested for sitting in at lunchcounters was Mrs. Marian Sugarmon, wife of Russell Sugarmon, Jr. "Wife of Sugarmon Arrested In Sit-In," *CApp*, Aug. 2, 1961, p. 13, c. 4-5.

[58]Quoted in Graham, *Crisis in Print*, p. 276.

[59]Claude F. Graves, "Orgill Victory Train Really Rolling," *PS*, Aug. 1, 1958, p. 6, c. 1.

Government League."[60] In a speech at the Fairgrounds at Memphis, Tip Taylor equated a vote for Orgill with a vote for the NAACP.[61] The racial climate of West Tennessee was so torrid during the late 1950s that any suggestion of softness on segregation, any hint of sympathy for black rights was considered devastating to a politician. Taylor carried Shelby County against favorite son Orgill.

"Single shot" voting by Memphis blacks in Shepperson A. Wilbun's unsuccessful campaign for state representative in the 1958 primary election also revived fears that had been raised in 1955 and led to calls for a designated post system to counteract potential black political power.[62] Willis Ayres, Jr., chairman of the Memphis chapter of the staunchly segregationist Tennessee Federation for Constitutional Government, pressed the city commission to eliminate single-shot voting "before it provokes racial bitterness in elections." "If this single shot voting continues among this race," Ayres remarked, "it will mean that the white voters will no longer be able to split their votes trying to pick the best qualified people to serve the city. To protect themselves from minority rule, they will have to single shot their candidates. . . ."[63] In order to "prevent negroes from being elected," Ayres, in his own words, "proceeded to quietly work with our legislative delegation to see if we could copy Mississippi's anti-single shot law."[64] Likewise, Shelby County Sheriff M.A. Hinds warned a Mississippi Delta audience that "Negro voters in Memphis may soon be able to elect a Negro as city commissioner through 'single shot'

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[60]*Nashville Tennessean*, Aug. 9, 1958, p. 3.

[61]*PS*, Aug. 5, 1958, p. 11, c. 4-6.

[62]To insure that whites did not vote for Wilbun by mistake, the *Press-Scimitar* wrote "(negro, independent candidate)" beside Wilbun's name on its sample ballot. The paper printed nothing beside the names of any of the other ten candidates. "Here's How They'll Line up on August 7 Voting Machines," *PS*, Aug. 6, 1958. Wilbun finished tenth of eleven candidates, with the top eight--there were eight seats to fill--running safely ahead of the last three in the Democratic primary. *Ibid.*, Aug. 11, 1958, p. 18-Y, c. 5-7.

[63]Robert Gray, "Bi-Racial Study of Voting Urged," *CApp*, Sept. 17, 1958, p. 3, c. 1-2; "Should Election Laws Rule Out 'Single Shots'?", *PS*, Sept. 17, 1958, p. 23-Y, c. 4. A fifth-generation Memphian, Ayres ran for mayor in 1959 after Orgill dropped out. Prominent features of Ayres' 1959 campaign were his endorsement of a runoff and his criticism of Partee Fleming, another mayoral candidate, because Fleming had been backed by the black *Tri-State Defender*, which Ayres referred to as "the voice of integration." For himself, Fleming declared that "The white people of Memphis are unanimous in their heartfelt conviction that present segregation customs are necessary. . . ." Clark Porteous, "Politics Back in High Gear After Week-End Break," *PS*, July 13, 1959, p. 9, c. 3-6; Porteous, "Willis Ayres Outlines His Platform," *ibid.*, July 20, 1959, p. 1, c. 5-6; "Ayres Speaks of 'Political Chaos,'" *ibid.*, Aug. 12, 1959, p. 8, c. 1; "Ayres Promises Leadership," *ibid.*, p. 21, c. 3-4; "Fleming, Mayor Candidate, Answers 9 Civic Question," *ibid.*, July 16, 1959, p. 31.

[64]"Candidates Busy As Voting Nears," *PS*, Aug. 8, 1959, p. 12, c. 1-2.

voting."[65] During the 1958 general election, Raymond Briggs, a Republican candidate for the state legislature from Memphis, remarked that "It is my belief that if a law is passed prohibiting single-shotting, it might curb for the time being the growing power of our colored citizens at the polls." Nonetheless, Briggs opposed such a law, he said, because it would lead to more concentration in campaigns on personalities and less on issues.[66] Whatever Briggs's reasons, his statement again reflects the widespread understanding of the connection between race and single-shotting.[67]

III.B. DESIGNATED POSTS

This explicit white fear of black single-shot voting, as well as Memphis's unbending white racism during the late 1950s, forms the context for the passage by the Tennessee state legislature in March, 1959 of four private acts, introduced with the unanimous backing of the Shelby County delegation, which substituted designated posts for the free-for-all method of electing the Memphis City Commission, the school board, the Shelby County Democratic Executive Committee, and the legislative delegation. Commissioner "Buddy" Dwyer no doubt spoke for the entire Commission, whose members unanimously endorsed the bill, when he said that he favored elimination of single shot voting because, "Through the practice, a minority group could get control of the government."[68] State Representative William Van Hersh was only a little less explicit. "One advantage of the arrangement," the legislator noted, "would be to

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[65]"Says Memphis May Have Negro Elected as Commissioner," *Delta Democrat-Times*, Sept. 28, 1958.

[66]"Makes Challenge On Single-Shot Voting Issue," *PS*, Oct. 31, 1958, p. 26, c. 3. In a post-election hearing on what it should do during the 1959 session, the newly-elected Shelby legislative delegation heard retired businessman and Chamber of Commerce leader June Rudisill call for reinstatement of the poll tax, a return to a non-permanent voting registration law, and a "full-slate" law requiring voters to cast as many votes as there are offices to be filled in multimember contests. John Spence, "Facilities For Shelby Forest Are Asked," *PS*, Nov. 14, 1958, p. 1, c. 1.

[67]In 1962, Briggs was the candidate of Lt. George W. Lee's "Old Guard" faction for the Republican nomination for Congress, unsuccessfully opposing the much more racially conservative "New Guard" candidate, Robert James. "Negro Bloc Vote Fails To Appear," *CApp*, Aug. 3, 1962, p. 19.

[68]"Others Critical of 'Single Shot'", *CApp*, Sept. 18, 1958, p. 42, c. 1; "City Exploring Hope of Runoff," *Ibid*, June 10, 1959, p. 15; "Shelby to Have Democratic Committee," *PS*, March 20, 1959, p. 7, c. 1.

overcome inequities of 'single shot' voting, a technique in which a group votes for one candidate instead of eight."[69]

The racial purpose of the bills was openly and unmistakably noted at the time by other people than the former Crump stalwart Dwyer. Most striking is a story on the legislation by the *Press-Scimitar*'s chief political reporter, Clark Porteous, that had the instructive title "How Anti-Single Shot Bill Would Work in Shelby - It has Racial Purpose." "The lower house bill," Porteous announced, "is frankly designed to keep minority groups--such as negroes or labor--from electing a man to the House. A Shelby delegation spokesman in Nashville admitted this. Negro leaders are aware of this threat to negroes being elected, and say it will at least postpone the day when a negro legislator or city commissioner is elected." Leaving nothing to his readers' imagination, Porteous explained that currently, the top eight candidates of an unlimited field were elected to the legislature, and the top four to the City Commission. "As it is now, a negro candidate, running along with a number of other candidates, could get in the top eight if enough negroes voted only for one candidate. The new law would make it pointless for negroes, labor or any other minority group to concentrate on one candidate." The conventional legislative courtesy on local bills, Porteous predicted, insured their passage: "Both the lower house and the City Commission bills are local bills and will pass unless some member of the Shelby delegation blocks them."[70] No veto was likely from the all-white Shelby delegation, which during the same month unanimously endorsed a resolution requesting the state's congressional delegation to back Senator Herman Talmadge's proposed anti-*Brown* constitutional amendment that would have vested exclusive control of public school affairs--i.e., integration--in the hands of state and local governments.[71] The legislature passed that "massive resistance" bill.[72]

The *Commercial Appeal*'s reports on the bills were only slightly less explicit. "As to numbered positions, those members of the [school] board who support this act do so upon the basis that it would eliminate or at least curtail certain undesirable features of so-called 'single

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[69]"Election Board Gets Proposals," *CApp*, Dec. 16, 1958, p. 21, c. 8; "Van Hersh Suggests Two Election Law Changes 1. House Candidates to Run in Districts - 2. Commissioners to Run for Specific Job," *PS*, Dec. 17, 1958, p. 13, c. 1-2.

[70]Clark Porteous, "How Anti-Single Shot Bill Would Work in Shelby - It Has Racial Purpose," *PS*, Feb. 19, 1959, p. 4, c. 1-3.

[71]"Ellington Money Bill O.K.'d by 27-0 Vote," *PS*, Feb. 11, 1959, p. 3, c. 1.

[72]"Talmadge Amendment Bill to Ellington," PS, March 18, 1959, p. 26.

shot' voting."[73] Stories on the bill providing for numbered posts for legislative positions were titled "Shelby Bill Hits Single-Shot Vote" and "Curb On One-Shot Due Before Senate," and they went on to explain that "The present system makes it possible for a group to single shot--that is, vote for one candidate and ignore the others. By this means, the group is likely to insure the election of its candidate while votes for the other candidates will be scattered among the remaining contestants."[74]

Scholars and black activists also recognized the goal of the designated post system in Memphis. "This move," William E. Wright flatly asserted, "was intended to prevent Memphis Negroes from employing the voting technique of 'single shotting'; i.e., of voting for only one candidate in a contest in which several candidates are to be elected. White political leaders were afraid that the Negroes would vote for a Negro candidate for the city commission or school board and withhold their votes from white candidates in the same race. In this manner Memphis Negroes would not add to the total vote of the white candidates and the Negro candidate might thereby receive enough votes to finish in the top four and be elected."[75] Or, as Jesse H. Turner, then President of the Memphis NAACP, testified at a hearing of the U.S. Commission on Civil Rights in 1962, "After 1955, when a Negro ran for the board of education and with Negro bloc voting the possibility came that a Negro could be elected, our officials changed the law. In 1955, of course, the four people receiving the highest--the four top votes were the ones that were selected for members of the board; but after 1955 they changed it so that the persons had to run for designated slots, which, of course, precluded Negroes from bloc voting, and, of course, this, we think, was designed for no other reason than to see to it that Negroes did not get in the administrative position of the educational system of our city here."[76]

Other actions of the 1959 state legislature in general and the Shelby delegation in particular further buttress the hypothesis that the designated post bills had a racial purpose. People's motives in one series of actions cast light on their motives in other activities. The House, by a 73-15 margin, passed a bill exempting children from the compulsory attendance law if their schools were integrated. As finally enacted, the law delegated enforcement of compulsory attendance to local school boards. State Senators Lawrence Hughes and William Cobb of Shelby introduced a bill to provide tuition grants to children who were withdrawn from integrated

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[73]"Proposals Ok'd By School Board," *CApp*, March 17, 1959, p. 15, c. 7.

[74]*CApp*, Feb. 17, 1959, p. 1, c. 4; *ibid.*, Feb. 18, 1959, p. 5.

[75]Wright, *Memphis Politics*, p. 3.

[76]*Hearings of the U.S. Commission on Civil Rights . . . Memphis*, pp. 124-25.

schools. Another bill introduced by the Shelby delegation and referred to as "a segregation bill" by the delegation's members, allowed counties to make contracts with private schools for teaching elementary as well as high schools."[77] In the House, Herbert Moriarty, Jr. of Shelby introduced a copy of the Alabama pupil placement law, which the "liberal" *Press-Scimitar* endorsed because the bill allowed gender segregation. If the schools were desegregated, the paper's editorialist declared in a reflection of the oldest European racist fear, the Moriarty bill would at least keep males and females of the two races apart.[78]

That the free-for-all system had existed since 1879 in Memphis, only to be replaced after the first election in 65 years to be closely contested by a black, supports the "smoking gun" statements in the newspapers, the Wright and Turner assertions, and the corroborative evidence concerning the racial purposes of other actions by the same decisionmakers. Moreover, city government functions did not suddenly become more specialized, necessitating choices by the electorate of specific persons for specific positions. And the functions of school board members, of course, were never formally specialized. Again, this fact was openly noted in the press at the time: "None of the School Board members has any specific duties not shared with the other three elected members," *Press-Scimitar* reporter John Spence noted, "but the law was passed as an effort to stop 'single-shot' voting."[79] Indeed, it is difficult to think of *any* other possible reason for switching to designated posts at this time.

The sequence of events, logic, the many explicit statements by people at the time, and other actions taken earlier or simultaneously by the decisionmakers point unmistakably to the conclusion that the change to designated posts in 1959 was motivated by a racially discriminatory purpose.

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[77]"Rash of Race Bills Covers Assembly," *PS*, March 3, 1959, p. 1, c. 2; "Move to Bring Race Bill Back," *ibid.*, March 6, 1959, p. 4, c. 2; Russ Daley, "Segregation Bill Passes House," *ibid.*, March 11, 1959, p. 27, c. 5; "Bills Pour From Legislature As Wind-Up Nears," *ibid.*, March 6, 1959, p. 9, c. 1.

[78]Edward L. Topp, Jr., "Segregation Bill Passes, Placement Bill Offered," *PS*, March 17, 1959, p. 16, c. 1-2; "A Sane Proposal on School Segregation," *ibid.*, March 18, 1959, p. 6, c. 1. In 1958, the paper had endorsed public payments for tuition to private schools to avoid integration. "Payments to Parents of Private School Pupils," *ibid.*, Oct. 6, 1958, p. 6, c. 2-3.

[79]John Spence, "Election Date: August 20," *PS*, March 23, 1959, p. 1, c. 1.

III.C. THE "VOLUNTEER TICKET" AND THE WHITE BANDWAGON

The drafters of the designated post bill, however, had lacked the foresight to include a provision for runoffs in the bill. "No one ever brought up the matter of including a runoff requirement in the other election bills," according to City Commissioner Henry Loeb, the leading segregationist on the Commission. "If I had thought of it, I certainly would have recommended such a provision."[80] Once again, *Press-Scimitar* reporter Clark Porteous spelled out the racial purposes behind the rules explicitly. A black candidate "is considered to have a chance of election because of the very law sponsored by the Shelby delegation in the 1959 legislature, aimed at preventing the election of a negro. The new law, aimed at stopping 'single-shot' voting, changed the city election procedure. Instead of the top four candidates being elected city commissioners, each of four city commission races, like the mayor's race, is separate. Henry Loeb, Commissioner of Public Works, has switched to the mayor's race against Mayor Edmund Orgill, leaving his position open. Thus far, six white men have entered the Public Works race, with [African-American Russell] Sugarmon the number seven candidate. Thus if the six white men remain in the race and divide the white vote, Sugarmon, by getting a majority of negro votes and possibly some white votes, could be elected."[81] Because by the time of the 1959 elections, an intensive black registration campaign had brought their proportion of the electorate up to 30.5%, the number of white candidates did not have to be nearly as large as six to threaten white control.[82]

Although black Republicans had long ago formed the "Lincoln League" in Memphis and maintained membership on the state party executive committee, even in the face of numerous attempts by "lily white" factions to exclude them from the party,[83] African-American Democrats were only loosely organized until 1958, when Russell Sugarmon, Jr., A.W. Willis, Jr.,

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[80]"City Exploring Hope Of Runoff," *CApp*, June 10, 1959, p. 15; Wright, *Memphis Politics*, p. 4. During his 1959 campaign, Loeb promised to "exhaust all legal means to prevent desegregation." "Loeb Outlines His Position on 9 Questions Confronting Memphis," *PS*, July 14, 1959, p. 7, c. 1-7.

[81]Clark Porteous, "Negro in Race for Commissioner," *PS*, June 5, 1959, p. 5, c. 1-2. A story in the *Commercial Appeal* was nearly as explicit. "Attention has been focused recently on the runoff requirement by the entry of a Negro candidate, Russell Sugarmon Jr., in the seven-man race for public works commissioner. He stands the chance of being elected by a solid Negro vote, while the other candidates are splitting the white vote." "City Exploring Hope of Runoff," *CApp*, June 10, 1959, p. 15.

[82]Ripy, "Changes in the Formal Structure of Municipal Government," p. 99.

[83]Lamon, *Black Tennesseans*, pp. 47-51, 54-58, 224; Biles, "Church," pp. 364-70.

and others formed the Shelby County Democratic Club (SCDC) to support S.A. Wilbun's legislative campaign.[84] To assure the support of black Republicans and the often independent black ministers in his race for Loeb's Public Works Commission post, Sugarmon and his group endorsed the Republican Rev. Benjamin Hooks (later executive secretary of the national NAACP) for juvenile court judge, and Reverends Roy Love and Henry Bunton for separate positions on the Board of Education.[85]

For blacks, this was a crusade, part civil rights movement, part political campaign. $20,000 was raised from within the black community to support the "Volunteer Ticket," and, by election day, 1,200 precinct workers had thoroughly canvassed every black precinct in the markedly segregated city. During the last month before the August election, Martin Luther King, Jr. came to Memphis to address 5,000 blacks in the Masonic Temple on behalf of the campaign.[86] "We're going to pull Memphis out of the South and let segregation run down the drain," Sugarmon told the crowd at the Temple.[87] Even the normally apolitical black Memphis newspaper the *Tri-State Defender* enthused: "If ever time has been pregnant with possibilities for the Negro Memphian in politics, that time is now."[88]

Black leaders were surprised at the intensity of the adverse white reaction.[89] After all, Sugarmon was the articulate and attractive son of an old Memphis family, a graduate of Rutgers and Harvard Law School, an ambitious attorney who had proved that he could make his way in

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[84]Wright, *Memphis Politics*, p. 7. Sugarmon was Wilbun's campaign manager. Holloway, *Politics of the Southern Negro*, p. 281.

[85]Wright, *Memphis Politics*, pp. 9-14; Richard T. Allen, "Integration Aim of Two Negroes," *Jackson Mississippi Clarion-Ledger*, July 23, 1959.

[86]Wright, *Memphis Politics*, pp. 24-25

[87]Paul Vanderwood, "Negroes Promise Big Vote August 20," *PS*, Aug. 1, 1959, p. 10, c. 1-2.

[88]*Defender*, July 25, 1959, p. 1, quoted in James B. Jalenak, "Beale Street Politics: A Study of Negro Political Activity in Memphis, Tennessee," (Unpub. Senior Honors Thesis: Yale Univ., 1961), p. 62.

[89]As old-line leader Lt. George W. Lee put it, "Nowhere was the hand of fellowship extended to the negro population of Memphis, inviting them to participate in our minicipal election. Everywhere there was shock at the idea of a negro candidate. The negroes themselves had no desire to offer a list of negro candidates. They would have much preferred a ticket composed of whites and negroes. Under those circumstances they would have not asked for over much. Their leadership understands that time is the important factor and several years must elapse before the negro will be invited to share equally with the whites in the responsibility of the community life." "Lt. Lee 'Deplores' Bloc Balloting," *PS*, Aug. 22, 1959, p. 2, c. 5-6.

white society.[90] Like many Memphis politicians, he had been an athlete--an All-Memphis football center and a four-year letterman as a linebacker at Rutgers. Unlike most, he had a reputation, according to the *Press-Scimitar*, for reading "mostly deep stuff dealing with history, principles of democracy, sociology or economics"--not an advantage in campaigning, but usually not a disqualification for office, either.[91] Hooks's competence is evident in his subsequent national position, and Love and Bunton appeared at least as well qualified for the Board of Education as the white businessmen, attorneys, and civicly conscious women who typically served.[92] In Nashville, which had a city council elected by districts, two black members had served for a decade without undermining the foundations of city hall.[93] The white panic at the prospect of Sugarmon's election, and, to a lesser extent, at the possibility of the election of other members of the Volunteer Ticket, is the strongest indication of the white racism that pervaded Memphis in the 1950s and 60s and conditioned nearly every public action, particularly every effort to change electoral laws. The campaign also served as a glaring example for both blacks and whites of the importance of electoral arrangements. If electoral laws are ever changed unselfconsciously, Memphis after the 1959 campaign was the least likely place in which this could occur.

Since Love and Bunton each faced only one major white candidate, the predictable racially polarized voting could be expected to defeat them. The Juvenile Court office to which Hooks aspired was sufficiently minor that a relatively small amount of public and private pressure forced out all but one prominent white candidate.[94] The real problem for the white leadership was how to concentrate the vote on one of the four major candidates running against Sugarmon.

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[90]Wright, *Memphis Politics*, pp. 7, 31.

[91]Paul Vanderwood, "'Only Beginning,' Says Sugarmon," *PS*, Aug. 21, 1959, p. 5, c. 1-2.

[92]For biographical sketches of school board members, see *CApp*, Nov. 6, 1955, section 1, p. 6, c. 2-3; and of Bunton, *PS*, Jan. 22, 1959, p. 5, c. 1-2.

[93]Preston Valien, "Expansion of Negro Suffrage in Tennessee," *Journal of Negro Education* 26 (1957), p. 367.

[94]When Hooks first announced for office, *PS* reporter Clark Porteous announced that "The situation [in the Municipal Judgeship contest] is similar to the Public Works Commission race, which has six white entries and one negro entry. Negro voters could elect a negro, if the white votes split evenly enough." Porteous, "Hooks Runs For Juvenile Court Judgeship," *PS*, June 17, 1959, p. 19, c. 1. Slowly, whites dropped out. When Robert V. Bickers withdrew, he advised another white candidate to follow the same course "in order that we might have a white judge the next four years." "Bickers Out of Court Race," *PS*, July 25, 1959, p. 1, c. 6-7.

The first move was to remedy the oversight in the law and require a runoff. Loeb supporter Jay Biggert repeatedly called for the passage of a runoff law at Loeb-for-mayor rallies to "eliminate . . . the possibility of R.B. Sugarmon Jr., negro, getting elected Public Works Commissioner."[95] Loeb himself asked City Attorney Frank Gianotti to study the possibility of holding a runoff election. "My interest in bringing this matter up," stated Loeb, "is to try to see that an office-holder in Memphis is elected by the *majority* and not by any single-shotting. I am sick and tired of politicians the country over currying favor of minority groups."[96] Loeb's reference to majority rule is important, because that was to become a codeword for white control in Memphis throughout the 1960s. Other statements by Loeb during this campaign render his meaning unmistakably clear: "I feel everything possible should be done to assure that the will of the majority rules in all contests." (July 30) He would endorse a candidate for Public Works Commissioner "if necessary to prevent the election of a Negro." (Aug. 2)[97] After a meeting called "to reduce the chance of a negro candidate winning," Loeb and Commissioner Claude Armour issued a statement saying they favored election by "a majority vote," and that they wanted to "work out a solution which would make certain the winner is determined by a majority vote."[98] Others used the concept in the same way. Arguing near the end of the campaign that one of the white candidates should withdraw, the *Commercial Appeal* said that was the only way to prevent "30% of the votes [a reference to the fact that 30% of the registered voters were black] from electing a candidate that 70% don't

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[95]Clark Porteous, "Negro's Bid For Election Causes Stir - White Candidates Are Concerned," *PS*, June 6, 1959, p. 1, c. 1; "Candidate Loeb Planning Three Branch Headquarters," *ibid.*, June 6, 1959, p. 11, c. 6.

[96]James H. White, "Studying City Vote Run-Off, *PS*, June 9, 1959, p. 1, c. 4. White went on to relate the barely-veiled codewords to the political crisis then facing white Memphis: "The last Legislature, in an attempt to prevent the possibility of a candidate being elected by single-shotting (i.e., voting for only one candidate, ignoring all the others), passed a local bill for Memphis and Shelby County providing that candidates must run for specific offices, as for a certain position on the City Commission, and not just for City Commissioner.

"This law, coupled with the fact that only a plurality of votes is needed (meaning an edge over the next highest candidate's vote), has disturbed some by its possible results in the race for Commissioner of Public Works, where six white candidates are opposed by one negro candidate. If the six white candidates split the vote in anything approximating equality, the negro candidate might win."

[97]Quoted in Jalenak, "Beale Street Politics," pp. 66, 69.

[98]James H. White, "None Gets Out of Race--Another Meeting Today," *PS*, Aug. 13, 1959, p. 1, c. 1-4.

like."[99] Likewise, the *Press-Scimitar* spoke of the pressure on white candidates to withdraw to prevent Sugarmon, "strong negro candidate, from winning on a plurality, with white candidates splitting the majority vote."[100]

Since, after examining case law, Gianotti concluded that a runoff could not be mandated without another private act of the Tennessee legislature, and since the legislature was not scheduled to meet again until January, 1961, Loeb on June 16 asked Gov. Ellington to call a special session of the legislature purely to pass a runoff law for Memphis elections. News stories on the Loeb request could hardly have been more explicit about the aims of the runoff. The act, the *Commercial Appeal* said, "would be aimed primarily at Negro candidates who enter contests where there is a large number of candidates and could win by obtaining the highest individual vote, or a simple majority. . . . Attention was directed to a runoff when Russell Sugarmon, Jr., Negro attorney, announced as a candidate for public works commissioner. There are six white candidates in the same contest."[101] Loeb pressed for a runoff law, the *Press-Scimitar* remarked, "after the announcement that Russell Sugarmon Jr., negro attorney, would oppose the six already announced white candidates for the post of commissioner of public works. There has been wide discussion to the effect that Sugarmon's chances of winning are excellent if as many as three or more candidates do not withdraw, inasmuch as Sugarmon could be expected to draw a heavy bloc of votes from the more than 50,000 registered voters. . . . The situation which exists arose when the Shelby delegation put through a local bill designed to stop the chances of a candidate being elected by so-called single-shot voting. The bill required that candidates for City Commission and other posts must run for a specific position. However, the bill as passed has had the opposite effect from what was intended, because of the absence of a runoff provision."[102]

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[99]Quoted in Jelenak, "Beale Street Politics," p. 69.

[100]"Will Fowler to Drop Out of Public Works Race," *PS*, Aug. 15, 1959, p. 1, c. 3-8.

[101]"Special Session Sought By Loeb - He'll Sound Out Ellington On Runoff Legislation," *CApp*, June 17, 1959, p. 21.

[102]James H. White, "Special Session 'Not Indicated': Ellington," *PS*, June 18, 1959, p. 12, c. 1.

Perhaps mindful of the fact that he himself had been elected governor by little more than 30% of the vote, Ellington refused to call a special session.[103] Loeb was disappointed. "I still feel strongly we should try to assure that candidates elected to the City Commission or as Mayor should have the majority vote," the Commissioner commented. "I intend to search for another legal method."[104] White political leaders then floated the notion of holding a voluntary pre-primary for the Public Works position, to be financed by the city and binding by "gentleman's agreement." Only the top two candidates in this throwback to the days of the white primary would be listed on the August 20 ballot. As the *Commercial Appeal* noted in its news story on the subject, the "Primary purpose of such an unofficial competition would be to remove the possibility of a Negro candidate winning the race as the result of a Negro bloc vote, over six or more white candidates." The *Press-Scimitar* was just as clear about the purpose of the unofficial white primary: "Reasoning is that if the white candidates split on a reasonably close vote, the negro candidates could get a winning vote." Three of the four leading candidates for the public works job immediately endorsed the idea. Gianotti, however, doubted whether the city could legally allocate the $40,000 needed to run this unofficial election.[105] Any contention that the ultimate adoption of a runoff or majority vote requirement in Memphis in 1966 did not have a racially discriminatory purpose must somehow explain away these patently clear events of 1959.[106]

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[103]Ellington may also have opposed runoffs in general because plurality elections favored the Clement-Ellington administration forces that held the governorship from 1952 through 1970. In 1958, the first plank in the platform of former governor Jim McCord, who received 32.4% of the vote as an independent against Democratic nominee Ellington, was the adoption of a statewide runoff law. "With the vote so split and without a run-off provision," McCord contended, "the incumbent state administration will almost always be able to name its successor, leading to a political totalitarianism and a political tyranny in Tennessee." Clark Porteous, "McCord Promises: 'I Will Get Run-Off Law Passed'", *PS*, Oct. 11, 1958, p. 11, c. 2-4; "Ellington Won By 112,475 Votes," *ibid.*, Nov. 20, 1958, p. 7-Y, c. 5. To foster a local runoff while opposing a statewide runoff would have been embarassing for Ellington.

[104]James H. White, "Special Session 'Not Indicated': Ellington," *PS*, June 18, 1959, p. 12, c. 1.

[105]"Voluntary Race May Be Sought," *CApp*, June 18, 1959, p. 12; "In Public Works Race, One Way To Cut Field: Simple: If Someone Would Withdraw," *PS*, June 19, 1959, p. 7, c. 1; Wright, *Memphis Politics*, p. 14.

[106]When he dropped out of the contest for Public Works Commissioner in order to prevent the election of "the negro candidate" by a "minority bloc of votes," A.W. "Ott" Anderson decried the lack of a runoff law. "If Memphis had such a law--and I earnestly hope we will have next election--this decision would not have been forced upon me." James H. White, "Ott Anderson Bows Out As Candidate," *PS*, July 23, 1959, p. 1, c. 4.

Without a white primary or runoff, the only option for white leaders was to force one or more of the major white candidates to withdraw, and/or to organize a bandwagon for one candidate. Three facets of this process are worth emphasizing: First, private agreements proved difficult to reach and enforce, because even with the overwhelming consensus among the white political elite against the election of an African-American candidate, individual ambitions inclined each candidate to try to get others to withdraw.[107] The implication of the 1959 campaign was that a legally mandated runoff requirement was necessary, because voluntary agreements were almost unworkable. Second, all factions and every major white institution agreed on the strategy. Whatever the differences between shades of segregationist opinion, attitudes toward Crump or "reform," or allegiances in state politics, every group in Memphis's white political Establishment agreed that the election of a Harvard Law graduate who happened to be black would be an unmitigated disaster for the Memphis city government.[108] Third, although it was orchestrated privately, the bandwagon strategy was very openly discussed in the newspapers (and, no doubt, in private conversations). These discussions reflect on the motives of those who, then and later, favored at-large elections with majority vote requirements.

"Any number of responsible citizens," the *Commercial Appeal* noted in a June 28 editorial, "are now saying openly that, while having a favorite, they would willingly switch to the candidate who apparently is out front. . . . The bandwagon development could result from several sources: Newspaper endorsement, word-of-mouth advertising, backing by influential groups, one candidate withdrawing in favor of another."[109]

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[107]At the outset of the campaign, Public Works Commission candidate Ott Anderson's challenge to "the other five white candidates for public works to a meeting this week to decide who will run against the one negro candidate August 20" finally fell flat after much discussion. See James H. White, "6 Candidates May Meet to Consider Withdrawls," *PS*, June 22, 1959, p. 1, c. 6-8; James H. White, "4 White Candidates Will Meet--But Not Fowler," *ibid.*, June 23, 1959, p. 1, c. 3-4; *ibid*, "Meeting to Narrow Field In Race Is Postponed," *ibid.*, p. 13, c. 3-4. Anderson himself was a staunch segregationist. "As I announced in my platform, 90% of the negroes of Memphis do not care to mix with whites, and if they are given certain facilities such as playgrounds, swimming pools and schools they will be satisfied." *Ibid.*, July 18, 1959, p. 3, c. 1-2.

[108]One letter writer appealed to the then-conventional racist version of southern Reconstruction history: "It is obvious to even a casual observer [that] if they [the white candidates for Public Works Commissioner] refuse to abide by a fair process of elimination, they will do irreparable harm to Memphis and the South. The sacrifice they are called upon to make is small in comparison with those made by our forefathers when Carpetbaggers and Northern radicals disfranchised the white voters of the South and placed unqualified negroes in public office." Warren S. Webb, "4 White Candidates Must Be Willing for Sacrifice," *PS*, Aug. 5, 1959, p. 6, c. 1-2.

[109] *CApp*, June 28, 1959, p. I-4.

Significantly, the first group of influentials to act was the "Dedicated Citizens Committee" (DCC), the outgrowth of a planned Orgill reelection committee. When a partially blocked carotid artery made it impossible for Orgill to run for mayor again, the head of the DCC, chemical corporation head Dr. Stanley Buckman, turned the committee to other purposes, calling for the establishment of a commission to rewrite the city's charter and adopt metropolitan government, and vowing to maintain segregation.[110] On July 22, Buckman's group endorsed William Farris for the Public Works post, along with former Crump cronies Claude Armour and "Buddy" Dwyer, as well as Henry Loeb, whom the DCC had originally been formed to combat![111] "Dedicated to what?" Russell Sugarmon asked.[112] The fact that his maiden effort in politics was to give the first nudge to the white bandwagon against Sugarmon throws an interesting light on Buckman's key role in the drive for metropolitan government in 1962.

Two days later, the "Council of Civic Clubs" also endorsed Farris, as did a "Veterans for Better Government" committee. Charles Cuneo, the President of the Council, hoped "that this group's action last night will encourage some white candidates to withdraw, thus lessening the chance of a Negro being elected to office," according to the *Press-Scimitar*.[113] In the next week, both white daily newspapers backed Farris, the *Commercial Appeal* announcing

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[110]"Orgill Retires From Mayor's Race After Physical Trouble," *PS*, July 4, 1959, p. 1, c. 1-8; "Loeb Likely to Face Strong Opponent," *ibid.*, July 6, 1959, p. 1, c. 4. Every member of the DCC had to pledge to "maintain community patterns of segregation by all legal means." "Membership Pledge Drawn By Dedicated Citizens," *ibid.*, Aug. 8, 1959, p. 11, c. 4-6.

[111]Wright, *Memphis Politics*, p. 18. Like nearly every other prominent white candidate, Farris had pledged support to the DCC platform plank in favor of segregation. Most used the same formula as Farris, who endorsed "the maintenance of segregation of the races by all legal means." Their positions reinforce the picture of a solid racist consensus among the white political elite in Memphis at the time, which reflects on the motives of those who framed election laws during the period. For the pledges, see James H. White, "Farris' Idea: Make LG&W 'Authority,'" *PS*, July 14, 1959, p. 12, c. 2-8; "Loeb Outlines His Position on 9 Questions Confronting Memphis," *ibid.*, July 14, 1959, p. 7, c. 1-7; "Fowler for Little Hatch Act, Adjacent Area Annexation," *ibid.*, July 15, 1959, p. 4, c. 1-3; Clark Porteous, "Candidate Slaps at 'Working Majority,'" *ibid.*, July 16, 1959, p. 4, c. 1-4; "Fleming, Mayor Candidate, Answers 9 Civic Questions," *ibid.*, July 16, 1959, p. 31; *ibid.*, July 18, 1959, p. 3, c. 1-2; "Armour Favors Government Study - His Nine Answers," *ibid.*, July 20, 1959, p. 7, c. 1-3; "Better Relations Between City-County: Moore's Aim," *ibid.*, July 21, 1959, p. 15, c. 2-4; "Let's Study Governments - Find Best for Memphis," *ibid.*, July 22, 1959, p. 32; "Dwyer is Against Changing City's Form of Government," *ibid.*, July 24, 1959, p. 7, c. 1-3.

[112]Paul Vanderwood, "Negro Candidate Says He'll End Segregation If Elected," *PS*, July 29, 1959, p. 15, c. 1-3.

[113]"Clubs Council to Campaign Against Negro Candidates," *PS*, July 25, 1959, p. 11, c. 2-4. The Council had to meet as a committee of the whole to evade its own by-law restriction against endorsing candidates. It endorsed (white) candidates in only those contests featuring blacks.

patronizingly that the blacks' campaign "can become an agency for progress rather than the calamity which it is regarded as by many. . . . At this juncture it would not be well for the Negro citizens or for community tranquility to elect a Negro public works commissioner or judge of the juvenile court. Whether a successful Negro commissioner would upset the department with wholesale replacements [which Sugarmon had specifically pledged not to do] or a Negro judge exercise close supervisory powers over broken white families [the other way around, of course, was fine] becomes a real fear in the hearts of many in the white community." Insultingly, the paper proposed openly to buy off the blacks with minor, segregated offices: "Why couldn't the city hall provide for an assistant city attorney, for example, or the municipal or juvenile courts set up a division for Negro problems with members of that race administering the offices?"[114] After the campaign, Sugarmon and Hooks reported that such offers had actually been made, and that they had turned them down.[115]

In a series of editorial statements, the *Press-Scimitar* was just as patronizing and even more forthright: "Since there is no run-off, without some concerted effort the election of a negro to an administrative position is possible and the majority of the people do not think that would make for good race relations or promote the progress of our negro citizens, not even their political progress."[116] "Most Memphians, including many thoughtful negro citizens, realize that harmony and progress would be hard to achieve if negroes win election August 20."[117] "R.B. Sugarmon Jr. is an able man, but surely no one can seriously believe that it would be good for either the negro or the white citizens of Memphis to elect a negro to that position."[118]

The bandwagon proved difficult to organize. On July 25, three days after the Buckman/DCC endorsement, Farris finished fifth in a *Commercial Appeal* poll. Longtime civil servant Will Fowler led.[119] By August 9th, Farris had climbed to second behind John Ford Canale, who had long been associated with the Crump faction. Fowler was third and Sugarmon

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[114]*CApp*, "City Election Recommendations," Aug. 2, 1959, p. I-6; "Steps to Comply With Supreme Court Decision Pledged by 2 Candidates," *PS*, July 24, 1959, p. 23, c. 2-5 for Sugarmon's pledge.

[115]Wright, *Memphis Politics*, p. 21.

[116]"Citizens Offer Unity Ticket," *PS*, July 24, 1959, p. 6, c. 2 -3.

[117]"Let us all unite on the Unity Ticket," *PS*, July 29, 1959, p. 6, c. 2-3.

[118]"For Commissioner of Public Works," *PS*, July 31, 1959, p. 6, c. 1.

[119]Like every other candidate for the position, Fowler promised the DCC that he was "heartily in favor of segregation. I think our negro population is now being treated fairly. . . ." "Fowler for Little Hatch Act, Adjacent Area Annexation," *PS*, July 15, 1959, p. 4, c. 1-3.

fourth. A week later, Farris finally nudged into first place, followed by Sugarmon, Canale, Fowler, and Sam Chambers, a labor candidate. Among whites, Sugarmon received less than 1% in the poll. In the last week before the election, Commissioners Claude Armour and Henry Loeb met with the leading white candidates and proposed that the "'weaker' candidates . . . get out of the race and let the strongest candidate face the Negro candidate. . . ."[120] Armour told the four: "I think if this race goes to the polls as it is set up now, a minority candidate will win. I plead with you, in fact I beg you, to do something" to thin the field.[121] Finally, Fowler dropped out, as one newspaper put it, "to lessen the vote split and the possibility of Sugarmon's election. Appeals for still others to drop out went unheeded."[122] The day before the election, the campaign managers of Loeb and Armour endorsed Farris, an action that was treated as an endorsement by the principals themselves.[123] Still, many white insiders were worried. "With the white candidates dividing up the white vote," Null Adams of the *Press-Scimitar* announced two days before the election, "many think a negro block [sic] of votes would elect Sugarmon."[124]

"If the white citizens vote in high enough numbers," *Press-Scimitar* reporter Clark Porteous wrote in a front page, election eve "news" story, "there will be no negro candidates elected."[125] In the largest turnout in Memphis's municipal history up to that time, five times as large as that in the 1951 local elections, the white bloc vote beat the black bloc vote. "The intense interest stirred up by the serious threat of Sugarmon and other negro candidates," Porteous reported the

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[120]*Jackson Mississippi Clarion-Ledger*, "Whites Nervously Eye Negro Effort," Aug. 14, 1959.

[121]James H. White, "None Gets Out of Race--Another Meeting Today," *PS*, Aug. 13, 1959, p. 1, c. 1-4.

[122]*Jackson Mississippi Clarion Ledger*, "Memphis Negro May Win Office," Aug. 20, 1959.

[123]Wright, *Memphis Politics*, p. 23. According to the *PS*, Loeb was under great pressure to endorse one candidate from those whites who claimed that Loeb had "a moral obligation to see that a negro is not elected. . . ." "Loeb's Predicament: What Should He Do?" *PS* Aug. 6, 1959, p. 1, c. 4-7.

[124]Null Adams, "City Election Spotlight On 5 Negroes," *PS*, Aug. 18, 1959, p. 1, c. 4.

[125]Clark Porteous, "42 Candidates And All Say They'll Win," *PS*, Aug. 19, 1959, p. 1, c. 8. The effort to induce white unity and a large turnout was not confined to the evening paper or to the last days before the election. As the *Commercial Appeal* noted in "Race Competition at Polls Puts Real Stress on Voters," June 28, 1959, p. I-4, "Out of the widespread concern about racial competition in the Aug. 20 municipal election has come a new line of thinking in regard to protection against a minority candidate becoming the winner. Succinctly put, this reasoning is that every eligible citizen should register to vote, then go the the polls in August and know the entry [i.e., the race of the candidate] for whom he votes."

day after the election, "brought out the whopping vote, even on a hot, humid day. There was no rain, and that helped."[126] In precincts that were 95% or more black, Sugarmon received 94% of the votes; in precincts that were 95% or more white, 2%. In the most heavily black precincts, 64% of those registered voted; in the most heavily white, 73%. Sugarmon's vote total of 35,268 and Hooks's of over 32,000 would have elected them in any previous city contest.[127] All the other black candidates also finished second in similarly polarized elections.[128]

In an interview the morning after the election, a white reporter asked Sugarmon "Was this the last chance for a negro candidate in Memphis? Will not the Legislature adopt a run-off law, thereby assuring defeat of negroes in future elections?" Desperately seeking a silver lining, Sugarmon responded: "I think the Legislature probably will adopt such a law--but it will make the negroes stronger. Not in the sense of being able to elect a negro to office. But the negro voting bloc will be just that much more important--actually deciding--in a run-off."[129]

III.D. THE LESSONS OF 1959: BLACK INDEPENDENCE AND THE NECESSITY OF A RUNOFF PRIMARY

Black leaders learned two lessons from the 1959 election: Avoid high visibility campaigns, and don't trust white "liberal" politicians.[130] In the view of the black leadership, white liberals expected to receive their votes as a matter of course, even though they would not support black candidates or publicly renounce segregation, in return. "We had worked with the so-called liberals," Lt. George W. Lee remarked, "but they never got anything done. They sold the

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[126]Clark Porteous, "Next Jan. 1, Two New City Commissioners," *PS*, Aug. 21, 1959, p. 1, c. 1-2.

[127]Wright, *Memphis Politics*, pp. 28-30; Clark Porteous, "Next Jan. 1, Two New City Commissioners," *PS*, Aug. 21, 1959, p. 1.

[128]Louis Silver, "Negro Efforts To Put Candidates in Office Fail, But Try Is Good," *CApp*, Aug. 23, 1959.

[129]Paul Vanderwood, "'Only Beginning,' Says Sugarmon," *PS*, Aug. 21, 1959, p. 5, c. 1-2. The fact that Sugarmon staunchly opposed runoffs as a member of the Program of Progress committee in 1966 shows that he did not really believe that that electoral provision would increase black political influence. For other predictions that the legislature would be pushed to adopt a run-off, see "Memphis Negro May Win Office," *Jackson Mississippi Clarion-Ledger*, Aug. 20, 1959; Wright, *Memphis Politics*, pp. 31-32.

[130]Holloway, *Politics of the Southern Negro*, pp. 282-84.

Negro up the river."[131] To prove their independence from white liberals and their electoral power, to obtain some jobs for blacks, to make it impossible for white "conservatives" to say in the future that only white moderates bargained for black votes, and perhaps to gain policy concessions, the Shelby County Democratic Club endorsed candidates favored by the rural segregationist leader of the County Court, Paul Barret, in 1960 and 1962.[132] In 1960, Sugarmon's law partner A. W. Willis ran for that Court (in reality, an administrative body covering the city, as well as rural and suburban areas) in a campaign so quiet that it hardly stirred white fears. It did not stimulate black turnout, either. Willis lost.[133]

White leaders learned a different lesson. One spelled out the racial purpose of a runoff law in graphic terms in a letter to the editor of the *Press-Scimitar*. "The only way to assure that public officers are elected by a majority of all votes cast is by the run-off election method. . . . Should there be a negro candidate and several white candidates running for the same public office in the first election its [the runoff law's] result would be to put in opposition, in the second election, the two candidates obtaining the highest and next highest number of votes in the first election unless one of all candidates received a majority of all votes cast in the first election and be elected then. Even a solid negro bloc which should be expected for any negro candidates in such first election could not elect the negro candidate then because the entire negro vote in Memphis would not constitute a majority of all Memphis votes--the entire negro vote being only about a third, or so, of all. Therefore, even if the negro candidate received either the highest or second highest number of votes at the first election, nevertheless, one of the white candidates for the office would also be in the second election, the run-off election, with the entire white vote of about two-thirds of all the votes in Memphis available to elect him and thus assure the election of the white candidate over the negro candidate. The run-off election method at Memphis is mandatory to preserve democracy and Southern beliefs."[134]

The day after the election, the *Press-Scimitar* repeated the analysis and the advice. The DCC Unity Ticket, the paper announced in an editorial, was needed "because since Memphis has no run-off election at this time, there was danger that a negro candidate would be elected

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[131]Quoted in Jalenak, "Beale Street Politics," p. 92.

[132]Wright, *Memphis Politics*, pp. 34-35; Box 1, Folder 3, Shelby County Democratic Club sample ballot for August 2, 1962 elections, Russell Sugarmon Papers, Mississippi Valley Collection, Old Brister Library, Memphis State University.

[133]Jalenak, "Beale Street Politics," p. 76.

[134]Marvin Brooks Norfleet, "Memphis Must Have Run-Off Elections," *PS*, Aug. 12, 1959, p. 6, c. 4.

by a minority vote. The overwhelming sentiment of the white citizens--in which they were joined by some negroes--was that no matter how much one might favor negro progress and negro participation in the government, election of a negro at this time by a minority vote would not be good for race relations in Memphis or for this city's relations with surrounding communities. . . . Negro citizens 'segregated' themselves by choosing a ticket of their own, but you can hardly blame them for wanting to take advantage of the absence of a run-off to show their political strength, and they can hardly blame the white community for its determination to see that they would not succeed in electing their candidates."[135]

In an analytical news story the same day, the paper pointed out how important a runoff law was to whites in Memphis and why the election of even one black to the state legislative delegation would threaten the whole racial order. "Negro candidates, though defeated yesterday, stand a strong chance of being elected next year unless a special session of the Tennessee Legislature is called to enact a run-off law for Shelby County. Reason is that a run-off law, though certain to be requested by local officials, could not normally be enacted until 1961 when the next Legislature convenes. . . . Once negroes are able to elect a candidate to a legislative slot, that negro delegate could wreck any attempt to get a private bill providing for a local run-off. This is because local bills, by custom which is not recalled to have been violated, must have unanimous approval of the local delegation first. However, it is not impossible that the Legislature might throw aside custom in such an instance. . . . The only alternative for getting a runoff law would be in the form of a public (state-wide) bill. Such a bill would be subject to the actual approval of the Legislature as a whole, and has been violently opposed in previous attempts by representatives of sections where it might not be desirable."[136]

Although no special session was called, the city commission proposed that the Shelby County delegation to the state legislature in 1961 push a private act providing for a runoff election in the city. Its purpose, said the *Commercial Appeal*, was "to minimize the effect of bloc voting," a well-recognized codeword for organized *black* voting.[137] For reasons that are

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[135]"Unity Won in the Election--Unity Will Bring Progress for Memphis," *PS*, Aug. 21, 1959, p. 6, c. 2-3.

[136]"Negroes Get New Chance Next Year - No Run-Off, Without Special Session," *PS*, Aug. 21, 1959, p. 19-Y, c. 5. The paper implicitly assumed that all Shelby County state legislators would favor a runoff, and that blacks would be unable to barter their support for one or more whites in the Shelby delegation in return for a pledge to veto a runoff bill.

[137]*CApp*, Dec. 26, 1960, "Memphis Bills May Face Trouble."

presently unclear, State Senator William S. Cobb, chairman of the Shelby delegation, seems to have opposed the runoff, and no such bill passed in 1961.[138]

Undismayed, the City Commission prepared to ask the Shelby delegation to the 1963 legislature to work for a local runoff bill. As the *Commercial Appeal*'s story put it, in even more unmistakably racial terms, "The City Commission yesterday [Aug. 31, 1962] discussed two legislative proposals that could cut heavily into Negro bloc voting. The Mayor and four commissioners agreed unanimously to ask the Shelby County delegation--which will be elected November 6--to work for a runoff law for primaries and general elections. . . . This would probably reduce the effectiveness of bloc voting and assure majority-vote winners. . . ."[139] Again, the effort failed.

IV. METRO MEMPHIS, 1962

As early as 1953, a debate on the various forms of local government drew an audience of 2500 to Memphis State to hear attorney Lucius Burch, Edmund Orgill, and other members of the Kefauver group call for replacement of the city commission by a council-manager government. With Orgill's election in 1955, however, the fervor to reform yielded to the necessity to administer. It was not "good government" activists, but Chamber of Commerce businessmen who initiated the movement to restructure Memphis's local government. Or, as the *Press-Scimitar* put it in an editorial that revealed as much about the editor's values as it did about historical fact, "The very heart of the drive for a new government comes from the men who mean the most to Memphis and Shelby County: its business leaders."[140]

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[138]"Memphis Bills May Face Trouble," *CApp*, Dec. 26, 1960.

[139]"Runoff is Seen As Bloc Blow," *CApp*, Sept. 1, 1962, p. 13. The other proposal would have eliminated the numbering of candidate names on the often long and complex Memphis ballot, a move that would obviously have made it difficult for the less literate black population to vote for every office as they wished.

[140]Jack H. Morris, "Chronology of A Charter," p. 1, unpublished manuscript in folder 112, Program of Progress (hereinafter POP) Papers, Mississippi Valley Collection, Old Brister Library, Memphis State University; *PS*, Nov. 5, 1962, p. 1.

IV.A. THE CHAMBER PLAN

In the Spring of 1961, Memphis Chamber President Edward B. LeMaster appointed an eleven-man committee, chaired by Russel Wilkinson, an industrial real estate broker, and including former mayor Edmund Orgill and State Senator Albert C. Rickey, to study the organization of local government.[141] Two hundred miles northeast, Nashvillians had defeated a move to consolidate city and county governments into one metropolitan entity in a 1958 referendum, but after the Nashville city administration embarked on a series of controversial annexations of unincorporated suburbia, sentiment for "metro" was rekindled, and Nashville and Davidson County were preparing to vote on the issue again. After a nine-month study, the Wilkinson Committee proposed the "Shelby Unity Plan," consolidating the city and county governments and governed by a mayor and a 15-person council, with five elected by districts from the city, five by districts from the area outside the city, and five at large from the county as a whole.[142] District maps were painstakingly drawn.[143] Patterned largely after the 1962 Nashville metro charter, the Memphis plan as originally drafted had a much smaller number of districts (10, to Nashville's 35), and a much higher proportion of at-large seats (5 of 15, compared to 5 of 40 in Nashville).[144] Explaining the proposal to a black meeting at the Centenary Methodist Church in the middle of April, former Mayor Orgill "said at least two of the city districts would be predominantly Negro, which would assure the election of two Negroes to the Council."[145]

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[141]*Memphis Business* (an official publication of the Memphis Chamber of Commerce) May, 1961, in POP papers, folder 58.

[142]*Memphis Business*, Oct., 1961 and March, 1962, in POP papers, folder 58.

[143]"Backdrop - Pre-Named Council Proves Jolt," *CApp*, June 3, 1962, p. 8.

[144]*Memphis Business*, Nov., 1962, in POP papers, Folder 58; Morris, "Chronology of A Charter," p. 1, in POP papers, Folder 112. Black representation was a major issue in Nashville in 1962, also. To assure black support for the 1962 metro charter, the Nashville Metro Charter Commission very carefully drew six safe black districts. Davidson County's population in 1960 was 19 percent black. Assuming that blacks could not carry any at-large seats, the six district positions gave them 15 percent of the council. See Don H. Doyle, *Nashville Since the 1920s* (Knoxville: Univ. of Tenn. Press, 1985), pp. 207-10.

[145]*Memphis World*, "Key Posts for Negroes Under Consolidation," April 14, 1962, p. 1.

Under the state's 1953 constitutional amendments, any new consolidation charter had to be drafted formally by a joint city-county charter commission.[146] Mayor Henry Loeb simply appointed five members of the Chamber Local Government Organization Committee: Wilkinson, Senator Rickey, attorney Walter P. Armstrong, Jr., Southern Central President J. Thurston Roach, and former "Dedicated Citizens' Committee" head Stanley Buckman.[147] The Mayor pointedly ignored his rival Orgill. The county governing body, antagonistic to the notion of being swallowed up by the city, named five members who were less enthusiastic about civic "reform." Although the Chamber committee had apparently not consulted with blacks while drafting its plans,[148] and the city members of the charter commission were all white, the county court's nominees included Lt. George W. Lee, the longtime black Republican leader. Other county members were Lake Hays, Ellen Davies Rodgers, "Old Guard" Republican David Hanover,[149] and Holiday Inn Board Chairman Kemmons Wilson. The supposedly more conservative county government leadership was obviously more willing to deal and work with African-Americans than the Chamber of Commerce and city politicians were.[150]

IV.B. DISTRICTS VS. AT LARGE

Sometime during the ten private meetings of the Charter Commission from March 12 to May 17, 1962, the city members repudiated their earlier mixed district/at-large plan, which they had applied to the Board of Education, as well as the Legislative Council, and committed

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[146]Lee S. Greene, David H. Grubbs, and Victor C. Hobday, *Government in Tennessee*, 3rd ed. (Knoxville: Univ. of Tenn. Press, 1975), pp. 28-30.

[147]Morris, "Chronology of A Charter," p. 2, in POP papers, folder 112.

[148]Jonathan I. Wax, "Program of Progress: The Recent Change in the Form of Government of Memphis," *The West Tennessee Historical Society's Papers*, 23 (1969), pp. 86-87.

[149]Hanover appeared prominently at a testimonial dinner for Lt. Lee in June, 1962, an odd action for a white Republican at a time when the Bob James-led "New Guard" faction of the GOP was trying to exclude Lee from any leadership role in the party. *PS*, June 4, 1962, p. A-10, "Tributes Paid to Lt. Lee by Throng."

[150]County Court leaders David Harsh and Rudolph Jones lost to the *Press-Scimitar* and *Commercial Appeal* candidates, led by cotton broker Jack Ramsay, in the August, 1962 elections, but Harsh & Co. were still in control earlier in the year, and they named the county representatives on the charter commission.

themselves to an all at-large council.[151] By late May, the five city members endorsed a 9-person council, most probably with three elected at large in the city, three at large in the territory outside the city, and three at large from the entire county. County appointees Hanover, Lee, Rodgers, and Hays favored a 7-7-7 plan, with the city and rural councilpersons elected by districts, while Wilson also preferred a districted proposal, but with only 15 members.[152] The Commission deadlocked.

The county members' pro-district position reflected another alliance of convenience between blacks and former Crump associates. County Squire Paul Barret, not a member of the Charter Commission, but apparently influential with the county members, pushed for an all-district 21- or 36-member council.[153] As of the 1960 census, Memphis made up 82% of the population of Shelby County, and burgeoning suburbs such as Whitehaven would predictably swamp Shelby's remaining rural areas if the county members were elected at large. The city members' plans therefore spelled political death for rural politicians like Barret. As for the blacks, the Sugarmon and Hooks races in 1959 had proved to them that even the most respectable African-Americans had no chance under an at-large scheme. As Lt. Lee noted at a meeting of the Charter Commission, "I think districts are necessary to protect the interests of the third of the population who are Negroes."[154]

Stanley Buckman then proposed a two-part ploy. First, the council would be expanded to 12 persons--four elected at large from the city, four at large from outside Memphis, and four at large from the entire county. Second, the Charter Commission would appoint the initial set of twelve, who would be listed by name on the charter referendum ballot, and would serve from November, 1962 until the normal municipal election date in August, 1963. The list that Buckman drew up, with the advice of *Commercial Appeal* editor Frank Ahlgren, *Press-Scimitar* editor Edward J. Meeman, Chamber of Commerce President Edward Le-Master, County Commission candidate Jack Ramsay, and Holiday Inn chairman Kemmons Wilson, included six County Court members, two businessmen, two labor leaders, and two blacks. Notably absent

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[151]*CApp*, "Wilkinson Outlines Unity Progress," May 18, 1962, p.5; *ibid.*, "Backdrop - Pre-Named Council Proves Jolt," June 3, 1962, p. 8. When they switched and who influenced them is presently unclear.

[152]Thomas Michael, "Charter Unit Head Favors 9-Member Shelby Council," *CApp*, May 18, 1962, p. 1; *ibid.*, "Dr. Buckman Will Support 9-Man Council," May 19, 1962, p. 19; *ibid.*, "Charter Commission Delays Council-Strength Decision," May 22, 1962, p. 1.

[153]Charles Edmundson, "Merger Issues Almost Settled," *CApp*, June 1, 1962, p. 25.

[154]Charles Edmundson, "Legislative Council Splits Charter Unit," *CApp*, May 29, 1962, p. 17.

were Mayor Loeb and, initially, County Commission Chairman David Harsh. Instead, Buckman proposed to name State Senator Rickey, a member of the Charter Commission, as mayor, and Charles Baker, a member of the County Court, as vice-mayor. All the current City Commissioners would be appointed administrative directors of the departments that they currently headed.[155] Anointing enough key politicians and representatives of enough potent political groups, Buckman and his coterie obviously felt, would put together majorities on the Charter Commission and in the electorate.

It was difficult to determine who was more critical of the proposition--those who were on the list or those who were off of it. Charles Baker, Russell Sugarmon, and A.W. Willis, all among the chosen, immediately repudiated the offers, saying that it was up to the voters to decide who would be on the council.[156] Mayor Loeb doubted that the Charter Commission was legally empowered to name officials, and, like those whose names had been included, professed a principled devotion to voter choice.[157] The attempt to split Harsh and Barret from Baker, and Loeb from the other City Commissioners, was as clumsy as it was transparent.

Most of all, the sophomorically clever strategem demonstrates how little sympathy or understanding the Chamber and the newspaper editors had for African-Americans. Evidently, Buckman's clique had no idea how insultingly patronizing such appointments would appear, or how impossible, in the civil rights era, it would be for any black to agree to serve under these conditions. For generations, Memphis black leaders such as Bob Church, Lt. Lee, and Blair T. Hunt had had to shuffle and scratch before Mr. Crump and his subordinates in order to retain their positions, and even to avoid financial and physical assaults.[158] In this historical context, any black who accepted such a job would immediately be labeled an "Uncle Tom," and any

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[155]Charles Edmundson, "Legislative Council Splits Charter Unit," *CApp*, May 29, 1962, p. 17; Bob Marks, "Charter Commission Studies Proposed Unity Appointees," *ibid.*, May 31, 1962, p. 1; Charles Edmundson, "Merger Issues Almost Settled," *ibid.*, June 1, 1962, p. 25; John Spence, "Albert Rickey Proposed as the Mayor," *PS*, May 31, 1962, p. 1; "Buckman Letter to [*sic* - on] Proposed Legislative Council," *ibid.*, June 4, 1962, p. A-10.

[156]"Backdrop - Pre-Named Council Proves Jolt," *CApp*, June 3, 1962, p. 8; Charles Edmundson, "Negro Leaders Favor Election Under Charter," *ibid.*, June 2, 1962, p. 13.

[157]Richard T. Allen, "Appointing Mayor Raises Legal Point," *CApp*, June 2, 1962, p. 13; Clark Porteous, "Loeb Wants the Voters to Pick Top Officials," *PS*, May 31, 1962, p. 1.

[158]Tucker's *Lieutenant Lee* is a veritable catalogue of such humiliations. Even Miller's rosy picture of Crump's planter benevolence toward favored and compliant blacks recognizes that those who won Crump's favor were--the phrase is Miller's--"Uncle Toms." See *Mr. Crump of Memphis*, p. 206. In 1940, for instance Hunt, principal of Booker T. Washington high school and a minister, lauded Crump as "a human idol" to Memphis blacks. Quoted in Melton, "Blacks in Memphis," p. 192.

aspirations for higher office would certainly be scotched. Buckman appears to have thought that he was doing blacks a favor,[159] perhaps making up for his launching of the steamroller against Sugarmon three years earlier. To NAACP President Jesse Turner, on the contrary, the proposal guaranteed that whites would choose blacks' leaders for them: "Since everybody is running at large, the negro doesn't have much of a chance unless he's one that the whites will accept."[160] Or as Lt. Lee put it, the only black who could be elected in an at-large system would be "a hand picked Negro by the white group. . . . The time has not come in Memphis when white people in sufficient numbers will vote to elect a Negro. The Negro must depend upon his number if he wins membership or representation, otherwise he will be at the sufferance of the strong white majority."[161]

Repudiated all around, the appointment idea died without a roll call vote, and the five city members, joined by Kemmons Wilson, jammed through the all at-large plan.[162] With staggered, four-year terms, only two positions in the city, two outside the city, and two in the county as a whole, would be elected at one time, and all would be voted on separately, so there was little possibility for a single-shotting strategy to endanger white control.[163] Having switched to at large for the Council, the Charter Commission later shifted to at large for the Board of Education.[164]

The debate over the issue of whether officials should be elected at large or by districts was subtle, but illuminating. No one captured the essence of the Chamber of Commerce position better than Buckman. The at-large plan, he admitted, "is based on the principle that well-qualified professional and businessmen can serve on a part-time basis and still practice

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[159]John Spence, "Albert Rickey Proposed as the Mayor," *PS*, May 31, 1962, p. 1.

[160]Clark Porteous, "Proposed Merger Charter Opposed by Negro Group," *PS*, Sept. 6, 1962, p. 3.

[161]Lee to Sheriff M.A. Hinds (public letter), Sept. 27, 1962, in M.A. Hinds Papers, Box 19, folder 685, Mississippi Valley Collection, Old Brister Library, Memphis State Univ.

[162]Charles Edmundson, "Charter Commission OK's Elected Legislative Council By Close Two-Vote Margin," *CApp*, June 3, 1962, p. 1; John Spence, "Charter Commission Votes for a 12-Member Council," *PS*, June 2, 1962, p. 1.

[163]"Charter Commission Votes For a 12-Member Council," *PS*, June 2, 1962, p. 1. Although the Charter Commission did not include a runoff provision, Mayor Loeb and the Commissioners sought to get the legislature to pass one. "Runoff is Seen As Bloc Blow," *CApp*, Sept. 1, 1962, p. 13.

[164]"School Merger Will Be Studied," *CApp*, June 4, 1962, p. 15; Charles Edmundson, "Pensions Draft Brings Recess," *ibid.*, June 6, 1962, p. 10; John Spence, "7-Member School Board Proposal," *PS*, June 5, 1962, p. 12.

their professions and maintain their businesses."[165] That was precisely the point, opponents agreed. Only a president of his own company, such as Buckman, could blithely ignore the fact that few whites and almost no blacks could afford to take large amounts of poorly remunerated time from their everyday jobs. An at-large council, charged the Shelby County Democratic Club, would be "a rich man's council." "The cost of campaigning through the whole city, the whole county, or the county outside the city," added Charter Commission member David Hanover, "would be so great as to make it difficult or impossible for a man of small means to run."[166]

Seemingly oblivious to Sugarmon's defeat in 1959, and appearing to have temporarily suppressed memories of their own roles in plotting to preserve an all-white city government, the *Press-Scimitar* and *Commercial Appeal* accused black leaders, all of whom endorsed districts, of favoring "segregation." "To settle for a legalized segregation of voters!" the *Press-Scimitar* apostrophised. "To stamp the most sacred democratic privilege--the privilege of voting--as black votes and white votes! Perhaps Lt. Lee and Memphis negroes could have 'negro districts.' But that is not good enough. Who will be the proud negro in the councils of Memphis government of the future? The negro elected from a 'negro district,' or the negro elected at large, by all the people of Memphis?"[167] It was true, the *Press-Scimitar* admitted, that only in black-majority districts would blacks "be certain to elect members of the Legislative Council." But "negroes do not need the district set-up in order to gain representation in government," the newspaper asserted reassuringly. And it added, almost on the eve of the expulsion of blacks from any share in Republican leadership in Memphis, "No political group could have any lasting success in Memphis if it excluded negroes from its ticket."[168]

Demanding that blacks put the editorialist's conception of the "public interest" before their own interests, the afternoon daily read African-American leaders a civics lecture and claimed

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[165]John Spence, "Albert Rickey Proposed as the Mayor," *PS*, May 31, 1962, p. 1.

[166]Clark Porteous, "Proposed Merger Charter Opposed by Negro Group," *PS*, Sept. 6, 1962, p. 3; Charles Edmundson, "Charter Commission OK's Elected Legislative Council By Close Two-Vote Margin," *CApp*, June 3, 1962, p. 1.

[167]"Bold Leaders Must Not Turn Cautious Now," *PS*, May 30, 1962, p. 6.

[168]"It's Odd--Negro Leaders Favor New Segregation," *PS*, June 1, 1962, p. 6. Similarly, see "They Want Segregation," *CApp*, Sept. 16, 1962, p. 6. Lt. George Lee, who had held a seat on the Republican State Executive Committee for twenty years, lost that position in August, 1962. The highly publicized refusal of the Goldwater-dominated Republican National Convention of 1964 to seat Lee was the most potent symbol of the southern "New Guard's" break with the party's devotion to southern black rights. See Tucker, *Lieutenant Lee*, pp. 179-99.

that those leaders misrepresented their followers, whose views only the editorialist truly understood. "Negroes Shouldn't Ask for What's Not Good for All," the *Press* began. "[C]ouncilmen elected from small districts would owe their election to only a small percentage of the voters. They would feel responsible only to please the voters of their own district, not to accomplish the common good of all the people of Shelby County, white and negro alike. At best it would be unsatisfactory; at worst it would lead to log-rolling and corruption. Only by electing councilmen at large, beholden to all, can you get the outstanding men, white and negro that we need--men who will feel they must work only for what is good for all. . . . We do not believe that the majority of our negro citizens want what is not good for the community as a whole, and we do not believe that the negro politicians who ask for it [i.e., for districts] truly represent their sentiments."[169] A district plan would lead to "minority rule."[170] "Surely there are thinking negroes who see this as clearly as we do," the paper asserted. "We would like to hear from them."[171] No one answered the invitation.

IV.C. THE SHELBY DISUNITY PLAN[172]

Despite the Chamber of Commerce's optimism, the new charter, 110 pages long and issued in a formidable 176-page pamphlet, included something to frighten nearly everybody.[173] City teachers worried that their salaries, benefits, and working conditions would be reduced to the level of rural areas.[174] Old county politicians such as Paul Barret and Sheriff M.A. Hinds calculated that their bastions would be destroyed in a government of, by, and for downtown

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[169]"Negroes Shouldn't Ask for What's Not Good for All," *PS*, May 31, 1962, p. 6.

[170]"Charter Commission Votes for Progress," *PS*, June 4, 1962, p. A-6.

[171]"It's Odd--Negro Leaders Favor New Segregation," *PS*, June 1, 1962, p. 6.

[172]The Chamber of Commerce termed its original proposal "The Shelby Unity Plan."

[173]Memphis and Shelby County Charter Commission, "Charter of the Consolidated Government of Memphis and Shelby County," (Aug., 1962), pamphlet in POP papers, folder 123.

[174]Wax, "Program of Progress," pp.86-87; "Education Group Opposes Charter," and "Orgill Backs Unity in Labor Meeting," *CApp*, Oct. 30, 1962, p. 4.

businessmen.[175] Suburbanites were haunted by the specter of higher taxes.[176] Labor unionists, never powerful in Memphis, foresaw what influence they had ebbing away in a businessman-dominated government. Most of all, every black organization in town, from the NAACP to the Bluff City Council of Civic Clubs to the Shelby County Democratic Club to whatever Republican group Lt. Lee could muster virulently opposed the Charter because, as Rev. Alexander Gladney put it, "it would be impossible for Negroes to be elected to the Legislative Council." Or as Lt. Lee remarked, "A Charter such as is being proposed will nullify the Negroes' voting strength."[177]

At a press conference at which he condemned the NAACP for pressing to expand the city's token school desegregation plan and praised Mississippi Gov. Ross Barnett's "courage" in defying a federal court order to admit James Meredith to Ole Miss, Mayor Loeb strongly backed the metro charter.[178] He was not, however, in charge of the pro-metro campaign, which was run by the Citizens Association (the renamed "Dedicated Citizens Committee" of 1959) and the Chamber of Commerce. Insular and overconfident, the principal metro backers waited until too close to election day in November to unveil their radio, television, and newspaper ads.[179]

In a turnout that exceeded that in the Bob James-Clifford Davis race, the most closely contested congressional election in Memphis since 1888, voters solidly rejected metro. Thurston Roach, a city appointee to the Charter Commission and president of the Citizens Association, "attributed the charter's defeat to a failure to provide election of Legislative Council members

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[175]A *PS* photo, Nov. 7, 1962, shows the leaders of the white anti-metro forces, nearly all of whom had been associated with the old Crump organization: City Commissioner "Buddy" Dwyer, attorney David Hanover, businessman Drew Canale, County Trustee Riley Garner, and Sheriff M.A. Hinds.

[176]This, at least, was the chief theme of the extensive anti-metro publicity material in M.A. Hinds Papers, Box 18, Folder 605, Mississippi Valley Collection, Old Brister Library, Memphis State University. The same theme was stressed in opposition statements by the Council of Civic Clubs. See Paul Vanderwood, "Civic Clubs Council Will 'Actively Oppose' Merger," *PS*, Sept. 12, 1962, p. A-10.

[177]Louis Silver, "Buckman Raps Unity Fighters at Their Rally," *CApp*, Oct. 27, 1962, p. 19; Lee to Hinds, Sept. 27, 1962, in Hinds Papers, Box 19, Folder 685, in M.A. Hinds Papers, Mississippi Valley Collection, Old Brister Library, Memphis State University.

[178]Charles Edmundson, "Loeb Stresses Local Control," *CApp*, Sept 17, 1962, p. 17.

[179]Edward B. LeMaster to "Members" [of the Chamber of Commerce], Oct. 12, 1962, in POP Papers, folder 120; Edward J. Meeman, "Citizens Won a Victory August 2 - Clinch It Tuesday, November 6," *PS*, Oct. 30, 1962, p. 6; K.W. Cook, "Consolidation Issue Is Soundly Beaten," *CApp*, Nov. 8, 1962, p. 1.

by districts instead of at large."[180] In heavily black precincts, the charter lost by votes such as 416-38 and 413-61, or overall margins, according to the *Commercial Appeal*, of eighty to ninety percent. Moreover, a much higher percentage of blacks marked their ballots in the charter referendum than in the simultaneous James-Davis contest.[181] No civicly-conscious Memphian after 1962 could be ignorant of the racial implications of the choice between district and at-large elections.

V. INTERLUDE: 1963-65

The crusades of 1959 and 1962 had successively exhausted the blacks and the government reformers, and the 1963 election was to retire M.A. Hinds, one of the most successful survivors of the Crump years. Two other important forces, however, emerged between 1962 and 1966--William Ingram and the "New Guard" Republicans. By the time the next major effort was made to restructure the Memphis government, they would join the Chamber of Commerce, the newspapers, the original Kefauverites, labor union leaders, and the NAACP-SCDC crowd as key players.

V.A. HOME RULE, A WHITE PRIMARY, AND A "POPULIST" COALITION

The same 1953 Tennessee State Constitutional Convention that had authorized metropolitan governments had allowed cities to adopt "home rule" by referendum.[182] Under this provision, once a majority voted for home rule, the electorate could change the city charter in further referenda without going to the legislature for a "private act." Since a private act could be, in effect, vetoed by any member of a county's legislative delegation, as runoff acts had apparently been in the 1961 and 1963 legislatures, a city without home rule might be hamstrung. The City Commission therefore put a home rule amendment on the November, 1963 ballot. While labor and black groups generally opposed home rule in Memphis, fearing that they would be less easily able to protect their interests than they could if all they had to do was to convince one

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[180]"GOP Chairman Sees New Hope," *CApp*, Nov. 7, 1962, p. 17; "After the Election," *ibid.*, Nov. 8, 1962; K.W. Cook, "Consolidation Issue is Soundly Beaten," *ibid.*, p. 1.

[181]Clark Porteous, "Reporter Awoke Cliff: First Certain News He Had Won," *PS*, Nov. 7, 1962, p. 1; "Negroes Give Key Support to Cliff Davis," *CApp*, Nov. 7, 1962, p. 21.

[182]Greene *et al.*, *Government in Tennessee*, pp. 28-30.

legislator to veto a bill, their opposition was poorly organized, and their constituencies did not rally spiritedly to this rather abstract and hypothetical cause.[183] Home rule did not embody any specific scheme of government. Who knew, exactly, what it would bring?

Despairing of electing a candidate in an at-large race for the highly visible posts of mayor or commissioner, blacks ran no one in 1963. Had Loeb, an outspoken segregationist who had repeatedly angered blacks during his term, run for reelection, African-Americans would have eagerly supported any opponent, as they had the hopeless Partee Fleming against Loeb in 1959.[184] Instead, most of the black leadership, along with both newspapers and much of the Memphis establishment, endorsed Bill Farris, the white hope of 1959, but also an original Kefauverite, in his three-way contest for mayor with 62-year old Sheriff M.A. Hinds and City Judge William Ingram.[185] Hinds received some support from minor black groups for having been the first police executive in Memphis's recent history to hire black deputies and for having opposed metro in 1962, but Willis haughtily dismissed him for having served, under the Crump regime, as the "head of the Gestapo to keep the negroes in their place."[186]

Ingram, a city court judge whom the black Volunteer Ticket had endorsed in 1959, was divisive and irresponsible,[187] but he had a shrewd instinct for politics, a genius for publicity, and sufficient egotism to persevere when others would long since have given up. Since his election in 1959, he had been carrying on a highly-publicized feud with the police department that had endeared him to many ordinary people, black and white, at the same time that it outraged their leaders. In a speech explaining why the black Volunteer Citizens Association was endorsing Farris, for instance, lawyer A.W. Willis said of Ingram that "I've seen him turn loose

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[183]"Vote the Volunteer Citizens' Ticket," *Memphis Tri-State Defender*, Nov. 2, 1963, p. 5; "Without a Real Issue," *ibid.*, Nov. 2, 1963, p. 6; John W. Spence, "Home Rule: Know What It IS Before Voting November 7," *PS*, Oct. 29, 1963, p. 4.

[184]Mike Laurence, "Hundreds Hear Negro Candidates, Sing Promises of a 'Great Day,'" *PS*, Aug. 18, 1959, p. 21, c. 1-3; Clark Porteous, "Heavy Voting May Set Record," *ibid*, Aug. 20, 1959, p. 1; "Without a Real Issue," *Memphis Tri-State Defender*, Nov. 2, 1963, p. 6.

[185]Edward J. Meeman, "Five Who Will Work Together as City Commissioners," *PS*, Oct. 21, 1963, p. 6; "Vote The Volunteer Citizens' Ticket," *Memphis Tri-State Defender*, Nov. 2, 1963, p. 5. Prominent black organizations had endorsed Ingram's successful candidacy for a judgeship in 1959. Mike Laurence, "Hundreds Hear Negro candidates, Sing Promises of a 'Great Day,'" *PS*, Aug. 18, 1959, p. 21, c. 1-3.

[186]"1000 Negroes Rally Behind Candidates," *PS*, Oct. 18, 1963, p. 28; Clark Porteous, "Negroes Choosing Sides in Mayoralty Campaign," *ibid.*, Oct. 16, 1963, p. 3; John Spence, "Farris Endorsed by Negro Group," *ibid.*, Oct. 12, 1963, p. 12; "2000 Negroes Hear Bishop's Choices," *ibid.*, Nov. 4, 1963, p. 21.

[187]"Is This The Man YOU Want For Mayor?", *PS*, Nov. 6, 1963, p. 20.

negroes who ought to have been fined, because they were guilty. And he knew it, and I knew it."[188] Attracting few contributions or prestigious endorsements and virtually shut out of the print media, Ingram was forced to speak in parking lots with a bullhorn, and on election day, he put together a bizarre coalition of some blacks, middle class whites who were worried about higher taxes, and followers of the White Citizens' Council. Few gave him a chance to win until Hinds faded late in the campaign.[189] The final totals showed Ingram with 48%, Farris with 41%, and Hinds with 11%.[190]

When Ingram's run for higher office left his court without an incumbent, eight whites qualified, and blacks took a shot at an at-large race, running Benjamin Hooks. "With negro groups solid[ly] behind Hooks," warned the *Press-Scimitar*, "he is considered to have an excellent chance to be elected because the white vote will be divided among eight candidates."[191] Again, panicky whites, caught without a runoff law, tried to organize an informal white primary, but this time, because of the legal nature of the post, they succeeded. They simply had the members of the bar association vote, weekly, on official voting machines, until one candidate received a majority.[192] The others were expected to drop out, and although three did not, the winnowing process proceeded far enough that Hooks finished second to Ray W. Churchill by 1261 votes out of more than 100,000 cast.[193] Again, what the newspapers termed a "runoff" primary had been used to mass the white vote against a black challenger. Surely the lesson was clear to the densest political observer: the purpose of a majority vote requirement was to keep minorities--i.e., blacks--from winning.

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[188]John Spence, "Farris Endorsed by Negro Group," *PS*, Oct. 12, 1963, p. 12.

[189]"Post-Election Analysis of Press-Scimitar's Polls," *PS*, Nov. 9, 1963, p. 6; Thaddeus T. Stokes, "Notwithstanding," *Memphis Tri-State Defender*, Nov. 9, 1963, p. 6; Tucker, *Memphis Since Crump*, pp. 111-12.

[190]"Final Vote," *Memphis Tri-State Defender*, Nov. 16, 1963, p. 1.

[191]"Lawyers Voting in Judge Race," *PS*, Oct. 12, 1963, p. 12.

[192]"2 Qualify for Bar Primary," *PS*, Oct. 10, 1963, p. 23; "Runoff Today in Bar Vote," *ibid.*, Oct. 15, 1963, p. 4; "Churchill Gets Bar Approval," *ibid.*, Oct. 18, 1963, p. 12. This was not the first time that the Memphis bar had voted on judgeship nominees. Null Adams, "Here Are the Candidates for Mayor and Their Backgrounds," *ibid.*, Sept. 30, 1967, pp. A-24, 25. The point here is that the use of this device as a substitute for a runoff or white primary was highly publicized, and therefore must be assumed to have affected citizens' understanding of the political consequences of adopting a majority vote provision.

[193]"Here Are Returns," *PS*, Nov. 8, 1963, p. 1. Churchill ended up getting 37.1 percent of the vote, Hooks, 36 percent, and all others, 27 percent.

The 1963 elections reinforced another lesson, as well. It was not possible to elect a black--*any* black--in an at-large election in Memphis at this time. In a somewhat daring departure, the *Press-Scimitar* for the first time endorsed an African-American candidate for a citywide office, one of the three blacks then running for different places on the Board of Education.[194] Dr. Hollis Price, president of LeMoyne College since 1943, was the most bland, respectable black that could be found in Memphis. A graduate of Williston Academy and Amherst College in Massachusetts, Price held an M.A. in Economics from Columbia University. Active in the Congregational Church and the Urban League (not the more desegregationist NAACP), Price had been the sole well-known African-American to endorse the metro charter (without mentioning the districting issue) in 1962.[195] He was the only *Press-Scimitar*-endorsed school board candidate to lose, garnering less than 40% of the vote in a two-candidate race against a young, recently appointed white businessman.[196]

V.B. 1964-65

Because three white candidates split the white vote in the Democratic primary in 1964, A.W. Willis, with 36.9% of the vote, won an at-large nomination for the state House of Representatives from Shelby County. Immediately after the primary, there was a movement to qualify a white independent. Insurance man Jack W. Gillespie, who had lost a close race for another numbered position for the State House in the primary, was reportedly approached to run against Willis. "I believe a citizen should run as an independent candidate for Position 1, House of Representatives, who represents and is respected by a majority of the people living here, as opposed to one who represents a minority interest," Gillespie said.[197] Even though subsequently no white independent ran, Willis was opposed by Garvin Crawford, a union member and worker at the International Harvester Company plant, whose political advertisements referred to him as the "Republican Position 1 Candidate vs. NAACP

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[194]The other two were Rev. E.W. Williamson and Dr. Vasco A. Smith, Jr., longtime NAACP and political activist. John Spence, "Farris Endorsed by Negro Group," *PS*, Oct. 12, 1963, p. 12.

[195]Minutes of the Board of Education of the Memphis City Schools, Dec. 18, 1969, p. B 3556; "Dr. Price Speaks for Consolidation," *CApp*, Oct. 27, 1962.

[196]"Here Are Returns," *PS*, Nov. 8, 1963, p. 1; "New School Board Member," *PS*, May 30, 1963, p. 6.

[197]"Willis May Get New Opposition," *CApp*, Aug. 9, 1964.

Candidates."[198] In the ensuing November general election, Willis survived with a bare 50.7% of the vote, to become the first black state legislator in Tennessee since the 1880s. The other Democratic legislative candidates received from 56 to 58.5% of the vote. A massive black turnout for Lyndon Johnson and a cohesive drive to get voters to simplify a long and complex ballot by pulling a single party lever for all candidates apparently salvaged Willis's close victory.[199]

In his first term in the legislature, Willis strongly supported successful bills to divide Shelby, as well as the state's other three large urban counties into districts for election to both houses of the state legislature, as well as to divide Shelby among three congressional districts. After the U.S. Supreme Court decided the reapportionment case of *Baker* v. *Carr*, the 1963 legislature had given Shelby and other urban counties too few additional seats to satisfy a federal district court. Instead of five senators and thirteen representatives, population equality required Shelby to have six senators and sixteen representatives.[200] Since the one-county Ninth Congressional district had the seventh highest population of any of the 435 districts in the country, the county had to be divided between at least two congressional districts, as well.[201] Willing to deal with rural legislators who wanted to limit the increase of Shelby's overall power, the astute Willis took advantage of the necessity to redistrict to attack the at-large system and to draw a 48% black congressional district that would give members of his race a chance to elect a candidate of their choice, he asserted, by about 1970.[202] Few other members of the Shelby delegation supported the move against at-large elections, and only one supported drawing

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[198]"Election of Willis Urged by Mitchell," *CApp*, Nov. 1, 1964, sec. II, p. 2.

[199]Holloway, *Politics of the Southern Negro*, pp. 294-298. "One Lever - Democratic," *CApp*, Nov. 1, 1964; "Everybody's Going To Win If You Listen To Both Sides," *ibid.*, Nov. 3, 1964, p. 26; Thomas BeVier, "Shelby History In Making As Victory Goes To Negro," *ibid.*, Nov. 4, 1964, p. 1; William Thomas, "Civil Rights Does It For Democrats As Negro Bloc Buries GOP Hopes," *ibid.*, Nov. 4, 1964, p. 23; Angus McEachran, "GOP Assesses New Negro Role," *ibid.*, Nov. 5, 1964, p. 14; "Record Shelby County Vote Indicated By Election Tally," *ibid.*, Nov. 5, 1964, p. 14.

[200]Edward L. Topp, "Chandler Optimistic About Reseating," *PS*, Feb. 10, 1965, p. 28, c. 3-4.

[201]Mike Miller, "Oversized District List: Shelby No. 7," *PS*, Feb. 9, 1965, p. 15, c. 1-2.

[202]"Proposal Would Divide Shelby," *PS*, Feb. 10, 1965, p. 15, c. 1-4; William Bennett, "Willis Redistricting Plan Would Boost Negro Voting Power," *CApp*, Feb. 17, 1965, p. 17.

congressional lines as Willis suggested.[203] The *Press-Scimitar* was horrified that Willis favored districts instead of at-large election for the legislature "in the hope it will make easier the election of several Negro legislators in Shelby."[204]

VI. THE "PROGRAM OF PROGRESS" AND THE RUNOFF

The passage of the home rule amendment in 1963 made abolition of the city commission easier. Subsequently, instead of having to cooperate with the county government, consolidate every function, and raise fears of higher taxes to provide urban services to new areas, governmental reformers could entirely ignore the unannexed areas of Shelby County outside the city. If the number and scope of the changes in the metro charter--that book-length pamphlet--had allowed opponents to excite apprehensions about obscure provisions and the very complexity of the new arrangement, now, under home rule, reformers could draft short and simple amendments. Finally, they could apply the major lesson of the metro fight by making enough concessions to get the backing of every numerous group, particularly blacks, whose opposition was widely credited with dooming metro.[205]

But many "reformers," while desiring black support, wanted to preserve all at-large elections, some wished to use the opportunity of rewriting the charter to enact a runoff law, and a few were initially even unwilling to meet with African-Americans in public.[206] So, while in some ways, the governmental restructuring efforts of 1965-66 reflected lessons learned in the metro struggle, in other ways, the conflict over the "Program of Progress" was a reprise

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[203]J.Z. Howard and Edward L. Topp, "Shelby Legislators' Big Job Begins on Monday: Reapportionment for Congress, Legislature," *PS*, May 5, 1965, p. 8, c. 3-5; Topp, "First Legislative Redistricting Bill Gives Shelby 6 Senators," *ibid.*, May 11, 1965, p. 1, c. 5-7; "'Outfoxed'? - No, Outvoted", *ibid*, May 24, 1965, p. 6, c. 1-2; "Battle of Negro Candidates in Three Districts Mirrors Change, Growth," *CApp*, July 21, 1966, p. 49.

[204]"Prevent This Gerrymandering," *PS*, May 11, 1965, p. 6, c. 1. Similarly, see "Two Issues for Shelby Legislators," *ibid.*, May 6, 1965, p. 8, c. 1-2.

[205]Jack H. Morris, "Chronology of a Charter," in POP Papers, Folder 112, p. 4.

[206]*Ibid.*

of earlier fights over district vs. at-large elections, and over runoffs. Always, the underlying issue was racial.[207]

The major questions about the final product of the deliberations are: first, whether it indicates the political strength of blacks or their weakness, and, second, whether it reveals the willingness of whites to share power or their desire to maintain as much of it as possible.

VI.A. THE ELITE CREATES A "POPULAR" ORGANIZATION

Although technically its membership was open to every voter who lived or worked in Memphis,[208] the "Program of Progress" was actually instigated by a few men and subsequently controlled by a somewhat larger number of other men and women. What made it different was that Republican activists and black leaders were, for the first time, included in the final negotiations. Only two major forces, Democrats of the old Crump era and members of the Ingram administration or his identifiable allies, were frozen out--exclusions that nearly resulted in the defeat of the new charter in the referendum.

As early as February, 1964, Lucius Burch, the original Memphis Kefauverite and longtime critic of the commission form of government, saw the constant bickering in the Ingram administration as an opportunity to remake the city charter. Burch followed up his proposal to *Commercial Appeal* editor Frank Ahlgren and *Press-Scimitar* editor Charles Schneider of the formation of a study group of people "truly representative of the power structure of the city" with a 16-page paper that recommended a council-manager system for Memphis. The paper took no stand on the issues of district elections or runoffs. Prodded by Burch, Ahlgren assigned Jack H. Morris, a local government reporter for the *Commercial Appeal*, to write an extensively researched ten-part series of articles on the commission and other forms of local government then in use across the country. With Morris's help, Burch then brought together eight community leaders, including representatives of labor unions and blacks, to orchestrate large public meetings at which a citizen charter reform group would be given legitimacy. A slate was prepared, carefully balancing representatives of various constituencies, and in January, 1966, the 24-man and one woman "Program of Progress" or "POP" committee was christened, the daily

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[207]The main theme of the only book-length study of Memphis politics during this period, which emphasizes governmental restructuring and is extremely sympathetic to the "reformers," is "the central role of race." Tucker, *Memphis Since Crump*, p. ix.

[208]"City Government Is Topic Tonight," *PS*, Jan. 24, 1966, p. 10.

newspapers serving as proud godparents.[209] The 25 included seven prominent Republicans, and perhaps four others who were less open in their party persuasion, but at least moving in a Republican direction; six Chamber of Commerce leaders (some Republican); six blacks, notably, Willis, Sugarmon, and Jesse Turner; two labor leaders; two Protestant clergymen and a rabbi; and one political scientist.[210] As a student of the POP, Jonathan Wax, put it, "The leaders made every effort to keep the new movement reputable."[211]

VI.B. DISTRICTS AND THE RUNOFF - AGAIN

The two key issues in the deliberations of the POP committee, according to an unpublished insider account by Jack Morris, and certainly the two that took up the most time and generated the most published comments, were the district vs. at-large question and the runoff.[212] According to Jonathan Wax, at-large was "the issue that several of the directors feared would destroy POP. . . . The minority groups, particularly the Negroes, favored districts in order to gain representation in the new government."[213] Sugarmon, Turner, and Willis held out, at least partly for tactical reasons, for an all-district council, while the businessmen and clergy on the committee, loudly seconded by the newspapers, pumped for an all at-large scheme.[214] After a series of votes in which the blacks proposed 10-3 (ten elected by districts and three at-large), 9-4, and 8-5 schemes, the directors settled on a 7-6 lineup, and detailed the drawing of district lines largely to Sugarmon, Lewis Donelson III, a prominent Republican POP member, and Cliff Tuck, the white president of the Young Democrats.[215] Five of the six blacks voted against the

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[209]Tucker, *Memphis Since Crump*, pp.112-15; Morris, "Chronology of a Charter," pp. 3-9.

[210]Jack H. Morris, "Citizens Choose Leaders for Change," *CApp*, Dec. 17, 1965, p. 1; "New Citizen Leaders--How They Look--Who They Are," *PS*, Dec. 17, 1965; "POP Proposal - Mayor and a Council of 13 Members," *ibid.*, Feb. 25, 1966.

[211]Jonathan I. Wax, "Program of Progress, A Step into the Present; Change in the form of government of Memphis, Tennessee," (Unpub. Senior Thesis, Princeton Univ., 1968), p. 48.

[212]Morris, "Chronology of a Charter," pp. 11-12; Tucker, *Memphis Since Crump*, pp. 113-15; Wax, "Program of Progress," pp. 106-07; "11-Man City Council Gains Citizens' Preference," *PS*, Feb. 15, 1966, p. 11.

[213]Wax, "Program of Progress," pp. 63-64.

[214]Wax, "Program of Progress," pp. 106-07.

[215]Jack H. Morris, "Directors of Progress Agree on Districting To Elect Councilmen," *CApp*, April 8, 1966, p. 1.

7-6 plan.[216] In the wake of the vote, Willis threatened that black leaders might oppose the adoption of the charter.[217]

Although the home rule amendment allowed the POP directors to scrap the designated post system, they decided to maintain that rule, apparently without taking a record vote on the matter. The reasons, according to Jack Morris, remained the same as in 1959: "This method is thought to sharpen issues between candidates and eliminate the possibility of 'single-shot' voting--voting for fewer candidates than seats being filled."[218]

Several Republicans, as well as all of the blacks, favored districts, the former because they were not sure that they could win in at-large elections, the latter because they were certain that they could not.[219] Republican Lewis Donelson turned the usual Chamber of Commerce argument on its head by contending that district, not at-large elections would entice the "best possible type of citizen to run for the council." Why? Because it would take the backing of a considerable political organization to run in an at-large contest. Dr. Vasco Smith put the black view most bluntly: "We don't stand a ghost of a chance in this town running at-large. . . . Officials elected at-large tend to think of what's good for all the people or what's best for Memphis as being what's best for only 61 per cent of the people. They forget about the 39 per cent who are Negro."[220]

By this point, many whites openly admitted the black contention. Hunter Lane, Jr., a reformist city commissioner and a key behind-the-scenes player in POP, agreed that "There's no doubt that Negroes generally favor election of councilmen from districts; they want a better guarantee of direct representation in city government than has proved possible with at-large elections, and I think that with over one-third of the population of the city colored this is a

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[216]POP Minutes, Feb. 10-28, 1966, in POP papers, Folders 69-73.

[217]Charles A. Brown, "7 Districts Proposed for City Council," *PS*, March 1, 1966, p. 2.

[218]"POP Proposal - Mayor and a Council of 13 Members," *PS*, Feb. 25, 1966, p. 6, c. 1; Jack H. Morris, "Mayor-Council Vote Took Research, Meshing of Views," *CApp*, Feb. 27, 1966, section 2, p. 5.

[219]Jack H. Morris, "Drive for New City Charter Has Made Strides in Month," *CApp*, no date (Jan., 1966), in POP papers. Republicans' chances in state House of Representatives' contests that year were thought to have improved because the legislature had adopted sub-county districts in 1965 in the most urban counties. "Is It GOP Year in Shelby? . . . Party Hopeful," *PS*, Feb. 19, 1966, p. 4, c. 5.

[220]"11-Man City Council Gains Citizens' Preference," *PS*, Feb. 15, 1966, p. 11; "POP Drives First Nail in Platform," *ibid.*, Feb. 18, 1966, p. 3; Jack H. Morris, "Proposed Draft of New Charter Hits Stalemate," *CApp*, Feb. 18, 1966, p. 21. Similarly, see Lawrence Wade, quoted in "4 Give Views For Progress," *ibid.*, Feb. 9, 1966, p. 8.

perfectly understandable desire. . . . Past experience indicates the practical difficulties of electing a Negro to a major office in the city-wide election."[221] POP director Rabbi James A. Wax explained, when asked why he switched from supporting an all at-large council, "I learned that districts present the only way that a minority in the city can receive justice at the polls and representation on the council."[222] Although understandably very sympathetic to the POP reformers in his 1968 Princeton senior thesis, Jonathan Wax, the Rabbi's son, understood the issue just as his father did: "Five commissioners elected at-large made it impossible for minority groups to win representation; the Negro community, which had developed sophisticated political machinery, felt this limitation particularly keenly."[223]

The *Press-Scimitar* denounced the compromise, underlining the racial nature of the issue and more or less openly admitting the obvious fact that no black could be elected in Memphis at that time under an at-large system: "We urge the POP directors not to succumb to opportunism--not, for the sake of assuring election of representatives of minority segments at the start, to sacrifice the long-range welfare of the community. It is understandable that minorities who are newly feeling their oats want to get quick representation on the council. . . . Let the minorities produce and put forward candidates of such quality that they can win in city-wide voting."[224] Knowing as he had to have that every black candidate who had run for local office at large in Memphis had been beaten, and that several were at least as well qualified

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[221]"Commissioner Lane Disagrees With Us on Council Members," *PS*, March 8, 1966, p. 4. Similarly, see Bill Farris, quoted in "Farris Decries Reverse Hitch," *CApp*, Feb. 8, 1966, p. 17; Michael Cody, quoted in "Political Viewpoints Blend As Compromise Has Value," *ibid.*, Feb. 2, 1966, p. 19; Cliff Tuck, quoted in "11-Man City Council Gains Citizens' Preference," *PS*, Feb. 15, 1966, p. 11; Lucius Burch, quoted in "New Government Plan Needs Added Safeguards, Burch Says," *PS*, April 14, 1966, p. 8.

[222]Jack H. Morris, "Mayor-Council Vote Took Research, Meshing of Views," *CApp*, Feb. 27, 1966, section 2, p. 5.

[223]Wax, "Program of Progress," p.21. The access to papers and participants that Wax gained through his father is at least balanced by the insider's bias that that he naturally acquired. More important flaws in his thesis are his failure to treat the local elections of 1955, 1958, and 1959 and the struggles over numbered posts and the runoff, and his superficial account of the 1962 Metro Memphis fight.

[224]"What Sort of Council for Memphis?" *PS*, Feb. 28, 1966, p. 6, c. 1-2. By 1966, the *PS* was not the liberal newspaper on non-racial matters that it had been during the struggle against Crump and for the Kefauver-Orgill group. In 1966, for instance, it endorsed three extreme conservatives for the three congressional seats in the Memphis area--two Republicans and one Democrat. The black Tennessee Voters' Council, represented locally by the Willis-Sugarmon Shelby County Democratic Club, in each case endorsed the opponent of the man the *PS* endorsed. Naturally, the *PS* favored the POP and opposed districting the State Senate. "Vote 'Against' Proposals 3, 5," *ibid.*, Oct. 24, 1966, p. 8, c. 1-2; "Vote FOR No. 13 . . . AGAINST 3 and 5," *ibid.*, Nov. 7, 1966, p. 10, c. 1-2.

for office as their opponents, the editorialist, to give him every benefit of the doubt, must have at least meant that an at-large scheme would put off the election of blacks until some halcyon time in the future, and that every at-large seat in a mixed district/at-large system would go to a white.[225]

The point is worth emphasizing: Whites who explicitly (Rabbi Wax) or implicitly (the *Press-Scimitar*'s editorial writer) recognized that it would be difficult, if not impossible to elect a black to an at-large post in Memphis, and yet favored the retention of at-large elections for some or all of the offices knew that those offices would all go to whites. Although people like Wax and Hunter Lane were willing to grant blacks the right to *some* representation, they were unwilling to give them a fair opportunity, through an all-district system, for example, to elect candidates of their choice in anything like the blacks' proportion in the population.

And the other reasons that they offered for maintaining at-large elections were threadbare and patently specious. For instance, if the *Press-Scimitar* conveniently forgot very recent history, the *Commercial Appeal* shamelessly distorted the more distant past. Electing councilpersons by district "would restore the ward politics, log rolling, parish rivalry and private interest protection of neighborhood aldermen. Most progressive cities had to abolish aldermen by area when this century's problems of municipal business appeared. This was the method in which there flourished graft, corruption, pockets of privilege and irregular law enforcement."[226] Mayor E.H. Crump was impeached and removed from office for refusing to enforce prohibition laws, and under his aegis, gambling and prostitution flourished.[227] Crump made millions selling insurance in a city in which it was rumored to be difficult to operate a

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[225]Testifying at POP hearings, Vanderbilt University political scientist Daniel Grant and two civic leaders from other cities, San Antonio mayor W.W. McAllister and Cincinnati patrician Charles P. Taft, emphasized that minority candidates might be elected in an at-large system if they were put on appropriate slates. Taft admitted, however, that even in Cincinnati, it took four attempts before the ruling "Charter Party" was able to elect a black on its slate, and that, even though 23% of the population in Cincinnati was black, only one of nine councilmen was of that race. Jack Morris, "2-Man Team To Guide City Is Suggested," *CApp*, Feb. 4, 1966; Bill Evans, "San Antonio Likes Council-Manager Government," *PS*, Feb. 15, 1966, p. 11; Bill Evans, "Charles Taft Extolls Virtues of Council-Manager Form," *ibid.*, Feb. 19, 1966, p. 6, c. 4-6; "Taft Calls Citizens' Party Key to At-Large Election," *CApp*, Feb. 19, 1966. (Ethnically discriminatory slates in San Antonio were, of course, an issue in *White* v. *Regester*, 412 U.S. 755 (1973).) Their testimony serves as a reminder that no white slate in Memphis up to 1966 ever included a black for an at-large seat, unless the *Press-Scimitar*'s endorsement of Hollis Price in 1963 counts.

[226]"A Sorry Road," *CApp*, Feb. 19, 1966, p. 6.

[227]Even Miller, *Mr. Crump*, more or less admits these facts, pp. 110-14.

business unless one employed the correct insurance broker.[228] Crump's city had one law for Crump's friends, another for political opponents or labor organizers, and yet another, a worse one, for blacks.[229] All of the evils that the *Commercial Appeal* attributed to district-based elections, as the editorialist must have known, were actually concomitants of at-large elections in Memphis.

In case anyone missed the racial and partisan overtones of the district vs. at-large issue during the POP debate, a state court case argued simultaneously and closely watched in Memphis would have reminded them.[230] In 1965, the Tennessee state legislature had, for the first time, established sub-county districts for the State Senate in the state's four largest counties, including Shelby. Although a three-judge Federal court had sustained the apportionment, including the Senate sub-districting feature, State Chancellor Ned Lentz ruled that the state constitution required county-wide districts for the Senate, and the State Supreme Court upheld his decision. News stories stressed the effect of districts on the possibility of electing blacks to the Senate from the urban counties. Under a banner page 1 headline, for instance, the *Press-Scimitar* announced that "The division of the four big counties would apparently have assured Negroes of winning seats in the senate. Republicans also had greater hopes for electing senatorial candidates under the districting law."[231] As voters were preparing to vote on the POP, as well as on a referendum on changing the state constitution to mandate sub-county districts in urban counties, the *Press-Scimitar* again reminded Memphians of the consequences of single-member districts. Noting that representatives to the state House would be elected by districts in Shelby for the first time, Null Adams pointed out that "The result is that three

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[228]For a contrasting view, see Miller, *Mr. Crump of Memphis*, p. 167.

[229]Even Miller admits that there was considerable police brutality against blacks in Memphis, though he cites one instance in which Crump denounced it. See *Mr. Crump of Memphis*, p. 205.

[230]One of the plaintiffs in the case was Memphis State Representative James E. Williams, one of whose lawyers was Bill Farris. Edward L. Topp, "Tennessee District Law Ruled Out," *PS*, March 7, 1966, p. 1, c. 8.

[231]Edward L. Topp, "Tennessee District Law Ruled Out," *PS*, March 7, 1966, p. 1, c. 8; William Bennett, "Remap Feature is Key To No Protests," *CApp*, Feb. 22, 1966, p. 17, c. 1-7; "Remap Decision To Be Appealed," *ibid.*, March 8, 1966, p. 1, c. 1; "Appeal To Get Early Hearing," *ibid.*, Mar. 9, 1966, p. 22, c. 1; "Reapportion Brief Cites: Subdistrict Clause 'Constitutional,'" *PS*, Feb. 21, 1966, p. 6, c. 2-3; "State Constitution Violated? Attorney's Opinion of Sub-Districting," *ibid.*, Feb. 22, 1966, p. 11, c. 4-5. The case eventually turned on whether a careless clerk changed a comma into a semicolon. "Senate Candidates Awaiting Supreme Court's Decision," *PS*, April 7, 1966, p. 11, c. 4-8.

Negroes will be elected from districts where most voters are Negroes. The Republicans hope to win 10 seats because these districts have voted for GOP candidates in the past."[232] Advertising in the *Press-Scimitar*'s "Voters' Guide," the Shelby County Democratic Club urged its supporters to vote for districting the State Senate because districts "will enable Negroes to be represented. . . ."[233]

Having negotiated a compromise of sorts on the district vs. at-large problem, the POP directors, after weeks of debate, finessed the runoff issue by suggesting that some other group put it on the August ballot separately and delaying the POP charter vote until November.[234] As with the at-large issue, the racial implications of the runoff issue were openly discussed and widely agreed upon. At a POP directors' hearing, for instance, Rev. Alexander Gladney, a director, declared that a runoff provision "would make it hard for members of my race to ever be elected. I think the Negroes would oppose any charter which has a runoff in it." Lucius Burch, who was then testifying, "conceded that a runoff law would make it hard for a Negro to be elected."[235] A news story by Jack Morris casually mentioned what everyone knew to be a fact, that "a runoff law has racial overtones--it makes it more difficult for a Negro to be elected. . . ."[236] Another Morris story framed the issue and exposed the finesse even more openly: "Memphis Negroes are opposed to a runoff because they fear it would limit their

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[232]Null Adams, "Section 5 - a Measure Aimed at State's 6 Biggest Counties," *PS*, Oct. 5, 1966, p. 8, c. 6-8. When black representation in the Tennessee State House of Representatives rose from 1 after the 1964 elections to 6 after the 1966 elections, the *PS* commented: "Reason for Republican and Negro gains in the 99-member House was that under a 1965 law, candidates in Shelby and other urban counties were elected by districts." "Shelby GOP Bumps Demos for 6 House Seats," *ibid.*, Nov. 9, 1966, section 3, p. 33, c. 1-5.

[233]"Endorsements Made By Shelby County Democratic Club," *PS*, Nov. 4, 1966, p. A-10, c. 4-5. Despite the opposition of the newspapers, the districting constitutional amendments carried both Shelby and the state as a whole. "What Now on State Amendments?" *ibid.*, Nov. 11, 1966, p. 6, c. 1-2.

[234]This finesse was quite openly admitted, e.g., by POP chairman Downing Pryor. See Jack H. Morris, "Vote Approves Two-Year Terms in Departments," *CApp*, April 29, 1966, p. 27. The POP had originally planned to put the new charter on the August ballot, and finished its work in time to do so. Jack H. Morris, "Deadline Is Set To Select Form Of Government," *CApp*, Jan. 14, 1966, p. 1. The date change, a political decision, underlines the importance of the runoff issue and the fear that blacks, already wary of the new system because it kept nearly half of the seats at-large, might vote against the charter, too, if it was on the ballot at the same time as the runoff was.

[235]Charles A. Brown, "Four Issues Debated by POP," *PS*, April 15, 1966, p. 1.

[236]Morris, "Charter Would Bar Pressures By Candidates," *CApp*, April 22, 1966, p. 1.

chance to obtain elective office. The possibility that this opposition could be turned against the entire effort to change the city government was influential in the POP decision not to include a runoff law in its charter."[237] In an effort to avoid outright black opposition to the POP charter, the directors voted 14-1 against including a runoff provision.[238]

Predictably, the *Press-Scimitar* exploded. "Apparently the decision was made in order to appease the Negro leaders on the committee, on the basis that Negro citizens would not vote for the new charter if it included run-off elections. . . . A great concession has already been made to the Negro leaders who are among the members of the 25-man[239] committee. This was the provision for a majority of the 13-man council to be elected in districts instead of at-large, from the whole city--which we think would have assured better government in the long-run. Allowing seven of the 13 councilmen to be elected by districts virtually assures two or more Negro representatives on the council."[240] The logic of the paper's position is that of a tightly-bound syllogism, which was, in effect, repeatedly noted in Memphis during this period. If voting is racially polarized and blacks are in a minority, they will almost always lose in a runoff. That districting, rather than at-large elections, will allow blacks to elect a certain number of candidates is a recognition of racially polarized voting. Therefore, to favor at-large elections, especially with runoffs, in those races in which white voters are in the majority is virtually to foreclose the possiblity of electing blacks to those seats.

VI.C. THE REVEALING CAMPAIGN FOR THE CHARTER AND THE RUNOFF

While most of the incumbent city commissioners went along with the POP charter, and the rural and suburban elected officials were not affected by it, as they had been by metro in 1962, the Ingram administration directed a scattershot attack on POP which nearly succeeded.

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[237]Jack H. Morris, "Relieved Progress Leaders Approve Split In Proposals - City Commission Will Act to Put Election Runoff On August Ballot With Decision On Charter Revision Slated for November," *CApp*, May 13, 1966.

[238]Charles A. Brown, "POP Directors Are Against Mayor-Council Runoff Law," *PS*, April 22, 1966, p. 1; Jack H. Morris, "Relieved Progress Leaders Approve Split In Proposals - City Commission Will Act to Put Election Runoff On August Ballot With Decision On Charter Revision Slated For November," *CApp*, May 13, 1966; POP Minutes, April 21, 1966, in POP Papers, Folder 84; Morris, "Chronology of A Charter," p. 12. Lewis Donelson cast the only negative vote.

[239]One of the "men" was female.

[240]"Vital Issues Remain in POP Plan--Full Group Should Work," *PS*, April 25, 1966, p. 6, c. 1-4.

Ingram first threatened to veto the Commission's ordinance placing the runoff on the August ballot, not in order to prevent it from being voted on at all, but to cause sufficient administrative delay that it would have to be scheduled for November, along with the POP charter.[241] State Representative Hugh Stanton, Jr. opposed Ingram's maneuver for reasons which once again underscore the racial purposes behind adoption of the runoff: "In the November election the people will be voting on a change in the form of government. These are distinct and different issues and should be voted on in different elections. Both questions on the same ballot would confuse some. And the citizens are more apt to approve the change in the form of government if the runoff law is already in effect and they are guaranteed that majority candidates will win."[242] In other words, if whites knew that blacks could not win at-large or district races with pluralities, they would feel sure that the POP charter would maintain white control, and they would therefore accept it. In November, the black Shelby County Democratic Club endorsed the Republican opponents of Stanton and State Senator Joe Pipkin because of the incumbents' efforts "in securing a runoff law in the City of Memphis. . . ."[243]

Statements during the runoff campaign echoed Stanton's sentiments. Attorney Charles Crump told the *Press-Scimitar* that he was for a majority-vote requirement because under a plurality system "any small group in a bloc vote could elect a person without a majority."[244] In a letter to the editor, William Johnson told the *Press-Scimitar* that he opposed the runoff because it was "used only in the South, mostly to gang up on minorities, such as Jews, Catholics, Negroes and labor and other groups. . . ."[245] Opponents of the runoff, said the *Commercial Appeal* in an election-eve editorial, "contend the runoff weakens the voice of minorities. . . ."[246] "Negro and labor forces," Jack Morris reported, "fear that a run-off law would dilute their strength at the polls."[247] "Opponents contend the runoff weakens the voice of minorities," the *Commercial Appeal*--again--reminded voters on the morning of the

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[241]"Ingram Holding Runoff Fate," *PS*, May 30, 1966, p. 2, c. 3.

[242]Null Adams, "Minority Mayor May Block Early Vote on Majority Issue--Runoff Petition," *PS* June 1, 1966, p. 1, c. 1-8.

[243]Null Adams, "Amendment for Runoffs Is Sought," *PS*, May 11, 1966, p. 11, c. 1; Adams, "Political Notebook," *ibid.*, Nov. 1, 1966, p. 8, c. 1-2.

[244]"Memphians Tell Why Runoff Election Law is 'Fair Way'", *PS*, July 12, 1966, p. 15, c. 3-7.

[245]*PS*, July 30, 1966.

[246]"Important Questions Await City, County Voters' Big X," *CApp*, Aug. 4, 1966, p. 59.

[247]"Referendum Items Await Judgment," *CApp*, Aug. 1, 1966, p. 25.

referendum.[248] With black organizations split in the gubernatorial and senatorial contests, and white support for runoffs in local elections overwhelming, the runoff provision passed its August test by 35,573 to 8047, a margin of seven to one. Only 19.7% of the registered voters, however, expressed an opinion on the issue.[249]

With the runoff secured, the "reform" forces largely relaxed. Jack Morris and Commissioner Hunter Lane "became appalled at the lack of campaign spirit coming from POP headquarters. No pamphlets had been printed, no copies of the charter distributed, no advertising undertaken." Lane raised money and personally staffed the office. Without a "last boost" from the Chamber of Commerce in the two weeks before the election, POP chairman Downing Pryor was convinced, the POP "would not have succeeded."[250]

Observers disagreed on whether Ingram's blustering opposition helped more than it hurt the POP cause.[251] Terming POP the "Program of Plunder," Ingram charged in large newspaper ads, paid for by the city, that the new charter would lead to graft, corruption, and higher taxes. Attempting to frighten the extreme segregationist part of his constituency, Ingram trumpeted: "A Majority of POP Councilmen Will Be Elected by Minority Vote from Districts."[252] Some former Crump organization men, including ex-mayor Walter Chandler, longtime activist and former state legislator Joseph Hanover, and ex-commissioners Buddy Dwyer and Stanley Dillard, joined Ingram in opposition, as did the black "Ministers' Independent Council of Political

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[248]"Important Questions Await City, County Voters' Big X," *CApp*, Aug. 4, 1966, p. 59, c. 1-2.

[249]"Battle of Negro Candidates in Three Districts Mirrors Change, Growth," *CApp*, July 21, 1966, p. 49; William J. Miles, "Decision is Strong on Four Issues," *ibid.*, Aug. 6, 1966, p. 7-B; "268,171 Eligible to Vote Aug. 4," *PS*, July 11, 1966, p. 1.

[250]Morris, "Chronology of a Charter," p. 14; Pryor to W. C. Mieher (president of the Chamber of Commerce), Nov. 10, 1966, in POP Papers, Folder 57; Wax, "Program of Progress," pp. 111-12.

[251]Jack H. Morris, "POP Victory To be Factor in '67 Election," *CApp*, Nov. 10, 1966, p. 67; Morris, "Chronology of a Charter," p. 16; Wax, "Program of Progress," p. 90.

[252]"Open Letter from the Mayor - This is not a Political Advertisement!" *CApp*, Oct. 17, 1966; "Another Ingram Trick," *ibid.*, Oct. 17, 1966, p. 6; Jack H. Morris, "POP Fate Appears to Rest on Matter of Pocketbook," *ibid.*, Nov. 5, 1966. Because the electorate had authorized runoffs at the August election, Ingram could not have been referring to someone getting elected with a minority of the votes. He must have been pointing out that blacks would be elected. In fact, four of the seven districts were at least 39 percent black.

Leadership."[253] In the final analysis, however, the "reformers" had learned their lesson in 1962. The POP charter, in the words of *Press-Scimitar* political writer Null Adams, was "designed in part to attract votes and it is doing just that. The election of seven of the thirteen councilmen from separate districts--instead of by a citywide vote--will bring Negro and Republican support for the proposal on the Nov. 8 ballot."[254] The proposal carried, garnering 59.4% of the votes.[255]

Was the necessity that the white POP directors felt to buy black support with mixed district/at-large representation a sign of black strength or weakness? Comments during the campaign demonstrate that it was the latter. In a debate with Russell Sugarmon on radio station WDIA, Mayor William Ingram warned that "[A]fter they get this thing voted in, your Goldwater buddies can redistrict it (the council districts) so you won't have any representation whatever." Lamely, Sugarmon replied: "[N]o Southern white man can represent the Negro adequately. For ten years, we've been petitioning, with little change. We need people in government to whom the individual voter can look." Ingram riposted: "If you (Negro voters) do elect two representatives out of thirteen, what's that? One-sixth?" "That's better than none out of five," Sugarmon responded. "Since this runoff law was passed, our choice is POP or no representation at all."[256]

As if to prove that for once, Ingram was not merely scare-mongering, Henry Loeb, the former and future mayor, told the "Transportation Club" at a Claridge Hotel luncheon that although he generally favored the new charter, he opposed electing any councilpersons by district. "But," he added significantly, "under Home Rule we can correct these things as we go

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[253]Null Adams, "Ex-Mayor Is Among Opposition," *PS*, Oct. 19, 1966, p. 1; "JC Directors Oppose Change," *ibid.*, Oct. 21, 1966, p. 2; Null Adams, "Women Launch Anti-POP Drive," *ibid.*, Oct. 22, 1966, p. 3; "Ministers' Group Says Vote 'NO,'" *ibid.*, Oct. 22, 1966, p. 3, c. 7-8; Wax, "Program of Progress," pp. 91, 107.

[254]Adams, "Objections and Answers: POP, Designed To Get Vote, Picking Up Support," *PS*, Oct. 8, 1966, p. 4.

[255]Wax, "Program of Progress," pp. 109, 113-14. Only 43.5% of the registered voters cast ballots on the POP question, even though, on the same ballot, 58% of the registrants voted in the Frank Clement-Howard Baker contest for the U.S. Senate. The municipal change was not wildly popular.

[256]John Means, "POP Debate Aired in Acid Exchange," *CApp*, Nov. 1, 1966, p. 15.

along."[257] In other words, if Loeb had his way, African-Americans could not even be sure of winning any seats in the council at all in the future.

In Memphis, white "liberals" were those who were willing to give blacks two or three out of thirteen seats if such a concession was necessary to obtain the white reformers' goal of replacing the city commission by a more "modern" form of government, or, in the case of the Republicans, to assure representation for themselves. "Conservatives" like Loeb were those who were so strongly against allowing blacks to elect candidates of their choice that they were willing to renounce public bargains in order to achieve their goal of an absolutely all-white government, rather than one in which blacks had at least token representation.

Were the voters who passed on the POP charter in the referendum aware of the racial consequences of the district vs. at-large issue? Did they know that it was more difficult (if not impossible) for African-Americans to win at-large elections in Memphis at the time? For anyone who had somehow missed all the major political events of the past decade, the *Commercial Appeal* made sure in its series of questions and answers on the POP charter in the days before the election that these effects were understood. "Question: Would the division of the city into districts place a Negro in City Hall? A. Yes, two and possibly four districts could be expected to elect Negro councilmen. POP directors believe it just to provide representation on the city's lawmaking body for a group which includes one-third of the city's population. The election of officials from the city at-large, as is done with the commission, makes it harder for a Negro to win office."[258]

VII. THE 1967 ELECTIONS: RATIONAL EXPECTATIONS

The municipal elections of 1967, the first in Memphis under a mayor-council form of government in more than fifty years, might have been designed to prove the accuracy of black expectations about at-large elections and fears about the runoff. They also marked a deep split among black political leaders and derailed the political careers of three promising politicians, all of whom were casualties of Memphis's racially polarized politics and the electoral devices that had been designed to insure white control.

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[257]Null Adams, "Loeb Favors POP Plan," *PS* Oct. 26, 1966, p. 11.

[258]"Council Would Be Chosen From Districts, At Large," *CApp*, Oct. 23, 1966, section II, p. 6.

VII.A. THE MAYORAL RACE

According to the *Press-Scimitar* and *Commercial Appeal*, which had always been hostile to him, Mayor William B. Ingram had spent four years breaking with erstwhile friends, feuding with everyone else, opposing governmental reforms, and generally making people ashamed to admit that they were Memphians.[259] Nevertheless, Memphis had attracted job-packed industries during his term, a growing tax base had allowed him to hold the property tax rate constant, and the city had avoided serious race riots.[260] It was no surprise that he declared for reelection, or that his controversial record attracted five well-known opponents.

Former mayor Henry Loeb, who had resigned to tend his family's laundry business shortly before the end of the term to which he had been elected in 1959, now wanted to return to government. Memphis-born but educated at Brown University, a member of Temple Israel who was careful to let it be known that he attended the Episcopal Church with his wife, a World War II Navy buddy of John F. Kennedy, the handsome and charming Loeb had seemed a liberal when elected to the City Commission in 1955, but had become so identified with the segregationist cause that blacks of every faction united in opposing him.[261]

William N. "Bill" Morris, who gained the *Commercial Appeal*'s endorsement, had been elected sheriff in 1964 and 1966. Born in Mississippi and educated in Mississippi and Alabama, the young Morris, only 34 in 1967, had graduated from Memphis State, served in the 101st Airborne, and worked as a printer and sales manager for a leasing company before his election. His politics were as vague as Ingram's, if probably less volatile.[262]

Hunter Lane was an impeccably designed moderate politician in what was, unfortunately for him, an immoderate city. Quarterback of the state championship football team, as well as student body president at Memphis Central High, Lane was a *magna cum laude* graduate of Washington and Lee University, from which he also obtained his law degree. Returning to Memphis, he practiced law for several years, upset incumbent Buddy Dwyer for the City Commission in 1963, and worked behind the scenes for POP and the runoff in 1966. A director

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[259]Null Adams, "Lane Throws Support to Henry Loeb," *PS*, Oct. 20, 1967, p. 1; "*Press-Scimitar* Recommendations in the Run-Off Election," *ibid.*, Oct. 25, 1967, p. 12; "Our Recommendation," *CApp*, Nov. 2, 1967, p. 6.

[260]Null Adams, "Frayser Hears Loeb-Ingram Word Battle," *PS*, Oct. 11, 1967.

[261]Null Adams, "Here Are the Candidates for Mayor and Their Backgrounds," *PS*, Sept. 30, 1967, pp. A-24, 25.

[262]*Ibid.*, "Morris Has the Touch," *CApp*, Oct. 3, 1967, p. 6.

of the Citizens' Association, vice chairman of the Better Schools Committee, and a scoutmaster, Lane was 38, earnest and hard-working, and a favorite of the newspapers, especially the *Press-Scimitar*, which endorsed him for mayor in 1967.[263]

Two years older than Lane, City Commissioner Pete Sisson almost matched Lane's resume. President of his senior class at South Side High, he was all-Memphis in basketball and graduated from Memphis State and the University of Memphis Law School. President of the Jaycees and chairman of the March of Dimes, he was active in the Citizens Association and the Chamber of Commerce and had been a Merchant Marine in World War II.[264] Lacking newspaper and other big-name endorsements, his campaign quickly languished, finishing with a mere 2.3% of the primary vote.[265]

A. W. Willis, Jr., was the first African-American to run for mayor of Memphis, as he had been the state's first black legislator since the 1880s. Having grown up in Memphis and served in the army in Europe from 1943 to 1946, Willis did not have the option of attending white-only Memphis State or Washington and Lee, as the other future candidates did. After graduating from all-black Talladega College in Alabama, he was one of the first southern blacks to get a law degree at the University of Wisconsin. Returning to Memphis, he formed a law partnership with Russell Sugarmon, and together, they prosecuted most of the city's civil rights cases and, along with other leaders of the NAACP, organized the black political campaigns in the city in the 1950s and 60s.[266] Short and slightly built, Willis was smart and fiery, and he convinced himself that he could become the first black mayor of a large Deep South city, if not in 1967, then later.

The strategy of the almost issueless campaign was determined primarily by the existence of the runoff. In contrast to 1959, whites did not have to single out a front-runner before the election. For even if Willis made the runoff, whites, who comprised nearly two-thirds of the registered voters in 1967, could always solidify behind his opponent in the second election.

Mayor Ingram's tactics in the primary brilliantly built on this fact. With no evidence that he was ever willing to make public, Ingram charged that Loeb had paid Willis $35,000 to get

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[263]"Hunter Lane for Mayor," *PS*, Sept. 26, 1967, p. 6; Adams, "Here are the Candidates", *ibid.*, Sept. 30, 1967, pp. A-24, 25.

[264]Adams, "Here Are the Candidtes," *Ibid.*, Sept. 30, 1967, pp. A-24, 25.

[265]"Election at a Glance," *PS*, Oct. 6, 1967, p. 13.

[266]*Ibid.*

into the contest in order to take black votes away from Ingram.[267] Despite the implausibility of the allegation that Willis, who had devoted long hours and received little compensation defending the black community's civil rights, would willingly assist the leading segregationist in the mayor's race, the charge stuck, and it undermined Willis's support among blacks. The black "Unity League," which endorsed Ingram, distributed a cartoon of Willis sitting on Loeb's lap counting $50 bills.[268] That it probably hurt Loeb among whites--he had no black support to lose--is implied by the vigor with which Loeb denounced the aspersion: "I know it is a lie, you know it is a lie, and what's more disgraceful, is the fact that the current mayor knows it is a lie." Not just "an unmitigated liar," in Loeb's view, Ingram was also "a master of distortion, crafty and evasive" who heaped "abuse and humiliation" on anyone who "dared to disagree with him."[269]

What gave the rumor credence among African-Americans was their inability to imagine Willis beating a white candidate even if he did get into the runoff. Thus the United Baptist Churches' Association asked Willis to withdraw from the contest for mayor because "we feel it is impossible for you, or any Negro, to become mayor of our city at this time."[270] Since he could not expect to win in a racially polarized electorate with a majority-vote requirement, why was he running, blacks asked themselves. Ingram's unsubstantiated, but constantly repeated rumor provided a ready answer.

The bandwagon effect that had undercut the campaigns of Fowler, Canale, and Chambers in 1959 and Hinds in 1963 also helped sweep Lane, Morris, Sisson, and Willis away in 1967.[271] Lane never made many inroads into the black vote, because, although he proposed concrete programs to end racial discrimination in city jobs and build more low-cost housing,[272] he also

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[267]Edward L. Topp, "Loeb Replies to Criticism of His Last Term in Office," *PS*, Sept. 9, 1967; "Shelby Demo Club 'Neutral' in Mayor's Race," *ibid.*, Oct. 11, 1967.

[268]"Shelby Demo Club 'Neutral' in Mayor's Race," *PS*, Oct. 11, 1967.

[269]Null Adams, "Political Notebook," *PS*, Sept. 22, 1967, p. 15; Clark Porteous, "Loeb Introduces Film Clip on Ingram," *ibid.*, Oct. 28, 1967, p. 2.

[270]Null Adams, "Rep. Willis Criticizes Ministers," *PS*, Oct. 4, 1967, p. 41.

[271]Null Adams, "Politics Editor Makes Predictions - Including Loeb Victory," *PS*, Nov. 1, 1967, p. 10.

[272]Clark Porteous, "3-Way fight Develops For Negro Votes," *PS*, Sept. 30, 1967, pp. 1, 3.

touted his role in the passage of the runoff in 1966, a position that was anathema to blacks.[273] Willis's great difficulty was not attracting white votes--he never had a chance to do that and ended with fewer than a thousand--but convincing blacks that a vote for him was not wasted.[274] As the Unity League put it: "It's impossible for a Negro to win the mayor's office at this time. Why waste your vote on Willis?"[275] Willis's overblown prediction at his campaign-opening speech that he would win a majority in the primary both showed that he recognized the problem and undermined his credibility.[276]

Although his promises (for instance, to be "mayor of all the people") were much less specific than Lane's or Willis's, and although he refused to back an open housing ordinance or to abjure segregation, Mayor Ingram increasingly corralled the majority of black votes by repeating his contention that Willis could never win a runoff, and that he was a bribed stalking horse for Henry Loeb.[277] As the *Commercial Appeal* put it, black ministers "in the Ingram camp and other Ingram aides hammered away on the theme that Mr. Willis simply could not win since Negroes account for only 34 per cent of the city's registered voters. . . . Rumors that Mr. Loeb paid Mr. Willis $35,000 to enter the race were spread throughout the Negro

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[273]Why did this moderate patrician push for the runoff? Three reasons may be suggested, although there is little direct evidence on the point. First, he probably shared the view that the election of a black as mayor would be bad for Memphis, because more white homeowners and businessmen would flee what would be perceived as a black-controlled city. (Although Lane and others may not themselves have been hostile to blacks because of their race, by acting on the view that many whites *were* racists, they entangled or infected their motives with racism.) Second, as a moderate, Lane could expect to win the black vote in a runoff against Loeb, or much of Loeb's following in a runoff against Ingram. See Null Adams, "Lane Pleads for Run-Off Opportunity," *PS*, Oct. 2, 1967, pp. 1, 8. As a relative unknown himself, however, he could not reasonably hope to win a plurality against such well-established candidates. Third, because of his comparative obscurity, he needed a newspaper endorsement to get voters to take him seriously. The *Press-Scimitar* and, to a lesser extent, the *Commercial Appeal*, were tireless advocates of the runoff, and might look more favorably on a candidate who labored for it. See "Hunter Lane for Mayor," *PS*, Sept. 26, 1967, p. 6.

[274]Null Adams, "Big Mayor Race Question--Will Rep. Willis Get Into Run-Off?" *PS*, Sept. 16, 1967, p. 4; Adams, "Political Notebook," *ibid.*, Oct 23, 1967, p. 17.

[275]Null Adams, "Rep. Willis Criticizes Ministers," *PS*, Oct. 4, 1967, p. 41.

[276]Clark Porteous, "Willis Opens Campaign, Says He'll Win Easily," *PS*, Sept. 8, 1967.

[277]"Ingram Woos Negro Voters, Gets Some Aid, Reports Say," *PS*, Sept. 27, 1967, pp. 1, 12; Null Adams, "Mayor's Race Sparked by Charges Political Machines Being Plotted," *ibid.*, Sept. 28, 1967, p. 1; Adams, "Loeb, Ingram Launch New Drives," *ibid.*, Oct. 6, 1967, p. 1; Adams, "Separate the School System From Politics, Loeb Insists," *ibid.*, Oct. 18, 1967, p. 22; Adams, "Political Notebook," *ibid.*, Oct. 23, 1967, p. 17; Adams, "Political Notebook," *ibid.*, Oct. 27, 1967, p. 15.

community."[278] Realizing that his base was being looted, Willis flailed helplessly. "Mayor Ingram campaigns in total secrecy. . . . Ingram talks like a racist to white voters and another way to Negro voters. . . . Ingram is trying to do as he did four years ago - get the segregationists as well as Negroes to vote for him."[279]

On primary day, October 5, Loeb ran first, with 33% of the vote, virtually all of it white.[280] Ingram slipped into the runoff with 24.9%, polling an estimated 53% of the black vote, but only 12% of the white ballots.[281] While Morris's respectable 21.4% showing invigorated his future political career, Lane's embarrassing 6.1% virtually killed his. Most humiliating of all, Willis finished a poor fourth, with only 12.2% of the total vote and an estimated 39% of the black electorate.[282] Many blacks reportedly abstained, not wanting to vote against Willis, but not wanting to help him get into a hopeless runoff, either.[283] The *Press-Scimitar*, always anxious to point out schisms in the black community,[284] crowed that the election marked "the destruction of the Negro bloc-voting myth," and that Ingram had broken "the back of the Shelby [County] Democratic Club. . . ."[285] Unlike most other black politicians and groups, Willis and the SCDC refused to endorse Ingram in the runoff.[286]

The day before the runoff election in November, *Press-Scimitar* political editor Null Adams predicted that Loeb would win because of the "white backlash" against Ingram's success

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[278]Jimmy Covington, "Negro Clerics Tipped Ingram Scale," *CApp*, Oct. 7, 1967, p. 17.

[279]Clark Porteous, "3-Way Fight Develops For Negro Votes," *PS*, Sept. 30, 1967, pp. 1, 3.

[280]Null Adams, "Loeb, Ingram Launch New Drives," *PS*, Oct. 6, 1967, p. 1. For the returns for all candidates, see "Election at a Glance," *PS*, Oct. 6, 1967, p. 13.

[281]Null Adams, "Loeb, Ingram Launch New Drives," *PS*, Oct. 6, 1967, p. 1; Adams, "Political Notebook," *ibid*, Oct. 23, 1967, p. 17.

[282]Null Adams, "Political Notebook," *PS*, Oct. 23, 1967, p. 17.

[283]Clark Porteous, "How Many Will Vote Thursday? Candidates Give Views," *PS*, Oct. 27, 1967, p. 14; Jimmie Covington, "Ingram, Loeb Split Race Vote," *CApp*, Oct. 6, 1967, p. 27.

[284]"Negroes Won't All Vote One Way--That's Good," *PS*, July 17, 1962.

[285]"Now to Finish the Job," *PS*, Oct. 6, 1967, p. 6; Null Adams, "Loeb, Ingram Launch New Drives," *ibid*, Oct. 6, 1967, p. 1.

[286]Null Adams, "Loeb, Ingram Launch New Drives," *PS*, Oct. 6, 1967, p. 1; "Shelby Demo Club 'Neutral' in Mayor's Race," *ibid*., Oct. 11, 1967; "9th District Demo Club Backs Ingram," *ibid*., Oct. 18, 1967; Clark Porteous, "Minister Is District 6 Issue," *ibid*., Oct. 20, 1967, p. 21; Null Adams, "Negro Club Backs Lane for Mayor," *ibid*., Sept. 20, 1967, p. 37.

in seeking black votes.[287] In the largest total vote in Memphis's history up to that time, Loeb proved Adams an acute prognosticator, winning by a 54-46 margin. Essentially, Loeb put together his and Morris's primary votes, while Ingram added Willis's to his own in the first election. In what Adams said was a typical overwhelmingly black precinct, Ingram got 94.6% of the vote in the runoff, while in a typical homogeneously white precinct, Loeb received 89.1%. Although he had carried the conservative Frayser area "handsomely" in 1963, this time, identified as the "big Negro choice," Ingram lost it by better than two to one.[288] Ingram's earlier opposition to the runoff law, which had no doubt appealed to blacks, and which had kept his campaign alive through October, once again demonstrated his political sagacity. Any person, regardless of race, who was clearly marked as candidate of choice of the black community was doomed by the runoff law.

VII.B. THE COUNCIL AND SCHOOL BOARD RACES

The "most noticeable characteristic about the city-wide council races," *Press-Scimitar* reporter Edward L. Topp remarked at the beginning of the primary campaign, "is that there are only three Negroes among the 43 candidates" for the six positions.[289] If the mayor's race proved that an at-large election with a majority vote requirement worked exactly as expected--that is, it denied minority voters an opportunity to elect a candidate of their choice--the contemporaneous at-large council races demonstrated that political devices may be so effective that they discourage anyone from seriously testing them. The view that blacks could not win in such a system was so widespread that only minor black candidates ran for the at-large council seats, and their success--only one received as much as 12% of the vote--showed that the view was correct.[290] In the runoff, the three white candidates who received the most solid black support all lost.[291]

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[287]Adams, "Politics Editor Makes Predictions - Including Loeb Victory," *PS*, Nov. 1, 1967, p. 10.

[288]Null Adams, "Loeb Offers Gianotti City Post," *PS*, Nov. 3, 1967, p. 1; Jimmie Covington, "Fall From Frayser Favor Is Fatal Slip For Ingram," *CApp*, Nov. 3, 1967, p. 1.

[289]Edward L. Topp, "12 Seek citywide Position 1 on Council," *PS*, probably Sept. 5, 1967.

[290]"Election at a Glance," *PS*, Oct. 6, 1967, p. 13.

[291]"Council Candidates Solicit Runoff Support of Losers," *CApp*, Oct. 7, 1967, p. 17; Jefferson Riker, "Conservatives, 3 Negroes Chosen For New Council; State Senators Lose Bids," *ibid.*, Nov. 3, 1967, p. 1.

Not only were they uniformly white, the at-large winners were also much more likely to be of upper status than their district counterparts. Three were major businessmen, and three, attorneys, while the district winners included a housewife and a minister. At-large members were likely to belong to upper-crust churches, Presbyterian and Episcopalian; whereas district representatives were usually drawn from the more declasse Church of Christ or the Baptist Church. All the at-large councilmen lived in the relatively prestigious Midtown or East Memphis areas, while district councilpersons (one was female) represented working class Frayser and black Orange Mound, as well.[292] The Chamber of Commerce and the Citizens' Association had known exactly what they would get when they pushed to maintain at-large elections for the Memphis city government.

The district elections basically followed party and racial lines. Lyndon Johnson had carried four of the seven districts in the 1964 presidential election, and Democratic candidates for the council won four. In the two majority black districts, only three of the fifteen primary candidates were white, and they were eliminated in the first round. In the one marginal district (47.3% black among registered voters), the runoff pitted a black, Fred L. Davis, who was endorsed by the *Press-Scimitar*, against a white, Elmer B. Vaughn. Shortly before primary day, Vaughn's sound truck had toured the district "telling the voters that they had a choice between voting for him or having a Negro council representative."[293] In a slight upset, Davis, who also had the backing of the AFL-CIO and the Citizens' Association and benefited from the Ingram organization's intense get-out-the-vote effort in Orange Mound, won the runoff with 53.2% of the vote.[294] Only one serious black candidate ran in any of the "whiter" districts. In the first district, which was 38% black in voter registration, Rev. Alexander Gladney, a POP director, finished third in the primary.[295]

As a whole, the council almost perfectly reflected the POP designs--indeed, two of the most prominent POP directors, Downing Pryor and Lewis Donelson III, were elected to at-large seats. Instead of the white Democrats, mostly conservative, who had filled the City

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[292]Ripy, "Changes in the Formal Structure of Municipal Government," pp. 91-94.

[293]Clark Porteous, "One Race: Issues in Doubt--In Other: Race Is Factor," *PS*, Oct. 19, 1967, p. 21.

[294]"The Press-Scimitar's Recommendations for the New 13-Member City Council," *PS*, Sept. 29, 1967, p. 8; "Election At A Glance," *ibid.*, Nov. 3, 1967. Registration figures are from "Six of City's Seven Districts Have Runoff Races on Ballot," *ibid.*, Oct. 28, 1967, p. A-12; Null Adams, "Political Notebook," *ibid.*, Oct. 17, 1967, p. 10; Clark Porteous, "One Race: Issues in Doubt--In Other: Race Is Factor," *ibid.*, Oct. 19, 1967, p. 21.

[295]"Election At A Glance," *PS*, Oct. 6, 1967, p. 13.

Commission, the new council consisted of five Republicans, four independents, and only four Democrats, of whom three were black.[296] The election returns alone should quash any notion that the POP directors were service club amateurs, or that they were unsure or unconscious of the political implications of any action that they took.

Two black candidates were among the fourteen for the five at-large school board seats: Rev. E. W. Williamson, who had run unsuccessfully in 1963, and Rev. James M. Lawson, who had led the Nashville sit-ins against segregated lunch counters when he was in divinity school.[297] Neither got as much as 30% in his three-person contest, and all five of the incumbents were reelected without runoffs.[298] Although politically a backwater which did not attract ambitious would-be mayors, such as Wyeth Chandler, who won an at-large city council seat in the 1967 elections, the school board, elected at-large with numbered posts and a majority vote requirement, was still safely in all-white hands.

VIII. REFORMING THE SCHOOL BOARD

Members of the Memphis Board of Education served long terms. John T. Shea, an attorney, was first elected in 1933, and in 1969, he was still on the board. Mrs. Arthur N. Seessel was elected in 1951, Mrs. Frances Coe, in 1955.[299] By the late 1960s, only Edgar H. Bailey and Hugh Bosworth, an anti-busing leader, were comparative newcomers, both having been appointed in 1963.[300] All were white. Despite the fact that a majority of the students in the public schools were African-Americans, no black had been elected to the school board since the 1880s.

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[296]"New Council For Memphis Conservative," *PS*, Nov. 3, 1967, p. 1.

[297]Edward L. Topp, "14 Candidates Seek Five Positions on School Board," *PS*, Sept. 30, 1967, p. A-27. A new law provided that the president of the school board would be elected, instead of appointed.

[298]"Election At A Glance," *PS*, Oct. 6, 1967, p. 13.

[299]Crump had controlled the school board, as he had controlled every other Memphis political office. When Mrs. Coe was elected in 1955, she was, according to the *PS*, "the first 'independent' to win a place on the board in 30 years." "Re-elect School Board Members So Their Fine Work Can Go On," *PS*, Aug. 6, 1959, p. 6, c. 2-3.

[300]Edward L. Topp, "14 Candidates Seek Five Positions on School Board," *PS*, Sept. 30, 1967, p. A-27.

The Memphis Board's response to *Brown* v. *Board of Topeka* had been to dig in its heels. Its answer to desegregation suits brought by the NAACP was to litigate, appeal, delay, and set up procedures so cumbersome as to insure that any desegregation that did come about would involve the least possible number of children, relying on sympathetic federal judges to protect it from having to take effective action to eliminate the dual school system. Crump-era appointee Judge Marion Boyd,[301] for instance, upheld the Tennessee Pupil Placement Act in 1961, ruling that the Memphis Board's plan, which did not promise to place a single black child in a "white" school, was "a sound and complete plan for desegregation." The judge replied unsympathetically to the plea of Mrs. G.E. McFerren, a black Memphian whose request to place her child in the nearest ("white") school in 1958 had been turned down at every level of the Memphis public school bureaucracy, finally being rejected on the grounds that Memphis did not allow transfers merely for "convenience." The superintendent, Boyd declared, "acted properly and in accordance with good school administration."[302] Under this decision, the Board initially turned down all 53 black students who applied to go to white schools in 1961. Black students appealed for reconsideration. Only after an extensive hearing process that included a visit to their homes by social workers did the Board admit 13 of the original 53.[303] The 13 constituted less than one tenth of 1% of the district's black students.

The Sixth Circuit Court of Appeals overturned Judge Boyd's decision sustaining the Pupil Placement Act, initiating a series of predictably repetitive actions that lasted at least through the mid-1960s: The Board would propose an action that would move ever so gradually toward desegregation, such as the grade-a-year plan that it offered in 1962. The NAACP would contest the action in federal district court, calling for slightly less deliberation and slightly more

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[301]E.H. Crump to Edward J. Meeman, Dec. 10, 1943, in Meeman Papers, Mississippi Valley Collection, Old Brister Library, Memphis State University, Box 6, Folder 17; "Blast Judge Boyd!" *Memphis World*, April 28, 1962, p. 1.

[302]Paul Vanderwood, "Judge Denies Plea for Full School Desegregation Now," *PS*, April 15, 1961, p. 3; "As Well As Possible," *CApp*, April 16, 1961, p. 6; *Northcross* v. *Board of Education of Memphis, Tennessee*, 302 F.2d 818 (1962), p. 820. Boyd repeatedly delayed integration. After the state board of education ordered Memphis State integrated, and eight of ten black students who took entrance exams passed them, Memphis State University President J. Millard Smith asked for a year's delay to avoid violence. Boyd granted his request, refusing even to hear the Memphis State case until after the Supreme Court ruled in the Little Rock desegregation case. "Enrollment at MSU for Eight Negroes Denied," *PS*, Sept. 16, 1958, p. 4, c. 7-8.

[303]James Delaney, "Good Faith Plan Sends Negroes to Four Schools," *CApp*, Oct. 3, 1961, p. 1. One of the persistent 13 was a child of Russell Sugarmon, one of the lawyers for the NAACP in the case. It is interesting to imagine how the social worker determined that this offspring of a Harvard Law graduate was a fit associate for white first graders.

speed in ending segregation, such as desegregation of all grades by 1965, instead of 1974.[304] Judge Boyd would sustain the Board, only to be overturned on appeal, and the cycle would begin again.[305] A *Commercial Appeal* headline of 1965 captured the whole process perfectly: "Board To Fight Racial Change."[306] As long as the structure of elections kept blacks off the School Board, they would have to negotiate, in effect, through the judicial process.

In the wake of the "root and branch" *Green* v. *New Kent County* Supreme Court decision of 1968 and the other decisions that followed it, however, the Memphis Board could no longer stall indefinitely.[307] At the same time, the Memphis sanitation workers' strike, which Mayor Loeb's intransigence had turned into a crusade, and the assassination of Martin Luther King, Jr. increased the anger and militancy of the city's blacks.[308] To the judicial channel, blacks seeking to influence the Board of Education now added a boisterous public protest channel. Patterning their tactics on the sanitation strike, and cooperating with labor unions which were trying to organize workers at St. Joseph's Hospital, the NAACP and other groups called a series of "Black Monday" school boycotts that kept as many as 60,000 students away from the public schools.[309]

As nearly every racial issue in Memphis eventually turns into a governance issue, and every governance issue, into a racial issue, so, too did the boycotts. There had been several past attempts to change the school board's makeup or method of election. In 1962, the Chamber committee had proposed a seven-member metro school board elected by districts. After the Charter Commission switched to at large for the Legislative Council, it proposed to elect two members of the school board at large from the city, two from the country, and three at large

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[304]Jack Morris, "NAACP Files Its School Plan," *CApp*, Sept. 13, 1962, p. 1. Compliance with the law of the land eleven years after *Brown* was hardly a radical demand, except as compared to the school board's desire that *Brown* would become good law only on its twentieth anniversary.

[305]"Go-Ahead Given School Board on Mixing Plan," *CApp*, Sept. 1, 1962, p. 1; Angus M'Eachran, "School Opening Is Calm, Quiet - Integration's Second Year Finds 36 Negroes in Class," *ibid.*, Sept. 5, 1962, p. 1; "Police Are On Duty At Affected Schools," *PS*, Sept. 4, 1962, p. 2.

[306]"Board To Fight Racial Change," *CApp*, May 28, 1965, p. 1.

[307]391 U.S. 430 (1968). A convenient overview of these decisions is in J. Harvie Wilkinson III, *From Brown to Bakke* (New York: Oxford Univ. Press, 1979), pp. 108-27.

[308]Tucker, *Memphis Since Crump*, pp. 152-61.

[309]Robert Kellett, "Hearing Set on Schools' Injunction Request After Temporary Restraining Order Is Denied," *CApp*, Nov. 7, 1969, p. 1; "A Course for Memphis," *ibid.*, Nov. 7, 1969, p. 6.

from all of Shelby county.[310] In the Spring of 1966, the POP directors had discussed reshaping the school board, but had been advised that they could not rewrite the electoral rules for the board, because, under the home rule provisions of the state constitution, it was not a "municipality."[311] In the 1967 legislature, the Board itself pressed an act, backed by the state and local teachers' associations, to expand its numbers to seven, while keeping at-large elections and a numbered post system.[312] Apparently either A.W. Willis or Russell Sugarmon, both of whom were in the legislature at the time, vetoed the plan under the unanimity rule in county legislative delegations.[313]

In March, 1969, racial hard-liner Hugh Bosworth moved that the Board again ask the legislature to expand it to seven members, to be elected at-large, with numbered posts and a majority vote requirement. That Bosworth's rationale parallels that offered by more supposedly "liberal" partisans of these devices reflects on their arguments. "The primary reason for districts," Bosworth admitted, "is to guarantee the election of one or more Negro board members. . . . It is interesting that some supporters of districting are not really supporters of the majority vote at all. Rather they oppose election by position and want election by plurality rather than majority. Such a position undermines rather than strengthens our democratic form of government. This is minority rather than majority rule. We need to eliminate the possibility of a plurality from school board elections rather than to weaken the democratic process further. And last but not least the very Negroes [who] would benefit supposedly by districts should, I think, consider themselves insulted by the proponents of districting. After all, what are these supposedly benevolent people really saying? At best they are saying that no Negro can be

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[310]"School Merger Will Be Studied," *CApp*, June 4, 1962, p. 15; Memphis and Shelby County Charter Commission, "Charter of the Consolidated Government of Memphis and Shelby County" (August, 1962), p. 42, pamphlet in POP Papers, Folder 123.

[311]Jack H. Morris, "Progress Drops Plan to Revamp Education Board," *CApp*, April 15, 1966.

[312]See Mrs. Lawrence Coe to Russell Sugarmon, Dec. 17, 1966, and two printed bills, both titled "An Act to amend An Act entitled: 'An Act to Charter the Memphis City Schools.'. . ." in Sugarmon Papers, Box 3, Folder 7, in Mississippi Valley Collection, Old Brister Library, Memphis State University. Probably the most racially liberal member of the Board, Mrs. Coe was optimistic that if several current board members agreed not to stand for reelection, it would be possible to elect black replacements for them. A.W. Willis, she noted, did not share her optimism and insisted on districts. This letter suggests that it was Willis or Sugarmon or both who defeated the proposed bill in 1967.

[313]In the same session, the legislature did pass a law setting up an elected school board for the areas of Shelby county outside Memphis. In 1968, voters ratified the legislative act, which provided for 7 members, elected at-large, in a referendum, but the act was not scheduled to go into effect until August, 1970. "Step Toward School Equity," *CApp*, Jan. 14, 1970, p. 6.

elected on the basis of merit alone. They are saying that no Negro can run on a non-racial basis. They are saying that the white voters will never allow any Negro to be elected. These people would deny the Negro an equal opportunity to be elected on an equal basis."[314] What was at stake in maintaining the at-large, numbered post system, Bosworth announced, was nothing less than "American liberty."[315]

Although Bosworth's motion was rejected by a 3-2 vote, the autumn turmoil brought a return to the issue. In response to a series of questions, and, later, a set of demands from the NAACP and the "United Black Coalition," the Board moved to appoint two blacks, Hollis Price of LeMoyne-Owen College and George H. Brown, Jr., a 30-year old local attorney, as nonvoting "advisers" to the Board, and to work with the legislature to change the method of election so that it would be possible to elect some blacks to the body.[316] Bosworth raged: "The white majority not only in Memphis but across the nation is getting fed up with the placating, milk-sop approach being taken here in Memphis." In the mediation attempts between the school board and the black community, "democracy is taking a back seat to expediency."[317] Alone, Bosworth opposed the interim appointments of Price and Brown, and alone, he voted against recommending an expansion bill to the legislature. To split off the NAACP from more radical

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[314]Minutes of the Memphis Board of Education, March 14, 1969, p. 3206. Bosworth's views on the purpose and effect of districts were widely shared. For instance, a *Commercial Appeal* story on a school board meeting at the time routinely reported that "The main reason for districts is to guarantee the election of one or more Negroes to the board." "Action Deferred On School Board," *CApp*, March 29, 1969, p. 7, c. 1.

[315]"Vote Issue Held by School Panel," *CApp*, March 15, 1969, section 2, p. 1.

[316]Board of Education Minutes, July 25, Sept. 26, Oct. 24, Dec. 18, 1969, pp. 3396, 3517, 3556; "School Board Gives OK to Proposals Outlined By Mediation Committee," *CApp*, Nov. 17, 1969, pp. 1, 9; David Vincent, "Black School Advisers May Play Maried Roles," *ibid.*, Dec. 19, 1969, p. 1, c. 5-6.

[317]"New Civic Unit Formed, Bosworth Talks," *CApp*, Nov. 18, 1969, p. 11. Note Bosworth's unmistakable references to race in using the terms "majority" and "democracy." By some standards, of course, Bosworth was a moderate. One school board meeting was addressed by Emmett Baker, president of the Memphis and Shelby County Citizens Council, who opposed adding blacks as advisers to the school board and contended that "The Negroes have no constitutional right to public education." An unidentified woman informed the board that the black coalition was led by "imported Communist rabble rousers." "Biracial School Advisers Promised by December 1 In Move To Cool Protests," *CApp*, Oct. 25, 1969, p. 1, c. 1-5.

elements in the black community and end the boycott,[318] as well as to conciliate a group that many now agreed deserved a more direct role in setting school policies, the other four members of the board, true conservatives, were willing to make the temporary appointments and to add at least some district representatives to the Board. But not Hugh Bosworth. Instead, he condemned the moves as attempts to "bypass the democratic process."[319]

Working with a City Council committee, the School Board also urged the legislature to adopt a new electoral structure for the Board. Seven members would come from the same seven districts as the city council, and four more would be elected at large by numbered posts, but without a majority vote requirement.[320] Mayor Henry Loeb and conservative councilman Wyeth Chandler led the battle in the City Council to recommend that the legislature adopt a runoff amendment to the School Board's plan. Using the same code phrase that he had been employing since the 1959 anti-Sugarmon campaign, Loeb declared that he was for a runoff "so the majority will rule." "The only reason that you had a runoff in the first place," African-American councilman Fred L. Davis told Chandler, "was to stop black single-shotting."[321] Rev. James L. Netters, another black councilman, added: "You know a black man will never get elected at large with a runoff." Revealingly, Chandler's reply implicitly accepted the blacks' assertions, but claimed, in effect, that he knew their interests better than they did themselves: "You'll have more influence on the at-large positions with a runoff," Chandler argued, because, in the reporter's summary, "blacks would support white liberals." Unless there was a runoff,

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[318]David Vincent, "New Tactics, Praise Follow Coalition Split," *CApp*, Nov. 15, 1969, pp. 1,4. In an editorial, "The Right Kind of Leaders," the *Commercial Appeal*, Nov. 15, 1969, p. 6 praised the "responsible Negro leaders" of the NAACP for opposing "the radical elements" in the newly formed United Black Coalition. Authorities added a stick to the carrot, filing a $10 million law suit against boycott leaders and indicting 19 of them. David Vincent, "Black Coalition Orders End To School Boycotts After Board Files Suit," *ibid.*, Nov. 22, 1969, pp. 1,10; Charles Edmundson, "Disorders Result In 19 Indictments of Black Leaders," *ibid.*, Dec. 10, 1969, p. 1; Edmundson, "Inquiry Pushed; 8 Choose Jail," *ibid.*, Dec. 11, 1969.

[319]Memphis Board of Education Minutes, Jan. 16, 1970, p. B 3590.

[320]"Plans Are Elusive For School Board," *ibid.*, Jan. 6, 1970, p. 20; William Bennett, "Legislative Split on School Board Spurs New Effort," *ibid.*, Jan. 21, 1970, p. 1.

[321]As noted earlier, the phrase "single-shotting" here appears to be a reference to organized black voting.

Chandler asserted, in an unmistakably racially-tinged comment, "I think it's going to give the NAACP control of the school board."[322]

Everyone understood the racial effects of at-large elections with designated posts. As the *Commercial Appeal* reported again and again in the most matter of fact tone: "The board's five members currently are elected at-large by positions. Negro candidates always have had white opponents, and therefore have been defeated by the at-large white vote."[323] "Negroes in Memphis feel they are discriminated against by the at-large elections now held in choosing the five-member board. Some sort of revision, including district elections, is needed."[324] "Because members of the board presently are elected at large, there are no Negroes on the panel."[325] A "Negro candidate has scant chance to attain a seat on the school board under the present at-large election process."[326] "Numbered posts," Fred Davis told his fellow councilmembers, "would prevent single-shot voting, which is effective when voters cast ballots for the number to be elected and the top vote-getters win. By voting only for one man, bloc groups can enhance the chances of the candidate of their choice."[327]

The partisan and racial struggle in the legislature over the governance of the Memphis school board was long and bitter enough to force the Shelby delegation to abandon its decades-old rule that allowed one senator or representative to veto a local bill.[328] The school board's

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[322]"Sparks Fly Among Councilmen In Reaching School Board Accord," *CApp*, Jan. 21, 1970, p. 15. Actually, the fate of the comparatively liberal Ingram against Loeb in 1967, as well as that of Kenneth Turner against Chandler himself in the 1971 mayoral contest suggests that Chandler's position is empirically wrong in Memphis.

[323]"School Board Bill Is Awaited," *CApp*, Jan. 9, 1970, p. 1.

[324]"School Board Plan Needed," *CApp*, Jan. 10, 1970, p. 6.

[325]William Bennett, "Legislative Split on School Board Spurs New Effort," *CApp*, Jan. 21, 1970, p. 1.

[326]"School Plan Priority," *CApp*, Jan. 22, 1970, p. 6.

[327]"Sparks Fly Among Councilmen In Reaching School Board Accord," *CApp*, Jan. 21, 1970, p. 15.

[328]"Too Much For Any One Man," *CApp*, Nov. 14, 1969, p. 6; "Success On School Board," *ibid.*, Feb. 21, 1970, p. 6. Rep. Thomas Avery explained how the rule worked in practice: "The so-called unit rule for local legislation is a cow made sacred by custom rather than by law. It allows for uncomplicated, speedy passage of legislation of particular interest only to the people of the affected county. . . . Legislation introduced under those conditions rarely comes to an actual vote in the General Assembly. The clerk of the House or Senate pulls a figure out of the air and records the measure as passed." "New Approach To Unit Rule," *ibid.*, Jan. 4, 1970, section 6, p. 4.

electoral structure, said the *Commercial Appeal*, was "at the top of the list for Shelby's lawmakers," but the paper shared the fears of prominent legislators that there were so many proposals and so much animosity that, in the confusion, nothing would be done.[329] House Republican Thomas Avery proposed a nine-person, all-district board, with three overwhelmingly black and six overwhelmingly white districts, while Senate Democrat Bill Farris favored an all-district board with either seven or nine members, but did not specify district lines.[330] Democrats, apprehensive that the boundaries of Avery's nine districts would shut white Democrats off of the board, accused him of rank partisanship and appointed a subcommittee to draw up another plan.[331] Responding in kind, Avery criticized the 11-person school board proposal two grounds. On the one hand, he contended that it contained only two black-majority districts; on the other, he charged that it "might lead to busing of school children through election of a combination of Negroes and white liberals." Democrat Bob Hawks proposed two plans: a 10-district, one at-large plan with three black-majority districts, and a 10-district, 3 at-large plan. In a rare show of unity between liberals and conservatives, black representative Ira Murphy and white Democratic Senator Edgar Gillock favored a seven district plan with no at-large seats and no runoff.[332] Black representative James I. Taylor was more concerned with the results than with the method of election. Since a majority of Memphis schoolchildren were black, Taylor insisted, the Board ought to have close to a majority of black members.[333] A three-hour delegation meeting "debated and bickered" and another conference the next day "churned about almost aimlessly" and ended in inaction and confusion, as a 9-8 majority insisted on adding a runoff provision to the school board's proposal.[334] At

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[329]"22 Men From Shelby," *CApp*, Jan. 11, 1970, section 6, p. 4; "School Board's Half-Step," *ibid.*, Jan. 19, 1970, p. 6; "Hard Row Seen For School Proposal," *ibid.*, Feb. 2, 1970, p. 23.

[330]"Legislative Plan Unveiled for 9-Member School Board," *CApp*, Jan. 13, 1970, p. 1; "Step Toward School Equity," *ibid.*, Jan. 14, 1970, p. 6.

[331]William Bennett, "Legislative Split on School Board Spurs New Effort," *CApp*, Jan. 21, 1970, p. 1; "Hard Row Seen For School Proposal," *ibid.*, Feb. 2, 1970, p. 23.

[332]William Bennett, "Legislative Split on School Board Spurs New Effort," *CApp*, Jan. 21, 1970, p. 1; Bennett, "Continued School Proposal Hassle In Dispute With Varied Causes," *ibid.*, Feb. 8, 1970, p. 1; "School Board Plan Deadlock Leads To Clash In GOP Ranks," *ibid.*, Feb. 8, 1970, p. 3.

[333]Lloyd Holbeck, "Little Legislative Support Is Found For School Board's Revision Plan," *CApp*, Feb. 1, 1970, p. 1.

[334]William Bennett "Bickering Tangles Move To Reshape Education Board," *CApp*, Feb. 4, 1970; Bennett, "Delegates Still stumble On School Bill," *ibid.*, Feb. 5, 1970, p. 1.

this point, Republican leader Rep. William Huettel proposed to give up and submit the whole matter to a citywide referendum.[335]

Finally, after several weeks of public, often nasty haggling, the school board, the city council, and the legislative delegation compromised by limiting the number of at-large seats on the Memphis Board of Education to two, but requiring that all nine members be elected by a majority vote.[336] The runoff provision, which Republicans and conservative Democrats insisted on, claiming that a plurality-win system might lead to "school busing, etc., which will cause the ruination and collapse of our education system," was the key to the compromise.[337] Blacks strongly opposed that provision, in the *Commercial Appeal*'s words, "because they feel Negro candidates would have little hope of winning an at-large seat in a runoff election."[338] Ira Murphy put it more bluntly. The majority vote clause, he said, was a "disenfranchisement gimmick" that would probably not have been included if black legislators had served on the compromise drafting committee.[339] As with the POP maintenance of some at-large elections, blacks were not, as LeRoy Clark, then president of the Memphis NAACP, commented, "completely satisfied." However, he went on, "Some kind of bill was needed to be passed . . . because the people of Memphis have made it clear they want Negro representation on the board of education." Black City Councilman Fred Davis, who had helped to draw up the provisions of an earlier bill which contained no runoffs, remarked that "I want it clearly understood that this bill is a compromise. In order to achieve some measure of long-overdue change, those of us who made the original recommendation agreed to this compromise."[340] The legislature as a whole demonstrated its racial temper by passing a bill, sponsored by Sen. Edgar Gillock of

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[335]William B. Street, "Ballots May Set School Plan," *CApp*, Feb. 7, 1970, p. 1.

[336]William Bennett, "School Board Bill Carries Optimism," *CApp*, Feb. 11, 1970, p. 1; Bennett, "House, Senate Approve 9-Member School Board With Runoff Provisions," *ibid.*, Feb. 20, 1970, p. 1.

[337]"GOP Returns Canale's Fire In Flareup Of Partisanship," *CApp*, Feb. 13, 1970, p. 1; David Vincent, "Legislators Show Disunity At Meeting On School Bill," *ibid.*, Feb. 15, 1970, p. 1; "Success On School Board," *ibid.*, Feb. 21, 1970, p. 6.

[338]"Optimism Lights Redistricting Plan For School Board," *CApp*, Feb. 9, 1970, p. 1.

[339]William Bennett, "School Compromise Brightens Outlook," *CApp*, Feb. 17, 1970, p. 1; "Canale Expresses Optimism On School Board Bill Accord," *ibid.*, Feb. 16, 1970, p. 19; "Success On School Board," *ibid.*, Feb. 21, 1970, p. 6.

[340]"Civic Leaders Happy With School Compromise," *CApp*, Feb. 20, 1971, p. 21.

Memphis, that authorized the state to cut off funds from any school district that bused children for racial balance.[341]

IX. METRO (AGAIN) AND REDISTRICTING, 1971

Because Tennessee's annexation law made it so easy for large cities such as Memphis to swallow up unincorporated territory, suburbs outside the city never quite outgrew it. As early as 1930, as Table 2 shows, 85% of the people in Shelby County were within the Memphis city limits. Suburbanization, offset by a nearly continuous set of annexations raised the percentage to 87 by 1970.

(Table 2 about here.)

Nonetheless, some city fathers still favored a city-county merger to consolidate services and capture the other 13% of the population. In 1970, a ten-member city-county Charter Commission containing many familiar faces was appointed. Albert C. Rickey, from the 1962 metro commission, chaired the 1971 committee, and he was joined by Lewis Donelson, city councilman and POP director, and Bill Farris, erstwhile mayoral and gubernatorial candidate. Two blacks, Walter Bailey, an attorney, and Odel Horton, who had replaced Hollis Price as president of LeMoyne-Owen, and five less well-known whites also served. After a year, they produced a 68-page revised charter.[342]

Under the proposed charter, the Council would have eight district and five at-large members, all elected under a majority vote requirement. The eight district seats, the *Press-Scimitar* remarked, "make sure that the Negroes can win at least three seats on the council this time since three of the eight districts are predominantly Negro."[343] The five at-large seats also offered blacks possible opportunities, because they would not be selected by numbered posts, but in a free-for-all, as the Commission had been before 1959.[344] If blacks voted in a bloc for

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[341]William Bennett, "Assembly Faces Backlog of Bills," *CApp*, Feb. 9, 1970, p. 13; Bennett, "Busing Ban Steamrollers Through Senate, 24-2," *ibid.*, Feb. 10, 1970, p. 1.

[342]Null Adams, "How City-County Merger Will Work if Citizens Adopt Charter at Polls," *PS*, March 27, 1971, p. 5.

[343]"Tomorrow Holds Key to Merger," *PS*, June 21, 1971, p. 4.

[344]Null Adams, "How City-County Merger Will Work if Citizens Adopt Charter at Polls," *PS*, March 27, 1971, p. 5.

fewer than five candidates, and whites split sufficiently, black-favored candidates might be able to win a majority of the reduced number of total votes (because blacks did not cast all of theirs) in the primary, avoiding hopeless at-large runoffs.

Nevertheless, the NAACP opposed metro again. "The racial policies of this community," the group argued, "aid and encourage whites to vacate the inner city and move to the suburbs. . . . [C]onsolidation of city and county government will encourage and permit those citizens of Memphis who have fled the city to continue to control the city, politically."[345] On the other end of the spectrum, some anti-busing activists charged that consolidating the county and city schools might lead to more and longer busing for integration purposes.[346] As in 1962, leaders of the county government, no doubt fearing the loss of their offices, also opposed the change. In County Court chairman Charles Baker's home precinct, the charter lost by 1054 to 112. Combined with heavy anti-metro margins in overwhelmingly black precincts and a generally light turnout in this special election, in which the consolidation question was the only issue on the ballot, metro lost again. Only the middle class area of East Memphis voted enthusiastically to back the business leaders' latest proposition.[347]

After the defeat of the Metro Charter in 1971, the City Council immediately turned to the task of redistricting the boundaries for themselves and the school board that had been drawn by the POP Charter in 1966. When the POP directors first made public the boundaries of their proposed seven districts, some racially concerned whites had protested. Appearing before the directors, one Leslie Birchfield presented an eight-member plan with two overwhelmingly black districts and six safe white majorities. "Mr. Birchfield said the plan's purpose is to decrease the likelihood that a Negro would be elected to serve a district with an equal racial population. The plan would reduce the number of registered voters in the seven board-recommended districts and create an eighth, the residents of which are predominantly white."[348] Having carefully crafted lines that blacks would accept, however, the POP directors ignored Birchfield.

By 1971, blacks safely controlled districts 6 and 7 in central and southern Memphis, and the African-American Fred Davis was the incumbent in the racially balanced district 4. In

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[345]"Consolidation Is Opposed by NAACP," *Memphis World*, May 1, 1971, p. 1.

[346]"Not Much Excitement Raised By Merger," *PS*, June 16, 1971, p. 16; "Busing Group Neutral on Merger," *ibid.*, June 17, 1971, p. 8.

[347]William B. Street, "County Voter Opposition Provides Stumbling Block For Consolidation Drive," *CApp*, June 23, 1971, p. 1.

[348]William J. Miles, "Attack Expected on Progress Plan," *CApp*, June 14, 1966.

addition, the black proportion of district 1, centered in Frayser, was approximately 40% and rising. Although the redistricters of 1971 appear to have made no public statements like Mr. Birchfield's, their actions speak loudly of their motives. Over 8500 registered black voters were moved from district 1 to district 7, and over 3000 registered whites were shifted from district 7 to the overwhelmingly white district 5.[349] Although the evidence is, at present, rather sparse, such "packing" of minorities into a small number of districts and two-stage shifts of population have been taken in other instances as evidence of racially discriminatory motives in redistricting.[350]

X. ALTERNATIVE EXPLANATIONS

Accepting one explanation, even tentatively, logically implies that one rejects other explanations. Considering other hypotheses explicitly makes the analyst more self-critical and careful, and gives the reader confidence in the author's judgments - or reason for skepticism.

Although only one scholar seems to have published any explanation of the events considered in this paper,[351] similar happenings in other places have been studied, and various alternative explanations have been put forth. The first might be termed the "civic virtue hypothesis": Electoral laws are framed by disinterested reformers who merely want to "do good" or achieve some abstract ideal, such as a more democratic or efficient polity, or the election of people with a "community-wide viewpoint." In this case, newspaper editorialists and such people as Henry Loeb and Hugh Bosworth claimed that it was a devotion to "majority rule" that caused them to favor at-large elections or runoffs. In a letter of protest against the filing of this case, Jack H. Morris, a key participant, as well as a newspaper reporter for the *Commercial Appeal* during the period when the POP Charter was framed, retrospectively, and with this lawsuit pending, saw the POP as resulting "from the tireless efforts of a number of good men and women, both black and white, to create a fairer and better government."[352]

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[349]Ripy, "Changes in the Formal Structure of Municipal Government," p. 85.

[350]See Kousser, "How To Determine Intent," sections I-III.

[351]Tucker, *Memphis Since Crump*, pp. 100-117.

[352]Morris to Attorney General Dick Thornburgh, March 17, 1991, an attachment to Affidavit of Jack H. Morris in *Muhammad, et al.* v. *City of Memphis*, July 18, 1991.

The second, closely related thesis stresses that compromise is necessary in an imperfect world, especially a world less enlightened than our own. In 1966, when the runoff and POP charter were instituted, for example, was it not a triumph to desegregate Memphis officeholding at all, even with two or three members out of thirteen? Jack Morris's 1991 letter also puts forward this thesis, which he does not distinguish from the pure civic virtue hypothesis. One of the POP Commission's "objectives from the start was to provide a system of government in which blacks *could* hold elective office. . . . It was always recognized, and supported, that districts would bring blacks into city government for the first time."[353] Again, in 1970, was it not a progressive step to add district seats, a few of which would certainly be filled by blacks, to the Board of Education? Could these changes, which allowed blacks to share political power for the first time in Memphis, have been motivated by racially discriminatory purposes?

A third, less starry-eyed explanation admits that self-interest often motivates rule-makers, but claims that, at least in particular cases, they wished only to preserve their own political careers or to assist those of members of their political party or social class. They were, in this view, indifferent to the race of their opponents.

Another familiar contention is that the effects in question were unforeseen and therefore necessarily unintended. Numbered posts might have been adopted for reasons of efficiency, for instance, without their framers meaning for blacks to be adversely affected by the change. The runoff might have been inspired by William Ingram's 48% margin in 1963 and the temporary consternation that more settled souls felt about the disorderly wrangling that marred city government during the Ingram administration.

Let us consider the "do gooder" explanation first. High-flown rhetoric has always been used to justify electoral rules, from those establishing monarchies or aristocracies to property qualifications to racial disfranchisement.[354] In his opening address to the 1898 Louisiana constitutional convention, which had been called to disfranchise as many blacks and white Populists as possible, President Ernest Kruitschnitt proclaimed: "My fellow-delegates, let us not be misunderstood! Let us say to the large class of the people of Louisiana who will be disfranchised under any of the proposed limitations of the suffrage, that what we seek to do is undertaken in a spirit, not of hostility to any particular men or set of men, but in the belief that the State should see to the protection of the weaker classes; should guard them against the machinations of those who would use them only to further their own base ends; should see to it

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[353] *Ibid.*

[354] See Kousser, "Suffrage," in Jack P. Greene, ed., *Encyclopedia of American Political History* (New York: Charles Scribner's Sons, 1984), III, pp. 1236-58, especially p. 1244.

that they are not allowed to harm themselves. We owe it to the ignorant, we owe it to the weak, to protect them just as we would protect a little child and prevent it from injuring itself with sharp-edged tools placed in its hands."[355] Even Kruitschnitt did not engage in the sort of crude race-baiting that so often dominated political stump speeches of the era, and he oozed paternalistic concern for the less fortunate and devotion to the higher good of the society. Yet no one today would doubt, and surely no one in 1898 doubted, that Kruitschnitt and the rest of the members of the Louisiana disfranchising convention were motivated by a racially discriminatory purpose when they adopted literacy and property qualifications, a poll tax, and a grandfather clause exemption. Patently, Kruitschnitt's language represented a not very subtle attempt to prettify racist acts.

Was the "majority rule" phraseology employed by the proponents of at-large elections and runoff requirements in Memphis in the period after 1955 just a similar example of decorative rhetoric? Because it is the one scholarly book to treat Memphis politics during this period, and because it is especially sympathetic to the "civic reformers," it is appropriate to devote particular attention to David Tucker's *Memphis Since Crump*. Although Tucker does not examine the motives for the adoption of the designated post or majority vote requirement, and does not specifically comment on the reasons for the maintenance of at-large elections in the 1966 POP charter or the 1970 school board law, he does devote a paragraph of his 172-page book to the decision of the 1962 Metro Charter Commission to substitute at-large elections for the originally proposed district elections for the council and school board. While admitting that blacks believed that the decision was "anti-Negro," Tucker contends that it "represented the chamber [of commerce]'s abstract political theory, shared by reformers such as Lucius Burch, that at-large elections would avoid corrupt ward politics and insure the election of men who would never put the needs of their own district above the welfare of the entire community. To be sure, at-large campaigns were expensive and more likely to elect financially able candidates from the chamber of commerce, but *not all chamber representatives sought to exclude blacks from office*."[356] How strong is Tucker's argument?

It is important to note, first, what Tucker does *not* claim. He does not discuss the purposes of designated posts or the runoff here or elsewhere in his book, and he might well admit that such provisions were racially discriminatory in purpose, even if he thought that the at-large

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[355]Quoted in Kousser, *Shaping of Southern Politics*, p. 164. Such quotations could be multiplied easily.

[356]Tucker, *Memphis Since Crump*, p. 108. Italics supplied.

scheme was not. After all, the principal theme of his book is "the central role of race."[357] Moreover, it is difficult to imagine how numbered posts or runoffs would discourage corruption or parochialism. Therefore, whether or not avoiding corruption or parochialism were the goals of reformers, these objectives can at most explain the maintenance of at-large elections.

Even more important, Tucker admits indirectly that at least *some* Charter Commission members wanted to exclude blacks from office. Among those who did not, he mentions only Stanley Buckman, who proposed that the Charter Commission temporarily appoint acceptable blacks to two of the twelve positions on the council.[358] Since the vote in the Charter Commission to substitute at-large for district elections was 6-4, the switch of one of the Chamber appointees would have resulted in a tie vote, and that of two would have resulted in a proposal with at least ten districts. Even if racial concerns moved only a few of the Chamber members, then, their role was pivotal, tipping the decision toward at-large elections. Under commonsensical notions of causation, then, racially discriminatory intentions caused the maintenance of at-large elections in this instance, even if Tucker's contention is fully accepted.[359]

But the stances of even the most liberal of Memphis's reformers, such as Hunter Lane, Stanley Buckman, and Lucius Burch, led inexorably to racially unequal political outcomes, as they were fully aware. All three realized, as every political observer in Memphis did at the time, that except in the most unusual cases, whites would fill every at-large seat, and that majority vote requirements and anti-single shot arrangements disadvantaged black candidates. "The Negro electorate is justifiably suspicious and distrustful of the degree to which their interest will be protected by the general constituency," Burch told a POP hearing. "In order to obtain Negro support, which is absolutely necessary for the approval of the charter, there must be some representation by districts. . . . Burch conceded that a runoff law would make it hard for a Negro to be elected."[360] The reformers knew that few whites in Memphis would vote for a black, however well qualified. Indeed, Buckman had taken a leadership role in the stop-Sugarmon campaign of 1959, and neither Lane nor Burch had spoken out against this effort.

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[357]*Ibid.*, p. xi.

[358]*Supra*, section IV.B.

[359]For a much more extensive discussion of the logic of such matters, see Kousser, "How To Determine Intent," section V.E.

[360]Lucius E. Burch, Jr., "New Government Plan Needs Added Safeguards, Burch Says," *PS*, April 14, 1966, p. 8; Charles A. Brown, "Four Issues Debated by POP," *ibid.*, April 15, 1966, p. 1.

Even if they acted out of some "abstract idea," then, they were fully mindful of the fact that one consequence of that idea was to deny blacks an equal opportunity to elect their most preferred candidates.

But, of course, the "reformers" did not act alone. Indeed, they were not the chief actors. Burch, Lane, and Edmund Orgill never served on a Charter Commission or as POP directors, and Burch never held important elective office at all. The major actors were politicians such as Henry Loeb, Wyeth Chandler, and Hugh Bosworth, and they were more open about their racially discriminatory motives in pushing for numbered posts, the runoff, and the continuation of at-large elections. All three built their careers on the "white backlash," and their statements make clear that when they spoke of "majority rule," they explicitly meant the *white* majority.[361]

Along with the most staunchly segregationist politicians and at least some of the white liberals, the *Press-Scimitar* and *Commercial Appeal* and their editors avidly participated in the campaign against Sugarmon, Hooks, and the other blacks on the "Volunteer Ticket" in 1959, and, of course, neither paper endorsed Willis for mayor in 1967. The *Commercial Appeal* was especially vocal in its support for the school board's foot-dragging on integration. Both papers laced their editorials on the subjects of at-large elections, designated posts, and runoffs with patronizing lectures to blacks advising them to abandon their insistence on electing candidates of their choice for the good of the (white) majority in Memphis. Both explicitly recognized, time and time again, that designated posts, at-large elections, and runoffs disadvantaged black candidates, and they distorted history or ignored the facts of recent elections, of which they must have been keenly aware, in order to reach the predetermined conclusions of their editorials. When considered in the context of the elections and other events during the period, then, the newspaper editorialists' rhetorical devotion to "majority rule" does not provide evidence for the importance of non-racial motives in the adoption or maintenance of the electoral devices in question.

It is for good reasons that historians generally try to place single events in the context of their times and that Congress and the Supreme Court have declared that voting rights cases should be decided on the basis of "the totality of the circumstances."[362] Events in the same place at roughly the same time are often connected, and the actions of one person or group often make more sense when other actions of the same individual or group are considered. Roy Love's near victory in 1955 and S.A. Wilbun's legislative campaign in 1958 raised expectations

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[361]See *supra*, sections II.C. and VIII.

[362]See *White* v. *Regester*, 412 U.S. 755, at 769 (1973); Senate Report No. 417, 97th Cong., 2d Sess., 27-31 (1982); Kousser, "How To Determine Intent," sections V.C.-V.F.

in the black community, which led to the "Volunteer" campaign, and fears in the white community, which led to designated posts and attempts to institute runoffs. The 1959 elections reaffirmed the push for runoffs and showed that even outstanding black candidates could expect few white votes and little chance in at-large elections. The defeat of metro in 1962 led reformers to involve blacks in the POP, to agree to at least some districts, and to disconnect the runoff issue from the more general charter change. Blacks opposed maintaining at-large elections, as they opposed runoffs, because recent experience and simple political logic taught them that these schemes, when employed in a racially polarized electorate such as Memphis's, prevented them from electing their candidates. The sanitation strike and school boycott so traumatized city leaders, black and white, that whites finally agreed to add districts to the school board. Everyone fully realized that blacks could not win even token representation on the board as long as all of the seats were elected at-large, and that even the 1970 revisions would result in no more than three black seats out of nine. The more general point is that the consideration or passage of any of the electoral laws in Memphis during this period must be seen in relation to all the other political events of the period. That is the chief failure of Tucker's analysis of the 1962 at-large decision on the Charter Commission and of Jack Morris's defense of his own and others' actions 25 years later, and it is the chief reason for interspersing analyses of elections with those of election laws in this paper.

The "compromise" or "progressive step" hypothesis is perfectly compatible with the notion that the election laws were changed or maintained for racially discriminatory purposes. First, it offers no non-racial justification for designated posts or majority vote requirements, which must either be ignored or explained on some other basis if the racial discrimination explanation is to be rejected. Second, if the racial opinions of elites or the white public were so conservative during the 1950s and 1960s in Memphis that only small steps toward racial equality could be taken, then the *maintenance* of at-large elections for six city council and two school board seats must logically have been the result of white racial concerns. Even if Mr. Morris and the POP Charter group were as perfectly virtuous as he now supposes, if they kept six seats at-large knowing the racial consequences of their act, at least partially because of a belief that less racially tolerant leaders or members of the public would oppose the POP Charter if it allowed blacks "too much" power by adopting a plan with a higher proportion of districts, then their actions were taken because of racial considerations. In fact, there is overwhelming evidence from statements of the time from both whites and blacks that at-large elections were continued with the expectation that they would be filled exclusively or nearly exclusively by whites, and that many white leaders favored them *because* of that understanding. Proponents of this thesis cannot have it both ways: If districts were introduced to allow blacks some

representation, then, unless there was some other compelling reason to do so, at-large seats must have been maintained to reinforce white control of the vast majority of the seats.

The individual or group self-interest thesis also admits too much and ignores too much. It admits that white political leaders and electoral law reformers wanted to protect their individual, partisan, or class interests (Buckman's desire for a part-time council of affluent businessmen and professionals), but denies that such protection required discrimination against blacks. In a racially polarized polity, however, the careers of individual white politicians might be endangered if blacks enjoyed equal political opportunities. Very few blacks met Buckman's criterion of affluence and free time, and those who did, especially if they attained their positions by being anointed by whites, were hardly likely to be the choices of the black community. Most of all, the explanation asks us to overlook the major political, social, and economic fault line in the community, to blind ourselves to the fact that racial conflicts dominated the politics of the time in Memphis, to believe that politicians who had to be precisely attuned to racial nuances to survive in office entirely ignored racial considerations when drafting electoral laws.

The unintended consequences hypothesis is the least plausible alternative. When newspapers, black leaders, and other white politicians were constantly stressing the racial consequences of changing or maintaining electoral laws, how could the framers of those laws (who were usually politicians themselves) have been ignorant of these implications? Indeed, the number of "smoking gun" statements connecting electoral laws to racial motives and consequences is larger in this case than in any other voting rights case with which I am familiar. At best, the politicians could have considered those consequences and decided to go ahead for other reasons. But, as shown above in the discussion of the civic virtue hypothesis, every other reason that the framers may have had for acting included racial considerations on the part of crucial decision-makers.

None of the four alternative hypotheses about changes in or maintenance of electoral laws in Memphis during the years from 1959 through 1970 accords nearly so well with logic and facts as that of racially discriminatory purpose.

Table 1: Registration and Turnout Figures in Memphis and Shelby County

Year	Total Registration	Black Registration	%Black Registration	Turnout
1895	—	3,641[1]	35.5	—
1914	—	8,000[2]	—	—
1916	—	10,612[3]	—	—
1927	—	12,000[4]	—	—
1951(early)	—	7,000[5]	—	—
1951(Aug)	104,671	19,608[6]	18.7	25,000(est.)
1955	159,513	38,847[7]	24.4	86,370
1959	187,541	57,109[6]	30.5	129,286
1960	—	76,000[8]	—	—
1962	—	77,000[8]	—	—
1963	206,171	69,697[6]	33.8	121,665
1964	—	93,000[8]	—	—
1966(July)	268,171	86,678[9]	32.3	
1967	235,505	80,033[6]	34.0	146,158
1971(June)	289,487	94,782[10]	32.7	
1971(Aug)	302,266	99,435[6]	32.9	155,766
1975	336,287	117,000[11]	34.8	169,646

1. Joel Roitman, "Race Relations in Memphis, Tennessee, 1880-2905" (unpub. M.A. Thesis, Memphis State Univ., 1964), p. 136.
2. William D. Miller, *Memphis During the Progressive Era* (Memphis: Memphis State Univ. Press, 1957), p. 172.
3. Lester C. Lamon, *Black Tennesseeans, 1900-1930* (Knoxville: Univ. of Tenn. Press, 1977), p. 56.
4. Walter P. Adkins, "Beale Street Goes to the Polls." (unpub. M.A. Thesis: Ohio State Univ., 1935), p. 42.
5. William E. Wright, *Memphis Politics: A Study in Racial Bloc Voting* (New Brunswick, NJ: Rutgers Univ. Press, 1962), p. 6.
6. Thomas B. Ripy, Jr., "Changes in the Formal Structure of Municipal Government and Their Effect on Selected Aspects of the Legislative Process: A Case Study of Memphis, Tennessee" (Unpub. PhD. Thesis: Univ. of Kentucky, 1973), p. 99.
7. *Memphis Commercial Appeal*, Aug. 20, 1959.
8. Harry Holloway, *The Politics of the Southern Negro* (N.Y.: Random House, 1969), pp. 284, 288-89.
9. *Memphis Press-Scimitar*, July 11, 1966, p. 1.
10. *Memphis Press-Scimitar*, June 21, 1971, p. 4.
11. John Thompson Daniel, "Memphis 1975: The Campaign Strategy of a Black Political Candidate" (Unpub. Senior Thesis: Southwestern Univ.), p. 54.

Table 2: Basic Population Characteristics in Memphis and Shelby County, 1880-1980

Year	Memphis		Shelby County Outside Memphis		% of Shelby Population
	Population	Percent Black	Population	Percent Black	in Memphis
1880[1]	33,573	56.0	44,838	64.7	42.8
1890[2]	20,061	38.8	10,931	48.1	64.7
1900[2]	31,405	45.4	12,438	50.9	71.6
1910[2]	44,309	38.9	15,786	44.9	73.7
1920[3]	107,868	39.4	31,521	43.7	77.4
1930[3]	167,868	39.0	27,553	41.2	85.9
1940[3]	200,352	41.5	39,565	47.0	83.5
1950[3]	264,888	35.5	47,457	35.9	84.8
1960[3]	294,534	37.1	64,748	33.7	82.0
1970[4]	398,370	34.1	61,879	21.0	86.6
1980[4]	501,532	40.5	40,105	21.0	92.6

1. All ages, both sexes
2. Males over 21 years old
3. Males and females over 21 years old
4. Males and females over 18 years old