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U. S. COMMISSION ON CIVIL RIGHTS

A Report by the
Tennessee State Advisory Committee
to the
U. S. Commission on Civil Rights
Open Meeting
March 17 - 18, 1971
Somerville, Tennessee

TENNESSEE COMMITTEE

to the

UNITED STATES COMMISSION ON CIVIL RIGHTS

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PREFACE

The United States Commission on Civil Rights

The United States Commission on Civil Rights, created by the Civil Rights Act of 1957, is an independent agency of the executive branch of the Federal Government. By the terms of the Act, as amended by the Civil Rights Acts of 1960 and 1964, the Commission is charged with the following duties: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to denials of equal protection of the law; maintenance of a national clearinghouse for information respecting denials of the equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

The State Advisory Committee

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the 1957 Civil Rights Act (as amended). The Committees are made up of responsible persons who serve, without compensation, to advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission upon matters of mutual concern in the preparation of Commission reports to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon pertinent inquiries the State Committee conducts in public or private sessions; initiate and forward advice and recommendations to the Commission on matters in which the Commission shall request the assistance of the State Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

This report was submitted to the United States Commission on Civil Rights by the Tennessee State Advisory Committee. The conclusions and recommendations are based upon the Advisory Committee's evaluation of information received at its 2-day Open Meeting on March 17-18, 1971, in Somerville, Tennessee. This report has been received by the Commission and will be considered by it in making its reports and recommendations to the President and Congress. In reading the report, it must be kept in mind that it reflects conditions practices, and information at the time of the Open Meeting.

Persons desiring further information may obtain a transcript of the Open Meeting from the Office of Community Programming, U. S. Commission on Civil Rights, Washington, D. C. 20425, or the Commission's Southern Regional Office, 75 Piedmont Avenue, Room 362, Atlanta, Georgia 30303.

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INTRODUCTION

Over a decade ago, the black citizens of Fayette County, Tennessee, decided that the ballot box was the key to an equal and open society. Voter registration efforts, however, resulted in a severe retaliation by the white community. The wholesale eviction of black tenant farmers from white-owned farms started "tent city". Black families soon found themselves cut off from the "credit system" of the country stores. White "nightriders" harassed and brutalized the black community. Despite ensuing Federal legislation and investigation, the racial tenor of Fayette County remains much the same.

The attention of the Tennessee State Advisory Committee to the U. S. Commission on Civil Rights was first directed to Fayette County in the winter of 1970, when three black women were severely beaten by two white men. According to accounts the Commission received, Vernelle Hobson, a black secretary in the Farmers Home Administration office in Somerville, was driving on a country road when a car approached from the opposite direction. Since the road was narrow, the other driver, Jerald Pulliam, a young white man, was forced to yield. Pulliam and Miss Hobson exchanged words as the vehicles passed.

Jerald Pulliam returned to his father's store in Somerville and complained that Vernelle Hobson had "talked back" to him. Pulliam and his father then drove to the Hobson's home and severely beat Vernelle Hobson, her sister, and her elderly mother.

After the Hobson's persistent attempts to have the incident investigated, the county sheriff finally arrested the Pulliams, only to release them a short time later on a low bond. Jerald Pulliam, a minor, was tried, convicted, and released on probation to his father. The elder Pulliam was not indicted.

The blacks of Fayette County made a militant response to this obvious display of a dual standard of justice. They began to boycott downtown merchants and hold marches. The Tennessee Commission on Human Relations, a State Agency, attempted to act as a mediator in the impending crisis, but with little success. Instead, local law enforcement authorities called "special deputies" to intimidate the human relations staff.

At this time, the U. S. Commission on Civil Rights received a request from citizens in Fayette County to investigate the situation. Commission staff made a field trip to Fayette County and recommended that the Tennessee State Advisory Committee hold an Open-Meeting which was scheduled for March, 1971.

Although the initial crisis was over by the time of the Open Meeting, the State Advisory Committee found that the conditions and issues which led to the incident were the same. The black community continued to express extreme dissatisfaction with county law enforcement. The elections in September and November 1970, had renewed the question of equal voting rights. The new school year had brought increased problems in desegregation and equal education.

The Open Meeting was held in Somerville, Tennessee. The Committee found there was extreme reluctance on the part of the white community to cooperate with its investigations. Jimmy Boulding, Fayette County Sheriff; Paul Burrows, the Somerville Chief of Police; and Wyatt Wilkinson, chairman of both the Fayette School Board and the Election Commission, refused to testify. The only white witness at the meeting was Mrs. Alice Cogbill, acting director of the local Community Action Program.

The Committee did receive testimony from over 30 members of the black community, including parents, children, teachers, farmers, and businessmen.

VOTING RIGHTS

Black citizens in Fayette County, Tennessee finally acquired the right to vote in the mid-1960's. At that time, seven black magistrates were elected to the quarterly court, the governing body for Fayette County. Although these magistrates had difficulty occupying and maintaining their positions, blacks have been on the court since that time. At the time of the Open Meeting, there were five blacks out of the 37 quarterly court magistrates. The right to vote, however, remains a crucial issue for the black community in Fayette County.

In Tennessee, elections are conducted by the Election Commission, a five-member body appointed by the Governor. At the time of this meeting, Fayette County, which is 70 percent black, had an all-white election commission. Word was received later, though, that the Governor had appointed a black to this commission.

Despite the fact that black citizens have been election officials in Fayette County since the mid-1960's many persons feel that strong barriers to equal voting rights still exist. Black election officials are appointed only in predominantly black districts, and only on a token basis. No black has ever been the chief election judge (the person who transports the ballots from the poll to the courthouse where they are tallied). Registration hours (Monday, from 8 a.m. to noon and from 1 p.m. to 4 p.m.) are needlessly inconvenient, particularly for rural blacks. Members of the State Advisory Committee pointed out at the Open

Meeting that setting poll times in a way that discriminates against any group is a violation of the Voter Rights Act. Harpman Jameson, a farmer and former director of a voter registration drive, said: "Registering and voting is against the working man in the county." Most working people in Fayette County cannot afford to take time off to register. Even the workers in the garment factory near the registration area cannot register, because the office is closed before and after working hours, and during their lunch hour.

Squire Morman, a farmer and civil rights worker, explained additional voting problems black citizens face in Fayette. In his precinct, which is predominantly black, the poll judges are white, and a volunteer committee of black citizens has been prevented from monitoring the vote count after the polls close.

He also explained a more subtle barrier:

And the biggest thing, something we didn't like, even after going down to vote, if you have a card, your card didn't amount to nothing. You could show your card and if they didn't find your name on the book, you still couldn't vote. And so the same book that your name was in that when you go back to Somerville, you go back to check it out to see what was wrong with a certain person that the official couldn't find his name. Well, the people that register you look right over there and they say 'here it is ... the name ... I don't see why they couldn't find it.' Say, 'it is plain as day. Somebody can't read down there.' So, they will find it just that quick, and at the same time the people would come out very confused because they couldn't vote, and nobody could find their name.

Even if the black citizens of Fayette County can overcome the barriers to registration, voting still remains difficult. Polling places are often

in privately owned buildings, and inside campaigning is done openly. Ballot boxes are used instead of voting machines, despite a State law requiring machines. Polls are only open from 9 a.m. to 4 p.m. , excluding the majority of the working people.

The major fear of the black citizens of Fayette County, however, is the intangible--blacks are prevented from being poll watchers. Because they are also excluded from the vote tallying, the black citizens are unable to prove or disprove election results.

They are also concerned with the lack of interest the Federal Government seems to have taken in their plight, particularly in recent years. Mr. Jameson discussed the response of the Department of Justice to voting rights complaints: "For the last couple of years we haven't had too much cooperation, but up until the last few years we had pretty good support. The last few years we haven't had any."

LAW ENFORCEMENT

The Committee, while investigating police-community relations in Fayette County, found an appalling distrust and fear of the police on the part of the black community. Mrs. Robert Horton, vice president of the Fayette County NAACP, explained why two witnesses invited to the Open Meeting would not appear:

. . . These two other people are supposed to be here. They aren't coming. They are afraid. They don't have anywhere to move to and I think it has been made very clear about certain things. . .

Mrs. Horton's son Carl, one of the first blacks to desegregate a white high school 6 years ago, stated that he would never ask police for help because he would probably receive a beating rather than assistance.

Mrs. Horton also told of an encounter her husband had with the county deputies. As Mr. Horton was returning home, he was stopped by a deputy who was searching a car and blocking the road. The deputy asked for Mr. Horton's driver's license, then "cursed him, and jerked him out of the car, and told him to get in his car". The deputy arrested Mr. Horton for DWI (driving while intoxicated). Mrs. Horton stated:

. . . he was sober when he was arrested--about half a mile from his house, our home. He was going to get a loaf of bread. . .

I got my attorney, Russell X. Thompson, and he was told by the sheriff's department and Judge Summers, 'Well, we are going to drop DWI and just give you a small fine.' Instead, that was almost \$200, plus they took his driver's license and we don't know for how long, or where they are at this time, which has been more than a year ago.

Mrs. Essie Myles, a housewife, explained some of the search tactics that the police use in the black community. Mrs. Myles was visiting friends when the police entered and began searching the house for a suspect. They then left, heading for Mrs. Myles' house. Mrs. Myles followed them, but by the time she arrived, they had already kicked the door open and entered. She questioned the police, and was told that they had a warrant, and that they had entered because no one had opened the door. Mrs. Myles was never shown the warrant, however.

Prior to the Open Meeting, staff investigations uncovered evidence of police brutality that seemed to justify the fears of the black community. Two young men were picked up by the sheriff's department for questioning, but were never formally charged. They were held for over 24 hours and not allowed to make a phone call. These two men told Commission staff that there was another black prisoner in the same "stall" in the jail. This other prisoner, according to the two men, was beaten each day by jail personnel. Investigating further, though, Commission staff were informed that the two men who were just released would be in serious jeopardy if they were to testify openly about this.

There is also a strong fear in Fayette County that elements in the white community hire "thugs" to harass and attack black citizens who were identified with the civil rights movement. John McFerren, a black businessman in Somerville, is also chairman of the Original Fayette County Civic and Welfare League. While in town on business, McFerrin was accosted and chased by several black youths. After pursuit, he was

caught and severely beaten. A nearby State trooper offered no help. His attackers, when apprehended, were fined \$5 each. There is a strong feeling in the black community that this beating was instigated by members of the white community.

The Committee found it interesting, in view of the strife and tension that exist in Fayette County between the police and the black community, that the only police officer who had the trust and confidence of the black community was fired. Robert Bobbitt, who has spent 14 years in law enforcement, was the police chief of Rossville. Prior to that, he was the deputy sheriff of Fayette County. The black community felt that Bobbitt was fair and just, but the white community saw him as "soft on blacks."

Mrs. Horton explained what happened to Robert Bobbitt:

. . . He was a man that could get along with blacks and he didn't arrest blacks. If something was going wrong, he would go to him and warn him for the first time, and with that, we had a peaceful Rossville.

For this reason, and I am quoting Mr. Bobbitt now, he was told that he was going to be fired as of the first of the year, because he didn't bring in enough money for the town. . . but the police situation there in Rossville now is bad, and when I say bad, I mean real bad.

It was unfortunate that police officials (the Somerville Chief of Police and the Fayette County Sheriff) invited to participate in the Open Meeting did not appear to present their testimony.

The State Advisory Committee only considered the question of equal protection under the law in consideration with other problems in Fayette County. Segregated jail facilities, the limited authority granted the few black policemen in the county, the use of Law Enforcement Assistance Administration grants, and numerous other problems of the black community in connection with the administration of justice were briefly touched upon, leaving serious doubts in Committee members' minds as to the equality of the administration of justice in Fayette County.

EDUCATION

Fayette County schools were first desegregated approximately 6 years ago. In September 1970, however, the county school system was given a Federal order to implement a total desegregation plan. Many white parents responded to this integration by placing their children in private segregated academies, a pattern which seems to be prevalent throughout the South. In Fayette County, there are approximately 6,000 black and 1,600 white children of school age. It was estimated that 200 of the white children attended desegregated schools, while the other 1,400 attend the five private schools in the county.

In many cases presented at the Open Meeting, it was difficult to obtain exact information on educational problems and programs since both the school superintendent and the school board chairman did not attend. Information was presented, though, by parents, students, principals, and teachers.

Principals

Prior to the 1970-71 school year, there were two high schools in the county--Fayette County High School (white) and W. P. Ware High School (black). The desegregation order combined these into one school with two campuses, Fayette becoming the "north campus" and W. P. Ware the "south campus." A white "overall" principal was brought in to supervise the two campuses. The black and white principals of the campuses retained their positions under this supervision.

Several other county schools were closed, all of them black. The principals of these schools have usually either left the system or returned to teaching. A few have been placed as principals in new consolidated schools, often with notable limitations. Howard Walker, formerly the assistant principal at Ware High School, applied for a position as principal at one of the new schools. During the summer of 1969, he was informed by the superintendent that he had received the position of principal of the Southwest Elementary School. He was also told that a white man had been chosen assistant principal. Later that summer, he learned that this had been changed, and that he would instead be a "co-principal" in charge of administration, while the white man would control instruction.

Teachers

Miles Wilson, president of the local chapter of the American Federation of Teachers, explained one of the more severe problems that black teachers encounter in the Fayette system:

. . . This is my fourth year in Fayette County School System, and last April I was relieved from my duties here in Fayette County School . . . We had heard rumors that all of the black, single males would be eliminated from the high school area in order to keep them from coming in contact with white students, white females, per se, and this rumor became true in April.

We received a letter stating that we would no longer be employed by the Fayette County School System, and the reason was because of our non-tenure status, and this was all the letter stated. We filed a Federal suit in Federal Court in Memphis last summer, and we were reinstated last October.

Wilson also told the Committee that there were no white male teachers without tenure who were terminated.

Haywood Brown, a parent, told the Committee that 42 teachers were not rehired last fall. These teachers were all participants in the civil rights demonstrations in the winter and spring.

Because of the massive transfers of both students and teachers, and the patterns of racial hostility and misunderstanding, the Committee attempted to determine what sort of in-service training was available to help school personnel adapt to system changes. Charles Lee, a French teacher who alternates between north and south campuses, said that in-service training in the Fayette system consisted of approximately 4 days, during which time "several people--usually Ph.D.'s or somebody in that particular category--come out and attempt to orient us in some fashion as to how to approach and accept, and possibly handle, the problems in a desegregated situation." The training, Mr. Lee continued, "is usually superficial, quite superficial. We work in the county here, and we are aware of the white teachers' feelings, as they are aware of ours, and you don't get very much honest discussion."

Teacher-student communication is definitely a problem in Fayette. Charles Lee said that no white teacher who taught on the south campus lives in Fayette County. Miles Wilson pointed out that the majority of the teachers who work with predominantly black classes send their own children to the private academies, as do many members of the school board.

Students

Inevitably, the victims of racism and repression are the children. In Fayette County, black children have been penalized for years under a "separate but equal" education system. These students, although now theoretically receiving an equal education, are often convenient targets for those within the school system who resent desegregation.

Mrs. McFerren told the Committee that the suspension rate among black students seems to have risen drastically since desegregation:

We have all kinds of things happening at school. Now, I am sorry I can't give you names at this time, but I have never heard of students being put out of school so much before in my life. Just little petty things. For example, one little girl told me she was suspended for 3 days because she was caught sleeping in class.

Charles Lee said there was a fight between a black and a white.

The black student was expelled; no disciplinary action was taken against the white student.

Mrs. McFerren also stated that unusually cruel punishments were given to black students:

Then, I heard a parent say that her little beginner child was punished by a white teacher by being sent to the bathroom and that the bathroom door was locked and school was ended for the day, and everybody went home and the child didn't come home on the bus. And the parents started looking for the child and couldn't find this child. Then, way by the by, this teacher, after she had gotten into Memphis--I assume she called somebody out here and told them to go up to the school and unlock the bathroom door and let the child out.

Magnolia Horton, a junior on the north campus of the Fayette-Ware High School, informed the Committee that extracurricular activities were

extremely limited since desegregation. The organization of a student government was delayed until February. A speech club could not use free periods for membership auditions.

Mr. Lee also explained extracurricular activities:

. . . You make me laugh here. There are no extracurricular activities. There are assemblies in the morning, during the activity periods where there is a little time before class starts, but if you have reference to dances, or socials, or--well, anything along those lines, then you don't have it.

Magnolia Horton also explained that the system maintained sexual segregation in school activities.

And we have some trouble on the buses. It is what we call segregation because the boys have to sit on one side and the girls have to sit on the other, and in our condition, there are more girls in our bunch than boys, and we have to cram in one seat on top of each other if we don't want to stand up.

Programs and Policy

The Fayette County School System has availed itself of a number of Federal programs, particularly Title I and the Emergency School Assistance Program (Title 45). The Committee was unable to obtain accurate information on the utilization of program monies, however, since the school officials who control these programs did not attend the Open Meeting. Teachers and principals who would normally be familiar with these are uninformed and in fact, excluded from knowledge of such programs. Mr. Lee stated that the only way he was aware of Title I was through a discussion with an assistant superintendent who mentioned that there were Title I funds in the county. He also attested that, from the little

he knew of the use of the funds, it appeared that private academies were benefitting as much as the public schools.

The Emergency School Assistance Program (ESAP) denies grant monies to school systems which sell or transfer public property to private, segregated academies. Despite the fact that Fayette County receives these funds, the school superintendent testified in Federal Court during a desegregation case that the school board sold some buses and facilities to the private schools in the spring of 1970.

Miles Wilson presented further information concerning the use of ESAP funds in the county schools:

I had an opportunity to read the application (for Title 45 money) of the school board, filing an application for this money, and I haven't talked to anyone in official capacity about using the money for this purpose. I attended a meeting on Monday composed of students; in the application the school board stated they would use some of this money to try to get a better relationship in the community. What they are doing is having a group of students come in and talk about different problems. . . .

I think they pay these students \$10 for this, and they probably put this on the record and offer it to the Federal men to try to show that they use this money to try to better the relationship, but I don't feel this is serving the purpose.

Participants felt, however, that one of the major problems with the Fayette County School System was the lack of black participation in overall school policy decisions. Mr. Wilson explained this:

Because of the setup and because of the black people here in Fayette County not being able to have a voice in policymaking, you don't really know what is going on up there.

. . .We don't have any representation on the school board. We don't have any black supervisors. Everybody in charge of the schools, the buses, is a white man, the head janitor is a white man, the head building and grounds maintenance man is white--everything concerned with the school system, the head person is white, and you don't have any voice in any policy-making.

Two factors hindered the Committee in its investigations of the Fayette County School System. The unwillingness of white school officials to participate in the Open Meeting limited access to information and statistics on the inner functionings of the system. The second was the fear that many blacks had of repercussions from the white community if they were to testify. One black teacher who was interviewed by staff before the Open Meeting failed to attend. The Committee was informed that he had told another teacher: ". . .he wasn't going to come, and he has fear of harassment and things of this nature, honestly."

THE COLLECTIVE PROBLEMS OF FAYETTE COUNTY

Although the State Advisory Committee agenda initially covered only voting rights, education, and law enforcement, the intertwined nature of civil rights problems in Fayette made it necessary to consider other elements as well.

Haywood Brown, a leading black businessman, explained problems he encountered in attempting to develop minority enterprises:

We have formed a manufacturing cooperative. We have interested General Motors in allowing us to bid on their work. We have been awarded three contracts.

We have asked the (Fayette County) Zoning Commission to give us a rezoning on the piece of property 6 months ago, and they refused. There were no objections, there was no reason why. It was just refused.

We attempted to build a temporary building over there on (Highway) 57. They gave us the understanding that if we went any further with it, we would be in violation and they could charge us as much as \$50 a day.

Fayette County also seems to have had a good Community Action Program (CAP). The late director, L. J. Palmer, a black resident of the county, was well respected by his community. When Mr. Palmer died, Mrs. Alice Cogbill, a white who was assistant director, assumed control. Citizens and CAP employees charged that, since the death of Mr. Palmer, every key position in the agency is held by a white person. Allegations were also made about discriminatory employment practices and budget cutbacks which seemed to affect only black employees.

Also, under the Green Amendment, which became effective in July 1968, representatives of target neighborhoods and private agencies are limited to three terms on the CAP boards. Thus, in July 1971, these representatives, the black community's only input into the program, were removed. At the same time, this same amendment exempts public officials and local government appointees from this requirement.

The overriding, and controlling problem in Fayette County, though, is the issue of voting rights. The black community is alienated from and denied participation in the county government structure. This same government, however, appoints the school board, which in turn hires the school superintendent, approves all school employment, and decides system policies. The Fayette County government has never appointed a black to the school board, and it exercises the same control over county police.

Baxton Bryant, former director of the Tennessee Council on Human Relations, discussed the future of civil rights in Fayette County:

I don't know what it is going to take. There has been no more heroic struggle, no more blacks working for decency and justice anywhere in the country than there has been right here in Fayette County.

Everything that can go wrong anywhere, I guess, has gone wrong here. I have seen victory, it just seemed like nearly on the table. . .and I have seen it lost. Fear runs deeper in more people, both in white and black, in Fayette County than any other places that I know of in Tennessee.

The blacks that have been strong, as you have heard this afternoon, they have been strong indeed. I don't know how some of them are alive. . .How they even have hope for anything is beyond comprehension.

FINDINGS AND RECOMMENDATIONS

On the basis of the information gathered at the Open Meeting of March 17-18, 1971, the Tennessee State Advisory Committee found numerous civil rights problems and few solutions for blacks in Fayette County, Tennessee.

The prime concern of the investigation was the violation of voting rights. Until this is resolved, therefore, the Committee is of the considered opinion that little else can be accomplished. The Committee, nonetheless, feels itself impelled to speak to the various issues in Fayette County.

VOTING RIGHTS

Tennessee Election Laws:

1. Finding: The Tennessee State Advisory Committee found it phenomenal that no black has served on the Election Commission of Fayette County until recently. This has represented a denial of the full exercise of the voting franchise for the entire black community. The Committee considers it commendable that the State of Tennessee has taken this first step but feels, however, that in a county with approximately 70 percent black population there still remains an abysmal lack of equal opportunity when blacks constitute only 20 percent of the Commission membership.

Recommendation: The Committee recommends that steps be taken immediately to insure equal opportunity for blacks to serve on the Election Commission of Fayette County. The Committee feels that the Governor of Tennessee should closely examine this gap between the percentage of black population and the percentage representation of blacks on this Commission and seriously consider a racial balance on the Commission which would be reflective of the racial balance in the County.

2. Finding: The Tennessee State Advisory Committee found a number of possible violations of Tennessee Election Laws in Fayette County. Tennessee Code Annotated (TCA), Section 2-306 requires that County Election Commissions have their offices open from 9:00 a.m. to 4:00 p.m. on such day or days as the Commission determines necessary to register properly all persons who so desire. In Fayette County, the Committee learned that the Election Commission keeps its office open only between 9:00-12:00 and 1:00 and 4:00. While this difference of 1 hour may perhaps appear somewhat trite, it actually makes a large difference for people who have only their lunch hour to register. The limitation of registration to Monday is also a strong barrier.

Recommendation: The Committee recommends that the Secretary of the State of Tennessee conduct an immediate and complete investigation into possible violation of TCA, Section 2-306, by the Fayette County Election Commission, in that the registration office is closed from 12 p.m. to 1 p.m. In addition, it should investigate the possibility of violation of the same section in that the office should be open ". . . as necessary to properly register all those persons desiring to register for voting".

3. Finding: The Committee found that there was evidence of violation of TCA, Section 2-1218, in that campaign literature was said to be allowed to be displayed in polling places during the past campaign. In addition, the Committee has discovered that this practice is common in many polling places throughout the State because this prohibition is not clearly explained.

Recommendation: The Committee recommends that the Law Review Commission of the State of Tennessee seriously consider the clarification of this Section in its consideration of revision of the Election Code.

4. Finding: The Committee found that the fact that polling places are open from 9 a.m. to 4 p.m. on election day is a great hindrance for all voters, particularly blacks who may work in neighboring counties and persons who cannot leave work to vote.

Recommendation: The Committee recommends that the Secretary of State investigate this situation and, if a hindrance to voting is determined, force the Fayette County Election Commission to keep polls open for longer periods. In addition, the Committee recommends that the Law Revision Commission consider proposing the alteration of the law to allow for longer polling hours in all elections in all locations.

5. Finding: The Committee heard charges that some employers refused to allow employees time off to vote.

Recommendation: The Committee recommends that the Secretary of State of Tennessee investigate these charges, which are a violation of TCA, Section 2-108, and a misdemeanor under Section 2-109.

6. Finding: Witnesses stated that there was interference with poll-watchers in the 1970 elections. This interference is a misdemeanor under Section 2-818 of the Tennessee Code.

Recommendation: The Committee recommends that the Secretary of State investigate and press charges in case of violation.

7. Finding: The Committee found that black voters were allegedly prohibited from voting because their names were not found in precinct books. On checking with the registration books in the courthouse, the Committee was informed, their registrations were continually confirmed.

Recommendation: The Committee recommends that, prior to each election, the Civil Rights Division of the U. S. Department of Justice conduct an audit of both central registration books and precinct lists to ascertain the accuracy of voter registration.

8. Finding: The Committee found that ballot boxes were still in use in Fayette County. This is a violation of Tennessee law which requires precincts having more than 300 voters to use voting machines. Unfortunately, this law provides no sanction for violation of the provision.

Recommendation: The Committee recommends that the law Revision Commission seriously consider this aspect in its revision of the Tennessee Election Code.

9. Finding: The Committee found that blacks in Fayette County were discriminated against through the following means:

- a) the failure of the election commission to keep its office open adequately to register voters;
- b) the failure of the election commission to keep polls open during time in which black citizens can conveniently vote;
- c) the difficulty which many black citizens have in obtaining time off from work to vote;
- d) the interference with poll watchers;
- e) the failure of election officials to allow blacks to vote under the guise of being unable to find names in precinct books.

Recommendation: The Committee recommends that the Civil Rights Division of the U. S. Department of Justice conduct an immediate and complete investigation into these charges and, in case of determination of guilt, press charges against those officials and persons perpetrating such violations.

10. Finding: The Committee found evidence that black citizens have been systematically discriminated against in the token appointment of blacks as election judges. In particular, the Committee heard that no black citizen had ever been appointed the chief election official in any precinct or district.

Recommendation: The Committee recommends that the Civil Rights Division of the U. S. Department of Justice conduct an immediate and complete investigation into these charges of denial of equal opportunity and, remedy the situation as soon as possible.

LAW ENFORCEMENT

11. Finding: The Tennessee State Advisory Committee found, through evidence presented at the Open Meeting, that black citizens are victims of unequal protection of the law. Witnesses stated in both staff interviews and the Open Meeting that:

- 1) Persons arrested by Somerville police and the Fayette County Sheriff officials are not informed of their constitutional rights;

- 2) Prisoners have been arrested and not given the opportunity to make phone calls or to seek legal representation;
- 3) Prisoners in the Fayette County jail have been beaten by jail personnel;
- 4) Unwarranted entry has been made in homes of black citizens;
- 5) Black citizens are harassed by police officials by questionable searches, stops, and other intimidating acts;
- 6) Prisoners are racially segregated in the county jail; and
- 7) Crimes perpetrated by black citizens against other blacks are treated very casually and with little concern by white police officials.

In addition, there was strong suspicion by participants in the Open Meeting that the few black police officials have been discriminated against by having their arrest powers over whites severely limited.

Recommendation: On the basis of these charges and because the police officials invited to the Open Meeting failed to cooperate, the Committee recommends that the Civil Rights Division of the U. S. Department of Justice conduct an immediate and thorough investigation of the administration of justice in Fayette County.

EDUCATION

12. Finding: The Committee found disturbing indications that the Fayette County School System has not attempted to dismantle the dual school system, despite Federal Court orders. The sale of public properties to private academies, the fact that white teachers and school board members send their own children to private academies, the subtle segregation attempts by sex and/or race, and other factors leave the Committee with an understanding that white school officials and other elements in the white community are attempting to undermine the public school system.

Recommendation: The Committee recommends that the Civil Rights Division of the U. S. Department of Justice maintain a vigorous monitoring effort on the implementation of the court order governing the desegregation of the Fayette County School System and use direct measures to insure that black children are afforded an equal educational opportunity.

13. Finding: The Committee heard that black citizens are denied full participation in the school system through the removal of black principals, the subtle attempts to undermine the authority of the few remaining black principals by "co-principal" and supervisory principals and the denial of equal employment in the school system.
- Recommendation: The Committee recommends that the Civil Rights Division of the U. S. Department of Justice conduct an immediate and complete review of this school system to insure the equal employment of black citizens.
14. Finding: The Committee finds the firing of black single males under the guise of non-tenure reprehensible. In addition, the Committee found evidence of other discriminatory tactics , denial of tenure, and other techniques which seem to be designed to eliminate black teachers.
- Recommendation: The Committee recommends that the Civil Rights Division of the U. S. Department of Justice maintain a vigilant attitude to prevent these tactics, and, when they do, to institute appropriate measures.
15. Finding: The Committee found indications that no attempt has been or is being made by the school system to prepare teachers for teaching across racial lines. Considering statements made at the Open Meeting concerning attitudes of white teachers toward black students, the Committee feels there is a need for intensive teacher training.
- Recommendation: The Committee recommends that the U. S. Department of Health, Education, and Welfare immediately implement an intensive and thorough training program to sensitize teachers who are teaching across racial lines. This should be implemented with the services of the Educational Opportunities Planning Center of the University of Tennessee (funded under the Title IV, HEW).
16. Finding: The Committee found evidence of a number of problems black students have encountered in the school system. In particular, allegations were made at the Open Meeting of an increased suspension rate since desegregation, harassment by white teachers, undue

corporal punishment, verbal abuse, an increased failure rate and discrimination in grading, the massive curtailment of extracurricular activities, and sexual segregation.

Recommendation: The Committee recommends that the Civil Rights Division of the U. S. Department of Justice conduct an immediate and complete review of these problems and to institute mechanisms for correcting them.

17. Finding: The Committee found that Federal programs in the Fayette County School System were operated in such a secretive manner that school and community members felt they did not abide by HEW guidelines and proposal goals.

Recommendation: The Committee recommends that the U. S. Department of Health, Education, and Welfare conduct an immediate and complete audit into every program funded by the Federal Government in the Fayette County School System. In particular, extreme care should be taken in examining the program and operation of the Emergency School Assistance Program and Title I program of the Elementary and Secondary Education Act.

