

FAYETTE AND HAYWOOD COUNTIES,  
TENNESSEE: FEBRUARY 1961

## *The Evicted*

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by Fred Travis

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“NO PERSON, WHETHER ACTING UNDER COLOR OF LAW OR OTHERWISE, SHALL INTIMIDATE, COERCE, OR ATTEMPT TO INTIMIDATE, THREATEN, OR COERCE ANY OTHER PERSON FOR THE PURPOSE OF INTERFERING WITH THE RIGHT OF SUCH OTHER PERSON TO VOTE OR TO VOTE AS HE MAY CHOOSE FOR, OR NOT TO VOTE FOR, ANY CANDIDATE FOR THE OFFICE OF PRESIDENT, VICE PRESIDENT, PRESIDENTIAL ELECTOR, MEMBER OF THE SENATE, OR MEMBER OF THE HOUSE OF REPRESENTATIVES, DELEGATES OR COMMISSIONERS FROM THE TERRITORIES OR POSSESSIONS, AT ANY GENERAL, SPECIAL OR PRIMARY ELECTION HELD SOLELY OR IN PART FOR THE PURPOSE OF SELECTING OR ELECTING ANY SUCH CANDIDATE.”

—Section 131, *Civil Rights Act of 1957*,  
*Federal Statutes*.

Mrs. GEORGIA MAE TURNER grubbed at a shallow trench with a cotton hoe, trying to drain a puddle of water in front of her tent in a camp called “Freedom Village” three miles south of Somerville, Tennessee. The fifty-eight-year-old widow and three of her five children were among a growing number of Negroes being forced off the land because they registered and voted in Fayette County, where Negroes outnumber whites by more than two to one.

“I been on that farm for thirty-eight year,” Mrs. Turner said, pausing to wipe from her face the cold rain that beat down incessantly. “I worked for Mr. McNamee, and when he died I stay on an’ work for his widow. I always done what that

woman say. I never disobey my boss lady, and I ain' holdin' nothin' ag'in her now. I'll let the Lord settle with her.

"I worked shares," Mrs. Turner continued. "Sometimes Mrs. McNamee say I owe her as much as fo' or five thousan' dollar, an' I work it all off. I don't owe her nothin' when I lef'. In good years, I sometimes use t' make fifty or hun'red dollar. I don' know. She al'ays kep' the 'counts.

"Last summer I wen' down to Somerville an' register to vote and she say she seen my pi'ture in th' paper. She say, 'I got you pi'ture,' and I don' know what she mean at fust. Then she tell me las' fall I got to get offn her farm. She say she don' want me there no mo'. I say I get off at th' end o' th' year. Now this tent my home but it about as good as that house I had."

"I register to vote in September," said William Trotter, who moved into the tent camp with his wife and six children. "In October, my landlord came down to th' cotton fiel' 'n' say, 'Willie, you'll have t' get out. I'm gonna fix up th' house.'"

These are some of the results of the Federal government's first attempt to enforce the right of Negroes to vote in Deep South counties where they outnumber the white man but are heavily dependent upon him for economic survival. On the outcome of this effort will hinge the chances for Negroes in Mississippi, Alabama, Georgia, and South Carolina to participate freely in future elections, and perhaps determine the course of new civil rights legislation in Congress.

For the Fayette and Haywood County cases in Tennessee have produced a conflict between the Negro's civil rights and the white man's property rights which ultimately must be resolved by the United States Supreme Court. Before that happens, however, there may be an explosion of racial violence more intense than any the South has experienced in the desegregation of public schools. Emotions are running high on both sides, with threats and accusations and even occasional gun-fire being exchanged. If the government's case fails, more than 700 Negro families may be ordered out of the farm tenant and sharecropper shacks which have been their only homes most of their lives. Ignorant and unskilled, they are in-

capable of earning a living except by raising cotton, corn, and soybeans, and maybe a few chickens and hogs.

Negroes work the land under many arrangements. A few tenants lease the land and work it with their own equipment. But most are sharecroppers and are furnished a house, food, equipment, seed, fertilizer, medicine, and other supplies on credit. When the harvest is in, the sharecropper's part is usually about a half to a third of the crop, out of which he must pay for items advanced him. The net profit on the five to twenty acre plots may range from \$50 to \$300 a year, though it is just as liable to turn out to be a loss of that much or more.

Fayette and Haywood Counties, thirty miles east of Memphis, in the West Tennessee cotton country, are part of the Old South. Their broad fields stretch on each side of the Nashville-to-Memphis highways, and sharecropper and tenant shacks stand out against the flatlands. Aside from the few sawmills, cotton gins, and soybean oil mills, there is practically no industry.

Fayette County, on the Mississippi state border, has 24,577 residents, but the number has been dropping steadily since 1940 as both whites and Negroes seek opportunities elsewhere. Seventy per cent of the population is Negro, and they own about ten per cent of the land. The white people were so exercised over the Democratic Party's civil rights position that they voted for the States' Rights ticket in 1948 and 1956 and, in 1960, voted Republican for the first time.

Before last August, a few Negroes had been permitted to vote in Federal and state elections, but they always were excluded from the county Democratic primary in which local officials are named. The county primary, financed by qualifying fees imposed upon the candidates and without sanction in state law, is regarded as a private affair for the white people, though the nominations are equivalent to election to local offices.

Haywood County to the north has a population of 23,393, of which sixty per cent is Negro. Until last August, no Negro had ever voted in that county unless he did so during the Reconstruction.

The policy in these two counties was in sharp contrast to most of Tennessee, which is a border state and has adopted

generally what is by Southern standards a moderate policy in handling racial problems. Negroes long have been permitted to vote in other counties and are even encouraged to do so by politicians in the metropolitan areas. Voting qualifications have been so lax that Negroes in some cities were not even required to be alive to have their names on the registration books.

Trouble started in Haywood and Fayette Counties in 1959 when the Negroes, with some outside help, organized Civic and Welfare Leagues. Groups of them went to the old courthouse in the middle of the Brownsville public square to register but found the Haywood County election commission had just resigned.

In Fayette County, when Negroes began showing up in groups at the election commission office, they were told they could not register. The Federal government's Commission on Civil Rights sent in agents to investigate, and the Federal district court at Memphis issued an injunction prohibiting local officials from blocking the registrations.

"As long as just a few of us were registered and voted, the white folks didn't pay no attention to us," said Scott Franklin, who runs a little store in the Moscow community down near the Mississippi line. He is president of the Fayette County Civic and Welfare League.

"After we got out this injunction, I heard some white people say, 'We can beat them.' Then we didn't know what it was. Now we know they was going to run us out of the county."

Franklin and other Negro merchants, like John McFerren, who runs a pint-sized "supermarket" just outside Somerville, the seat of Fayette County, were among the first to feel the economic pressure. Their credit and deliveries from local wholesalers were cut off. An oil distributor removed the gasoline pumps from in front of Franklin's store. Salesmen for distributors in Memphis and Jackson, Tennessee, said they would have to stop supplying the Negro merchants or lose their white customers. What little the Negroes could get to sell they had to haul from Memphis.

When Negroes went into white stores to make purchases, the clerks checked their names against lists of registered voters or Welfare League members before making the sale. Credit

and even gasoline for farm tractors were refused those who had registered.

As word of the Negroes' plight spread, assistance arrived in the form of food packages from Memphis, Nashville, New York, Chicago, and other cities. Roy Wilkins, chairman of the Leadership Conference on Civil Rights, reported the situation to the Democratic Platform Committee at Los Angeles a few days before the party's nominating convention opened last July.

"Today as we talk here," he said, "Negro farmers in Fayette County who persisted and finally registered to vote are being refused gasoline for their tractors, trucks, and other farm machinery. Distributors of four nationally-known oil companies have joined in this punishment of men who sought merely to exercise their American right to vote." Negro leaders in the registration drive, he continued, had been "blacklisted by local merchants and cannot buy food and clothing."

"I trust the Justice Department will do something about this," he added. "Meanwhile, people cannot eat and cannot make their crops."

Agents of the Federal Bureau of Investigation joined those of the Civil Rights Commission in an investigation. They reported merchants checking lists of Negroes who had registered or were members of the Welfare Leagues and refusing sales to them.

James A. Kurts, a clerk in the Economy Store in Brownsville, was quoted by an FBI agent as having said he was told by the store owners "not to extend credit to names that appear on a list" of members of the Haywood County Civic and Welfare League.

Notice of tenant lease and sharecropper contract termination began shortly after Tennessee's August Democratic primary to nominate Federal and state officials. Negroes voted in the primary in both counties, and some of them claim lists of names were compiled at the polls for use in the campaign for economic retaliation. Others registered later in preparation for the November general election and found their names were added to the lists.

Last December, the Justice Department went into the Federal court at Memphis and asked a temporary injunction restraining landowners from evicting Negroes who had regis-

tered. John Doar, the government attorney, called the planned evictions "the most cruel step people could take against citizens of this country in telling them to get off the land. The United States government says this is wrong."

Nine of the white defendants called by the government as witnesses clammed up, claiming Fifth Amendment protection against self-incrimination. An exception was one white woman, Mrs. Esther Green, who testified she had refused to sign a petition pledging economic action against Negroes who registered; she explained, "I think for myself." She recalled a 1959 visit by Shelby Dixon, a cotton ginner in the Stanton community, to her farm "way up in the hills in Haywood County." Dixon, she said, asked her to sign a promise not to help any member of the National Association for the Advancement of Colored People, the Haywood County Civic and Welfare League, "or anyone else that the central committee does not approve of."

"That was too broad," Mrs. Green said. "I told him it didn't sound right to me, and I didn't want to sign."

Isaac Smith Carter, a white tenant on another farm, testified his landlord had refused to have anything to do with him after he refused to join in the campaign to hamper Negro registration.

The defense denied that Negroes were being evicted in reprisal for voting and insisted that the dismissals resulted from the inefficiency of tenants and mechanization of farming. One landowner, Montezuma Carter, Jr., said he was shifting to machines and had "no earthly need" for the ten Negro tenant families on his property.

Federal Judge Marion S. Boyd of Memphis refused to grant the government's request to halt the evictions. "The Civil Rights Act is intended to protect the right to register and vote and provide injunctive relief against such interference and coercion," he said. "That's all it does, I believe . . . I don't believe this court has any right to enjoin the evictions or enjoin the altering of leases."

A few days later, he was overruled by the Sixth United States Circuit Court of Appeals, which held that the Negroes could not be evicted as an interference with their right to vote. The Appeals Court left it to Judge Boyd to decide how

its finding should be enforced. Boyd then told landlords they could not evict Negro tenants without proving in his court that the eviction was not an attempt to interfere with the Negroes' voting rights. Boyd's decision places the burden of proof on the landlord, but it also leaves a door open for evictions in connection with a normal rearrangement of agricultural practices. The action of the courts to date has been a temporary holding action aimed at maintaining the status quo while the issue is being litigated. Further hearings were ordered before a final decision, and there is no doubt the case ultimately will reach the United States Supreme Court.

Meanwhile, bitterness hangs heavily over the land. The tent camp set up on the 200-acre farm of Shepherd Towles, one of the few Negroes with substantial landholdings in the area, was denounced by whites as a publicity stunt to attract sympathy and relief for the Negroes.

"It's just a propaganda stunt," declared Mayor I. P. Yancy of Somerville. "I don't know of any need around here."

White landowners and businessmen, on the advice of their lawyers, who include practically the entire bar associations of both counties, decline to discuss the situation with strangers.

"Don't quote me and don't mention my name," said one farmer. "I'm a defendant in that Federal court case. We defendants refer to ourselves as the 'Honor Roll' and laugh about it, but it's a mighty dry laugh, I'll tell you. Those niggers go down there to those government lawyers and swear out those false affidavits. Of course, they are all lies, but you've got to hire yourself a lawyer and defend yourself just the same. It's mostly the work of some of those Northern agitators. They came down here and got the niggers all stirred up and told them they ought to go register and vote," he continued.

"We've known this was coming for a long time, and we've been trying to reduce our nigger population. Of course, we are mechanizing our farms. We've got to stay in business. Why, we've got sixty or seventy mechanical cotton pickers in this county already, and each one of them can do the work of seventy-five niggers. We got plenty of corn-picking machines, and a lot of farmers are turning to raising livestock. You don't need many farm hands for livestock."

He cited the national trend toward mechanized farming and the consolidation of farms into bigger units. In the 1,223 square miles of Fayette and Haywood Counties, the number of farm units dropped by 1,815 between 1954 and 1959 and the number of farm tenants declined by 1,586.

"We just don't have any need for so many niggers any more," said another landowner, who was equally emphatic in his demands for anonymity. "I'm not a defendant in one of those Federal court cases yet, and I don't want to be. I'm trying to get the niggers off my land before they enjoin me. I'm going to machines."

The whites called attention to the fact that Negroes have declined tenant and sharecropper offers from Arkansas and other Tennessee counties where their race is in a minority and farm hands are badly needed. The Somerville weekly newspaper, *The Fayette County Falcon*, carried a number of advertisements offering places in Phillips County, Arkansas, and Lauderdale County, Tennessee.

But the Negroes were deeply suspicious of the offers, seeing them as a further part of the campaign to get them out of the county so the white man can remain firmly in control of the ballot box.

"Man come out here and say he want ten tenant families fo' his farm somewheres over 'bout Nashful," said Mrs. Turner. "He say he got eighty acres of land. What he go'n do wit' ten tenant fam'lies on a farm no bigger'n that?"

John McFerren, who was busy directing the operation of "Freedom Village," said: "The sheriff told us we could go to other counties without being shot at and intimidated. A landowner over in Lauderdale County say he want two families to work for wages but he won't say how much wages."

McFerren, whose "supermarket" is plastered inside with signs like "PLEASE DON'T DISCUSS POLITICS IN HERE UNLESS YOU ARE REGISTERED TO VOTE," reported he had checked out two of the job offers and rejected them. "They couldn't answer details on assurances of making a living on the farms," he said. He disputed the claim that the machine could replace the Negro and predicted that a lot of landowners would go broke trying to use machines on the small, sometimes hilly farms.

Whites claim McFerren has found a profitable operation in handling the relief packages for the displaced tenants, but the Negro leader denies this.

When a shot was fired into the tent city, wounding slightly a Negro man sleeping there with his wife and four children, McFerren said: "I expected they'd try to get me, but I didn't think they would shoot into the tents while people were asleep in them." He warned of possible further violence: "The white people started the shooting. I'm a non-violence man myself, but I can't always control my people. Some of these people are getting pretty desperate.

"We need government help to get relief from this pressure," he continued, "and we need relief from this boycott the white folks have put on us. We need medical help, too. We don't have a Negro doctor in this county, and the Negroes can't get any help from the white clinics. We have to go to Memphis to get a doctor, and that's nearly forty miles away."

McFerren declined to identify the organizations which are providing assistance in the form of food, clothing, and money; he said he was afraid he might omit one from the list and offend someone. One organization which has contributed substantially is the Southern Conference Education Fund, a favorite target of Mississippi's Senator James Eastland, who likes to call it a Leftist organization or worse.

"This is just a sample of what is going to happen in Mississippi when the Negroes try to vote down there," said the Reverend Kelly Miller Smith of Nashville, a leader in the Reverend Martin Luther King's Southern Christian Leadership Conference. "If we don't win the fight for the vote in Fayette County, we won't have a chance in other areas of the South."

If the government wins its fight, the Negroes may get the right to free use of the ballot in Fayette and Haywood Counties, but there may not be many of them around to enjoy it. Meanwhile, conditions in the West Tennessee cotton country are likely to get a lot worse before there is any improvement.

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