The Long History of Policing Black Durham

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Dedicated to Harris Charles Johnson, Sr.
January 29, 1928- March 20, 2016
Rest in Power

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Acknowledgements

I am sitting here wanting memories to teach me
to see the beauty in the world through my own eyes.
I am sitting here wanting memories to teach me
To see the beauty of the world through my own eyes.

I think on the things that made me feel so wonderful when I was young.
I think on the things that made me laugh, made me dance, made me sing.
I think on the things that made me grow into a being full of pride.

I am sitting here wanting memories to teach me,
to see the beauty in the world through my own eyes.
I thought that you were gone, but now I know you're with me
You are the voice that whispers all I need to hear.

I know a please a thank you and a smile will take me far,
I know that I am you and you are me and we are one,
I know that who I am is numbered in each grain of sand,
I know that I've been blessed again, and over again.

I am sitting here wanting memories to teach me,
to see the beauty in the world through my own eyes.
I am sitting here wanting memories to teach me,
to see the beauty in the world through my own eyes.

- Sweet Honey in the Rock

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Author's Note

This is not a typical undergraduate honors thesis. I am not seeking distinction within a certain academic department because I have not majored within a single discipline at Duke. When I came to the 'Gothic Wonderland' four years ago, I had particular interests that I wanted to explore related to the South and civil rights, but I struggled to find the appropriate means to meet my academic and intellectual goals. As a student, I had the unique opportunity and privilege to design my own interdisciplinary program of study beyond the traditional academic disciplines. I called my major "Activating the Past: Narratives and Social Justice in the South," and have spent the past four years taking courses in a range of academic fields such as History, African and African American Studies, Documentary Studies, and Public Policy. I have been able to pursue my intellectual passion for civil rights, Southern history, the human narrative, and race through an integrated and specific academic lens. This thesis, as a result, serves as a synthesis and culmination of my own interdisciplinary academic inquiry at Duke.

I was born at Duke Hospital in Durham, North Carolina in 1993 to parents who could not be more different. My mother was raised in a predominantly upper middle-class Jewish neighborhood in the Northeast, and my father grew up on the other side of the world, in Auckland, New Zealand. But in the early 1980s, their paths crossed in a Duke University history course taught by Larry Goodwyn, "The Insurgent South." What they both had in common is that they were part of a community of socially conscious Duke students fighting against Klan activity in Greensboro, United States involvement in Central America, and the Nixon-Duke library. My parents' involvement in the greater

Durham community throughout their college years led to what became a natural decision to make Durham their home.

It was from these roots and in this context that I grew up in a forty-household co-housing community at the edge of Duke Forest, on the outskirts of Durham County. I attended Durham Public Schools, where my experiences ranged from attending a multicultural and socioeconomically diverse elementary school and high school to a predominantly black middle school. I was also part of a minority Jewish community that exposed me to the Jewish tradition of speaking out against social injustice and being involved in *tikkun olam* (healing the world) and *mitzvah* (helping others). During the past four years, my perception of my community has both widened and been challenged as an undergraduate student at a predominantly white institution in Durham and as the daughter of a local elected official.

As I continue to make sense of the world around me, I find myself behind the picket lines of the Moral Monday protests against the draconian policies of the North Carolina State Legislature and personally engaged with the living history of Durham's civil rights tradition. One of the main reasons I am interested in the South and civil rights is because of the historically complicated and morally challenging legacy of race relations that the region has left behind. I always find myself getting caught up in the complexity of different sides, searching for ways to build bridges and uncover different realities. I have become passionate about using history and memory as a tool to connect communities and increase understanding across cultural and racial lines.

Last summer, 2015, I found myself — a twenty-one year old white female — sitting in the passenger seat of a Durham police car. It had been almost one year since

police wrestled to the ground and placed in a chokehold an unarmed black man named Eric Garner, suspected of committing the misdemeanor of selling loose unlicensed cigarettes, in Staten Island, New York. The 43-year old black man's last words, "I can't breathe," had become a rallying cry for instances of police brutality that continued to occur in cities across the nation: from Michael Brown in Ferguson, Missouri to Tamir Rice in Cleveland, Ohio. It had been over a year since a 17-year old boy named Jesus "Chuey" Huerta, who attended a high school a few miles down the road from my childhood home in Durham, died from a gunshot wound while handcuffed in the back of a police car. And just one month before, Dylan Roof had entered the historic Emanuel African Methodist Episcopal Church in Charleston, South Carolina and shot 10 people after being a guest at their Wednesday evening bible study group. All of these events were crisp in my mind as I viewed my city from the patrol car, zooming across familiar streets with flashing red and blue lights.

A few hours earlier, I had signed a waiver assuming the risk of personal injury or death while participating in a ride-along with the Durham Police Department. As a summer intern with Project BUILD (Building, Uplifting, & Impacting Lives in Durham), a multi-disciplinary gang prevention and intervention program, the majority of the youth I was working with were either in a gang or at high-risk for gang involvement. Most of these young people live in public housing in Durham. Many are being raised by a single parent. Most of them have another parent that is — or once was — either incarcerated or suffering from addiction. The police are already a constant presence in many of their lives, coming to their houses to respond to an incident, questioning them on the streets of their own neighborhood, or intervening in their daily activities. These kids live in a very

different Durham than the one in which I grew up. They live in our twenty-first century "age of colorblindness" and mass incarceration. The reality is that I stand miles away, and they stand inches away from the conveyor belt of the criminal justice system. I decided to do ride-alongs in the hopes of understanding the impact that the police in Durham had on their lives.

On my first ride-along, my mind was swarming with questions and ideas. I could not stop thinking about the dichotomy between how the police perceived their own presence in these neighborhoods and what their presence meant to different communities in Durham. I wondered how Durham compared to Baltimore, Ferguson or other cities that had experienced recent outbreaks of citizens' violence in response to police misconduct. I thought about Durham's unique history, and how it had shaped the streets through which we drove. I remembered the series of civil rights demonstrations of the 1950s and 1960s to integrate public places like the Carolina Theatre and the Royal Ice Cream Parlor, and how Stagville Plantation, one of the largest slave plantations in the pre-Civil War South, had directly prospered from the enslavement of black bodies until 150 years ago. As I sat in the passenger seat of the police car on that sweltering summer day, I decided that these were the kinds of questions I wanted to explore in my thesis.

With the retirement of Durham Police Chief Lopez in December of 2015, Durham is entering an important transitional moment. A new era of policing is beginning, and it is imperative that we look back and review the evolution of the relationship between the institution of policing and the black community in Durham. This includes an exploration of the challenges, problems, and successes at different periods in Durham's history: from the turn of the century, to the establishment of the Hayti Police in 1944, the evolution of

the Civil Rights Movement, and contemporary city life. Especially at a time when the institution of policing is under intense public scrutiny and many cities across the nation have experienced violence and loss, exploring this question in my own hometown could not be more timely or important. I am passionate to find a Durham where people can understand each other.

Over the course of the past several months, I have interviewed 32 people: 10 police officers and 22 community members. All interviews with police officers were randomly assigned and each officer participated on a volunteer basis. The names of all police officers interviewed remain anonymous, as well as certain community members that wish to not be named. I had the privilege to interview two men who were among the first black police officers in Durham, known then as the Hayti Police. I have also collected narratives from the Durham community that have taken me back in time to the thriving Hayti community at the turn of the century and the civil rights demonstrations during the 1950s and 1960s. I have listened to many different stories that shed light on our current moment, from the Durham County Detention Center, families impacted by gun violence, community activists, the McDougald Housing Project, elected officials, a lawyer and a journalist. I have felt grateful and inspired by the stories I have heard. I have also felt sad, angry, and discouraged at times.

In addition to these oral histories and the information that I gathered during police ride-alongs, I conducted archival research in the North Carolina Room of the Durham County Library. I have sifted through old newspaper articles in *The Carolina Times* and *Durham Morning Herald* and collected statistics and accounts of "Negro Crime" in the

1930s and racial profiling investigations today. These narratives and historical and contemporary research form the backbone of my analysis.

This is a story that I have had unique access to as a concerned community member and student. While I could have focused on one specific moment, this thesis surveys a variety of key periods throughout Durham's past in order to provide an historical context and broader framework for understanding and looking at the relationship of the Durham Police Department and black community in Durham. My work is divided into four chapters: Durham at the turn of the century, the 1944 Hayti Police, the Civil Rights Era in Durham, and the contemporary period.

A story frames the beginning of each chapter: from an enslaved person running away from Stagville Plantation around 1844, the legal hanging of a black man accused of raping a white woman in 1907, a race riot in 1944 that was sparked by the murder of a black soldier who refused to sit in the back of the bus, the demonstrations after the 1963 election of Mayor Grabarek and growing demand for racial equality in Durham, and the shutdown of North Carolina Highway 147 in December 2014 after the non-indictment of the police officers in Ferguson and New York City who were responsible for killing Michael Brown and Eric Garner, respectively. The product that emerges is a story-based analysis that traces Durham's history alongside the institution of policing.

This thesis challenges the general American assumption that the police department was created to protect and serve citizens, particularly against crime. On the contrary, the history of policing black Durham is directly intertwined with a perceived need to maintain political and social order, not necessarily to address the problem of crime. I will argue that the institution of policing is enmeshed in the maintenance of

white supremacy and the social, economic and political exploitation of black bodies. Policing was never an institution to keep black people safe: there has been little emphasis on protecting and serving the black population. The reality was — and continues to be — just the opposite.

In her 2005 article, published in *The Journal of American History,* historian Jacquelyn Dowd Hall coined the term "Long Civil Rights Movement" to recast and extend the dominant narrative of the civil rights movement as a set chronology of events, beginning with the *Brown v. Board of Education* decision in 1954 and ending with the passage of the Voting Rights Act of 1965. Hall argues that the civil rights movement was a freedom struggle that was waged long before the 1950s and encapsulates many movements that continue today.

This same concept of a "long" history inspired the title of this thesis. I do not intend to present a linear narrative of the relationship between the Durham Police Department and Black Durham: there are significant continuities throughout the city's history, but each specific period is rooted in its own distinct moment. While exploring the deep mistrust in the black community towards law enforcement, I will demonstrate how Black Durham continues to experience the police in a very different, and disproportionate way, from the rest of Durham. By placing special emphasis on the human narrative, I hope to uplift stories from Durham that are rarely told. The pages that follow, therefore, are an attempt to broaden and deepen the history of policing black Durham: a story that is rooted in slavery and continues to our current moment.

Preface

"The mistrust started with 400 years of slavery. We don't hardly trust each other."

- Marshall Thompson, Durham, North Carolina[1]

"De Paterollers was de law, kind of like de policeman now."

-Polly Colbert, Colbert, Oklahoma[2]

"You see da City policemen walkin' his beat? Well, dats de way patty-rollin' was, only each county had dere patty-rollers, an' had to serve three months at a time, den dey would gib you thirty-nine lashes, 'ca 'se dat was the law. De patty-rollers knowed nearly all da slaves, an' it wurn't very often dey ever beat them."

-Frank Gill, Mobile, Alabama[3]

Around 1844, a man known only as Len, a runaway slave, was caught in North Carolina. Upon questioning, he revealed that he 'belonged' to a man named "Camron," who his captor must have recognized to be Paul Cameron, owner of Stagville Plantation in a place later known as Durham.[4] The Bennehan-Cameron families owned nearly 30,000 acres where 900 enslaved men, women, and children resided, the largest

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[1] Marshall Thompson, October 20, 2015.
[2] Marvin Dulaney, *Black Police in America* (Bloomington and Indianapolis: Indiana University Press, 1996), 1.
[3] Ibid.
[4] Jean Bradley Anderson, *Piedmont Plantation: The Bennehan- Cameron Family and Lands in North Carolina* (Durham, North Carolina: The Historic Preservation Society of Durham, 1985), 93.

plantation complex in the state.[5] Stagville Plantation was the heart of their antebellum Southern empire.

Prior to this incident, Paul Cameron had purchased additional land holdings in Greene County, Alabama and had subsequently removed 110 enslaved people from his plantations in North Carolina to begin cultivating his newly acquired land.[6] It is probable that, in an attempt to return to his family at Stagville, Len was captured by slave patrols or 'patterollers' and forcibly returned to Alabama.[7]

The slave patrols were a means to maintain and enforce the existence of slavery. While the slave patrols were commissioned to capture escaped slaves or enslaved people engaged in illegal activities, the slave codes also allowed whites to slap, beat and whip enslaved people with impunity. At that same time, the slave codes penalized whites that actively opposed slavery.[8] They condoned "plantation justice," whereby slave owners had the authority to act privately as both judge and jury for black crimes.[9] The slave codes, institutionalizing white supremacy in its most stark form, condemned and criminalized blackness early on in US history, soon after Africans arrived on the American shore as captives in the Atlantic Slave Trade.

Slave patrols were the first distinctively American model of policing. In most communities their ranks were filled with poor white men, although sometimes all white

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[5] Jean Bradley Anderson, *Durham County: A History of Durham County, North Carolina*, Second Edition (Durham and London: Duke University Press, 2011), 48.
[6] Anderson, *Piedmont Plantation: The Bennehan- Cameron Family and Lands in North Carolina*, 97.
[7] Slave patrols were commonly called patrollers, patterollers, pattyrollers or paddy rollers by enslaved people.
[8] Katheryn Russell, *The Color of Crime: Racial Hoaxes, White Fear, Black Protectionism, Police Harassment, and Other Macroagressions* (New York and London: New York University Press, 1998), 15.
[9] Ibid, 19.

male citizens were required to participate in slave patrol duties. For example, in Alabama, the law stipulated that all male slave owners under the age of 60 and all other whites under the age of 45 enlist in the patrols.[10] Patrolmen were assigned to particular geographic areas in southern cities (typically within their own community) called "beats."[11] The slave patrols also frequently worked with the state militias to prevent and quell potential slave insurrections. By the mid-1850s, every Southern colony had a slave patrol.[12]

Plantation Police: Runaway Slave Patrol Badge, 1858.
South Summit Plantation:
http://www.southsummit.com/plantation-police-runaway-slave-patrol-round.html

[10] Russell, *The Color of Crime: Racial Hoaxes, White Fear, Black Protectionism, Police Harassment, and Other Macroagressions*, 18.
[11] Ibid, 19.
'Beat' is still a term used to describe the geographic area where a police officer patrols.
[12] Dulaney, *Black Police in America*, 2.

Even after the U.S. government abolished slavery with the ratification of the Thirteenth Amendment in 1865, this system of controlling blacks' social and economic activities continued in new forms. According to Durham native Marshall Thompson,

> After the Civil War, slavery supposedly was over. But people still needed blacks to work. So let's say you come through town, they pick you up. 'Where do you think you're going?' 'Well, you're wandering. You're doing something wrong.' So they arrest you and take you to court. The court didn't always put you in jail; they put you to work on somebody's farm. So being stopped by the police ain't nothin' new.[13]

By the nineteenth century, most cities across America had developed a system of elected constables and sheriffs.[14] Throughout Reconstruction and the post-bellum South, they "enforced white supremacy and largely arrested black people on trumped up charges in order to feed them into labor convict systems."[15] Most southern states leased out their prisoners to local planters or industrialists who used their labor to produce revenue: it was slavery by a different name.[16] An historic mistrust among black people towards white society, particularly law enforcement, was sustained.

Another narrative from Thompson illustrates this reality. His great uncle, Charlie, was working in a black-owned lumberyard in East Durham on Baptist Road. One day, a white man came to the lumberyard and "snatched his lunch!" Even though he was working hard in the summer heat and needed food to fuel his labor, "Uncle Charlie

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[13] Marshall Thompson, interview by author, October 20, 2015.
[14] Russell, *The Color of Crime: Racial Hoaxes, White Fear, Black Protectionism, Police Harassment, and Other Macroagressions*, 18.
[15] Sam Mitrani, "Stop Kidding Yourself: The Police Were Created to Control Working Class and Poor People," *LAWCHA: The Labor and Working-Class History Association*, December 29, 2014.
[16] Douglas Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II* (New York, London, Toronto, Sydney, Auckland: DoubleDay, 2008).

couldn't do nothing to this guy."[17] Uncle Charlie may have been the victim of a crime, but he was a black man who had been wronged by a white man. The next day, "this guy came out of nowhere again, and grabbed Uncle Charlie's lunch again!" This time, however, Uncle Charlie retaliated: "he put his arms around his neck and choked the man to death."

Despite the circumstances of the situation — "self-defense"— Uncle Charlie had just killed a white man.[18] It just so happened that Charlie was a mason; a group of the masons in Durham took him to the mountains of Tennessee to hide him from law enforcement. When the sheriff heard that Charlie had fled town, he threatened to throw every single one of the masons in jail if they did not bring him back to Durham.

Soon after Charlie returned, he was summoned to the Durham County Courthouse. The sheriff took the stand and shocked the courtroom. He said "Charlie was a nice man, his whole family was nice hardworking people, and I don't know who this sorry white man was that he killed."[19] The judge found Charlie not guilty. "This was the first time that ever happened, that a white man had been killed by a black man, and he got away with it through the courts."[20]

Even this exception to the rule is characterized by the surprise that Uncle Charlie 'got off' free. It was Charlie's personal connection to the sheriff that ultimately brought him justice, not the existing legal framework; this system was never designed to serve or

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[17] Marshall Thompson, interview by author, October 20, 2015.
[18] Ibid.
[19] Douglas Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II* (New York, London, Toronto, Sydney, Auckland: DoubleDay, 2008).
[20] Idid.

protect him. The legacy of slavery ensured that policing—rather than provide service and protection—enforced white supremacy and criminalized blackness.

***

Chapter 1: "A City of Negro Enterprise"[21]

"We have the power to pass stringent police laws to govern the Negroes— this is a blessing— for they must be controlled in some way or white people cannot live among them."

-Alabama planter, post-Civil War[22]

"A Durham Negro lawyer defended a Negro boy who had killed the chief of police in a small town in a bootlegging battle. The boy was convicted of first-degree murder, through a witness that said the act was premeditated. Later this witness confessed to the defense lawyer that he had lied. An affidavit to this effect was prepared and a new trial asked. Instead the Negro lawyer was arrested himself on a charge of obstructing justice and it took two of the best white lawyers from Durham to free him. The judge did not let the case come to a trial by jury. The race feeling ran so high in the community that if he had done so, the Negro lawyer would have been convicted, his license taken away, and he would have been sent to jail for five years, all because he had tried to see than an ignorant Negro boy should have a fair trial."

-Hugh Brinton, University of North Carolina, 1930[23]

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[21] Booker T. Washington praised Durham as "The City of Negro Enterprise." In the following years, Durham was also referred to as "The Magic City," "The Black Wall Street of America," and the "Capital of the Black Middle Class." The city continued to develop a reputation as a model for black enterprise and race relations in the New South.
[22] Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York, 2012), 28.
[23] Hugh Brinton, "The Negro in Durham: A Study of Adjustment to Town Life," (Master's Thesis, University of North Carolina at Chapel Hill, 1930), 62.

On Friday, February 8, 1907, a 25-year-old black man named Freeman Jones was hanged in Durham. According to the *Durham Morning Herald,* he had "confessed" that he dragged a 60-year-old white woman out of her home and intended to rape her.[24] It was a "bone-chilling" day. The crowd that had gathered outside the jail could still smell the fresh pine slabs that had been cut to build the scaffolding and the trap. The noose had been borrowed from another county and had been used in four other hangings in North Carolina. Spectators huddled together and soon an uncomfortable hush swept the crowd.[25]

Durham had recently transformed from a dusty railway depot of less than 2,000 inhabitants in the mid-nineteenth century to a center for the growing tobacco and cigarette trades in the post-Civil War South. Founded in 1854, Durham emerged when the business-savvy Dr. Bartlett Durham sold four acres of land to the North Carolina Railroad Company in order to build a station between Raleigh and Hillsborough.[26]

The city's place in history grew at the conclusion of the Civil War at Bennett Place, which served as a neutral ground during the largest troop surrender of the war. While waiting on the terms of the surrender, the defeated troops looted a small tobacco factory not far from Bennett Place. John Ruffin Green, the owner of the tobacco factory,

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[24] George Jr. Lougee, *Durham, My Hometown* (Carolina Academic Press, 1990), 108-110. [Although this was Durham's first and only known legal execution, an 1898 article from the *Daily Sun* describes how a black man rumored to have been living with a white woman was lynched and his body was left hanging alongside the road between Durham and Chapel Hill. This hyper-sensationalized narrative of black men raping white women had become one of the most common criminal accusations, concurrently bolstering white supremacy and reinforcing the image of black men as sub-human; Walter Weare, *Black Business in the New South: A Social History of the NC Mutual Life Insurance Company* (Durham and London: Duke University Press, 1993), 21.]

[25] Lougee, *Durham, My Hometown*, 108–110.

[26] Osha Gray Davidson, *The Best of Enemies: Race and Redemption in the New South* (Chapel Hill: The University of North Carolina Press, 2007), 42.

was wiped completely clean after their raid, but it was the best thing that ever happened to him. The soldiers brought their demand for the mild and sweet-tasting bright tobacco of Durham back to their respective homes, and four years after the end of the Civil War, Green's company was producing 60,000 pounds of "Genuine Bull Durham Smoking Tobacco" each year. By 1883, that number had increased to five million pounds.[27]

The story of Durham's growth and development at the turn of the century is largely centered on the success of the Duke family. During the late nineteenth century, homesteading tobacco farmer George Washington Duke had become a tobacco king after starting his first company, "W. Duke and Sons."[28] The invention of the Bonsack machine later allowed Duke's son James Buchanan ("Buck" Duke) to introduce a new product to the Durham market: cigarettes. The cigarette-rolling machine had completely replaced all hand-rollers by 1888, and "Duke of Durham" cigarettes were being produced at a price competition could not match.[29] The American Tobacco Company (ATC) was born, eventually giving the Duke family control over four-fifths of the country's tobacco industry.

In 1898 the American Tobacco Company swallowed up Blackwell Durham Tobacco Company, makers of the "Bull Durham Tobacco" that had made Durham famous after the Civil War.[30] The Dukes had expanded far beyond cigarette production to also include textile manufacturing. Even though an antitrust Supreme Court case forced

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[27] Davidson, *The Best of Enemies: Race and Redemption in the New South*, 17–18.
[28] Simon Partner and Emma Johnston, *Bull City Survivor: Standing Up to a Hard Life in a Southern City* (Jefferson, North Carolina and London: McFarland & Company, Inc., Publishers, 2013), 12.
[29] Davidson, *The Best of Enemies: Race and Redemption in the New South*, 20.
[30] Ibid, 22.

the American Tobacco Company to disband in 1911, the break-up of the Duke monopoly had little economic impact on Durham.[31]

Durham's major economic engines thus included tobacco auction houses, tobacco warehouses, tobacco processing facilities, and tobacco and cigarette factories. The downtown area supported a variety of service businesses related to the tobacco industry and its workers, such as banking and insurance. Textile factories that manufactured the bags used to store and ship tobacco, cooper's shops that made the wooden casks used for curing the tobacco, and printers that manufactured the cigarette papers for packaging all surrounded the outskirts of the city. Durham was a town fueled by tobacco.[32]

The scope and nature of law enforcement in the community was also evolving. When Durham incorporated as a town in 1869, the first Board of Aldermen selected Andrew Turner as Constable "to keep the peace."[33] For the next ten years, constables remained in office for a term of one year. When Durham's population reached 2,000 people, the constable could elect deputies as assistants. Although there was no real organization, this system was the first resemblance of a police force in Durham.

Meanwhile, the Slave Codes had mutated into a new series of restrictive measures at the conclusion of the Civil War throughout the South: the Black Codes. Vagrancy laws, purposely vague and wide in scope, allowed the police to arrest blacks found without lawful employment. Other laws that considered subjective actions, like 'mischief' and 'insulting gestures," as criminal acts were also enforced. The continuation

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[31] Davidson, *The Best of Enemies: Race and Redemption in the New South*, 20.
[32] Partner and Johnston, *Bull City Survivor: Standing Up to a Hard Life in a Southern City*, 10.
[33] Durham Police Department. 1992. *Durham Police Department, Durham, North Carolina: Proudly Serving Our Community*. Durham, N.C; Durham Police Department.

of "Black Only" offenses and the discriminatory application of the law meant that blacks were disproportionately targeted, arrested, convicted, and sanctioned.[34]

These laws ensured that blacks faced harsher criminal penalties than whites, while white crimes committed against blacks were largely ignored. As an academic thesis published at the University of Chapel Hill in 1930 about "Negro Crime in Durham" revealed,

> "As a general rule if a white man disputes a Negro's word, the case will be decided in favor of the white man unless the recorder is strong enough to find the real truth. When the counsel is either both white or both colored the recorder will usually lose sight of everything but the facts of the case."[35]

The Recorder's Court held original jurisdiction of crimes committed within a radius of two miles of the city limits. The city recorder served as both the judge and the jury, and in certain instances the defendant could appeal his or her case to the Superior Court in North Carolina. However, black offenders seldom knew about nor could they afford the option of an appeal, and if he or she were to appeal, it was rarely granted.[36]

The criminal justice system, and particularly law enforcement, also benefited from the conviction of black crimes. For example, court records from this period reveal that a black man was charged with running into a white lady despite the fact that the woman had admitted that it was her fault; she had stepped directly in front of him without looking. The black man paid all the criminal costs, but the Durham recorder was still not satisfied and charged him with $50.00 more in fines. Constables and deputy sheriffs received their income from the fees they collected, and a strong tendency to arrest and

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[34] Theodore Wilson, *The Black Codes of the South*, Southern Historical Publications 6 (Alabama: University of Alabama Press, 2011).
[35] Brinton, "The Negro in Durham: A Study of Adjustment to Town Life," 62.
[36] Ibid., 60.

fine blacks persons thus followed. Furthermore, off-duty officers would often ride with the constable on duty to serve as witnesses for arrests in order to receive the witness fee.[37]

In 1880, Constable Christian became Durham's first law enforcement officer to bear the title "Chief of Police." M.C. McCowen was elected Chief of Police in 1882, but resigned after thirteen days because "the job was too distasteful for him." Another police chief resigned in 1888 after concern by citizens that he had mistreated a white prisoner.[38] By 1904, Durham had a police force of fourteen men. The requirements for the job were "a pair of stout legs, a lot of nerve, and a billet." The police department remained politically controlled and elections thus decided who in the community would become police officers.[39]

Group portrait of police in uniform, with the mayor in the back row, 1894.
City of Durham Police Department, North Carolina Collection:
https://durhamcountylibrary.org/exhibits/dhpa/photo_archives/b/b002.php

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[37] Brinton, "The Negro in Durham: A Study of Adjustment to Town Life," 59.
[38] Durham Police Department, *Durham Police Department, Durham, North Carolina: Proudly Serving Our Community*, 10–11.
[39] Lougee, *Durham, My Hometown*, 122.

Just before trolley cars came to Durham in 1910, the town bought two bicycles for officers to use in answering calls. There was a strict policy, however, that bikes could only be used for official police business. A small booth was set up at the intersection of Main and Corcoran Streets to direct traffic, mainly horse-drawn vehicles. The department later purchased a paddy wagon named "Black Maria" that operated on a magneto and had to be hand-cranked, although Model T. Fords eventually replaced this conveyance.[40] By 1938, the department had ten patrol cars that each had two-way radios.[41]

However, courts and police officers did not function as the only enforcement arm of the law during the turn of the century. In response to the slew of federal civil rights legislation that was passed during Reconstruction to protect newly freed enslaved people, vigilante groups like the Ku Klux Klan (KKK) mobilized.[42] During the early 1900s, the Klan and its sympathizers were responsible for terrorizing, intimidating, and

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[40] Durham Police Department, *Durham Police Department, Durham, North Carolina: Proudly Serving Our Community*, 10–11.
[41] Ibid, 13.
[42] Reconstruction was the brief period from 1863, when the North freed enslaved people, to 1870, when federal troops left the South. The federal legislative achievements of this period include the Thirteenth Amendment, abolishing slavery; the Civil Rights Act of 1866, guaranteeing full citizenship to African Americans; the Fourteenth Amendment, prohibiting states from denying citizens due process and "equal protection under the law;" the Fifteenth Amendment, granting African American men the right to vote, and the Ku Klux Klan Acts, declaring interference with voting a federal offense and the violent infringement of civil rights a crime. The Freedman's Bureau, an agency that provided food, clothing, and other forms of assistance to newly freed enslaved people, was created during this period. Reconstruction also provided for federal troop supervision of voting and authorized the president to send the army and suspend the writ of habeas corpus in districts declared to be in a state of insurrection against the federal government. Poll taxes, literacy tests, and other devices to prevent blacks from voting ultimately undermined this legislation. Federal troops withdrew from the South and funding for the Freedman's Bureau was virtually eliminated; Laura Edwards, *A Legal History of the Civil War and Reconstruction: A Nation of Rights*, New Histories of American Law (New York: Cambridge University Press, 2015).

murdering thousands of black bodies across the South.[43] Perhaps no greater example of this form of vigilante justice is the lynching ritual. While lynching was often seen by whites as a means to protect white womanhood and thus the white family, its practical reality emerged: overall it served as an extralegal tool to punish and terrorize blackness. Rope, wood, guns, kerosene, tar, and feathers were gathered in preparation. Lynchings had many characteristics of a grotesque sporting event: entire families participated, and sometimes the teeth and body parts of the black victim were collected as souvenirs.[44] The white mob that took part in the lynching often included police officers and elected officials. The ceremonious event was usually advertised beforehand in the newspaper, and special emphasis was placed on finding an appropriate location for expected onlookers and a good tree for the hanging.[45] Official United States records show that more than three thousand blacks were lynched between 1882 and 1964, though anti-lynching crusader Ida B. Wells placed that figure closer to ten thousand.[46] Vigilante terror groups like the KKK enforced unwritten laws of white supremacy that went beyond the bounds of official law enforcement, and law enforcement rarely denounced such extralegal acts.

Crime in Durham during the turn of the century was primarily limited to stealing, drunkenness, and street fighting. The county jail, also referred to as "the miniature

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[43] Thomas Pegram, *One Hundred Percent American: The Rebirth and Decline of the Ku Klux Klan in the 1920s* (Chicago: National Book Network, 1955).
[44] Manfred Berg, *Popular Justice: A History of Lynching in America*, The American Ways (Chicago: Ivan R. Dee, 2011).
[45] Russell, *The Color of Crime: Racial Hoaxes, White Fear, Black Protectionism, Police Harassment, and Other Macroagressions*, 20.
[46] Ibid, 21–22.

Bastille," mostly housed drunks.[47] If a convicted person could not pay a fine "he was made to work on the streets, with a ball and chain assuring that he didn't escape."[48] Few women were arrested at the time, although as a former police officer recalled, "When we did arrest them they were worse than a man to handle. They would fight, and we hated like everything to have to bother with them."[49] Officers had to arrest and "drag in drunks," and since there were no handcuffs, they carried a small chain with a handle that was wrapped around the prisoner's wrists. If a prisoner refused to cooperate, they were threatened with a pistol.[50]

Durham County Home Prison Farm on Roxboro Road showing main house, surrounding buildings, well, wagon, and prison population. Guards with pistols and rifles oversee work crew of men and women, 1880.

Mrs. E. V. Leigh, North Carolina Collection:
https://durhamcountylibrary.org/exhibits/dhpa/photo_archives/a/a022.php

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[47] Lougee, *Durham, My Hometown*, 122.
[48] Ibid, 123.
[49] Ibid.
[50] Ibid.

The aforementioned thesis written by a student at the University of Chapel Hill, "Negro In Durham: A Study of Adjustment to Town Life," serves as a valuable source for examining black crime and how it was viewed in Durham. Material was obtained from the police blotter of the Recorder's Court in Durham, and the cases were "tabulated with address given, without address given, and living outside of Durham city— according to offense, disposition, age, shade of color, marital status, occupation, and sex of the offender." The time period studied was from July 1, 1926 to June 30, 1927, during which 2,397 blacks were brought before the Recorder's Court.[51]

It is important to note that the author of this academic source, Hugh Brinton, was a white man attending an exclusively white institution during segregation. Brinton concluded that "the problem of crime in a small city such as Durham is really a matter of social adjustment or maladjustment rather than the deliberate entering upon a career antagonistic to the welfare of society."[52] He did not use a framework for his study that considered the ways local conditions may have caused blacks to be arrested more readily for certain offenses than others, or ask if the police were always careful in obtaining evidence and securing the right person. Furthermore, no comparison was made with white crime.[53]

In general, Brinton found that the majority of black crimes were minor and petty offenses. Table 1 provides a comprehensive list based on the data Brinton collected regarding the offenses that black males and black females were charged with in the Recorder's Court in Durham from July 1, 1926 to July 1, 1927. Violation of liquor laws,

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[51] Brinton, "The Negro in Durham: A Study of Adjustment to Town Life," 1.
[52] Ibid, xiv.
[53] Ibid, 5.

specifically drunkenness and illegal possession, were the most common charges next to miscellaneous offenses such as gambling.

TABLE 1

Offenses of Negroes Brought before the Recorder's Court in Durham
July 1,1926 to July 1,1927.[54]

Vs. Liquor Laws [Drunkenness, Driving car intoxicated, illegal possession transporting, reckless driving, miscellaneous]	**Male** 504	**Female** 56	**Total** 590
Vs. Traffic Laws [Speeding, Reckless Driving, Other traffic violations]	**Male** 239	**Female** 7	**Total** 246
Vs. Person [Assault & Battery, Assault deadly weapon, Assault on female, Affray, Miscellaneous]	**Male** 307	**Female** 88	**Total** 395
Vs. Property [Disposing mortgaged property, Embezzlement, Forgery, Injury to property, Larceny, Robbery, Trespass, Forcible Trespass, Worthless check, Miscellaneous]	**Male** 251	**Female** 29	**Total** 280
Vs. Morality [Disorderly house, Fortification & Adultery, Prostitution, Incest, Obscene act, Using room for immoral purpose, Miscellaneous]	**Male** 76	**Female** 60	**Total** 136

[54] Brinton, "The Negro in Durham: A Study of Adjustment to Town Life," 6.

Vs. Public Peace [Boisterous cursing, Disorderly conduct, concealed weapons, nuisance, Miscellaneous]	**Male** 125	**Female** 45	**Total** 170
Vs. Public Justice [Bribery, Escape, Perjury, Resisting Officer, Miscellaneous]	**Male** 37	**Female** 5	**Total** 42
Neglect of Duties [Building code, Failure to pay license, Failure to appear in court, Sanitary code, Miscellaneous]	**Male** 78	**Female** 11	**Total** 89
Unclassified [City ordinance, cruelty to animals, Defrauding boarding house, Gambling, Gun on Sunday, Vagrancy, Held for Investigation]	**Male** 426	**Female** 23	**Total** 449
All Offenses	2,937	324	3261

Tables 2 and 3 highlight the ten most common offenses for black males and females in Durham from July 1, 1922 to July 1, 1926. For offenses against the person, Brinton found that men were more likely to be arrested for assault and battery, while women were more often charged with assault with a deadly weapon. There were only three cases of such a serious a crime as robbery. In addition, very few black men were arrested for assault on a female. Brinton reported that this "may be due to the fact that police do not interfere in such trouble so long as it is within the Negro race, or it may be that such crimes are not so prevalent as is commonly supposed."[55]

[55] Brinton, "The Negro in Durham: A Study of Adjustment to Town Life," 10.

TABLE 2

The Ten Most Common Offenses of Negroes in Durham: Male
July 1, 1922 to July 1, 1926.[56]

Name	Percent
Gambling	70.2
Drunk	12.1
Assault with D.W	6.3
Larceny	6.2
Assault with Battery	6.1
Illegal possession	5.7
Traffic regulation	4.3
Speeding	3.9
Boisterous cursing	3.1
City ordinance	3.0

TABLE 3

The Ten Most Common Offenses of Negroes in Durham: Female
July 1, 1922 to July 1, 1926.[57]

Name	Percent
Assault with D.W	11.4
Illegal possession	10.8
Room for immoral purpose	10.4
Boisterous cursing	8.4
Larceny	5.7
Drunk	5.7
Affray	5.5
Gambling	5.5
Assault with battery	4.9
Fail to pay tax	4.1

The minor character of most of these crimes is further confirmed by the fact that nearly half of them are settled by the payment of a fine. Black offenders were rarely charged more than $50.00 in fines. For more severe offenses, the black offender was put on a chain gang. Probable cause, which meant that the crime was beyond the jurisdiction

[56] Brinton, "The Negro in Durham: A Study of Adjustment to Town Life," 14. 13.
[57] Ibid,14.

of the Durham Recorder's Court, was only declared 49 times in all of the cases Brinton studied. This meant that only 2.04 percent of black criminal offenses were so serious that they were put before a jury.[58]

Brinton argued that black crime occurs as a result of an unadjusted "migrant" unfamiliar with city law. He described the general history of a black person that may have interacted with law enforcement:

> "A Negro comes to Durham from South Carolina or from a neighboring county expecting to find work. He is unable to do so. With money getting low, without home ties, and ignorant of city ways, what is he to do? At this stage he is an easy mark for the disreputable characters who are always on the lookout for just such individuals. They offer him a drink and show him how easy it is to make money in the bootlegging business. If he accepts he is started on the path toward an anti-social life and may become a member of the fighting, drinking, and gambling group who make their living from green countrymen as he once was."[59]

Additionally, Brinton observed that there are certain streets in Durham and certain housing on streets that foster a criminal environment. He noted that these "disorganized areas can be detected easily even by inspection – rows of unpainted shacks, bare yards, rough streets, bad drainage, and crowds of loafing Negro youths."

While Brinton's analysis of black crime in Durham is stereotypical and crude, it is true that many blacks came to Durham at the turn of the century searching for work in the tobacco industry. The majority of this emerging unskilled black labor class consisted of newly emancipated slaves that came from a plantation economy rooted in the production of rural agriculture. This had significant implications on the type of work blacks could find, and as Brinton noted in his thesis,

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[58] Brinton, "The Negro in Durham: A Study of Adjustment to Town Life," 17.
[59] Ibid, 4.

> "To the country Negro just arrived in town the problem of finding some occupation is very acute. He brings with him, from his farm background, little experience that will be of value in his new situation. From a world of barter and credit he has entered a world of money economy. He no longer raises what he eats or buys it on credit from the local supply merchant. Now he must go to the store and pay cash for what he gets. His whole training has not been such as to teach him concerning the wise handling of money and economic spending of it. He has not learned any manual skill suited to city employment nor is he used to the regular hours and continued attention required by industry. Hence the sort of work which he can do is limited to the tasks of an unskilled nature that can be performed moderately well after only a little training."[60]

The Duke family in particular encouraged black labor in their factories.[61] Especially after the invention of the cigarette machine in the 1880s, blacks were increasingly hired to prepare tobacco while white workers performed more skilled tasks. As a result, an increasing number of blacks from rural areas sought employment in Durham.

Work in the tobacco factories was dusty, hot and demanding. Black tobacco workers were typically on their feet working for 9 hours each day. Tobacco factories had no air-conditioning, and the dried tobacco leaves emitted a dust that was a powerful irritant to the average worker. Black men would carry the tobacco bales that came from the auction houses and haul the barrels to the warehouse for aging, while black women worked on the stemming floor and stripped the tobacco leaves from their fibrous and hard stems. The stemmed leaves were then put through a drying and shredding machine operated by black men.[62]

Although there was a constant supply of unskilled black labor in Durham, the seasonal nature of the tobacco industry impacted the regularity of black employment.

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[60] Brinton, "The Negro in Durham: A Study of Adjustment to Town Life," 69.
[61] Thomas Houck, "A Newspaper History of Race Relations in Durham, North Carolina, 1910-1940" (Master's Thesis, Duke University, 1941), 27.
[62] Partner and Johnston, *Bull City Survivor: Standing Up to a Hard Life in a Southern City*, 21.

Most tobacco factories in Durham only operated from August until the middle of January, and were closed down completely during the rest of the year. Brinton estimated that smaller factories would retain the employment of approximately 500 people, mainly women. Larger factories, specifically the drying and packaging divisions, were open for more of the year but would prioritize securing work for older employees. Furthermore, work was irregular even during the season: tobacco plants could shut down—without warning—for a few days at a time. As Benton pointed out, this unpredictable nature of work had significant social and economic effects on black employees:

> "… they feel that their job is not steady and so there is no use to take any special interest in it. An attitude of physical tenseness and helplessness is bred which is disorganizing to family stability and sustained efforts at adjustment, social or economic. More harmful still is the effect of being thrown out of employment upon the 800 to 1,000 men and women who lose their job the first of the year. It is midwinter when adequate food and shelter are most necessary, yet when other outside jobs either in construction or on the farms are almost non-existent."[63]

Furthermore, this unsteady and unreliable form of employment may have influenced crime among the black laboring class. Brenton explained that,

> "In the laboring class areas the streets, usually almost deserted in the daytime, are filled with people strolling about with nothing to do. There is much loud talking and swearing and card games and other forms of gambling can be seen going on in the houses. A general disorganization is taking place, which immediately registers in a large increase in the crime rate."[64]

The irregularity of the tobacco season had a destabilizing impact on the black family and community structure.

At the same time, however, the development of the black community in Durham was ahead of many other southern cities. During the first half of the twentieth century,

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[63] Brinton, "The Negro in Durham: A Study of Adjustment to Town Life," 131.
[64] Ibid.

black businessmen—often supported by white tobacco interests—had developed a unique black business district. The group economy, land ownership, business enterprises, and community leadership that manifested within the city's black community between the 1880s and 1940s came to be known as Durham's Black Wall Street.

The main anchor for business on Black Wall Street was the North Carolina Mutual Life Insurance Company, or NC Mutual. The company, founded in 1898 by John Merrick, Dr. Aaron Moore, and C.C. Spaulding, still stands as the oldest, largest and most successful African American life insurance company in the United States.[65] The three men recognized the need for an insurance association to serve black consumers. Life insurance was a means to preserve wealth; widows could gain compensation for the loss of wage earning family members. The profits of NC Mutual grew from less than a thousand dollars in 1899 to over a quarter of a million in 1910, with 200,000 members and office buildings in three cities.[66]

Durham's black business elite ensured that a strong and independent social, economic and cultural fabric further supported the black community. The leaders of NC Mutual founded a black college, North Carolina College for Negroes, which became the first publicly funded liberal arts college for blacks in the United States.[67] The local NAACP chapter in Durham, formed in 1917, was also under the influence of NC Mutual.[68] Mechanic and Farmers Bank, founded in 1907 by a group of nine prominent businessmen headed by R.B. Fitzgerald, played an integral role in the black economy,

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[65] Andre Vann and Beverly Jones, *Durham's Hayti* (Charleston SC, Chicago IL, Portsmouth NH, San Francisco CA: Arcadia Publishing, 1999).
[66] Ibid.
[67] Known today as North Carolina Central University, NCCU.
[68] Davidson, *The Best of Enemies: Race and Redemption in the New South*, 39.

providing home loans to African American families.[69] Not even fifty years after the abolition of slavery and in the midst of racial segregation, these institutions thrived independently from white Durham.

Many of the institutions that powered Black Wall Street were, at the same time, exclusively representative of the black upper class. Durham's black elite, typically consisting of lighter-skinned blacks with college degrees, had fewer links to the black working class. As historian Osha Gray Davidson notes,

> "… the Mutual presented itself as merely the most visible face of a vibrant and economically maturing black community, but it quickly became a vehicle of and for the black bourgeoisie in Durham, separated from the bulk of the black population."[70]

The comparison between the founders of North Carolina Mutual and the accommodationist philosophy of Booker T. Washington is not uncommon. In his only known speech, Merrick, one of the founders of NC Mutual, proclaimed:

> "Negroes have had lots of offices in this state and they have benefited themselves but very little… nothing comparing with what they could have done along business and industrial lines had they given it at the same time and talent… Let us think more of our employment and what it takes to keep peace and to build us a little house and stop thinking we are the whole Republican party…"[71]

The black business elite's compliance with white interests was particularly exemplified after Joe Louis, a famous black boxer, defeated a white man in 1937. Black citizens in Durham took to the streets, though the celebration became violent and some blacks began throwing stones at white drivers. The police chief told Spaulding, head of NC Mutual at the time, to get "your people" off the street. Spaulding complied, and the racial tensions

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[69] Mechanic and Farmers Bank, 2016,"Our History," httpw:///www.mfbonline.com/our-history/
[70] Davidson, *The Best of Enemies: Race and Redemption in the New South*, 39.
[71] Ibid, 50–51.

dissipated.[72] This conciliatory philosophy that guided many institutions in Durham's Black Wall Street functioned within the system of white domination.

In part as a result of the economic success of Black Wall Street and the quiet consent of the white community, Durham had earned a reputation as a progressive Southern city throughout the turn of the century. Visitors flocked to Durham to see its unique story of race, where an interracial and progressive environment fostered black business industry and success. Calling Durham "A City of Negro Enterprise," Booker T. Washington wrote that "if blacks across the world would emulate blacks in Durham, they would be on their way to prosperity and economic security."[73] The *Durham Negro Observer* wrote to its readership in 1906:

> "When you shout Durham! The gloomy and the befogged financial atmosphere becomes clear and there is a mad rush and scramble for her bonds. When you say Durham! The wheels begin to turn, the smoke rolls in massive clouds from every stack and the sweet assuring music of busy machinery is heard. Durham! And as if by magic, everything springs into new life, the veins and arteries of business throw off their stagnation and the bright sun of prosperity sends its radiant beams out upon the world."[74]

The US State Department regularly brought African dignitaries to Durham to 'prove' that 'the race problem' in America was clearly fabricated and sensationalized; the diplomats were taken to the NC Mutual office, where rows of black workers filled the building.[75]

Despite its national rapport as a "City of Negro Enterprise," Durham was not immune from the segregation and discrimination of the Jim Crow South.[76] The city boasted some of the wealthiest black men in America, but also was home to some of the

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[72] Ibid, 54.
[73] Booker T. Washington, *Durham, North Carolina, a city of Negro enterprises* [New York]: [publisher not identified].
[74] Davidson, *The Best of Enemies: Race and Redemption in the New South*, 23–24.
[75] Ibid., 27.
[76] Washington, *Durham North Carolina, a City of Negro Enterprises*.

poorest black women in the state of North Carolina.[77] Most blacks living in Durham at the turn of the century were confined to substandard housing and lacked indoor plumbing. One of every three babies born to a black mother died within the first year and a majority of blacks were dead before the age of forty.[78] These conditions were consistent with the situation of most blacks in other Southern cities. The *Baltimore Afro-American* warned its readers of the city's inflated narrative and that "many things that have been said about Durham are false."[79]

The turn of the twentieth century was a time of transition and transformation for the black community in Durham. As Durham grew as a city after the Civil War, newly emancipated enslaved people filled the need for unskilled labor in the tobacco factories that dominated the city's landscape. The seasonal nature of tobacco and overall irregularity of work had a destabilizing effect on the black family and community structure. While the Slave Codes had ended, new legal forms of economic and political control emerged to enforce white supremacy in Durham. The Black Codes ensured that the color barrier remained unchallenged: a black man could be criminally charged for simply looking at a white woman the wrong way. This discriminatory application of the law meant that blacks were disproportionately targeted, arrested, convicted, and sanctioned. Blacks were charged with minor and petty offenses, and law enforcement benefited from the conviction of these crimes. Furthermore, groups like the Klan

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[77] Leslie Brown, *Upbuilding Black Durham: Gender, Class, and Black Community Development in the Jim Crow South* (Chapel Hill: The University of North Carolina Press, 2008), 16.
[78] Davidson, *The Best of Enemies: Race and Redemption in the New South*, 38.
[79] Ibid, 39.

enforced unwritten laws of white supremacy, lynching and terrorizing blacks with impunity.

Despite these repressive conditions, a black middle class and thriving black business district emerged in Durham. The success of Durham's Black Wall Street rested upon key economic institutions such as NC Mutual and Mechanic and Farmer's Bank. Durham was seen as a center for racial progress in the South, despite the fact that the majority of the black community continued to live in poverty. Black Durham's economic success was due in part to white tolerance and support: white power holders recognized that it was in their interest to have a strong black elite that could help maintain law and order within the black community. The narrative that Durham was a racially progressive city at the turn of the century would continue to be lauded, whitewashing and discounting the experiences of thousands of black residents whose lives continued to be policed.

CHAPTER 2: The Hayti Police

"Back in the day, you wouldn't have to call the police. What you would call would be a rescue squad and a minister… the parents, the teachers, our neighbors: they made sure we stayed straight. But they helped us through because we knew what was to be done and not to be done."

- John C. "Skeepie" Scarborough, Durham, North Carolina[80]

"I would hear folks sitting in the barbershop when I would go get a haircut or something, people would talk about how bad these white officers were, and how glad they were that we got some black officers now who can help us along the way."

- Henry "Mickey" Michaux, Durham, North Carolina[81]

"Just about everybody knew you and you knew them … And they don't mind if something happens- telling you."

- Pernell Canaday, Hayti police officer[82]

"It was always looking forward to whatever was next. It was the joy of people communicating between each other in a productive way, not the spiteful, but in joy. The handshake in joy. Standing and talking, just in joy. Because you were in Hayti."

- John C. "Skeepie" Scarborough, Durham, North Carolina[83]

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[80] John C. "Skeepie" Scarborough, interview by author, October 26, 2015.
[81] Henry M. Michaux, interview by author, November 9, 2015.
[82] Pernell Canaday, interview by author, November 14, 2015.

It all started after a white bus driver killed a black man on a Durham bus in 1944.[84] Booker T. Spicely, a 29-year-old black soldier from Alabama's Tuskegee Institute, had protested the segregation laws that required him to sit in the rear of the bus, especially on a day when no other passengers were on the bus.[85] "I thought I was fighting this war [World War II] for democracy," the uniformed soldier questioned the white bus driver. "If you weren't a 4-F, you wouldn't be driving this bus," he added under his breath.[86] Before getting off the bus, Spicely attempted to make amends with the driver, but it was too late. The driver, Herman Council, a 36-year old white southerner, jumped out of the bus and proceeded to shoot Spicely two times with his .38 caliber pistol. [87] The black soldier was dead by the time he got to the hospital.[88]

Spicely had been based at Camp Butner, a 40,000-acre military training facility twelve miles north of Durham. The military site had opened in August 1942, and was "like a city within a city": 35,000 people lived at Camp Butner, and 7,500 of them were

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[83] John C. "Skeepie" Scarborough interview by author, October 26, 2015.
[84] It is worth noting that this was not the first instance of racial discord on the Durham buses. The chairman of the state utilities commission had complained to North Carolina Governor Broughton that "Durham is one of the worst places we have, due to the large Negro population…" and further reported "it was utterly impossible" for bus drivers and the Durham police "to enforce the segregation laws. We have already had some trouble there and I apprehend that we will have more."; Christina Greene, *Our Separate Ways: Women and the Black Freedom Movement in Durham, North Carolina* (Chapel Hill and London: The University of North Carolina Press, 2005), 17–18.
[85] John C. "Skeepy" Scarborough, interview by author, October 26, 2015.
[86] 4-F is a classification given to candidates that are found to be unfit for military service after formal examination.
[87] David Cecelski and Timothy Tyson, eds., *Democracy Betrayed: The Wilmington Race Riot of 1898 and Its Legacy* (Chapel Hill and London: The University of North Carolina Press, 1998), 266–267.
[88] Greene, *Our Separate Ways: Women and the Black Freedom Movement in Durham, North Carolina*, 18–19.

black.[89] Durham attracted many soldiers, black and white, in search of entertainment and female companionship. As a result, bus routes were established to transport soldiers between Camp Butner and Durham. Almost 4,000 soldiers could be found walking the streets of Durham on any given day during the war. As one resident recalled, the soldiers were willing to "pay double for everything they get, only they want it right now."[90] On that fateful day in 1944, Spicely was one of these soldiers visiting Durham.

Two hours after Spicely was killed, one of the worst fires occurred in Durham's history. "Mammoth clouds of smoke and flames jumped hundreds of feet into the air and the heat could be felt two blocks away," reported the *Durham Daily.* A white-owned warehouse district in downtown Durham was virtually burned to the ground. Bare skeletons of horses and cows were found in the ashes, and authorities estimated the cost of the damages at close to half a million dollars.[91] While many people believed it might have been an act of arson, the cause of the fire remained a mystery. No one was ever arrested or convicted. As historian Christina Greene later wrote, however, perhaps the fire was "the black community's advance retribution against a criminal justice system that too often demonstrated a callous disregard for African American life."[92]

Spicely's murder also exacerbated political tensions within the black community in Durham. An attorney from the National Association for the Advancement of Black People (NAACP) national office captured the impact of black elite partnerships with the

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[89] Greene, *Our Separate Ways: Women and the Black Freedom Movement in Durham, North Carolina*, 11–12.
[90] Partner and Johnston, *Bull City Survivor: Standing Up to a Hard Life in a Southern City*, 13.
[91] Greene, *Our Separate Ways: Women and the Black Freedom Movement in Durham, North Carolina*, 19.
[92] Ibid.

white power structure: "The [Durham] branch hasn't done anything because the president works for the [North Carolina Mutual Life] Insurance Company and therefore his hands are tied." Spaulding of NC Mutual warned that the presence of "outsiders" (alluding to the NAACP attorneys from the national office) would jeopardize the chances of procuring a conviction and asserted that a white attorney would have a better chance of convicting a white defendant in a Durham courtroom.[93]

At the trial two months later, Council, the white bus driver, was ultimately exonerated and found not guilty for killing Spicely. The all-white jury deliberated for a total of 28 minutes before acquitting Council.[94] Riots erupted throughout the city, and white bus drivers refused to go into black neighborhoods. Louis Alston, the editor and publisher of the black newspaper *The Carolina Times*, reminded his readership of the state-sanctioned violence that continued to be wrought by "sheriffs, chiefs of police, members of grand juries… and *bus drivers.*"[95] A burgeoning black spirit of protest could be seen in stickers that were placed all over Durham, and their message was clear: "Remember."[96]

The Spicely incident was similar to other racial confrontations that occurred in the United States during World War II. In fact, 250 racially motivated incidents had occurred at or near military bases across the country the year before.[97] The Double V Campaign, which recognized the irony that black Americans were fighting for democracy abroad

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[93] Greene, *Our Separate Ways: Women and the Black Freedom Movement in Durham, North Carolina*, 19.
[94] Ibid.
[95] Emphasis added by author.
[96] Greene, *Our Separate Ways: Women and the Black Freedom Movement in Durham, North Carolina*, 20.
[97] Ibid.

when they still did not have equal rights at home, had also entered the public discourse in the early 1940s.[98] Shortly after the Spicely incident, the official magazine of the NAACP, *The Crisis,* warned the general public that blacks were so outraged by the mistreatment of black soldiers and the inaction of the Democrats that "the Durham shooting might cost President Roosevelt the upcoming election."[99]

It had taken such an incident in 1944 to shake the 'City of Negro Enterprise' into a state of total panic. Rather than coming to Durham to have fun, the black soldiers stationed at Camp Butner came with a vengeance for justice and rioted throughout the city. Parts of the white business district were destroyed, and the police department struggled to neutralize the professional soldiers. The fearful white power structure in Durham decided to take action: Chief King of the Durham Police Department was ordered to hire some "colored" people for his department.[100]

While Spicely's murder was certainly the tipping point for hiring black police officers in Durham, it was also not an isolated incident. A year before, in 1943, a sixteen year-old black female by the name of Doris Lyon had refused to move to the back of a Durham bus and was assaulted by a white plainclothes policeman. No action was brought against the police officer, while Lyon was found guilty of assault and battery and charged for breaking North Carolina's segregation law.[101] Lyon's story only reaffirmed the message that white policemen could mistreat black citizens with impunity. A Durham

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[98] James Rawn, *The Double V: How Wars, Protest, and Harry Truman Desegregated America's Military* (New York: Bloomsbury Press, 2013).
[99] Greene, *Our Separate Ways: Women and the Black Freedom Movement in Durham, North Carolina*, 20.
[100] Kenneth Edmonds, interview by author, October 30, 2015.
[101] Greene, *Our Separate Ways: Women and the Black Freedom Movement in Durham, North Carolina*, 17.

native surmised: "They [black people] were beaten and brutalized. And they would come back and you would see the injury. But that was just how it was."[102] *The Carolina Times* also served as a source of news for instances of police brutality in Durham. Louis Alston, the editor and owner of the black weekly newspaper, published many editorials on the matter. Alston's grandson, Kenneth Edmonds, reflected on his grandfather's activism:

> "He was essentially saying that we needed our own people down here. Not only for fairness but because we [were] as well qualified as whites are. We ought to have a chance to have those jobs, to have the same kind of influence, if we are qualified. Why not? And why not now?"[103]

A long history of the black abuse from law enforcement and a rising call for fair, equitable, and just law enforcement—albeit heightened by the social instability following Spicely's murder—also contributed to the decision to hire back police officers.

The search process ensued, and on July 1, 1944, Durham residents James B. Samuels and Clyde Cox became the first black police officers in the city's history. The police headquarters at the time were located in the old "Red Top" county jail.[104] Cox later recounted, in detail, his interview experience:

> Chief King: Cox, how old are you, boy?
>
> Cox: I'm thirty years old, sir.
>
> King: Have you ever been arrested?
>
> Cox: No, sir.

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[102] Kenneth Edmonds, interview by author, October 30, 2015.
[103] Ibid.
[104] Marshall Thompson, *Hayti Police: Memoirs of a Former Durham Police Officer* (New York City: New York: Vantage Press, 2001), 64.

> King: *(To his office workers)* I want to show ya'll here a nigger that is thirty years old and never been arrested![105]

Black men such as Samuels and Cox that joined the force after 1944 were called everything from "Negro" to "colored" but they were best known by a different name: The Hayti Police. Pronounced "hay-tie," and evoking the image of the Black Caribbean republic (Haiti), Hayti was the largest and most prosperous of Durham's black neighborhoods throughout the twentieth century.[106] The community was home to thousands of residents and the hundreds of independent enterprises and institutions in which they worked, shopped, worshipped, ate, and lived. As Durham native and long time North Carolina Representative Henry M. "Mickey" Michaux put it,

> "We didn't have to go across the tracks, really, to get anything done. We had our own savings and loans bank, our own insurance company, our own furniture store, our own tailors, barbershop, grocery store –the whole nine yards."[107]

From the piedmont blues to jazz and big band performers, Hayti also boasted a lively entertainment scene.[108] Cox and Samuels were hired as Hayti Police officers in 1944 to police this black community exclusively.

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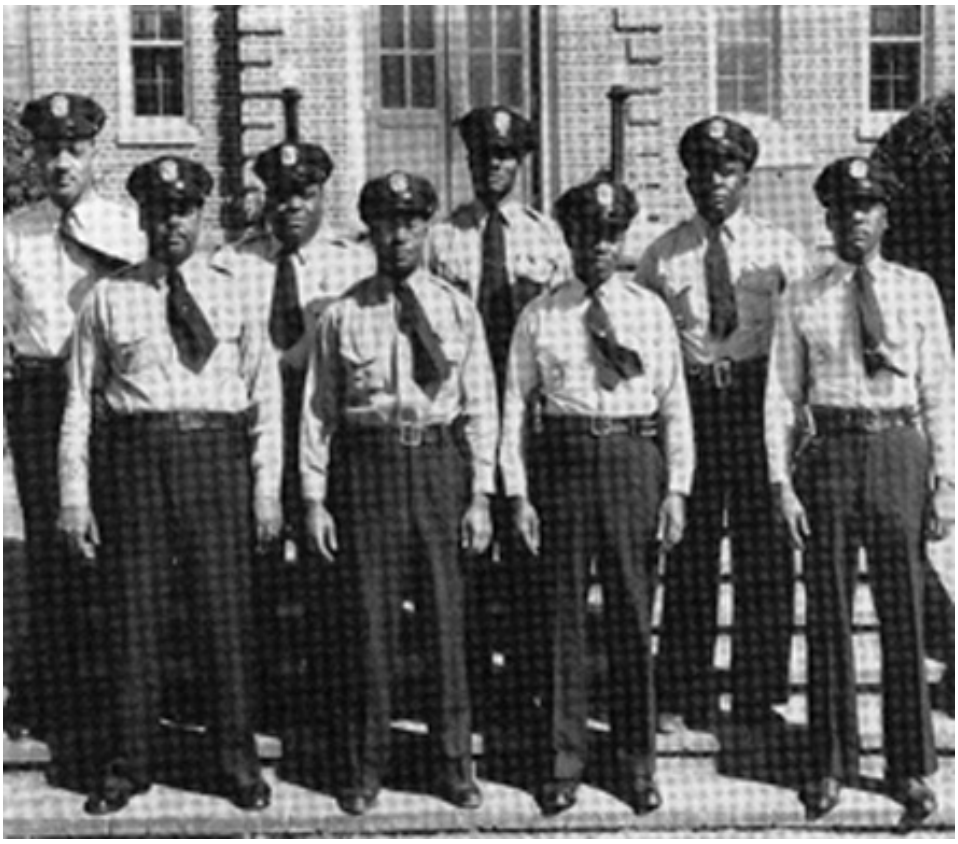
[105] Thompson, *Hayti Police: Memoirs of a Former Durham Police Officer*, 6.
[106] The black community in Durham also lived in other communities such as the West End (later called Lyon Park), the East End, Pin Hook (later known as Hickstown and more contemporarily the Crest Street neighborhood); Brown, *Upbuilding Black Durham: Gender, Class, and Black Community Development in the Jim Crow South,* 32.
[107] Mickey M. Michaux, interview by author, November 9, 2015.
[108] Greene, *Our Separate Ways: Women and the Black Freedom Movement in Durham, North Carolina*, 12.



Hayti Police officers, 1949. Front row, left to right: O.C. Johnson, James B. Samuel, Frank McCrae, Oliver Harris. Back row, left to right: Otis Parker, Richard W. Barnes, Ben McClary, Clyde Cox.
Marshall Thompson, North Carolina Collection:
http://andjusticeforall.dconc.gov/gallery_images/hayti-police-1949/

Although Durham was not the only southern city that hired black police officers, their presence in southern police departments during the 1940s was not common. Black officers had gained representation in other southern cities such as Richmond, Columbia, Charleston, Memphis, Montgomery, Mobile, and Nashville, but their introduction into these police forces was almost always the result of token desegregation efforts.[109] The experience of two Hayti police detectives who went to New York to extradite a prisoner back to Durham highlights this reality. In order to get the prisoner released, the Hayti officers had to go before a superior court judge. When he heard their request, the judge,

[109] Dulaney, *Black Police in America*, 44.

who was white, was bewildered: he could not believe that there "were colored people in the police departments in the South – not to mention detectives!"[110] After making a few phone calls to confirm that there were in fact black police officers in Durham, the judge apologized to the officers and invited them over for dinner. The two Hayti officers ate at the judge's house before they headed back to Durham with the prisoner.[111]

The advent of the Hayti Police marked a significant shift in the way that black people were policed in Durham. Cox and Samuels were given a "billy club" (nightstick) and were told to go to Pettigrew Street and "clean it up."[112] Rather than increasing white control and regulation over the black population following Spicely's murder, a laissez-faire approach was adopted: the fearful white power structure was essentially asking blacks to police themselves. This mandated shift was consistent with the paradigm of race relations in Durham that had existed since the rise of Black Wall Street in the 1880s, whereby the white community tolerated, and often supported, parallel black institutions so long as they remained separate from their own. As a Hayti Police officer later remembered, "They didn't want to think about it. They just wanted it handled."[113]

At the same time, and more paramount, the power of the Hayti police officers was still tightly controlled by Durham's white power structure. Cox and Samuels were relegated to foot patrols and did not have the power to make any formal arrests.[114] This practice eventually changed, and Hayti officers could make arrests—but only black offenders—within Hayti. This racial hierarchy was further accentuated by Hayti's

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[110] Thompson, *Hayti Police: Memoirs of a Former Durham Police Officer*, 58.
[111] Ibid.
[112] Ibid, 17.
[113] Marshall Thompson, interview by author, October 20, 2015.
[114] Thompson, *Hayti Police: Memoirs of a Former Durham Police Officer*, 22.

position as a desirable destination for whites seeking entertainment in Durham. Many whites would attend nightclubs in Hayti, and "if one of them caused a ruckus" the manager would call the police.[115] The Hayti Police would then arrive on the scene, but the black officers could not take any enforcement action; they would have to call main headquarters to send a white policeman. This situation was a source of constant embarrassment for many Hayti officers, who remembered being "taunted" and "harassed" by white officers who assumed authority over the case.[116] "They didn't care if the man committed murder, they wouldn't let us handle it," recalled a former Hayti officer.[117]

Although most of the black officers who joined the department after 1944 were often more educated and experienced than their white counterparts, they were consistently overlooked for promotion. Samuels, for instance, had graduated from Fisk University, and this remained the most advanced degree in the Durham Police Department for many years.[118] Nonetheless, after each failed promotion the Hayti officers were told that they had to be better educated.[119] White officers routinely benefited from preferential treatment within the rank system. An opening for lieutenant in the early 1950s specifically stated that officers above average weight and with low test scores would not be considered for the promotion. However, an overweight white officer that had scored the lowest on the test made lieutenant. He was so unqualified that he

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[115] Kenneth Edmonds, interview by author, October 30, 2015.
[116] Marshall Thompson, interview by author, October 20, 2015.
[117] Ibid.
[118] Thompson, *Hayti Police: Memoirs of a Former Durham Police Officer*, 17.
[119] Ibid,19.

accidently shot himself with a pistol on the job.[120] The experience of a Hayti Police officer that confronted a minor traffic accident between a white and black driver spotlights the irony of this rank system. After the officer issued a traffic report, the white driver asked to speak with the officer's supervisor. The supervisor arrived on the scene: it was the white officer whom the Hayti Police officer had just finished training.

The Hayti police served Durham during the height of racial segregation. Despite the fact that it was their place of work, they were not allowed to change their clothes, eat lunch, drink water, or use the bathroom at police headquarters.[121] In 1950, when the department finally issued cars to the Hayti police, the cars had been well used by white commanders. The officers were then accused of "always having dusty or muddy cars." The reality, of course, was that—unlike most other parts of Durham—the streets in Hayti remained unpaved. When Hayti officer Marshal Thompson came onto the force, the captain called him and the three other black 'rookies' to his office. Thompson vividly recalls the situation:

> "There was a cereal bowl full of water on the captain's desk. Captain Ellen began to talk. "Gentlemen, each of you put your hand in this bowl full of water and then take it out," he said. We did so, one at a time. "Gentlemen," he continued, "you see how fast that bowl of water filled back up when you took your hand out?" Yes sir!" we replied in unison. "That's just about how fast you will be replaced or missed if you mess up out there! Pay attention and stay alive! Dismissed!"[122]

The badge that the Hayti Police donned on their uniforms was separate from the rest of the police department, and certainly not equal.

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[120] Marshall Thompson, interview by author, October 20, 2015.
[121] Thompson, *Hayti Police: Memoirs of a Former Durham Police Officer*, 17.
[122] Ibid., 63.

Hayti Police Officers outside the Durham County Courthouse, n.d [1940s?].
Durham Business and Professional Chain, North Carolina Collection:
http://andjusticeforall.dconc.gov/gallery_images/hayti-police-officers-outside-of-the-durham-county-courthouse/

On the other hand, the Hayti Police badge was a huge source of pride for the Hayti community. After generations of abuse from white law enforcement and segregation within society, the black community was beginning to gain representation and authority within the city. "It was such a joyous occasion," remembers Representative Michaux.[123] He knew that the moment marked a momentous shift in Durham:

> "we had our own, and we knew these guys, we knew that they had our best interests in heart, that they weren't going to be as mean or as vindictive as some of the white officers who used to come into the neighborhood and just take advantage of people."[124]

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[123] Henry M. Michaux, interview by author, November 9, 2015.
Michaux became Durham's first black representative in the North Carolina State Legislature.
[124] Ibid.

Michaux, nine or ten years old at the time, would ride his bike all over Hayti, collecting the rent for houses his father managed. While biking, he would often run into the officers—all of whom he knew by name—and they would let him sit in their squad car and talk.[125] For most people within the community, the Hayti Police were heroes."[126]

The Hayti community knew their police, and the Hayti Police knew their community. Their policing was thus built upon existing relationships within Hayti. "I would just walk around and talk to folks, find out what's goin' on," former Hayti police officer Pernell Canaday recalls.[127] Some of the officers even had businesses within Hayti. Hayti police Officer Johnson, for example, owned a fruit stand downtown.[128] "We knew 'em- these were human beings we were dealing with," remembers another Hayti Police officer.[129] The Hayti Police, after all, were a part of the neighborhood.

Because the Hayti Police were so embedded in the community, they were able to recognize the social and economic context that frequently provoked confrontations with the law. The officers were familiar with people in the community who would "drink too much and start cuttin' up" and demonstrated more compassion for these petty, minor offenses.[130] Officer Thompson once intervened in a fight between two young men. Rather than instantly cuffing them and sending them to jail, he "reached and grabbed both of 'em" and instructed them to read the sentence on a piece of paper he put

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[125] Henry M. Michaux, interview by author, November 9, 2015.
[126] John C. "Skeepie" Scarborough, interview by author, October 26, 2015.
[127] Pernell Canaday, interview by author, November 14, 2015.
[128] Marshall Thompson, interview by author, October 20, 2015.
[129] Pernell Canaday, interview by author, November 14, 2015.
[130] John C. "Skeepie" Scarborough, interview by author, October 26, 2015.

forward.[131] Both of the men admitted that they did not know how to read. "Police ain't going by the house arresting people because they's reading," Officer Thompson told the men before directing them to a community member that could help them read.[132] When the Hayti Police saw many people on their porches late at night during the summer months, the officers understood that they were simply enjoying the nighttime air — as most blacks in Hayti could not afford air-conditioners. The empathy that the Hayti police officers displayed for these nuances of daily life was a valuable asset for effective policing.

In many ways, though, the Hayti community policed itself. Hayti was such a successful self-contained black community that police intervention was often unnecessary or avoided altogether. The community included blacks from across the socioeconomic ladder. As Edmonds remembered, "even if you aren't the head of North Carolina Mutual or if you aren't a doctor but you want to see your children succeed, well you can look out the door and see… these are role models."[133] When children walked around Hayti, people knew not only who they were, but also their "mother, their father, their aunt, their uncle, their cousin."[134] This tight-knit nature of the community fostered a strong sense of social accountability. Children might learn a lesson about respect and discipline from a neighbor or get help with science homework while standing in the dry cleaners.[135] Edmonds remembers the standard to which even his teachers held him:

> "Oh no, we're not going to let you get away with a C-paper Kenneth. Oh no. We expect you to do better than this. And when I see your mother and

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[131] Marshall Thompson, interview by author, October 20, 2015.
[132] Ibid.
[133] Kenneth Edmonds, interview by author, October 30, 2015.
[134] Ibid.
[135] John C. "Skeepie" Scarborough, interview by author, October 26, 2015.

> father in church, I'm gonna let 'em know. When I see 'em in the grocery store or at the cleaners, I'm gonna let 'em know so that when you get back home –they intend to ratchet you on up."[136]

For young children like Kenneth, this expectation and support cultivated a sense of self-worth and potential. The Hayti community supplemented and reinforced many of the needs for policing in the first place.

The riots in Durham following the Spicely incident in 1944 threatened the city's political and social economy. As black soldiers from Camp Butner brought military tanks into the city and a fire virtually burned a white warehouse district to the ground, Durham's reputation as a model for race relations in the South was challenged. The white dominated government's response, in turn, was to hire the first two black police officers. Propelled by a desire to maintain law and order but also in consequence to growing calls against police brutality in Durham, the Hayti Police marked a significant shift in the policing of black Durham.

These black officers rarely displayed the same unnecessary force and brutality that many white officers had historically inflicted upon the black community. During his nineteen years on the force, Officer Thompson made 5,000 arrests and only used his nightstick three times—two of which were in defense of other officers.[137] Unlike the slave patrols, constables, and white police officers of the past, the Hayti police worked to protect and serve the black community. And for the most part, these black officers were seen as heroes.

The majority of the Hayti Police officers' time was spent walking the beat and talking with community members. As residents of Hayti, their policing resulted from

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[136] Kenneth Edmonds, interview by author, October 30, 2015.
[137] Thompson, *Hayti Police: Memoirs of a Former Durham Police Officer*, 26.

intentional relationships and knowledge of their communities. As a former Hayti police officer remembered, "It was just fun being a Hayti police officer."[138] They were part of a strong black community, where blacks of all classes coexisted within the same neighborhoods. Not only was Hayti home to everyone from teachers and tobacco workers to doctors and lawyers, but it was also a community where people knew and took care of one another.

At the same time, the Hayti Police remained separate from, and certainly not equal, to the Durham Police Department. Black officers could not make arrests without first calling white officers to the scene, and were not allowed to police outside of Hayti's parameters. Despite often being more educated than their white counterparts, these black officers were consistently overlooked for promotion within the chain of command.

[138] Pernell Canaday, interview by author, November 14, 2015.

Chapter 3: Freedom Struggles

"Can you imagine a society without law enforcement officers? Can you? When no one harms you or steals something from you or hits you? There must be a system of law and order, and that's what we had during my time in office: fair, uniform and just enforcement. But equally administered to all people."

-Mayor Wense Grabarek, Durham, North Carolina[139]

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"The marches into downtown, they were almost always peaceful. And my sense, especially when I looked at what was going on in different parts of the country, was that we had enough black political power in Durham that it was just a different situation."

- Kenneth Edmonds, Durham, North Carolina[140]

On the evening of May 18, 1963, Wense Grabarek received an urgent phone call from Durham Police Chief Bill Pleasants. A certified public accountant by profession, Grabarek had served on the Durham City Council from 1957 to 1961.[141] His notoriety in municipal politics was loosely tied to a bookkeeping error — that would cost the city a million dollars — which he had detected while on the council.[142] Grabarek had decided to run for mayor, and on that day, May 18, he had won his mayoral bid against Watts Carr by a margin of 2,245 votes.[143] Ninety percent of Durham's black voters had cast their ballots for Grabarek, giving the mayor-elect this slim margin of victory with their

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[139] Wense Grabarek, interview by author, November 3, 2015.
[140] Kenneth Edmonds, interview by author, October 30, 2015 .
[141] Wense Grabarek, interview by author, November 3, 2015.
[142] Davidson, *The Best of Enemies: Race and Redemption in the New South*, 140.
[143] Wense Grabarek, interview by author, November 3, 2015.

2,418 votes.[144] Chief Pleasants had first tried to reach the outgoing mayor, Emmanuel "Mutt" Evans, only to find that Evans had left town earlier that day. Even though Grabarek would not assume office until that Monday, the police chief was left with no other option but to call the mayor- elect. "You'd better get down here," Chief Pleasants pressed over the phone. "We've got a riot situation on Main Street in front of the jail."[145]

Grabarek, who could sense the urgency in the chief's voice, immediately headed downtown. Hundreds of people surrounded the courthouse, where the jail occupied the top floor. Black protestors had congregated around the courthouse building, and on the other side of the street, a white mob had gathered in number. As Grabarek attempted to make his way through the crowd, he spotted baseball bats, a broomstick, broken beer bottles, and the heavy end of a billiard cube. "It was a terribly ominous situation," he remembers.[146]

Earlier that day, student leaders of the NAACP youth chapter at North Carolina College had organized a demonstration and march thorough downtown Durham. They wanted to make it clear that regardless of who was elected, the government remained accountable to their demands for racial equality and progress.[147] The protests in Durham were a microcosm of the Civil Rights Movement, a coalescence of freedom struggles aimed at ending racial segregation and legal discrimination in the United States. One

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[144] Davidson, *The Best of Enemies: Race and Redemption in the New South*, 140.
[145] Wense Grabarek, interview by author, November 3, 2015.
[146] Ibid.
[147] In a typical display of respectability politics, the Durham Committee on Negro Affairs (DCNA) had asked the students to cancel their protest. Leaders of the DCNA feared that such a show of black militancy would alienate white voters, especially because a black candidate was running for city council. Asserting "democracy was in the streets" and not at the polls, the students had gone ahead with the demonstration; Davidson, *The Best of Enemies: Race and Redemption in the New South*, 141.

hundred years after the Emancipation Proclamation — that had changed the federal legal status of more than three million enslaved people in the South from "slave" to "free" — blacks were still fighting to secure legal recognition and federal protection of the citizenship rights enumerated to them in the American Constitution and federal law.

Hundreds of students had marched from Fayetteville Street in Hayti toward downtown, singing freedom songs and carrying signs that read: DURHAM: PROGRESSIVE CITY OF DISCRIMINATION and VOTE TO MAKE DEMOCRACY MORE THAN A WORD. After reaching City Hall, the demonstrators had broken up into small groups and asked to be served at six different segregated restaurants.[148] In accordance with state segregation laws, their presence in these establishments was an illegal act. 130 demonstrators were sent to the jail that day, while the remaining protestors surrounded the courthouse building—expressing solidarity and sympathy with those arrested.[149]

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[148] Davidson, *The Best of Enemies: Race and Redemption in the New South*, 141.
[149] Anderson, *Durham County: A History of Durham County, North Carolina*, 369.

Students from North Carolina College and Hillside High School demonstrating outside city hall, May 18, 1963.
Harold Moore, courtesy of the *Herald- Sun:* Durham Civil Rights Heritage Project: https://durhamcountylibrary.org/exhibits/dcrhp/misc3.php

Once he reached the front of the courthouse steps, Mayor-elect Grabarek asked to speak with the leader of the demonstration. "We're all in charge!" was the crowd's unanimous response. After continuing to implore that he at least speak to a representative of the group so that he could "resolve this situation," black attorney Hugh Thompson eventually came forward.[150] Grabarek asked Thompson, seemingly naively, "What brings us here this evening? Why are we in this crowd?"[151] Thompson explained that members

[150] Willis Willis Whichard, "Just Friends That You Never Knew: A Personal and Historical Glance at Durham's Integration of Public Facilities," May 18, 2013, 12.
[151] Wense Grabarek, interview by author, November 3, 2015.

of the black community had brought cigarettes and sandwiches for their arrested comrades, but the police would not let them enter the premises.[152]

Mayor-elect Grabarek decided to take action. He called Chief Pleasants over and asked him to bring forward two policemen. Meanwhile, Thompson was instructed to assemble a group of demonstrators to consolidate all of the sandwiches and cigarettes "as best as they could."[153] The two policemen then accompanied a select group of demonstrators from the crowd into the jail, boxes of sandwiches and cigarettes in tow. "It seems to me," Grabarek announced to the crowd, "that our mission has been accomplished here."[154] He made it clear that he would be "delighted" to meet with a "spokesperson" the next morning and "resolve what these differences are."[155] The crowd — which was in riot mode just minutes earlier — dispersed for the remainder of the night. No one would be meeting with the mayor in the morning, however.

The next day, 4,000 to 5,000 protestors, mostly women, turned out for the largest mass action protest in Durham's history. The protest began as a mass meeting at St. Joseph's AME Church in Hayti, where NAACP executive director Roy Wilkins and national civil rights leader James Farmer from the Congress for Racial Equality (CORE) were honored guests.[156] Wilkins first delivered a restrained endorsement of the student protests; his qualified support for direct action seemed to assure some of the older black businessmen in the crowd that what the students were doing "was legitimate, if not

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[152] "Wense Grabarek Interviewed by Angela Hampton," *ABC-11, WTVD- TV* (Raleigh-Durham, NC, June 13, 2013).
[153] Ibid.
[154] Ibid.
[155] Wense Grabarek, interview by author, November 3, 2015.
[156] Davidson, *The Best of Enemies: Race and Redemption in the New South*, 141.

necessarily advisable."[157] Farmer, the more radical activist, then came to the pulpit, ardently backing the student's direct-action protests and encouraging "every man, woman, and child" in St. Joseph's to participate in any way possible. Durham's own Floyd McKissick, harnessing the building momentum in the church, then announced that as a community,

> "… they would exit the church, get into their cars, and proceed in a motorcade to the Howard Johnson's restaurant on the edge of town where they would demand service as equals, and if they were refused they would close the establishment down."[158]

The word continued to spread as volunteers, half of whom were young women, coordinated announcements to other black churches throughout the city.[159] Thousands of Durham residents headed to Howard Johnson's: the "HoJo" demonstration had begun.

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[157] Davidson, *The Best of Enemies: Race and Redemption in the New South*, 141.
[158] While this decision appeared to be spur of the moment, it had been carefully orchestrated in advance. Local movement leaders had selected the hotel-restaurant to replicate the massive demonstrations held there the summer before and also because it was partly owned by Luther Hodges, the former North Carolina governor (who was then a member of President Kennedy's cabinet). Roy Wilkins and James Farmer had been intentionally invited to Hayti the morning of the protest. McKissick and other leaders had kept plans for the protest secret, hoping to convince more conservative black leaders, who might come to hear Farmer and Wilkins but would oppose a protest march, into joining the demonstration. The black organizers also recognized that if white officials had found out about their plans in advance, police would have sequestered off the area; Davidson, *The Best of Enemies: Race and Redemption in the New South*, 141.
[159] Greene, *Our Separate Ways: Women and the Black Freedom Movement in Durham, North Carolina*, 91.

Demonstration outside the segregated Howard Johnson's Restaurant on Durham-Chapel Hill Boulevard, 1962.
Harold Moore, courtesy of the *Herald Sun:* Durham Civil Rights Heritage Project
https://durhamcountylibrary.org/exhibits/dcrhp/howardjohnson2.php

The massive turnout at Howard Johnson's on May 19, 1963 sent a strong message to the new mayor. When the police ordered the crowd to disperse, hundreds of protestors instead linked arms and sat down in the parking lot. They ignored police threats to use tear gas, continuing to sing: "We're going to eat at Howard Johnson's one of these days."[160] It took several hours, twelve police cars and five commandeered Trailways buses to take the 700 protestors to jail. "We sent him one loud and strong [message]," remembered Vivian McCoy, a student protestor. "We had to let him know that 'You're

[160] Davidson, *The Best of Enemies: Race and Redemption in the New South*, 142.

taking the weight now, baby.'"[161] They demanded he respond to their calls for fairness and equality. In a final sequence of events, local organizers announced that thirty consecutive days of mass demonstrations would begin the next day.[162] Durham's black community remained steadfast in their commitment to be seen and treated as equal citizens under the law.

Meanwhile, white hecklers continued to harass the black community with no visible response from law enforcement. They remained vigilant, ready to pelt black demonstrators with apples whose cores had been replaced with broken glass. "Main Street was a no man's land, with whites and Negroes separated by forty night-stick wielding policemen," the *Durham Morning Herald* reported.[163] A black woman's leg was shattered and white teenagers cornered a black man and struck him repeatedly with bricks. The unlawful actions of the white protestors seemed to remain immune from police intervention, however, as officers stood by as whites threw firecrackers and taunted the black protestors with renditions of "Dixie" and shouts of "Niggers!"[164] Few white rioters were ever arrested.[165]

Since protecting and serving the black protestors did not seem to be a priority for the Durham Police Department, the black community found other ways to ensure their safety. During every demonstration, the protestors knowingly put their physical bodies on the line. There was a strong emphasis, however, on the employment of nonviolent

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[161] Greene, *Our Separate Ways: Women and the Black Freedom Movement in Durham, North Carolina*, 93.
[162] Wense Grabarek, interviewed by Angela Hampton, June 13, 2013.
[163] Greene, *Our Separate Ways: Women and the Black Freedom Movement in Durham, North Carolina*, 93.
[164] Davidson, *The Best of Enemies: Race and Redemption in the New South*, 142.
[165] Greene, *Our Separate Ways: Women and the Black Freedom Movement in Durham, North Carolina*, 93.

techniques; the intention was not to provoke violence or harm on either side of the picket line. The black demonstrators practiced civil disobedience: they actively violated laws that they believed unjust in order to push for change. The Fruit of Islam (FOI), the security forces of the Nation of Islam, also protected black activists during the May 1963 demonstrations.[166] Standing in military alert and donning black berets, the "Fruit" formed a human barrier to Hayti, preventing white hecklers from entering the black section of town.[167] "They had weapons, they were ready," Floyd McKissick recalled. After the family received several bomb threats and neighbors reported suspicious behavior from a white driver in front of the McKissick house, the Black Muslims acted as armed guards in front of their home for almost a month.[168] The police may not have protected the demonstrators, but the black community found other means to maintain their safety.

Durham, described by Alston in *The Carolina Times* as a "veritable powder keg," was in an uncertain state.[169] Just weeks before, images of snarling police dogs lunging at kneeling black children and white police officers setting fire hoses on peaceful protestors

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[166] The Fruit of Islam (FOI) is the male-only paramilitary wing of the Nation of Islam. Founded in 1930 by Wallace Fard, the Nation of Islam attracted many followers – particularly African Americans who felt that Christianity was the white man's religion, forced upon them during slavery. Among the most prominent followers of the Nation of Islam was Malcolm X. The Black Muslim faith contrasted with the integrationist approach of civil rights leaders like the late Dr. King. Rather, the Nation of Islam called for separate black institutions without the help of white Americans. There was also emphasis placed on black heritage and the formation of strong black communities. While violence was not the only answer, violence was justified in self-defense. The Fruit of Islam had come to Durham to show support for Floyd McKissick, one of the few black leaders in the city who had been friendly to the Black Muslims; Zain Abdullah, "Narrating Muslim Masculinities: The Fruit of Islam and the Quest for Black Redemption," *Spectrum: A Journal on Black Men* 1, no. 1 (Autumn 2012): 141–77.
[167] Davidson, *The Best of Enemies: Race and Redemption in the New South*, 144.
[168] Ibid.
[169] Ibid, 213.

in Birmingham, Alabama had shocked the nation.[170] These scenes would become some of the most iconic and troubling images of the Civil Rights Movement. Furthermore, the situation in Birmingham had developed after a campaign much like the one in Durham: weeks of nonviolent sit-ins, mass meetings, and an economic boycott. While Durham's civil rights movement had been growing for years, never before had it gained such broad-based support from the black middle-class. It remained unclear how the city, widely known for its racial tolerance and progress, would respond.

Grabarek quickly made his relationship with the Durham police department a priority. After the night of his election, the mayor brought a cot to headquarters, where he would often spend the night. He viewed the police as an ancillary means to law and order, and asserted that "we cannot be a society without enforcing the laws."[171] As per adherence to the law, this meant enforcing racial segregation in Durham. "When you have a mob," Grabarek instructed the police, "You've got to break it up. Because nothing good can happen in mob actions." At the same time, he also called for "reasoned restraint."[172] The mayor tried to make the historical circumstances of the demonstrations clear to the police department, explaining that,

> "… the black community is exuberant at this time. For the first time after being shackled 200 years they sense the fragrance of freedom! And we have to understand, we have to understand, that they're going to be excited and acting happy and joyful and demonstrating. They have a right to do that."[173]

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[170] Barbara G. Friedman and John D. Richardson, "'A National Disgrace': Newspaper Coverage of the 1963 Birmingham Campaign in the South and Beyond," *Journalism History* 33, no. 4 (Winter 2008): 224–32.
[171] Wense Grabarek, interviewed by author, November 3, 2015.
[172] Ibid.
[173] Ibid.

Grabarek later said that he pushed the police officers to "say the right words to satisfy everybody, both sides" and not to act "too authoritative or pompous."[174] He recalled a specific time when a group of demonstrators spit on an officer's shoes. "He acted like nothing happened," the mayor remembered. "That's reasoned restraint." While actively enforcing the law, the mayor tried to avoid major incidents and confrontations among police and protestors.

Through his role in Durham government, Mayor Grabarek also aimed to facilitate mutual understanding and agreement between his divided constituency. In the following days, he recruited civic and business leaders — majority white — for a committee to "resolve and reconcile" racial differences. The resulting group was the Durham Interim Committee (DIC).[175] The mayor was purposeful in his selections, first appointing his mayoral rival and a member of one of Durham's first families, Watts Carr Jr., as chairman of the eleven-man body. Another strategic appointment to the committee was Harvey Rape, a strict segregationist and owner of the popular Harvey's Cafeteria downtown.[176] Only two of the Interim Committee's eleven members, Asa Spaulding of NC Mutual and John Wheeler of Mechanic and Farmer's Bank, were black; and none of the members were women.[177] At first glance, Grabarek's response seemed to be an extension of the status quo: white officials forming a committee of prominent white

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[174] Wense Grabarek, interviewed by author, November 3, 2015.
[175] Meghan Lyon, "Wense Grabarek in the First Person," *The Devil's Tale: Dispatches from the David M. Rubenstein Rare Book & Manuscript Library*, July 2, 2013. http://blogs.library.duke.edu/rubenstein/2013/07/02/wense-grabarek-in-the-first-person/.
[176] Only a month before, Rape had stood outside of his restaurant with his rifle and dared a black patron to enter. "Mr. Mayor, I have just come from the woods," Rape said. "My shirt is wet with my tears. Mr. Mayor, I will serve."; Wense Grabarek, interviewed by author, November 3, 2015.
[177] Anderson, *Durham County: A History of Durham County, North Carolina*, 369.

businessmen and civic leaders, giving token representation to traditional black male leadership. Any racial progress in Durham would hinge on the voluntary consent of white segregationists.

On the other hand, the mayor displayed unprecedented leadership when he attended a mass meeting at St. Joseph's AME church in Hayti. It was a rare sight for a white man, no less an elected official, to enter a church in the spiritual heart of Hayti. Rather than working exclusively with the 'established' adult black male leadership, the mayor stood before a gathering of over 1,000 members of the black community. "I have full appreciation and respect for the sincerity and severity of the plight you are in," Grabarek assured the crowd.[178] He continued,

> "But one more demonstration won't help a bit. Five more will be terrible. Thirty consecutive demonstrations will destroy our community. You all have the perfect right to march and demonstrate—you do. But in my eyes, you are first-class citizens. And every first-class citizen, in my opinion, owes some respect and obligation to their government. I happen to be your voice at this time, and I promise you that I will try my best to resolve the differences that confront us at this time. But the demonstrations, if you continue, will not lend an atmosphere conducive to any positive result."[179]

While Grabarek expressed sympathy towards the demonstrations, he also feared their threat to Durham's stability.

It became clear that the mayor favored social order over social justice. Grabarek asked the black community to suspend the protest demonstrations on the return promise that he would work to resolve their grievances. To prove that he could accomplish this goal, Grabarek announced that three restaurants had already agreed to desegregate, and suggested that groups from St. Joseph's leave to verify his claim. Three teams soon

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[178] Wense Grabarek, interviewed by author, November 3, 2015.
[179] Ibid.

reported back that they had been served, and the restaurants were indeed desegregated.[180] In response, the black community agreed to suspend the demonstrations, but also warned that the protests could resume at any time if their demands were not adequately met. One student leader even accepted a ride home from the mayor after the meeting.[181] Durham had successfully avoided 30 consecutive days of mass demonstrations: perhaps the city would live up to its progressive reputation.

Change seemed to come quickly. By the end of the month, the majority of Durham's restaurants, all eleven motels, and the one hotel in Durham had voluntarily agreed to desegregate. Judge A.R. Wilson even dropped all legal charges against the 1,400 demonstrators.[182] The Durham City Council unanimously repealed its 1947 ordinance mandating segregation in public eating places, and passed a new resolution stating that: "Discrimination because of race, creed, color, or national origins is contrary to the constitutional principles and policies of the United States, the State of North Carolina, and the City and County of Durham."[183] By June 1963, the city had also desegregated its swimming pools, and theaters were desegregated in the fall.[184] This is notable: the landmark 1964 Civil Rights Act, outlawing discrimination on the basis of

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[180] Davidson, *The Best of Enemies: Race and Redemption in the New South*, 146.
[181] Greene, *Our Separate Ways: Women and the Black Freedom Movement in Durham, North Carolina*, 94.
[182] Willis Whichard, "Just Friends That You Never Knew: A Personal and Historical Glance at Durham's Integration of Public Facilities," (speech, Durham, North Carolina, January 19, 2016).
[183] Francis Stevens Redburn, "Protest and Policy in Durham, North Carolina" (Master's Thesis, University of North Carolina, 1970), 77.
[184] Anderson, *Durham County: A History of Durham County, North Carolina*, 370.

"race, color, religion sex, or national origin," would not be passed until the next year.[185] On the outset, Durham's resolution of the 1963 demonstrations seemed unusual in comparison to other southern cities that were experiencing widespread police violence and brutality.

The national media also shaped Durham's image as a civil rights success story. A special report, RACE RELATIONS: DURHAM'S STORY, was published in the white-owned *Durham Morning Herald.* The full-page report included a chronology of May's events, pictures and a collection of articles from across the nation praising Durham and the mayor for its "mature facing of problems of human relations."[186] A photograph of the recent demonstration at the Howard Johnson's with the caption "Demonstrations began without warning" betrayed a certain level of ignorance that even after centuries of fighting for freedom, the demand for equality had suddenly appeared in Durham that summer.[187] "By clinging to the fiction of a voluntarily settlement," historian Christina Greene later wrote, "white leaders hoped to obscure the real reason for change: they had been forced to desegregate by the unwavering resolve of a united black community."[188] The outcome, though, was consistent with the city's history of tolerance as a means to preserve social order.

A desegregated Durham did not mean an equal Durham, though, as Hayti remained the most impoverished sector of the city. Despite its reputation as a model for

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[185] John G. Stewart, "When Democracy Worked: Reflections on the Passage of the Civil Rights Act of 1964," *New York Law School Law Review* 59, no. 1 (2014/2015 2014): 145–72.
[186] Davidson, *The Best of Enemies: Race and Redemption in the New South*, 150–151.
[187] Ibid., 151.
[188] Greene, *Our Separate Ways: Women and the Black Freedom Movement in Durham, North Carolina*, 95.

the New South, only 800 of the 9,000 people living in Hayti earned over $3,000 a year—a figure less than half the city average.[189] 65 percent of Hayti residents had less than a fifth grade education, and over half of the housing units had either unsound plumbing or none at all.[190] A journalist from the *Durham Morning Herald* put these statistics into harrowing images, describing his visit to the black neighborhood as an "explorer venturing into exotic and unknown territory."[191] Recounting the homes in Hayti, the white journalist wrote:

> "Few families could boast of windows throughout their homes; banisters swayed haphazardly on some porches, rooftops showed years of wear with tin and assorted shingle patches; rusty window screens hung lopsided; and rotting steps sagged and dipped from want of replacement. Adding to the general dilapidated state were junked cars scattered here and there, grass from at lest two summers growing around them; castoff appliances on porches and in backyards, their innards ripped out by children for toys; trash heaps, coal piles and stacks of wood within reach of back porches, and broken bottles, cans, old mattresses and an assortment of other debris thrown up under the houses."[192]

He concluded that these conditions were "conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime," noting that Hayti had the highest arrest rate in the city.[193] Another editorial described Hayti as "an area which takes much and produces little or nothing of value."[194] Their poverty, a product of segregation and the legacy of slavery, had become criminalized.

As a part of larger state and national efforts to eliminate the causes and effects of poverty, Durham launched a community action agency in 1964. In his State of the Union

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[189] Davidson, *The Best of Enemies: Race and Redemption in the New South*, 159.
[190] Partner and Johnston, *Bull City Survivor: Standing Up to a Hard Life in a Southern City*, 70.
[191] Ibid, 71.
[192] Ibid.
[193] Ibid.
[194] Davidson, *The Best of Enemies: Race and Redemption in the New South*, 73.

Address that year, President Lyndon B. Johnson had declared an "unconditional war on poverty in America."[195] Durham's antipoverty agency, Operation Breakthrough, was a part of eleven target projects in North Carolina funded largely through private foundations and federal grants administered by the newly created North Carolina Fund (NCF). The Fund also received support from President Johnson's Office of Economic Opportunity (OEO).[196] In May 1965, a 24-year old black man with a master's degree in social work named Howard Fuller was hired to coordinate the community's organizing efforts.[197] Although he had grown up in a poor section of Milwaukee, Wisconsin, Fuller was immediately struck by the situation in Durham. "I had never been in a city where in the middle of the city you didn't have paved streets," he remembered.[198] Furthermore, Durham was the first place he had encountered a black community "so clearly divided along class lines."[199] Fuller was to focus on a section of Durham identified as Target Area A, which included the city's most economically disadvantaged districts. Consisting of six geographically distinct neighborhoods, Target Area A included Pickett Street, St. Teresa, Hillside Park, Morehead, a public housing project called McDougald Terrace, and Hayti.[200]

While Operation Breakthrough provided different services to the poor, the agency's main focus was community empowerment and self- help. Most of the people in

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[195] Jay Tolson, "Lyndon Johnson's War," *The Hedgehog Review* 16, no. 1 (2014): 7–9.
[196] Robert Korstad and James Leloudis, *To Right These Wrongs: The North Carolina Fund and the Battle to End Poverty and Inequality in 1960s America* (Chapel Hill: The University of North Carolina Press, 2010).
[197] Redburn, "Protest and Policy in Durham, North Carolina," 79.
[198] Howard Fuller, interview by author, November 11, 2015.
[199] Davidson, *The Best of Enemies: Race and Redemption in the New South*, 156.
[200] Korstad and Leloudis, *To Right These Wrongs: The North Carolina Fund and the Battle to End Poverty and Inequality in 1960s America*, 179.

Hayti who Fuller encountered had few rights as tenants. Eviction frequently occurred without reason, and rent prices escalated while requests for improvements to living conditions were left ignored.[201] Through his organizing efforts, Fuller helped people in Hayti realize their own political power. As he explained,

> "There is the poverty of not knowing, of being 'left out' in community affairs, of lack of self-respect… Operation Breakthrough is seeking to help the poor to break these shackles of poverty…[and helping them to] deal with their own needs in relation with the rest of the community, and [they] are gaining a new feeling of self-worth and self-respect as they speak out and set in motion considerations they had previously felt were hopelessly barred from them."[202]

Fuller was working with a subset of the black population that had historically been left out of any power structure, black or white. Ann Atwater, a resident of Hayti, captured this reality when she recounted a time in the early 1960s when the city council had considered paving the streets of Hayti. As she remembered, city officials had asked John Wheeler, who was president of Mechanic and Farmers Bank, "What do your people want?" Prioritizing the interests of the black business elite and middle-class, he told them to pave the streets around where his family lived; the rest of Hayti was ignored.[203] It was thus not until the organizing efforts of Operation Breakthrough in the mid 1960s that less affluent areas of the black community gained access to indoor and outdoor plumbing and had their streets paved. Fuller was essentially organizing people so that they could fight for their own rights.

Some in power perceived this grassroots demand for change as a threat to the status quo. A Hayti police officer told Fuller that the white officers had a cash pool on his

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[201] Howard Fuller, interview by author, November 11, 2015.
[202] Davidson, *The Best of Enemies: Race and Redemption in the New South*, 160.
[203] Ann Atwater, interview by author, October 28, 2015.

life: whoever ultimately killed him would get the money.[204] After Fuller was arrested during a demonstration, Mayor Grabarek was asked to come to court to testify. "Howard Fuller has a proclivity for vexation" were his exact words.[205] As he explained years later, "that's troublemaker in refined language."[206] It was no coincidence that little progress had been made to enforce the 1956 housing code, as a majority of white officials had significant real estate investments in Durham.[207] Exploitative white landlords such as the notorious Abe Greenberg would raise rents on their properties without ever making improvements to the dilapidated homes.[208] The city council even included "one lawyer who owns two apartment complexes as well as other real estate, two savings and loan presidents, one banker, one broker, one builder, two members associated with building supply concerns, and one insurance salesman."[209] Fuller's work with Operation Breakthrough put pressure on whites in power to confront and change the existing circumstances of poor black parts of the city: he was expanding the civil rights movement in Durham.

Racial tensions in Durham reached another boiling point in the summer of 1967, as blacks demanded a complete overhaul of the city's housing policies. Hundreds of blacks descended upon the city council to demand active enforcement of the housing code and oppose a proposed public housing project. At a meeting on July 17, local KKK

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[204] Howard Fuller, interview by author, November 11, 2015.
[205] "Wense Grabarek Interviewed by Angela Hampton." 2013. *ABC-11, WTVD- TV*. Raleigh- Durham, NC.
[206] Grabarek, interview by author, November 3, 2015.
[207] The Durham Housing Authority was created in 1949 and the city housing code was drafted in 1956. The Housing Authority was headed by Carvie Oldham, a former cotton mill executive; Davidson, *The Best of Enemies: Race and Redemption in the New South*, 163.
[208] Davidson, *The Best of Enemies: Race and Redemption in the New South*, 163.
[209] Ibid.

leader Lloyd Jacobs stood silently in the back of the council chambers as Fuller addressed the council:

> "I didn't come to beg, and I didn't come… with my hat in my hand, because we've come up here too many times with hat in hand… We're tired of you white folks turnin' down everything that will benefit Negros. You all better wake up to what's happening, and you better listen, because these are the voices of the people and they're the people that you've forgotten, they're the people that you have pushed across the railroad tracks… 'Cause they're tired, and they're frustrated, and people who get tired and frustrated do things they wouldn't ordinarily do."[210]

During the proceedings, several students alluded to the situation in Newark that had occurred the previous week, whereby purported police brutality involving the arrest of a black cab driver charged with assaulting a police officer resulted in four days of rioting, looting and destruction that cost the city more than $10 million in property damage and left 26 people dead and thousands more injured.[211] "We do not believe that Watts and Newark are the answers," stated one protestor.[212] Reminding the council that unheard protests leads to frustration, which often results in disruptions to law and order, the black spokesperson hoped that the government would take action.

Durham City Council responded to the protestor's demands much like it had during the demonstrations of 1963: it appointed a committee. The committee's purpose was to coordinate meetings with various city agencies and officials, even though such a forum had already existed in the city council meetings. The black protestors put forward over a hundred grievances concerning housing, employment, education and adequate representation of blacks on city boards. Included in this list was also the demand to be

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[210] Greene, *Our Separate Ways: Women and the Black Freedom Movement in Durham, North Carolina*, 129.
[211] Mumford Kevin, *Newark: A History of Race, Riots, and Rights in America* (New York: New York University Press, 2007).
[212] Davidson, *The Best of Enemies: Race and Redemption in the New South*, 198.

treated with dignity and respect.[213] Unlike in 1963, however, the appointment of a committee did not work.

Mass rallies and demonstrations downtown and at the homes of slumlords sustained throughout the week before reaching a violent crescendo. On July 20, three days after the city council meeting, another meeting was held at St. Joseph's in Hayti. Fuller and other black community leaders made it clear that no march would take place that night, but the actions of Mayor Grabarek soon changed that. Without consulting the city council or informing black community leaders, Grabarek had asked Governor Dan Moore to mobilize the National Guard units and state Highway Patrol to join local police and the sheriff's deputies in patrolling downtown streets.[214]

The black community, already incensed by Durham's inaction, was deeply offended by this display of force. "We had to march; it was a challenge," explained one demonstrator.[215] That night, 300 to 400 black marchers headed for the downtown business district to "show that [they were] unafraid and that the city must do more than show how fast the police forces of the state and the National Guard can be mobilized."[216] Black leaders, cognizant that any slight altercation could be used as justification to crack down on demonstrators, stressed the need for discipline and nonviolence.[217] The threat of violence did not just come from law enforcement officers: members of the Klan were also waiting downtown.

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[213] Greene, *Our Separate Ways: Women and the Black Freedom Movement in Durham, North Carolina*, 131.
[214] Korstad and Leloudis, *To Right These Wrongs: The North Carolina Fund and the Battle to End Poverty and Inequality in 1960s America*, 226–227.
[215] Greene, *Our Separate Ways: Women and the Black Freedom Movement in Durham, North Carolina*, 132.
[216] Davidson, *The Best of Enemies: Race and Redemption in the New South*, 189.
[217] Ibid., 198.

After reaching the downtown business section, the black protestors were met by a large crowd of white hecklers. A scuffle ensued, while Fuller and community activist Ben Ruffin physically restrained angry protestors who retaliated. Later that night, white snipers shot two black residents in their own neighborhoods.[218] The violence that had been provoked that night and Grabarek's offensive deployment of law enforcement caused even the black business elite to take a stand. John Wheeler of Mechanic and Farmers Bank issued a public statement —backed by black businesses, churches, and civil rights organizations —simultaneously condemning city officials and endorsing the actions of the demonstrators.[219]

Nationwide black frustration over the lack of progress in housing and employment issues continued in the following months, erupting again in February 1968. The spark occurred on February 8 at South Carolina State College in Orangeburg, South Carolina. State and local police — firing rifles, shotguns and a variety of handguns into an unarmed crowd of student protestors — wounded 33 students. Some of the students had as many as 8 separate wounds, and three were killed.[220] The outrage in Durham was shared among blacks across the country, for whom killings at the hands of the police had become far too common. On February 15, Atwater and Fuller led a crowd of several hundred blacks –mostly students from North Carolina College and Duke – for a memorial service at Five Points Park in downtown Durham.[221] When demonstrators hung the

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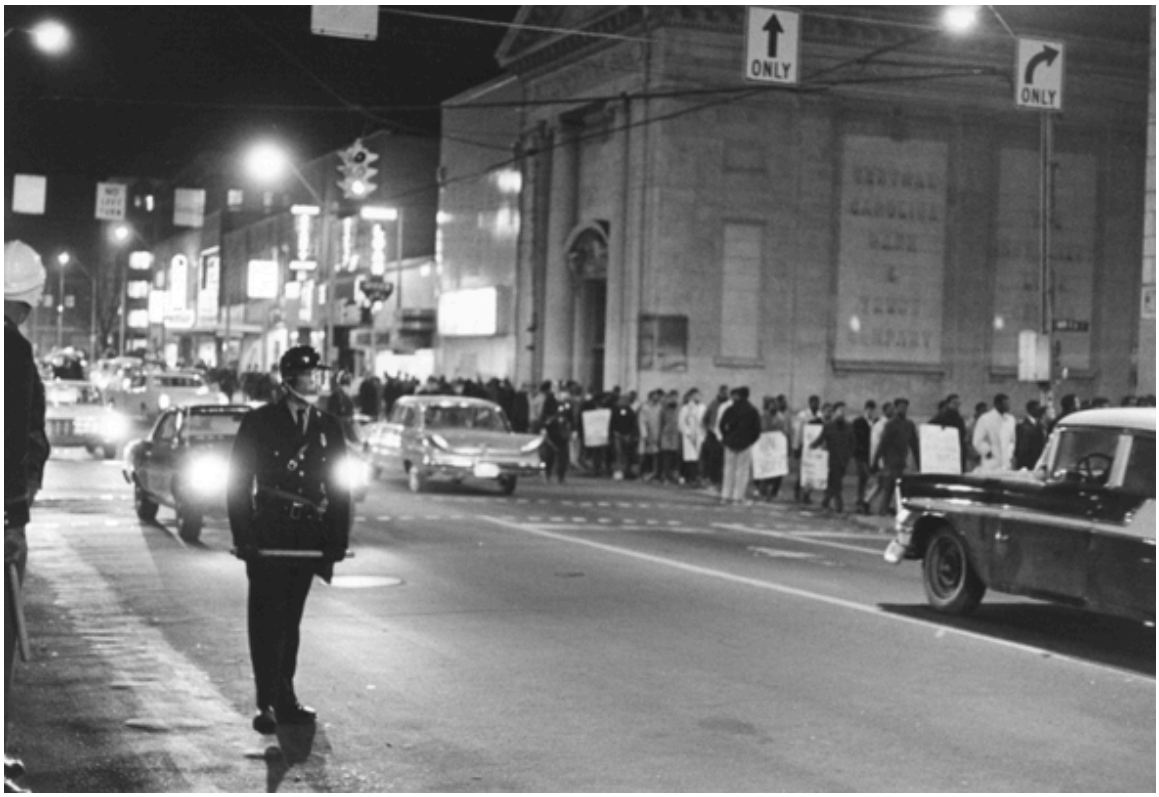
[218] Greene, *Our Separate Ways: Women and the Black Freedom Movement in Durham, North Carolina*, 131.
[219] Ibid., 132.
[220] Jack Bass and Jack Nelson, *The Orangeburg Massacre* (Macon, Georgia: Mercer, 1984).
[221] Davidson, *The Best of Enemies: Race and Redemption in the New South*, 216–217.

governor of South Carolina in effigy and burned him, Durham firemen at the scene squelched the flames and turned their hoses on the crowd of mourners.[222]



Students march down Main Street, cross Mangum Street intersection on way to Five Points during the protests in response to killings at South Carolina State College in Orangeburg, South Carolina.
Photograph by Bill Boyarsky: Durham Civil Rights Heritage Project
https://durhamcountylibrary.org/exhibits/dcrhp/orangeburg3.php

In a scene reminiscent of Birmingham in 1963, protestors began running to escape the cold blasts of water. Policemen with batons chased the demonstrators, some of whom began to toss garbage cans and launch bricks through store windows.[223] When Fuller intervened after he witnessed a policeman about to strike a black man — whose arms were already pinned behind his back by another police officer — he was arrested

[222] Howard Fuller, interview by author, November 11, 2015.
[223] Ibid.

for "assaulting a police officer."[224] As Fuller himself was being arrested, the policeman taunted him with his baton, "repeatedly prodding him in his stomach and then sticking it between [his] legs and twisting." The policeman later claimed that Fuller had struck him in the mouth, a charge Fuller called "a goddamn lie."[225] Grabarek's call for "reasoned restraint" seemed to be largely absent in the demonstrations following the 1968 Orangeburg Massacre.

The Orangeburg Massacre sympathy demonstrations were fresh in the minds of black leaders after the assassination of Dr. Martin Luther King Jr. two months later. As uprisings occurred in over 60 American cities, it remained unclear how Durham would respond. North Carolina College students began to gather in their campus auditorium, impatient to march on downtown Durham. The students expected the militant Fuller to join them, but were surprised when he spoke against their plan. The black leader believed that that a demonstration under such emotional circumstances would result in violence, and he had an overwhelming feeling that "somebody was going to kill that night."[226] Instead, he called for a nonviolent protest the next morning, "in the same manner that King would want us to march."[227] The incensed students — calling Fuller an "Uncle Tom" — eventually agreed to wait until the next day to march.[228]

Early the next morning, a memorial service was held for Dr. King at the North Carolina College Chapel.[229] Out of respect for King's philosophy of nonviolence,

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[224] Davidson, *The Best of Enemies: Race and Redemption in the New South*, 216–217.
[225] Ibid.
[226] Korstad and Leloudis, *To Right These Wrongs: The North Carolina Fund and the Battle to End Poverty and Inequality in 1960s America*.
[227] Howard Fuller, interview by author, November 11, 2015.
[228] Ibid.
[229] Davidson, *The Best of Enemies: Race and Redemption in the New South*, 224.

speakers stressed the need to refrain from violence during the march. At the same time, it was also important to ensure that the police did not have an excuse to harm demonstrators. The black community marched single file through the rain soaked streets and boarded up businesses of downtown Durham while the Klan lined the other side of the street.[230] As they marched, Fuller's focus was drawn to the rooftops, where he feared snipers were waiting to shoot down black demonstrators. Photographer Billy Barnes captured the exact moment Fuller spotted three white men with rifles on the top of the bank building. It later turned out that the men, according to the police, were the police.[231] There was no violence that day in Durham.

Howard Fuller eyeing the rooftops during the demonstration in Durham the day after King was assassinated, April 5, 1968.
Billy E. Barnes Collection
http://dc.lib.unc.edu/cdm/landingpage/collection/P0034

[230] Howard Fuller, interview by author, November 11, 2015.
[231] Ibid.

The following day, however, violence erupted far and wide. Firebombs exploded throughout the city. Eleven buildings were torched, including two owned by slumlord Abe Greenberg. Among the targets were the College Plaza Apartments near North Carolina Central University, an entire block of the Ninth Street business district, and a grocery store on University Drive. Several cars were set on fire, and many stores had their windows broken.[232] The violence continued throughout the week and sporadic gunfire was heard on several nights, although no one was killed or injured.[233] Despite a 7am to 6pm curfew imposed by the mayor and the deployment of the National Guard, Durham remained a city under siege.[234] The police patrolled the downtown streets in riot gear, and all vehicles attempting to enter the city had to pass through checkpoints.[235]

The manner in which Durham — the city widely known as a model for race relations throughout the South — responded to King's murder was both similar and distinct in comparison to other cities. Like many other cities across the nation, Durham ultimately responded in violence. The scale of violence, however, differed from major cities like Washington, Chicago, and Baltimore, where it took tens of thousands of regular army soldiers and Marines to restore law and order.[236] Durham's response to King's assassination was characterized by a contained violence, in part because of the way the black community was organized. When Fuller urged students not to protest the night of April 4, 1968, they eventually agreed to wait until the following day. Strong community leaders such as Fuller were respected for their effective organizing in

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[232] Davidson, *The Best of Enemies: Race and Redemption in the New South*, 226.
[233] Greene, *Our Separate Ways: Women and the Black Freedom Movement in Durham, North Carolina*, 168.
[234] Davidson, *The Best of Enemies: Race and Redemption in the New South*, 226.
[235] Ibid.
[236] Clay Risen, "The Legacy of 1968 Riots," US News, *The Guardian*, (April 4, 2008).

Durham. The city also had a strong black middle class that had created a stability and structure that was respected in Durham. These conditions in Durham may have tempered initial desires to be destructive in the wake of King's murder.

During the civil rights demonstrations of the 1960s, the Hayti Police found themselves in a quandary. While Hayti officers were policemen, they were still black; and the demonstrations echoed the same challenges and inequalities that they faced in the department. In addition to the internal conflict this may have stirred among the officers, the white leadership put the black policemen in an even more difficult position: if there was a risk that a demonstration would become violent, Hayti police officers were placed on the front lines of the protest, directly facing the black protestors. Former Hayti officer Thompson remembered a demonstration where he stood, clad in riot gear and wielding a baton, in front of black protestors as they shouted: "Ump, umgowar! The black man got the power! Ump, umpgowar, the black man got the power!" Even as the protestors continued to chant peacefully, the police chief commanded the black officers to take action: "Charge!"[237] Thompson and other Hayti officers were used to adversity and being taken advantage of, but situations such as these were unprecedented. "We pointed those batons and they just ran," he said. "Thank god that was all."[238]

If violence was not anticipated, however, the officers were left on patrol to answer calls that continued to come regardless of demonstrations. Such demonstrations created a power vacuum that sometimes resulted in black officers being sent to other parts Durham.[239] White Durham resident and former city councilman Jack Preiss remembered

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[237] Marshall Thompson, interview by author, October 20, 2015.
[238] Ibid.
[239] Thompson, *Hayti Police: Memoirs of a Former Durham Police Officer*, 50.

the sight of seeing black officers outside of Hayti. "Many people didn't even know they existed," he said.[240] The civil rights movement marked the first occasion that the Hayti police were sent to work in non-black parts of Durham.

Despite the complex position many Hayti police officers were in, their presence at demonstrations also provided a sense of comfort and security to many black demonstrators. As Fuller remembered, even though they were police officers, "there was an understanding, an affinity."[241] Sometimes their presence even benefited situations. After one demonstration, for example, Officer Thompson encountered Fuller and "his entourage" walking along the sidewalk on East Main Street. A white officer "seemed to come out of nowhere and stood in front of Fuller and his followers," demanding the activists to get off the sidewalk.[242] In the South, where blacks had been forced for generations to get off the sidewalk if whites were passing, this posed a particularly historically resonant kind of racist challenge. Officer Thompson immediately stepped in front of the white officer. "They have a right to be on the sidewalk," he told him. "The sooner they go home, the sooner we go home."[243] The white officer was forced to back off, and Fuller and the others walked peacefully back to Hayti. Furthermore, Atwater viewed the Hayti police as "guardians of the black community." "We would see them out there, and it made us feel a little better," she remembered.[244] The sense of comfort and familiarity that the Hayti police brought to the black community extended to the picket lines.

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[240] Jack Preiss, interview by author, October 30, 2015.
[241] Howard Fuller, interview by author, November 11, 2015 .
[242] Thompson, *Hayti Police: Memoirs of a Former Durham Police Officer*, 52.
[243] Ibid.
[244] Ann Atwater, interview by author, October 28, 2015.

Although it was lesser known to the public, another impact of the Hayti police at the time was their influence on the language used over the radio regarding black suspects. Black male suspects were frequently referred to as "Nigras" over the police radio.[245] Hayti Police Officer Richardson decided to take a stand about these discriminatory references. He told the communicator, "I'm tired of hearing you say the word Negro. Negro this — Negro that. You're messing up the world all the time." Officer Richardson continued, "I didn't serve my country to come back and hear that kind of talk." The communicator asked what word he could use instead. "Black," Officer Richardson responded. "Black. You can't mess that up."[246] Changes such as this might have seemed trivial, but they were significant.

By 1970, one third of the Durham Police Department — or 26 officers — were black.[247]At the time, Durham was a city of about 100,000 people with a 45 percent black population. Houston, a city of a million people, had only 20 black officers. Only Philadelphia and Washington, D.C. had a larger percentage of black officers.[248] While there were many black officers in number, there were not many with rank. This condition, among other inequities within the department, ended that year.

Much like the black demonstrators who they had been assigned to police during the previous decades, the Hayti officers took their grievances to the City Hall in 1970. All but two of Durham's black police officers were present. As Officer Thompson put it, "we

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[245] Thompson, *Hayti Police: Memoirs of a Former Durham Police Officer*, 60.
[246] Marshall Thompson, interview by author, October 20, 2015.
[247] Ibid.
[248] Thompson, *Hayti Police: Memoirs of a Former Durham Police Officer*, 65.

were protesting the fact that even though we worked very hard, we were not considered an integral part of the whole police department."[249] Their demands included:

> "The right to work in all parts of Durham; to investigate white-on-white crime; promotion of more black officers and detectives; and placement of blacks in all areas of the department, such as communications, identification, records, and traffic division."[250]

A number of student activists from North Carolina College and Duke also came to the meeting to express their support.[251] All of the black officers' grievances were met.[252] The Hayti Police, who had been a separate and unequal part of the police department since Cox and Samuels were first hired in 1944, would no longer exist. The black police officers became an integrated part of the Durham Police Department.

As the era of Hayti police came to an end, the community of Hayti itself was also changing. During the early 1960s, federal money became available for Urban Renewal projects. The aim of Urban Renewal, which was a part of a larger pattern across the nation, was to initiate large-scale efforts to revitalize blighted areas in cities.[253] Durham had commissioned a team of students at the University of North Carolina's Urban Studies Regional Planning School to study how the city might best take advantage of this new federal program.[254] The students presented a plan for the complete reconstruction of the Hayti area: long-standing housing shortages and improvements would finally be

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[249] Marshall Thompson, interview by author, October 20, 2015.
[250] Thompson, *Hayti Police: Memoirs of a Former Durham Police Officer*, 65.
[251] Ironically, these were some of the same students who had confronted the Hayti Police officers during civil rights demonstrations.
[252] Marshall Thompson, interview by author, October 20, 2015.
[253] Pierre Clavel, John Forester, and William Goldsmith, eds., *Urban and Regional Planning in an Age of Austerity* (New York: Pergamon Press, 1980), 53–80.
[254] Jim Wise, interview by author, November 24, 2015.

addressed, and black business owners were promised a new commercial center.[255] An additional proposal for an expressway to connect Durham's downtown business area to the growing Research Triangle Park was also under consideration at the time, and the chosen route ran through the Hayti business district. These two separate projects, presented as bond issues in 1962, passed with overwhelming support from the black community.[256] After nearly a century of disinvestment from the white power structure it seemed that Black Durham would finally be the recipient of needed resources.

As the program developed, however, the promise of a reinvigorated Hayti went unfulfilled. Durham made good on its promise to bulldoze blighted areas, demolishing thousands of homes and businesses in Hayti. By 1970, entire neighborhoods had disappeared as the construction of the expressway proceeded, but little action had been taken by the city to rebuild Hayti.[257] According to Mayor Grabarek, there were delays in receiving the federal money for urban renewal.[258] Thousands of residents and business owners in Hayti were displaced, and many began to dub the process "Negro removal."[259] The city's displacement of families and failure to rebuild adequate housing created an even greater housing shortage that pushed the black community out of Hayti and deeper into poverty.

Displaced black families were offered accommodations in public housing projects and subsidized housing in the southeastern section of the city as space became available.

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[255] Korstad and Leloudis, *To Right These Wrongs: The North Carolina Fund and the Battle to End Poverty and Inequality in 1960s America*, 193.
[256] Jim Wise, interview by author, November 24, 2015.
[257] Davidson, *The Best of Enemies: Race and Redemption in the New South*, 163.
[258] Jim Wise, interview by author, November 24, 2015.
[259] Korstad and Leloudis, *To Right These Wrongs: The North Carolina Fund and the Battle to End Poverty and Inequality in 1960s America*, 193.

Despite the 'end' of the civil rights movement, the creation of these new black neighborhoods further perpetuated the racial segregation of Durham. Black community leaders accused the city leadership of "shunting black families into ghettos far from the white centers of power."[260] The tightknit black community that was once Hayti had begun to disappear.

As Durham entered the twenty-first century, the loss of Hayti created a vacuum that was never filled. The early improvement opportunities for young blacks seemed to disappear with their community. "You don't have somebody telling you three or four times a week: 'I know it's tough —I've been where you are, hang in, it's gonna pay off,'" Edmonds described.[261] Displaced poor black families were packed into public housing projects filled with other economically disadvantaged black families. It was no longer possible to get a job bagging groceries at the Peter Pan Market or receive encouragement in school from neighbors: that social network and those black businesses no longer existed.

The demonstrations that transpired during the civil rights movement had presented a continuous threat to Durham's political and social order. As black protestors, primarily students, pressed to end racial segregation in the city, the police were employed as a means to restore law and order. Hayti police officers found themselves in a challenging position during these demonstrations: they were placed on the front lines, although their presence reportedly had a calming effect on many protestors. This also marked the first time that they had been ordered to police outside of Hayti. A 'carrot and

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[260] Partner and Johnston, *Bull City Survivor: Standing Up to a Hard Life in a Southern City*, 99.
[261] Kenneth Edmonds, interview by author, October 30, 2015.

stick' dynamic emerged as committees were formed to quell tensions and maintain stability following black demands for change. Mayor Grabarek called for "reasoned restraint" among the police force. It was clear that social order was valued above social justice.

In comparison to the widespread violence seen during the civil rights years in many other American cities, Durham had a more contained response. The city successfully avoided the 30 consecutive days of mass demonstrations that were set to occur after Grabarek's election in 1963, and instead voluntarily desegregated many of its restaurants and public facilities. The black organizational structure responsible for organizing during these years in Durham was built upon the legacy of the strong black middle class and community structure that originated from Hayti and Black Wall Street.

A desegregated Durham, however, did not mean an equal Durham. Police continued to turn a blind eye to the actions of white Durham; white hecklers were rarely arrested during demonstrations and the Klan did have a presence in the city. Fuller's focus on the rooftops during the 1968 demonstration — in suspicion of white snipers waiting to shoot down black protestors— is indicative of how unsafe and targeted blacks continued to feel during this period. During the civil rights movement, an important shift towards establishing equal protection under the law occurred for black citizens.[262] The manner in how these laws would be enforced, however, remained uncertain.

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[262] Lawrence Bobo and Victor Thompson, "Unfair by Design: The War on Drugs, Race, and the Legitmacy of the Criminal Justice System," *Social Research* 73, no. 2 (Summer 2006): 448.

Chapter 4: Hands Up, Don't Shoot

"The last time I saw my son he was in a casket, and before that he was in the hospital."

-Joslin Simms, Durham, North Carolina[263]

"As a black person, whether you are aware of policing or not, police are very aware of you. So you're probably gonna become aware pretty quickly. Because we all have had those one or two times where those blue or red lights flash behind us and our heart drops. And it's not because we're riding dirty, it's not because we're speeding. It's just—that's the reality of it."

- Desmera Gatewood, Durham, North Carolina[264]

"They know that their job is to try to avoid the police and my job is to try to bring them to jail. And you know, when they get away, I joke with them — I say you have to be lucky every day, I just have to get lucky once."

- Durham Police Officer[265]

"We like to think we're unique. But when you get down below it all I'm not really sure how different we are."

- Mayor Bill Bell, Durham, North Carolina[266]

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[263] Joslin Simms, interview by author, November 3, 2011.
[264] Desmera Gatewood, interview by author, November 16, 2015.
[265] Officer 1, interview by author, November 6, 2015.
[266] William V. Bell, interview by author, January 26, 2016.

For a brief period on the night of November 24, 2014, approximately twenty protestors blocked the northbound lanes of the Durham Freeway near the Durham Bulls Athletic Park. Some of the protestors stood while others lay flat on the roadway. The group chanted "No justice, No peace! No Racist Police!" as they marched past officers in riot gear. Another rally convened in the CCB Plaza in downtown Durham, where people shared poetry and music.[267] The spirit of protest was high, but remained nonviolent.

Nearly 800 miles away, in Ferguson, Missouri, a grand jury had chosen not to indict a white police officer for the fatal shooting of an unarmed black teenager. The panel of jurors was composed of 12 citizens: six white men, three white women, two black women and one black man.[268] On August 9, 2014, four months earlier, Officer Darren Wilson had encountered 18-year old Michael Brown and his friend, Dorian Johnson, walking in the middle of the street. Officer Wilson asked Brown and Johnson to move to the pavement. The officer soon realized that the two men were suspects in a robbery reported nearby, and radioed for more officers while reversing his patrol car to block the men's way. The exact details of what followed that day remain disputed by police, eyewitnesses and family members, but the outcome is certain: several minutes later Brown was dead, suffering at least seven gunshot wounds. Officer Wilson had fired

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[267] Arielle Clay, Stan Chambers, and Adam Owens, "Ferguson Protestors Voice Frustrations across Triangle, Block Durham Freeway," Local News, *WRAL.com*, November 25, 2014, http://www.wral.com/ferguson-protestors-block-durham-freeway/14221686/.

[268] "Racial and Gender Makeup of Grand Jury Revealed in Ferguson Case," *CBS News*, August 22, 2014. http://www.cbsnews.com/news/ferguson-case-racial-and-gender-makeup-of-%20grand-jury-revealed/

a total of 12 bullets, though investigators could not determine exactly how many had struck Brown. His body lay in the street for four hours before it was removed.[269]

Protests immediately erupted in Ferguson and other cities throughout the nation. In Cleveland, Ohio, protestors stopped traffic on a highway and chanted "Justice for Tamir"—referring to the 12-year-old black boy who had also been killed by a white Cleveland police officer days before.[270] Almost 2,000 protestors blocked the streets in Seattle, Washington, and in New York City, a large crowd stood at the entrance to the Lincoln Tunnel. A protester was arrested for throwing fake blood on New York Police Department Commissioner William Bratton.[271] As television cameras captured outbreaks of violence in cities across the country, the scene in Durham remained peaceful.

Durham's seemingly quiet response to the events in Ferguson was partly the result of lessons learned from demonstrations in the preceding years. Almost a year earlier, conflicting narratives emerged after Latino teenager Jesus Huerta died in police custody. Huerta, who had been picked up by police in response to a call about a runaway, was found slumped in the back seat of a patrol car outside the Durham Police Department; his hands were still cuffed behind him, and a handgun lay on the floorboard of the patrol car. No charges were filed in the death of Huerta, and the police determined that the teenager had shot himself in the head.[272] The events that transpired at demonstrations following

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[269] Rachel Clarke and Christopher Lett, "What Happened When Michael Brown Met Officer Darren Wilson," *CNN: US Edition*, November 11, 2014.
[270] Abby Ohlheiser, "Death of Tamir Rice, 12-Year Old Shot by Cleveland Police, Ruled a Homicide," *The Washington Post*, December 12, 2014, .
[271] Clay, Chambers, and Owens, "Ferguson Protestors Voice Frustrations across Triangle, Block Durahm Freeway."
[272] Kelly Gardner, "After Further Review, Durham DA Says No Charges in Jesus Huerta Case," *WRAL.com*, May 30, 2014, http://www.wral.com/after-further-review-durham-da-says-no-charges-in-jesus-huerta-case/13688962/.

the incident were disconcerting: clashes between police and protestors resulted in tear gas, arrests, and damage to police vehicles and buildings.[273] In contrast to their conduct following Huerta's death, the Durham police showed great restraint on the evening of November 24, 2015. The Ferguson sympathy demonstrations remained nonviolent, and no one was arrested or injured. "People from the Durham area were looking to make their voice heard," commented Durham Police Chief Jose Lopez later that night. "And they did and we respect that."[274]

This relative calm ended 10 days later, on December 5, 2014. In addition to ongoing protest against the miscarriages of justice in Ferguson, the most immediate spark was a Staten Island grand jury's decision, two days earlier, not to charge the police officer whose chokehold of an unarmed black man — Eric Garner — had resulted in death.[275] After 48 hours of mass mobilization on twitter and other social media platforms, hundreds of protestors gathered at the CCB plaza. Although police blocked the freeway entrance that demonstrators had used to access NC-147 just days before, protestors successfully shut down two miles of the highway for almost half an hour. Many protestors laid on the asphalt while others approached police cars with their hands in the

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[273] Nick Valencia, "Vigil for Teen Who Died in Police Custody Turns Violent," *CNN*, December 20, 2013, http://www.cnn.com/2013/12/20/us/north-carolina-teen-vigil-violence/.

[274] Arielle Clay, "Lessons Learned by Durham Police Contribute to Peaceful Protests over Ferguson," Local News, *WRAL.com*, November 26, 2014, http://www.wral.com/lessons-learned-by-durham-police-contribute-to-peaceful-protests-over-ferguson/14224991/.

[275] David Goodman and Al Baker, "Wave of Protests After Grand Jury Doesn't Indict Officer in Eric Garner Chokehold Case," *The New York Times*, December 3, 2014, http://www.nytimes.com/2014/12/04/nyregion/grand-jury-said-to-bring-no-charges-in-staten-island-chokehold-death-of-eric-garner.html?_r=1.

air. Emulating eyewitness reports that Brown had his arms in the air before he was shot by Officer Wilson, protestors chanted: "Hands up, don't shoot."[276]

Demonstrations in response to events in Ferguson, Missouri outside the Durham County Detention Center, December 5, 2014.
Lauren Horsch, *Herald Sun*
http://www.heraldsun.com/homepage/police-protesters-clash-during-demonstration/article_f5c52975-be12-52d9-b089-9fd67a33f5fc.html

The protest, which lasted nearly four hours, forced the city to pull its entire active duty force to the area on three separate occasions.[277] The next morning, police removed an "undetonated explosive device" similar to a Molotov cocktail from the 600 block of Foster Street near Geer Street, one of the areas where protesters had assembled the

[276] Cheryl Corley, "Whether History or Hype, 'Hands Up, Don't Shoot' Endures," *North Carolina Public Radio*, August 8, 2015, http://www.npr.org/2015/08/08/430411141/whether-history-or-hype-hands-up-dont-shoot-endures.
[277] Jim Wise, "2 Protests, 31 Arrests Were Costly to Durham, Police Report," *News and Observer*, December 16, 2015, http://www.newsobserver.com/news/local/counties/durham-county/article10195343.html.

previous night.[278] While no such devices were seen during the demonstration, rocks and sticks were allegedly thrown at officers that night. Police made a total of 31 arrests during the demonstration.[279] The events following the non-indictment of police officers in both Ferguson and New York City mirrored Durham's reaction to the assassination of Dr. King in 1968: as other cities across the nation erupted in chaos the city initially remained nonviolent, but the tenor of the protest became increasingly violent over time.

The response of Durham city government also seemed consistent with approaches seen during the civil rights movement in Durham. In the summer of 2015, City Councilman Eddie Davis organized a series of "Critical Community Conversations" in the hope "that the concerns that people were having were addressed ahead of any kind of incident."[280] At the Holton Career and Resource Center in Northeast Central Durham, nearly 50 people came to the microphone to voice their concerns. Moderated by Councilman Davis, the "Community Conversation" spotlighted seven community members, including Durham Police Chief Jose Lopez, Harold Chesnut, the chairman of Partners Against Crime, Major Paul Martin of the Durham Sheriff's Department, James Johnson, the president of the Salvation Army Boys and Girls Club, DeWarren Langley of the Civilian Police Review Board, Nia Wilson of Spirit House, and Reverend Mark-Anthony Middleton of the Abundant Hope Christian Church.[281] Much like Mayor Grabarek's commitment to maintaining law and order during civil rights demonstrations

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[278] Jim Wise, "Police Say 'Explosive Device' Is Found in Durham; 31 Protestors Arrested," *News and Observer*, December 6, 2014, http://www.newsobserver.com/news/local/counties/durham-county/article10185563.html.
[279] Wise, "2 Protests, 31 Arrests Were Costly to Durham, Police Report."
[280] Eddie Davis, interview by author, November 9, 2015.
[281] Virginia Bridges, "Durham Discusses Community and Police Divide," *The News and Observer*, July 21, 2015, http://www.newsobserver.com/latest-news/article27999562.html.

— and thus avoiding violence — there was an overwhelming desire "to make sure that protests would not lead to the destruction of property or the loss of life here in Durham."[282]

Police brutality is not a new phenomenon– discriminatory policing has been occurring for hundreds of years — but what has changed is the nature of media and technology. A main reason why the incidents in Ferguson and New York went viral was the power of media: a bystander had filmed Garner's arrest in 2014. Rather than waiting for a weekly newspaper, such as *The Carolina Times,* to learn about incidents of police misconduct, people can now receive an instant text message with a video of events occurring in real time. Furthermore, social media sites such as Facebook and Twitter provide platforms to quickly disseminate information. Policing now exists in a national media environment.

Many police officers, in turn, express frustration about media portrayal of events. One Durham officer painted the overwhelming sentiment: "Let's be honest here—who in the world would want to wear the label of racist that isn't?"[283] In fact, many officers conveyed their disgust at viral images portraying police brutality. "I want people to understand that there are bad police officers, just like there are bad doctors and teachers," added another officer.

> "But we're not trying to protect those people by any means. We're trying to get them out just as hard as anybody else because they make us look bad, and we don't want to work with dangerous crazy people with guns in the next cubicle. I don't want them here any more than anyone else wants them. So I'm not going to cover for somebody that I know is having issues or doesn't need to be here."[284]

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[282] Eddie Davis, interview by author, November 9, 2015.
[283] Officer 2, interview by author, November 5, 2015.
[284] Officer 7, interview by author, October 28, 2015.

Negative media often taints the fact that officers continue to be underpaid and usually serve out of a desire to help others. "That other stuff that [the public] believes never came across our minds," a police officer said. "We don't make enough to do that."[285]

Many Durham officers hope that citizens "don't judge [them] by what [they] saw on CNN," but the reality is that they are not immune from the larger issues currently surrounding policing in America.[286] "It's frightening to know that they hate us," one officer expressed. "We didn't do anything in Durham…But they want to throw rocks at us."[287] This feeling is grounded in the fact that the protests in Durham at the end of 2015 were in direct response to events that occurred in other cities. At the same time, Durham has been the site of controversial police-involved shootings and occurrences like the Huerta incident. The badge of the Durham Police Department is inherently connected to the overall institution of policing in the United States.

Police also feel that media snippets oftentimes fail to provide a full account of events. In their opinion, important details that may have led to an escalation resulting in force are typically never shared with the public. As one officer put it, "It's great where [they're] showing the part where this person is being physically brought to the ground or whatever, but what about the part where he assaulted the officer and then tried to take the officer's weapon?" Such snippets are almost guaranteed to elicit an emotionally charged reaction. "Maybe [they] didn't start recording until then or [they] cut it out intentionally,"

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[285] Officer 1, interview by author, November 6, 2015.
[286] Officer 8, interview by author, October 29, 2015.
[287] Officer 6, interview by author, November 7, 2015.

the officer added.[288] Police share an overwhelming sentiment that the media discounts their perspective in many situations, instead focusing on sensationalism.

On the other hand, police procedures often prevent the media and public from gaining full transparency of the inner working of investigations and access to evidence surrounding events. There is a concern on behalf of the police that developing evidence might prejudice public opinion, which could then influence a court case. The publicization of such information also has the potential to impede ongoing investigations; a witness might feel threatened to come forward, or a suspect could be tipped off to leave town.[289] Jim Wise, a former reporter for *The News and Observer* who covered the Ferguson sympathy protests in Durham as well as the Huerta incident in 2013, remembered, "It was like covering events happening with a large part of the story missing."[290] Sometimes Wise would speak to Chief Lopez, "but a lot of what he had to say would be off the record and he would give sort of a formulaic response to whatever asked."[291] As a reporter, Wise would "try to make it clear that the story [was] based on partial information and point out that these are allegations, not facts."[292] These challenges often lead to frustration in marginalized communities and a general defensiveness among the police.

In light of the growing national media spotlight, Durham officers report less proactive policing, especially in racial contexts. Increasingly conscious that their actions can be recorded, potentially misconstrued and spread through social media, officers feel

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[288] Officer 4, interview by author, November 10, 2015.
[289] Officer 2, interview by author, November 5, 2015.
[290] Jim Wise, interview by author, November 24, 2015.
[291] Ibid.
[292] Ibid.

"more concerned about whether they're going to be able to keep their job or not or whether they're going to get hurt."[293] Current national and local tensions have influenced the behavior of police in Durham: as one officer noted, "a lot of them just sit and wait for 911 to tell you where to go."[294] The strategy of policing black Durham, as a result, has become more reactive.

Communities in Durham that have the highest crimes rates, and therefore that would "need" the most police intervention, are also the communities in which the police are feared and hated the most. When people in uniform are seen arresting their family members and neighbors, wariness towards the police becomes ingrained in young children. The police become associated with taking away loved ones, not a public service entity that protects and serves. This only reinforces a deep historic mistrust towards law enforcement among the black community, which is perpetuated by and within these communities themselves: "they see us and they tell their kids if you don't behave yourself, we're gonna get that officer to arrest you," reported one police officer.[295] "And so when that child really needs our help," the officer explained, "they're going to be scared to ask for any assistance. They're going to run away from the police."[296] A cycle of distrust in black communities in Durham towards the police is thus reinforced.

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[293] Officer 6, interview by author, November 7, 2015.
[294] Ibid.
[295] Officer 6, interview by author, November 7, 2015.
[296] Ibid.

Graffiti in East Durham inspired by a rap group from Cobb, County Georgia, where the Police-10 code for trespassers is 10-12. The message, "Fuc 12," conveys the sentiment that police are unwanted visitors, November 2015.
Photo courtesy of Sergeant Daryl Macaluso.

The recent experience of a police officer highlights the prevalence of this intense fear and distrust towards the police in many black communities in Durham. After a police investigator approached a house on Juniper Street in East Durham, the black man sitting on the porch immediately jumped up and ran inside the house. The investigator was not coming to make an arrest; she wanted to ask if he knew anything about a recent robbery in the neighborhood. As she got closer to the door, the officer could hear a woman screaming: "Put that down! Don't go out there like that. They're going to kill you if you go out there like that. Don't do that!"[297] Knocking on the door, the investigator made it clear that she had not come to make an arrest, but simply to talk. The yelling from inside the house continued, and she backed away from the door. All of a sudden, the man came out "with this big ass butcher knife and [started] coming down the stairs" towards the

[297] Officer 7, interview by author, October 28, 2015.

officer.[298] Once he came close enough to the officer, the man immediately turned around and ran back inside the house; the officer had drawn her weapon in self-defense. Eventually, the officer was able to make contact with the man, and he left the knife inside. But for those few moments, his encounter with the police could have escalated into a potentially deadly experience.

Another way that this distrust is manifested in situations today is an overall lack of cooperation in police investigations. Although many community members might know "who pulled the trigger" or committed a crime, a standard attitude not to trust the police persists. One police officer recalled gunshot victims, who might not live, refusing to reveal the identity of their shooter. "I even had somebody tell me, 'you the police, you do your job,'" recalled the same officer.[299] The term "snitch" is street code terminology for a person that does cooperate with the police; and as the street mantra goes, "snitches get stiches. An investigator highlighted the potential repercussions of snitching:

> "You snitch on somebody, you still live where you live. And eventually you're going to have to go to court and everyone is going to see ... So on TV when everybody in the community comes together and everybody stands up and says 'We're not going to take this, and this is the person who's doing it'—that's not happening here in Durham."[300]

A deeply embedded mistrust towards law enforcement, compounded by the threat of retaliation for potential cooperation, makes it even more difficult for police to solve crimes.

This current political climate presents unique challenges for black police officers in Durham. Like the Hayti Police, many black officers continue to identify with the acute

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[298] Officer 7, interview by author, October 28, 2015.
[299] Officer 1, interview by author, November 6, 2015.
[300] Officer 7, interview by author, October 28, 2015.

outrage towards bias and racial profiling within the black community. One officer recalled an experience in which he was followed by a security guard while shopping for holiday presents at Southpoint Mall. "When I'm not in this uniform," the officer said, "I'm just another black man in America."[301] But when black officers are in uniform, they are sometimes subjected to increased anti-police sentiment from the black community: many black officers can recall numerous experiences in which they have been called racial slurs such as an "Uncle Tom," the "white man's slave" or a "sell-out."[302] Many in the black community no longer see black officers as heroes like the days of the Hayti Police. The reality is that today most black police officers are not from Durham and do not live in Durham and are therefore not an integral part of the black community in the same way as the 1940s and 1950s.[303]

Black Durham police officer holding a photograph of the Hayti Police, which he keeps in his office, November 2015.
Photo taken by author.

[301] Officer 2, interview by author, November 5, 2015.
[302] Officer 6, interview by author, November 7, 2015.
[303] Approximately 42 percent of the Durham police force lives in Durham.

Many black officers, however, maintain a strong connection to the history of the Hayti Police. One officer keeps a black-and-white photograph of the Hayti Police hanging above his desk. "It keeps you grounded," he described. "We've been through a fair amount of controversy in the last three years. But I would imagine that it can't compare to what they went through."[304] Almost 72 years since Cox and Samuels were first hired in 1944, black police officers can now be seen in high ranking positions within the Durham Police Department: in 1988, Trevor Hampton became Durham's first black chief of police.[305] Today, the Durham Police Department consists of 515 uniformed officers; approximately 200 of them are black.[306] As another black officer stated, though, "I'm still paving the way for others."[307]

The personal story of one black male police officer is particularly reminiscent of the era of Hayti Police. This officer serves in the same neighborhood in which he grew up and currently lives; as a child he played outside the District 1 substation where he now works. His policing is rooted in intentional relationships with community members. When serving arrest warrants, the officer will typically call beforehand — rather than showing up unannounced at the person's job and risking the stability of their employment. Many citizens in his district have his cell phone number and know where he lives: "they'll knock on my door and ask for help at 2 or 3 o'clock in the morning," he

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[304] Officer 2, interview by author, November 5, 2015.
[305] "Trevor A. Hampton, Chief of Police, 1988- 1992," February 2013, And Justice for All: Durham County Courthouse Art Wall. http://andjusticeforall.dconc.gov/gallery_images/trevor-a-hampton-chief-of-police-1988-1992/.
[306] Steve Schewel, interview by author, November 13, 2015.
[307] Officer 3, interview by author, November 11, 2015.

recounted.[308] He described the experience of finding his neighbor after a motorcycle accident: "it's a little different when you know him."[309] This black police officer's experience policing black Durham harkens back to the days of the Hayti Police.

In 2016 — a "post-racial society" in the "Age of Colorblindness" — the experiences of many black people living in Durham continue to severely differ from white Durham. Two Durhams, shaped by the persistence of structural inequities rooted in slavery and the more recent destruction of Hayti and urban renewal, still exist today. More recently, the gentrification of downtown Durham has further displaced black families out of their neighborhoods. Houses near the perimeter of downtown Durham are being renovated and are no longer affordable for the black communities that have historically lived there.[310] In consequence, these families are pushed further into the margins of Durham: in many ways this exacerbates the concentration of poverty and crime.[311] The following narratives of three young black males illustrate the cycle that many young black men are trapped in today, particularly within the criminal justice system, whereby policing plays a direct role.

McDougald Terrace, built in southeastern Old Hayti, is one of Durham's first public-housing developments. As hundreds of black families living in Hayti were displaced to make way for Durham Freeway- NC 147 in the late twentieth century, they were relocated to housing projects such as McDougald Terrace. Funded and authorized by the Housing Act of 1949 during legal racial segregation, McDougald was known as

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[308] Ibid.
[309] Ibid.
[310] Jim Wise, interview by author, November 24, 2015.
[311] Gillian White, "The Downside of Durham's Rebirth," *The Atlantic*, March 31, 2016, http://www.theatlantic.com/business/archive/2016/03/the-downside-of-durhams-rebirth/476277/.

the "Negro" housing project.[312] Today, the majority of its residents continue to be black, and the project is commonly referred to as "The Mac."[313] It is here where 17-year old Dontrell lives.

Dontrell's days typically begin the same way. After waking up, he will walk to his friend's apartment. She has a four-year-old son, who calls Dontrell "his best friend."[314] Dontrell will help him with his schoolwork before walking him to school. After he comes back, he will "go get something to eat and chill for a while." Dontrell then "goes back outside and sits down there for like 2 or 3 hours."[315] Sometimes he will take a nap. Dontrell no longer attends school, although he says he takes classes online.

Dontrell does not feel safe at The Mac. He says he watches his back every time he walks up and down the street, and is constantly looking behind him — especially at nighttime. "It's always violence out here. Always shooting. Always fighting," Dontrell said. His friend Jermaine, who lived up the street, was recently shot. Jermaine was like a brother to Dontrell — they had "that bond."[316] When Dontrell heard the police sirens, he walked outside and saw Jermaine being carried out on a stretcher. He was screaming, "but still breathing."[317] Dontrell's friend died later that night.

Another black youth, Daquan, describes himself as "a lot like [his] mama."[318] His mother used to steal and do drugs. He has never met his father, and recently heard from him for the first time in his life. While Daquan's mom was incarcerated, he lived with his

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[312] Partner and Johnston, *Bull City Survivor: Standing Up to a Hard Life in a Southern City*, 74.
[313] Arkeem Brooks, November 11, 2015.
[314] Dontrell Gause, interview by author, November 12, 2015.
[315] Ibid.
[316] Ibid.
[317] Ibid.
[318] DaQuan Coleman, interview by author, November 12, 2015.

grandmother and uncle. The gang "was a chance to have a family," so he took it. "We slept together, we ate together, we did everything together," Daquan remembered. In the 6th grade, Daquan started "breaking into people's homes and taking shit."[319] His mother, in response, would try to lock his friends out and lock her son in: she would board up the windows of their home in East Durham and put an extra lock on the door.

Daquan stopped going to school a long time ago. "You can do one of two things," he said. "You can go to that bus stop, and wait for that bus, or you can skip school and go to the homie's house on Maple Street." Daquan would go to Maple Street. He and his friends would sometimes smoke cigarettes and weed, and occasionally drink. Daquan described what they would do whenever they were bored: "we would hit people, beat them up, and then leave and run."[320]

The types of successful people Daquan is exposed to are usually "gangsters drug dealers." As Daquan put it, "they're the ones that got cars and shoes and everything they want."[321] His reality sharply contrasts with the types of role models and social networks that defined the Hayti community during the 1940s. "When somebody is constantly there drilling you every day you wake up — telling you that you're better than that, you're gonna believe it," he noted.[322] Daquan is currently being held in the Durham County Detention Center.

Another young black male, Dwight, grew up in the West End of Durham, where police officers seemed to be a constant presence. "I would see guys standing in a group together just hanging out—smoking, drinking, holding guns. That's what I'd see every

[319] DaQuan Coleman, interview by author, November 12, 2015.
[320] Ibid.
[321] Ibid.
[322] Ibid.

day," Dwight remembered.[323] When he was 10 years old, Dwight joined a gang. At the time, his parents were physically abusing him. "I felt like [the gang members] understood," he said, "because they was all going through the same thing as well."[324] Dwight later transferred to Hillside High School, but started getting into fights with rival gangs his first week at school. At age 18, he stopped going to school entirely. He was supposed to get home-schooled, but "that didn't go through."[325]

After leaving the store one afternoon, Dwight noticed eight police officers waiting outside for him. A female officer came forward. "I just want to let you know that you have warrants out for you arrest," she told him. "When you get the time, you should go see the investigator that's on the case. She said she's not going to lock you up but I'll take you down there because I know that you didn't do it."[326] Dwight did not have a problem admitting that he was "in the streets," but he assured the officer that any arrest charges were not his "MO."[327] The officer drove him downtown to police headquarters, but the investigator was "unavailable." Dwight was arrested on the spot. There were 12 charges against him, ranging from first-degree murder to robbery, and his bond was set at a million dollars. By the time he was called in for booking, his bond had reached over two million dollars.

Dwight was detained in Pod 3D, better known by inmates in the Durham County Detention Center as 'The Death Pod.' "I was there with the murderers, the rapists," he

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[323] Dwight Whitaker Jr., interview by author, October 29, 2015.
[324] Ibid.
[325] Ibid.
[326] Dwight Whitaker Jr., interview by author, October 29, 2015.
[327] M.O stands for modus operandi, which translates as method of operation.

said.[328] But Dwight was innocent. Eight months later, victims came forward and his sentence was ruled as mistaken identity. The suspect who police were looking for had the same nickname and was in the same gang as Dwight, but there had been no further evidence linking Dwight to the crimes. As Dwight put it, "I wasn't really hurting anyone. Because the way the system was set up, I was just another gang member off the streets in the wrong place at the wrong time."[329]

The reality is that Black Durham continues to experience the police in a very different way from white Durham, regardless of socioeconomic lines.[330] Traffic law enforcement seems to be at root of many racial profiling accusations: a significant proportion of negative police encounters emanate from traffic stops. The phrase "driving while black" has become synonymous with the overwhelming sentiment that a driver might be pulled over by the police simply because he or she is black — and then questioned, searched, and possibly charged with a criminal offense.[331] A black motorist in Durham recalled his experience of being pulled over for speeding in an all-white neighborhood, despite the fact that there were several cars — driven by white men and

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[328] Dwight Whitaker Jr., interview by author, October 29, 2015.
[329] Ibid.
[330] According to an RTI International report that was released March 17, 2016, black male drivers were disproportionately pulled over in traffic stops conducted by the Durham Police Department from January 2010 through October 2015. Researchers found that for traffic stops with male drivers, the odds of the driver being black were 20 percent higher during daylight than in times of darkness.
http://durhamnc.gov/DocumentCenter/View/9610
[331] Sharon LaFraniere and Andrew Lehren, "The Disproportionate Risks of Driving While Black," *The New York Times*, October 24, 2015, http://www.nytimes.com/2015/10/25/us/racial-disparity-traffic-stops-driving-black.html.

women — in front of him.[332] Scott Holmes, a Durham civil rights attorney, surmised many of his black clients' encounters during these 'routine' traffic stops:

> "they will report being stopped for no reason at all or very minor reasons, non-safety violations like a bad taillight out or an inspection sticker that's expired or windows that are tinted. And once they're stopped their stop is prolonged and they're interrogated about what they're doing and who they are and where they are gong and either asked for consent to search their car and their person or they are forced to search their person and if they resist and argue, then they feel under the threat of being harmed or killed or arrested for no good reason. And for many of them, this is not just an isolated incident, it's happening over and over and over. And that if they go into other parts of town where there are affluent communities, then they report that they're stopped every time. Like if they're driving a nice car and are a person of color in a white part of town, then they can almost guarantee being stopped, they are treated with disrespect, they're presumed to be guilty, they are in fear for their safety and they feel disrespected and dehumanized by their interaction with the police."[333]

One particular situation accentuates the absurdity of some of these encounters: two black women were immediately arrested and searched after police watched them make an exchange in a grocery store parking lot. The police soon found that what they had transferred was not drugs, but casserole.[334] During these police-citizen encounters, non-safety violations are used as a pretext for further searches of black bodies.

The police, on the other hand, maintain that the racial disparities in many of these stops are reflective of crime issues and geographic areas, not racial profiling. "Policing is taking place where the most crime is," asserted one officer. "So of course if there's more crime in East Central Durham, and more police are policing East Central Durham, then you're going to have more contact with the black population because it's a mainly black

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[332] Dwight Whitaker Jr., interview by author, October 29, 2015.
[333] Scott Holmes, interview by author, December 2, 2015.
[334] Ibid.

part of Durham."[335] Many officers will also point out that as a call-driven public service entity, "we are going where 911 tells us to go."[336] "If I go to a predominantly black neighborhood," added another officer, "it's not that I'm racially profiling someone, I go over there because I know that's my problem area."[337] A report published by the Durham Police Department in the fall of 2015, based on the first six months of 2015, found that 61 percent of the drivers stopped were black and 36 percent were white.[338] The report closely examined the 33 officers who had stopped 25 or more vehicles and had a 75 percent or higher stop rate of minorities: all but 13 worked in either District 1 (62 percent black) and District 4 (54 percent black), which as the report states, had the highest crime rates. The report concluded that based on this data, "there was no evidence of unexplainable disparities regarding traffic stops among the officers" and that officers were instead "stopping vehicles consistent with the demographics and crime statistics of their assigned areas."[339]

Although 911-calls may be disproportionately linked to 'high-crime' areas, this does not explain why the police actively concentrate surveillance and traffic violations in poor communities of color. As one officer said during an interview:

> "There's usually some kind of violation of a car in a high crime area. Because people don't have the money to pay for inspections, or pay for registration, or pay for insurance, or pay for damages to the vehicle. So there's always gonna be a break light out, always gonna be a tag light out.

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[335] Officer 1, interview by author, November 6, 2015.
[336] Officer 8, interview by author, October 29, 2015 .
[337] Officer 7, interview by author, October 28, 2015.
[338] According to 2013 census data, the city of Durham is 40% black and 48% white. http://durhamnc.gov/DocumentCenter/Home/View/1340
[339] Virginia Bridges, "Durham Police Report: No 'Unexplainable' Racial Disparities," *News and Observer*, November 16, 2015, http://www.nytimes.com/2015/10/25/us/racial-disparity-traffic-stops-driving-black.html.

> The insurance is going to have a stop light out when you run a tag on it. So you can pull over just about every car in a bad neighborhood."[340]

The chances of securing a non-safety violation in high crime areas are thus significantly higher than in affluent white neighborhoods, where people can afford to keep up with car maintenance fees. Officers form perceptions of neighborhoods based on their call volumes. "I can tell you what apartment complexes to go to if I had to do a drug bust or if I wanted to get a DUI," noted one officer. "And it's not because I racially profiled anyone, but you know, you learn the social norms and you just kind of hang out in your problem areas."[341] The police are not simply reacting to crime in these predominantly black communities: they are actively patrolling these areas and criminalizing blackness.

In fact, many of these charges are the direct result of proactive operations in what the police refer to as 'high crime' neighborhoods. The police will conduct undercover drug sales in which they will pay a poor person who has an addiction a few hundred dollars to help buy or sell from another poor person with an addiction.[342] This only furthers addiction and does not address the underlying problem; one person will walk away with a few more hundred dollars to feed their addiction, and the other person will go to jail, incur court fees, and inherit a criminal record. Although studies find that drug use in affluent white communities is comparable, if not higher, than numbers found in poor black communities, these proactive drug investigations are rarely, if ever, seen in predominantly white spaces.[343] Perhaps the most poignant example is the Duke

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[340] Officer 7, interview by author, October 28, 2015.
[341] Officer 5, interview by author, November 3, 2015.
[342] Scott Holmes interview by author, December 2, 2015.
[343] Maia Szalavitz, "Study: Whites More Likely to Abuse Drugs Than Blacks," *Time Magazine*, November 7, 2011, http://healthland.time.com/2011/11/07/study-whites-more-likely-to-abuse-drugs-than-blacks/.

University Campus, where a drug bust targeting students sounds unimaginable. Furthermore, the university's privately funded police department largely protects students from encounters with the Durham Police Department to begin with; this is based on a recognition that these criminal charges impact one's future, especially students expected to become productive members of society.[344] No such reluctance is displayed towards poor communities of color, however. The allocation of police resources, therefore, is closely linked to the racial and class segregation of Durham.

Violent crime is increasing in Durham. The department reported a total of 42 homicides by the end of 2015 — the most since tracking began in 1980. The number of people shot in Durham has more than doubled, from 95 in 2014 to 198 in 2015.[345] While violent crime continues to rise, however, there has been little corresponding policy change in the allotment of resources towards the investigation of violent crimes. In 2008, Chief Lopez disbanded special units that the department had set up over time and created "High Enforcement Abatements Teams."[346] The HEAT teams, which function as backup for normal patrol officers and detectives in four of Durham's five operating districts, are charged with enforcing "matters of drugs, narcotics, vice-related issues" as well as "gang enforcement, prevention, and education."[347] While Chief Lopez publicly stated "the nature of their work is being in a place and having familiarity," the effect of this

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[344] Dan Rasmussen, "Harvard Rarely Punishes Student Drug Use," *The Harvard Crimson*, November 14, 2005, http://www.thecrimson.com/article/2005/11/14/harvard-rarely-punishes-student-drug-use/.
[345] Virginia Bridges, "Durham Homicides Rise; Number of People Shot Doubled," *The News and Observer*, December 23, 2015.
[346] Ray Gronberg, "Foot Patrols a Staffing Issue for DPD, Supporters Say," *The Herald Sun*, September 9, 2014.
[347] Leanora Minai, "Ride-Along With the Durham Police HEAT Team," *Public Safety*, August 19, 2011, http://www.leanoraminai.com/blog/2011/8/19/ride-along-with-the-durham-police-heat-team.html.

organizational shuffle has been an institutionalized focus on nonviolent offenses in "high crime" areas. As documentarian Leanora Minai wrote in her blog after a ride-along with a sergeant of the HEAT team for District 1:

> "Within moments of my ride, [the officer] pulled behind a fellow Durham police officer's cruiser to assist with a traffic stop. Before I could adjust the settings to my video camera, [the officer] had hopped from our car. He ran to help a fellow officer prevent the motorist from swallowing drugs. Police recovered "nickel bags" of marijuana from the car. Officers tested cash, and it came back positive for the presence of heroin. The motorist went to jail, and a tow truck pulled his car from the scene."[348]

Civil rights attorney Holmes also noted that are more drug detectives than there are violent crime detectives. "And they're paid the same," he added. "So why would [an officer] ever want to be a homicide detective and go out and risk [their] life looking at violent crimes when [they] can do undercover sales and rack up a bunch of overtime doing lots of arrests?"[349] The end result, then, is that the black community is overpoliced for minor charges like traffic violations and drug possession, and underpoliced for violent crimes like homicide, robbery, and rape.

In the winter of 1994, Margaret Dukes and her sister Reta Scarlett were walking home one evening when they were stopped, forced to the ground and searched by four plain clothed Durham police officers. No drugs were found, and the women reported that the officers were "unduly rough."[350] Dukes, who had been a nurse in Durham for 23 years, spent several hours in jail, not knowing why she was arrested until she was finally released. After the women filed a complaint, a police captain who supervised the

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[348] Leanora Minai, "Ride-Along With the Durham Police HEAT Team," *Public Safety*, August 19, 2011, http://www.leanoraminai.com/blog/2011/8/19/ride-along-with-the-durham-police-heat-team.html.
[349] Scott Holmes interview by author, December 2, 2015.
[350] "Durham Lawsuit Raises Questions About Police Force," Local News, *WRAL.com*, September 26, 1997, http://www.wral.com/news/local/story/165780/.

investigation into the officers' conduct overruled internal departmental findings that would have implicated one of the officers for excessive force.[351] None of the officers involved in the case were punished. The apparent cover-up within the department led to a lawsuit in 1997 against the City of Durham. In a private letter to Dukes, then City Manager Lamont Ewell wrote:

> "…the city of Durham now believes that there were insufficient grounds to order you and Ms. Scarlett to submit to a stop and search. Any force used to effect the stop and search would therefore have been excessive. The City of Durham apologizes to you."[352]

In addition to the $295,000 settlement, Ewell established the Durham Civilian Police Review Board the next year, in 1998.[353] For members of the black community, the police mistreatment of Dukes and Scarlett and subsequent cover-up seemed to prove that the police could not be trusted to investigate their own conduct.

The Durham Civilian Police Review Board was established to help restore public support and confidence in the police force and to examine internal police investigations.[354] The purview of the board, which consists of nine Durham residents appointed by the Durham City Manager, is rather limited: a citizen may appeal to the review board only after the Professional Standards Division has completed an internal

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[351] Chris Highley, "Durham City Manager Considers Call for Police Review Board," *The Chronicle*, September 22, 1997, http://beta.dukechronicle.com/articles/1997/09/22/durham-city-manager-considers-call-police-review-board .

[352] Samiha Khanna, "Durham's Civilian Police Review Board: Power Failures," *Independent Weekly*, November 11, 2009.

[353] Ibid.

[354] Ibid.

Police review boards now exist in many cities across the nation, though their scope varies widely. Some boards only have the power to examine police policies, not individual complaints, while others have full investigative powers and can put forward independent findings. As the *Independent Weekly* put it: "Durham's board falls somewhere in the middle."

investigation of the complaint. The board's mandate is to then determine whether or not the Internal Affairs Division abused its discretion in their conduct of the investigation; this means that the board will examine written evidence submitted by the complainant and the police department during the initial investigation, but not any outside evidence. A hearing is granted only if this evidence persuades the board that the police internal investigation was not conducted in an appropriate manner. Finally, the board's findings and recommendations are then submitted to the city manager for his or her discretion.[355]

DeWarren Langley, Chairman of the Durham Civilian Police Review Board, maintains that the board is not a "rubber stamp for the police department," but many residents continue to express doubt in the conduct and oversight of police investigations. Civil rights attorney Holmes described the board as "another mechanism the city can use to cover its liability."[356] He also noted that the city attorney who advises the board is the same attorney who defends the police when they are sued.[357] Furthermore, the board's limited scope means that complaints are first vetted through internal affairs before reaching the oversight of the board. By the time the board conducts an investigation, incriminating evidence could be tainted or concealed. The following chart conveys the number of appeals and corresponding number of hearings granted from January 2011 to June 2015:

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[355] DeWarren Langley, interview by author, January 12, 2016.
A complaint will usually fall into one of three categories: use of force, unethical conduct and/or conduct unbecoming a police officer or police department personnel, and arrest, search and seizure.
[356] Scott Holmes, interview by author, December 2, 2015.
[357] Ibid.

Term	# Appeals	#Hearings
January- December 2011	4	0
January- December 2012	4	0
January- December 2013	6	0
January- December 2014	7	1
January- June 2015	4	1

Information provided by DeWarren Langley, Chairman of Durham Civlian Police Review Board.

During the rare occasions when the board does grant a hearing, these sessions remain closed to the public — in large part because of North Carolina personnel privacy laws.[358] This means that citizens will rarely know if an officer does or does not get discipline. Despite the recent creation of a Civilian Police Review Board, a lack of transparency and accountability continues to pervade the police internal investigative process.

Attempts to improve the oversight process have not yet been successful. During the spring of 2015, proposed North Carolina legislation expanded the authority of local police review boards in Durham and across the state. Introduced by Representative Rodney Moore, House Bill 193, "Prohibit Discriminatory Policing," aimed to allow local municipalities to set up civilian review boards with subpoena powers to witness testimony and the production of evidence. Moreover, the bill gave review boards binding authority that did not rest on the discretion of the city manager.[359] The bill remains in committee and has not yet been brought before the General Assembly for consideration, largely the consequence of a Republican-dominated state legislature.

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[358] DeWarren Langley, interview by author, January 12, 2016.
[359] Neelesh Moorthy, "Legislation Aims to Broaden Oversight of Police," *The Chronicle*, April 3, 2015, http://www.dukechronicle.com/article/2015/04/legislation-aims-broaden-oversight-police.

Despite the existence of a police review board in Durham, however limited, a much deeper historic issue remains: many black citizens do not submit complaints from the onset because they do not trust the system to bring them justice. At a public meeting in the fall of 2015, a black resident recounted his horrific experience with a white police officer at a traffic stop. The police department knew nothing about the issue until that moment, because the man had never filed a complaint. Even after he shared the details of his negative experience with the white officer, the black man remained hesitant to give the police any further information. After being tipped off, the police began to check the video camera from this particular traffic stop, only to find that the officer had in fact used excessive force. Further video surveillance of the same officer revealed that this was also not an isolated incident.[360] This system, which allegedly aims to address police misconduct, hinges partly on citizen information. But if citizens do not trust the system to begin with, then this form of police oversight is illegitimate.

The twenty-first century has resulted in notable changes to the perception of law enforcement in Durham. Negative police encounters are no longer neighborhood folklore or a story later circulated in *The Carolina Times*; these experiences can be recorded and instantly disseminated to wide audiences. Durham residents, as a result, have been connected to instances of police brutality across the country in unprecedented ways, from Ferguson to New York. The national uproar that has followed has been detrimental for many Durham police officers, who report feeling hesitant to intervene in racial situations and concerned about the optics of their profession. Moreover, the community policing that was present in the era of Hayti Police has significantly faded, as most black officers

[360] Officer 2, interview by author, November 5, 2015.

neither live nor are from Durham. In fact, many black police officers bear the brunt of anti-police sentiment.

An unequal Durham persists today. According to the United States Census Bureau, the poverty rate in Durham is nearly 17 percent.[361] The recent gentrification of Durham has further displaced black families from their neighborhoods, an injustice that is inherently linked to Urban Renewal and the destruction of Hayti in the 1970s, as well as the legacy of segregated neighborhoods and slavery itself. At the same time, in 2016, strong black leadership is present at all levels of local government: the City Council, Durham Board of County Commissioners, and Durham School Board. The legacy of power sharing, originating from the growth of Black Wall Street and Hayti, has evolved into blacks serving positions of power side-by-side with white counterparts. Durham's reputation as a progressive southern city continues.

Despite the successes of the civil rights movement and purported post-racial society of today, black residents in Durham continue to experience the police in a disproportionately destructive manner compared to the rest of Durham. Some of these encounters are blatant: Dwight's incarceration on the basis of no evidence besides his race and gang affiliation, or the women, exchanging casseroles, suspected of dealing drugs. But other police encounters appear subtler: minor traffic violations that lead to further searches, or drug operations in black neighborhoods justified as active responses to "high crime" areas. The result is a deeply rooted mistrust towards law enforcement

[361] US Census Bureau, July 2014.
http://www.census.gov/quickfacts/chart/PST045214/37063

among all classes within the black community, whose lives continue to be impacted by the institution of policing.

Epilogue

"I am for anything that works, but so far policing has not worked for my community. And my community is still part of the larger Durham community. And if we're going to be here together, then what is implemented has to work for me too. And you killing me is not working. And so what I'm also saying is not necessarily just like please stop killing me, don't do it, please don't kill me anymore, please mister white man be nice. This is about an injustice. When black people start telling you to stop doing something — when any people in history tell you to stop doing something — just know that that's foreshadowing."

-Desmera Gatewood, Durham, North Carolina[362]

In one of my interviews, I asked a police officer what he wished people understood about the Durham Police Department. "I don't think that people realize that here in Durham, we have one of the most diverse police departments," he began.

> "Most of the command staff are minorities, but the community is then turning their backs and saying that we are biased —people will even say that the black officers are the worst ones… We took this job to help you. It just doesn't make sense. I don't know anybody in this department who just lets that stuff go. I know I don't."[363]

This officer is right: the Durham Police Department is one of the more diverse police departments in the state of North Carolina. Furthermore, many Durham officers do serve out of a desire to help others. Many of these officers, such as the black officer referenced in Chapter 4, have formed intentional relationships in communities and work hard to keep Durham safe. These are facts.

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[362] Desmera Gatewood, interview by author, November 16, 2015 .
[363] Officer 1, interview by author, November 6, 2015.

But what this officer may not understand is that our current moment — the overwhelming mistrust towards law enforcement and anti-police sentiment in the black community — does not originate from the killing of Michael Brown in Ferguson, the burgeoning "Black Lives Matter" movement, or the abhorrent actions of one police officer that went viral. The roots of this moment reach deeply into our past. The United States legal system was organized "to presume, protect, and defend the ideal of superiority of whites and the inferiority of blacks."[364] This is a system that is unfair by design.

I do intend to imply that the institution of policing has remained fixed throughout Durham's history. There has been significant progress over the years, from civil rights legislation in the 1960s to attempts to improve police oversight in the late 1990s. In Durham, law enforcement can no longer slap, beat and whip black bodies with impunity, unlike the slave patrols of the antebellum period. In Durham, a black man would no longer be hanged on the accusation that he had intended to rape a white woman, unlike 1907. In Durham, not only are buses no longer segregated, but we can assume that a white bus driver who killed a black man would not be acquitted by an all-white jury, unlike 1944.

The aforementioned civil rights attorney, Scott Holmes, tries to envision alternative ways of thinking about conflict that are less about determining guilt and inflicting punishment. He compared crime and punishment to a hammer. "And if we have

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[364] Thandeka, "The Whiting of Euro-Americans: A Divide and Conquer Stategy," *World: The Journal of Unitarian Universalist Association* XII, no. 4 (August 1998): 14–20.

a hammer," he added, "everything looks like a nail." As Holmes said, "the hammer hurts."[365] We need new tools to help our community besides the hammer.

In comparison, a police officer's description of the internal disciplinary process — after an officer allegedly uses unnecessary force or conducts an illegal search of a person — is striking:

> "Discipline should be corrective and not coercive. Being punitive is an ultimate potential outcome but it should not always be the goal. The goal should be to correct the misbehavior and try to retain that employee."[366]

This strategy of policing the police does not sound like the hammer-approach that characterizes the policing of black bodies in Durham. I believe that it is possible to reimagine new ways of policing in this city. I am reminded of the Hayti Police officer who told me he only used his nightstick three times during his nineteen years on the force, a time when community policing seemed to be a reality.

A multitude of questions arise. What are going to be our priorities when it comes to arresting and incarcerating people? Are we going to continue to chase after people who are selling marijuana or are we going to go after the people who are carrying guns and shooting people, disrupting the peace and tranquility of our neighborhoods with violent crime? Where are we willing to put our resources: into the Durham police HEAT team operations or towards incentivizing police officers to live in the Durham community and develop intentional relationships? How else could the City of Durham spend some of the $80 million dollars currently allocated for the new police headquarters? How can we increase the accountability, visibility, and transparency of internal investigations within

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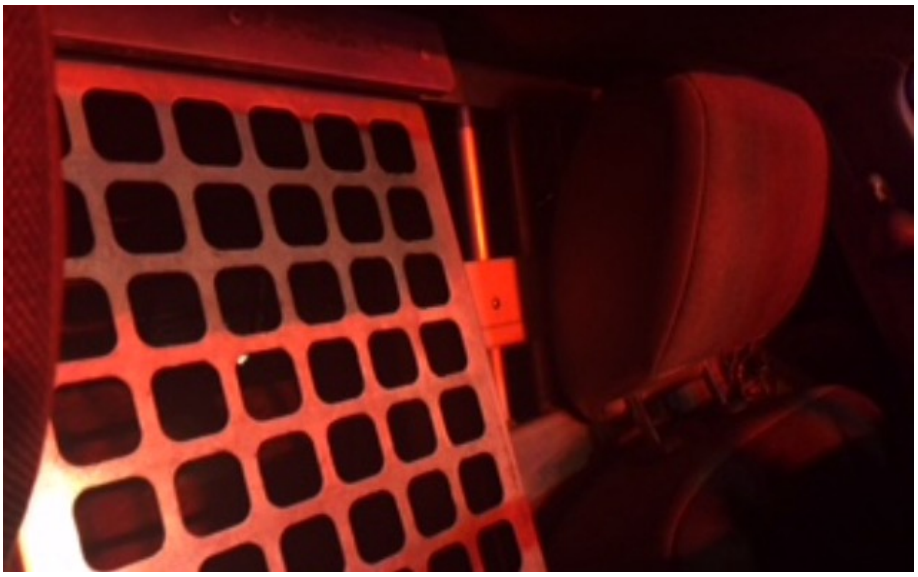
[365] Scott Holmes, interview by author, December 2, 2015.
[366] Officer 2, interview by author, November 5, 2015.

the Durham Police Department? What does it mean to feel safe in Durham? These are community questions.

This is not an uplifting story, nor is this a success story. But this is a true story. The preceding pages are not filled with answers: I have not produced groundbreaking statistics or made specific public policy recommendations. This thesis is a collection of stories of people who we must include in this narrative. I tried to provide an historical perspective and complicate our understanding of the current relationship between the Durham Police Department and the black community in Durham. This exploration forces us to confront challenging legacies of our past: from slavery, the Black Codes, convict labor systems, vagrancy laws, to the origins of the Hayti Police. If we don't acknowledge these lived experiences, we erase this history. In order to understand our present, we must understand our past. This is where we begin: the long history of policing black Durham.

Appendix



Inside the patrol car of a K-9 Unit, October 2015.
Photograph taken by author.

Police arrive at the scene of a shooting, November 2015.
Photograph taken by author.

City Council Proclamation, January 2013.
Document courtesy of City Clerk's Office.

Proclamation

MEMORIALIZING
BENJAMIN "BEN" HARRISON MCCLARY

WHEREAS, *in July 1944, Durham's first two African American police officers were hired as a result of a request by North Carolina Mutual founder C.C. Spaulding to help diffuse racial tensions between black citizens and white police officers; and*

WHEREAS, *in 1948, when Ben McClary joined the Durham Police Department, he was among eight African-American officers on the force who were referred to as the Hayti Police; and*

WHEREAS, *Ben McClary and the Hayti Police officers were well-respected among the African-American community where they were duly sworn to serve, as Hayti Police; and*

WHEREAS, *during this time in history, there was no office space; nor, locker rooms, drinking fountains, or convenient bathrooms provided; and*

WHEREAS, *Ben McClary and the Hayti Police were relegated to foot patrols only in the 'colored' sections of the Durham community as patrol cars were not accessible to them; and, they were prohibited from arresting white law breakers; and*

WHEREAS, *Hayti Police officers often served on the front lines of major civil rights demonstrations in downtown Durham, and their presence had a calming effect on both sides of the lines for both demonstrators and officers alike;*

WHEREAS, *Durham was spared the violent race riots experienced by many cities across the nation in large part due to the presence, courage, honor and integrity of Officer Ben McClary and fellow Hayti Police officers; and*

WHEREAS, *today the Durham Police Department has reached record levels of African-American, Hispanic and female administrators in command and management positions who proudly stand on the shoulders and legacy of trailblazers like Ben McClary and the Hayti Police.*

NOW, THEREFORE, I William V. "Bill" Bell, Mayor of the City of Durham, North Carolina, and on behalf of the City Council do hereby honor the memory of Officer Benjamin "Ben" Harrison McClary -- Born February 2, 1916 in Kingstree, South Carolina, departing this earthly life January 1, 2013 in Durham North Carolina [the community where he proudly served 10 years as a Durham Police Officer during a pivotal time in this nation's and community's civil rights history.]

WITNESS my hand and the corporate seal of the City of Durham, North Carolina, this 6th day of January 2013.

CITY OF DURHAM 18 69 NORTH CAROLINA

William V. "Bill" Bell
Mayor

Former Durham MayorWense Grabarek during an interview, November 2015.
Photograph taken by author.

Officers who worked exclusively in the Hayti sections 1944-1969. The dates represent the time they served on the Durham Police Department.
Names courtesy of Marshall Thompson.

- J.B. Samuels 1944-76
- Clyde Cox 1944-70
- O.C. Johnson 1945- 55
- Frank McCrae 1945- 75
- Otis Parker 1946-51
- R.W. Barnes, Sr. 1946- 51
- Oliver Harris 1948-58
- Ben McClary 1948- 58
- James Exum 1950-54
- Garson McLeod 1950-53
- Robert McNeil 1950-55
- Howard Harris 1951-53
- J. Funderburk 1951-53
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