

# THE BARBERS OF D'VILLE

*Civil Rights Test Case Comes to Danville*

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# THE CIVIL RIGHTS ACT OF 1964

- TITLE II--INJUNCTIVE RELIEF AGAINST DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION
- SEC. 201. (a) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, and privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin.

# KENTUCKY CIVIL RIGHTS ACT, 1966 – A SOUTHERN FIRST

- Kentucky became the first state south of the Mason-Dixon Line to pass its own state-level civil rights act. Gov. Edward T. Breathitt signed the law on Jan. 27, 1966.
- The Rev. Martin Luther King Jr. sent a telegram to Breathitt: “This is a milestone for a southern state ... a great step forward for any state. (It) will serve as a great beacon...” (John J Johnson, “50 years ago, Ky. Was ‘a beacon of hope’ “, *Lexington Herald-Leader*, 23 Jan 2016)
- However, Kentucky specifically exempted barber shops and beauty parlors from the Civil Rights Act of 1964.

# THE BEGINNINGS, 1969

- At some point shortly before April 1969, the Danville Human Relations Council sent out a letter to city barber shops stating that “service had been denied Negroes in some of the barber shops in the city” and asking what the shops planned to do about that situation.
- A letter to the *Advocate*, 16 April 1969, noted that barber shops should ignore the questionnaire, and that the inquiry “can serve no purpose other than causing bad feelings where none now exist and the instigators could be of more service to the city and their employment if they would devote their talents to more constructive ideas.”

# RACISM AND RESPONSE

- The writer obviously had negative feelings about the Council, as he referred to “the inner-most secrets of the so-called Human Relations Council.”
- Dr Rex Knowles responded to that letter on 18 April 1969 saying that racism has no place in an “All-American” city, and that the Council had responded to complaints about discrimination, and was simply trying to discern what the policies of the various barber shops were.

# NEXT STEPS

- Either the matter was dropped or simply not reported for another year or so.
- Students who were concerned with barber shop discrimination met on Centre's campus on 6 May 1970 to discuss the situation.
- Ollie Lee Taylor, head of the Black Unity group, James Mason, Wilton Brown, Raymond Burse, Tom Amann, college president Dr Thomas Spragens, Dr Max Cavnes, William Schmidt, Danville's city manager, members of the City Commission, several barber shop owners, all participated in the discussion.

# PICKETING, 9 MAY 1970

- Picketing was planned for Saturday, 9 May 1970 at those barber shops that did discriminate: Bluegrass Barber Shop, South Third; Lester's, North Fourth; Third Street Barber Shop; Walnut Street Barber Shop, and City Barber Shop on Main Street.
- The Second Street Barber Shop would NOT be picketed, as it does not discriminate.
- Taylor noted that any barber shops would be eliminated from picketing if they act to end discrimination.

# SILENT PROTEST, 9 MAY 1970



A silent protest march was held on Saturday, 9 May 1970, which included many people associated with Centre, as well as Dr. Calvin Sydnor, past pastor of St. James AME Church. [pictured left]. Sydnor now lives in Virginia

# MEET AND DISCUSS

- At its 12 May 1970 meeting, the Danville City Commission discussed a resolution presented by Dr Eric Mount, supported by Dr. Max Cavnes and Dr. Thomas Spragens, regarding discrimination by barber shops – which was legal by Kentucky law.
- The resolution called on Danville to forbid discrimination by barber shops and beauty shops.

# WHAT DANVILLE CAN'T DO...

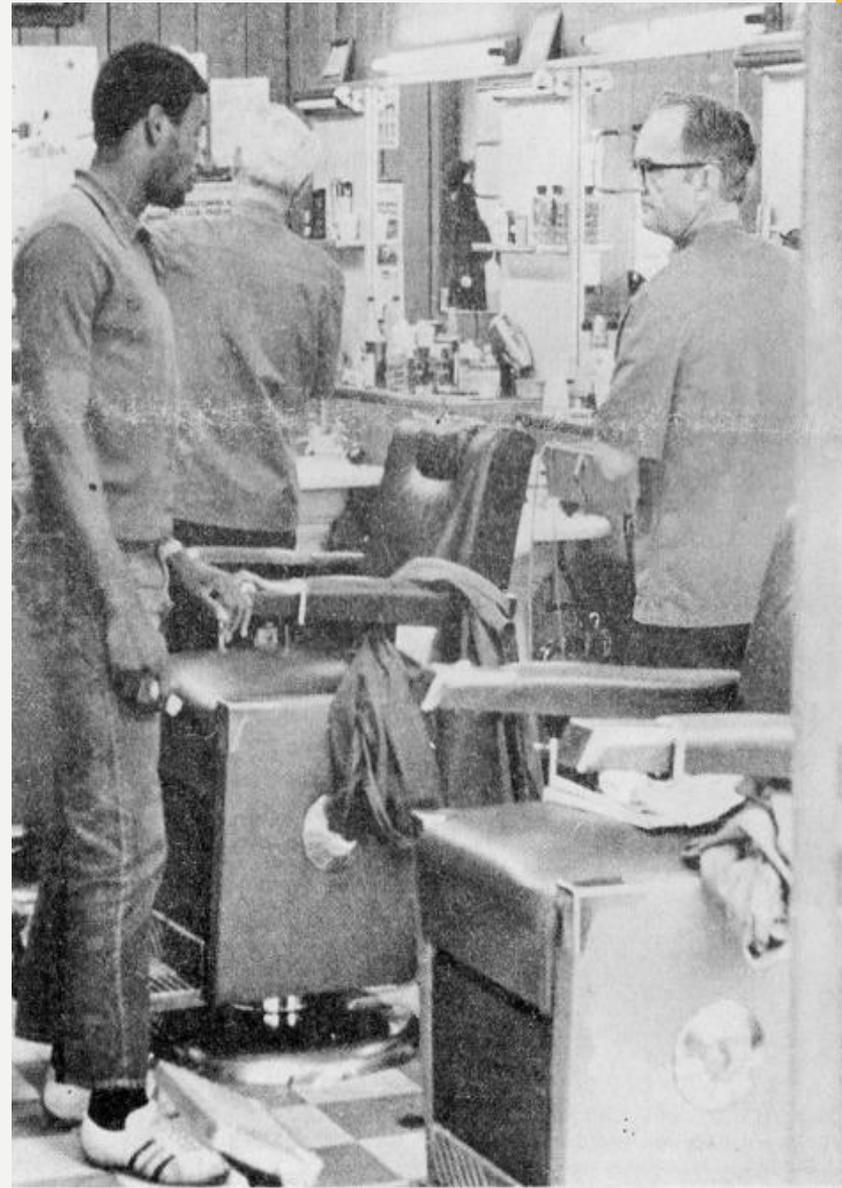
- However, the city was advised that it can not, by state law eliminate the exemption for barber shops.
- The resolution, with its first paragraph stricken, was approved by a vote of 3-2.
- Dr Spragens only intended to express appreciation to the city and the police department for their cooperation during a student silent march in the city on Saturday, 9 May 1970.

# RESISTANCE TO CHANGE

Another letter to the editor, page 4, 27 Jan 1971, said that barbers were refusing to cut black hair “not because of their color but because of the lack of training to cut the black man’s hair. . . . Has the Mafia invaded our town? Is it no longer possible for a small business man to conduct his business in the way he was trained – or must be continually be harassed by a group of people who don’t really care . . . where they get their hair cut.”

# THE TEST

- [Photo right – Raymond Burse in the North Third Street Barber Shop requesting a haircut]
- Centre College athlete Raymond Burse (Centre, 1973), from Hopkinsville, along with Tommy Lee Smith of New Orleans, LA, Ollie Taylor of Mobile, AL and professors Dr Max Cavnes, Dr Charles Lee and Dr Eric Mount (who at the time was chairman of the Danville Human Relations Council), tested seven Danville barbers to see if they could get a haircut. They were refused.



Ray Burse requests and is refused a haircut in one of the local barber shops. Burse was participating in a test case of the local shops.  
Staff photo by Richard Proudfoot

# THE DAY OF ACTION

Matters finally came to a head on Wednesday, 21 April 1971, as reported by the *Danville Advocate-Messenger*:

- “Several barbershops in Danville were visited this morning by a group including a black who requested that he be given a haircut.
- “In the group were Dean of Men Max Cavnes, and history professor Charles R Lee, both of Centre College, Allen Reeves, editor of the news staff of the Centre College newspaper, “The Cento,” three or four blacks and about an equal number of other boys one of whom the barbars [sic] said carried a camera.”

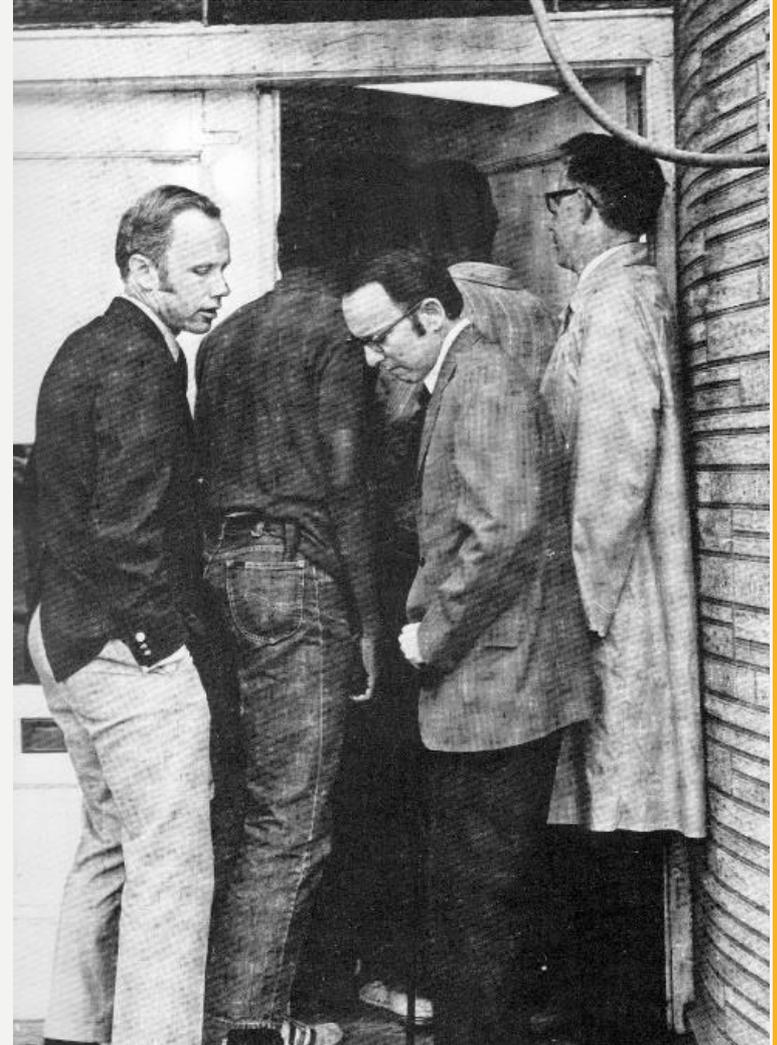
# SHOPS IN DANVILLE 1971

## HIGHLIGHTED ONES WERE SUED

- Blue Grass Barber Shop, 177 South Third St
- City Barber Shop, 316 West Main St
- Corner Barber Shop, 236 Stanford Ave
- Coulter's Barber Shop, 903 Hustonville Rd
- De Luxe Barber Shop, 132 South Second St
- Hoskins Barber Shop, Hustonville Rd
- Lester's Barber Shop, 133 North Fourth St
- Sanitary Barber Shop, 106 North Second St
- Third Street Barber Shop, 109 North Third St
- Walnut Street Barber Shop, 813 West Walnut St

# PEACEFUL CONFRONTATION

- The barbers reported that the group was orderly and quiet and that when the request for a haircut by a black man had been refused with the statement by the barber, “I don’t know how,” the members left the shops after taking notes of the conversations that had transpired.
- [Photo left – (l-r) Dr Eric Mount, Raymond Burse, Dean Charles Lee, Tommie Smith, Dean Max P Cavnes]



# WHO WAS SUED?

- The Summer 1971 lawsuit that resulted from the "test" of the Civil Rights Act of 1964 included:
  - City Barber Shop and Either One Richardson;
  - Sanitary Barber Shop and Prentice D Shewmaker;
  - Corner Barber Shop and Paul E Bowling;
  - Coulter's Barber Shop and William L Coulter;
  - Lester's Barber Shop and J L Lester;
  - Manor Barber Shop and Stan Hodkins, and
  - Third Street Shop and Edward M Playforth.
- The lawsuit was filed on behalf of Ollie Taylor, Tommie Smith, and Raymond Burse, in the Eastern District Federal Court, Lexington, by ACLU attorney Elwood Rosebaum out of Lexington, with Henry Pennington of Danville representing the barber shop owners.

# THE RULING

- In the ruling handed down 18 Feb 1972, Judge Mac Swinford noted that under “Kentucky law, barber shops and beauty parlors were exempted from the list of “public accommodations.”
- Judge Swinford wrote, “The court feels that such an exemption is not based on sound reason and only serves to encourage or enable barbers to discriminate between their prospective customers for impermissible reasons.”
- This lawsuit, Taylor, et al. vs. Danville, KY Barbers, defined barber shops as “public accommodations”, and integrated them.

# THE RULING

- Adding that because the state is involved in barbering, that puts barbering “in the public domain and prevents practitioners of the trade from discriminating against prospective patrons on account of race”
- When passed, the Kentucky law prohibited discrimination based on race, color and religion in the area of public accommodations EXCEPT for barber shops and beauty parlors.
- This case caused the removal of those exemptions.

DANVILLE ADVOCATE-  
MESSENGER, 23 FEB  
1972

TAYLOR, ET AL VS.  
DANVILLE BARBERS

U.S. DISTRICT COURT  
EASTERN KENTUCKY

## 8 Danville

### Barbers

### Are Enjoined

LEXINGTON, Ky. (AP) — U.S. District Court Judge Mac Swinford Tuesday enjoined eight Danville, Ky. barbers from discriminating among prospective customers because of race.

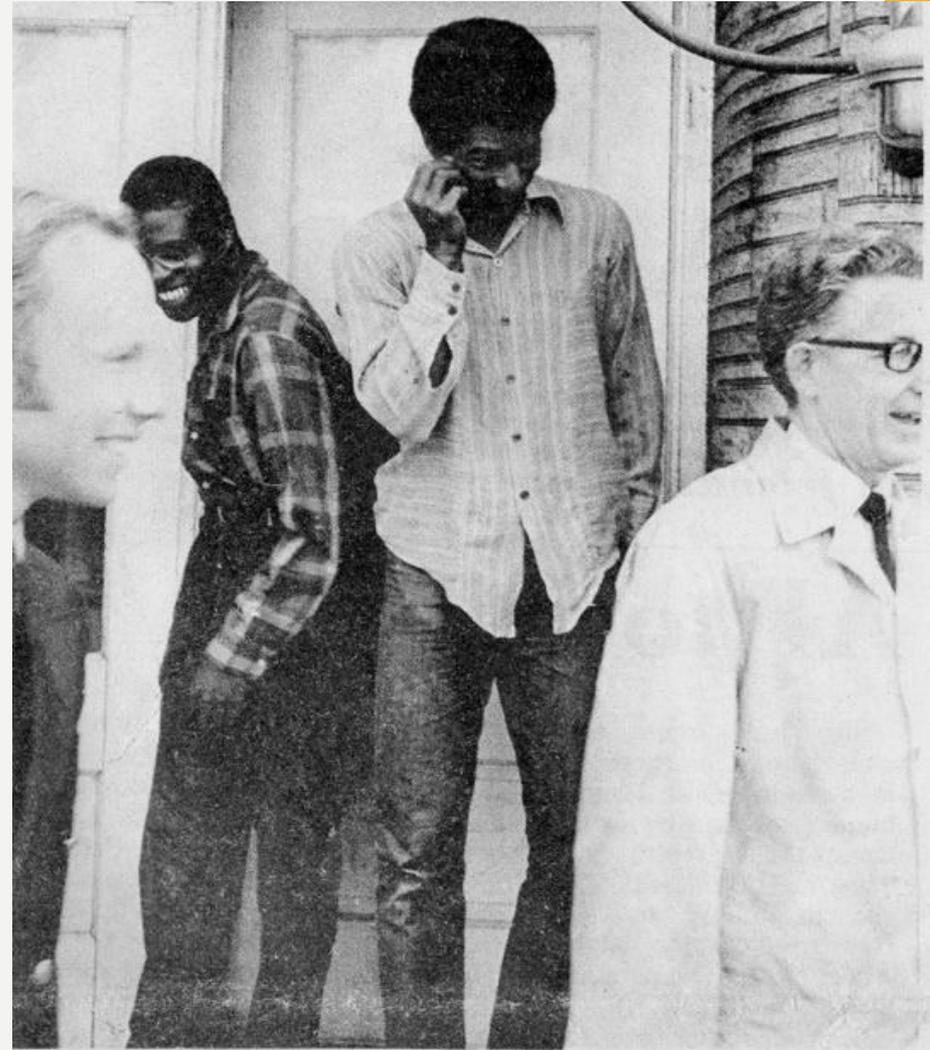
Kentucky law exempts barber shops from the public accommodation statutes. Swinford said the court feels "such an exemption is not based on sound reason and only serves to encourage or enable barbers to discriminate between their prospective customers for impermissible reasons."

The court ruling came in the trial of a suit filed last summer by three Danville men, who said the barbers conspired against them — and all other Negroes — to refuse service.

Judge Swinford added that the state's involvement with the barbering profession puts it in the public domain.

# NO CHANCE!

- [Photo right (l-r) Dr Eric Mount, Ollie Taylor, Tommie Smith, Dean Max P Cavnes]
- Some of the photos were published in the Centre College newspaper, the “Cento”, date unknown, but sometime about 1971, and were taken by staff photographer Richard Proudfoot, who is now a physician in Lexington or Morehead.
- Though labeled by the defense attorneys as “officious intermeddlers” and “troublemakers”, the three principals went on to successful careers.



No chance!! This was the reaction to a request of one of the local barbers to cut a black person's hair. The adamantness of the refusal prompted smiles by those participating in the test.

Staff photo by Richard Proudfoot

# WHERE ARE THEY NOW?

**Raymond Burse** graduated from Centre in 1973, where he was active in student government, and president of the Black Student Union.

- He was named to Who's Who in American Colleges and Universities; won the Fred M Vinson Honor Award, and later went on to become a Rhodes Scholar.
- At Oxford University, he majored in organic chemistry, and became the first black American to earn a "Blue" in rugby.
- He attended Harvard Law School, and earned his JD.
- He was vice president and general counsel for GE Appliances from 2002 to 2012, in between two tenures as President of Kentucky State University.
- He is currently (2018) a member of the Board of Trustees of the University of Louisville.

# WHERE ARE THEY NOW?

**Tommie Smith** was teaching in New Orleans as late as 1988.

**Ollie Taylor** has had numerous careers.

- Graduating Centre in 1973, he went on Florida State University, 1975-77, with a M.A. in American Government and Politics, then to the Massachusetts Institute of Technology, for a M.S. in political science (1979).
- His positions later included a medicaid specialist, and at present, a clerk in the Miami-Dade County Department of Elections.

# THANKS

My special thanks to Dr. Raymond Burse and Mr. Ollie Lee Taylor, the plaintiffs in Taylor et. al. vs. Danville Barbers, both of whom responded to my emails requesting further information on this event, and who proofread my manuscript.

Also, thank you to Boyle County Judge Executive Harold McKinney, who gave me Mr. Taylor's email, and who was editor of the Centre College "Cento" at the time.

And finally to Dr. Eric Mount. He told me that he couldn't add anything that others had said, but he is still writing commentary in the Danville newspapers dealing with civil rights.

# KENTUCKY AND “JIM CROW”

- 1792 -- Kentucky admitted to union; first state constitution establishes legality of slavery.
- 1794 -- Kentucky statute gives free or freed Negroes legal equality to whites.
- 1798-1799 -- Second Kentucky Constitution changes status of free people of color by placing limitations on their rights, including voting and self-defense.

- 1855 -- Berea College founded by abolitionist Rev. John G. Fee to provide interracial education.
- 1859 -- Fee is forced to close the school and leave Kentucky.
- 1863 -- President Abraham Lincoln issues the Emancipation Proclamation, but Kentucky is unaffected because the proclamation frees slaves only in those states that have seceded from the Union.
- 1864 -- Camp Nelson becomes the most important Union recruiting station and training camp for African Americans. Fee returns as a voluntary missionary and founds a school.

- 1865 -- Slavery ends nationwide, including in Kentucky, after the critical number of states ratify the 13th Amendment to the U.S. Constitution. (Kentucky would not itself ratify the amendment, though, until 1976.)
- 1866 -- Berea College is reestablished by Fee and others, including African Americans from the Camp Nelson refugee camp.
- 1870 -- Members of Quinn Chapel A.M.E. Church in Louisville organize Kentucky's first known protest of racial discrimination, challenging segregation on local streetcars.

- 1896 -- In *Plessy v. Ferguson*, U.S. Supreme Court rules that “separate but equal” is constitutional. Justice John Marshall Harlan, a native of Boyle County, dissents.
- 1904 -- The Day Law takes effect, segregating both public and private schools across Kentucky. The law was a direct response to the integrated education provided by Berea College.
- 1908 -- U.S. Supreme Court upholds Kentucky’s Day Law. Danville-born Justice John Marshall Harlan again dissents, protesting that the ruling puts racial prejudice ahead of civil liberties.
- 1914 -- The NAACP opens a branch in Louisville to protest lynching and mob violence against blacks and to fight a new housing ordinance reinforcing racial segregation.

- 1917 -- U.S. Supreme Court declares the 1914 Louisville residential segregation ordinance unconstitutional in *Buchanan v. Warley*. But the ruling does allow cities wide latitude in protecting “racial purity,” preserving racial peace, and maintaining property values.
- 1935 -- Charles W. Anderson, is the first African American elected to the Kentucky House of Representatives since Reconstruction. He would sponsor bills to fund out-of-state tuition for black students denied higher education in Kentucky.
- 1941 -- Charles Eubanks files suit to attend the University of Kentucky College of Engineering, which leads to the creation of a “separate but equal” engineering school at Kentucky State College to prevent the integration of UK.
- 1945 -- Branch Rickey, co-owner and president of the Brooklyn Dodgers, visits the home of Baseball Commissioner (and former Kentucky governor and U.S. senator) A.B. “Happy” Chandler to ask him to overrule the baseball owners and allow the Dodgers to sign Jackie Robinson as the first African American to play in the modern major leagues. Chandler agrees.

- 1948 -- Lyman T. Johnson files suit against the University of Kentucky for admission.
- 1948 -- Training opportunities for physicians and nurses are desegregated, and Louisville hospitals begin desegregating.
- 1949 -- UK admits the first black students to its graduate and professional schools.
- 1950 -- The Day Law is amended to allow individual colleges to decide whether to admit African Americans if no comparable course is taught at Kentucky State College. Berea, the University of Louisville, Bellarmine, Ursuline, and Nazareth admit blacks.
- 1950 -- Three young African Americans are refused treatment at a Hardinsburg hospital, and one dies on the waiting-room floor, leading to a new state law prohibiting the licensing of hospitals that deny anyone emergency care.
- 1954 -- U.S. Supreme Court, in *Brown v. Board of Education of Topeka*, abolishes segregated public schools. UK opens undergraduate admission to black students.

- 1954 -- Anne and Carl Braden, a white couple, purchase a house in the Louisville suburb of Shively in order to sell it to a black man, Andrew Wade. The Wade family is harassed, the Bradens are put on trial for sedition amid charges of a Communist conspiracy, and the house is bombed.
- 1955 -- Remaining state colleges opened to all applicants. Russellville, Prestonsburg, Owensboro, Wayne County, and Lexington public schools end legal segregation.
- 1956 -- Legal integration of Louisville public schools begins peacefully. But in Union County, eight black students enroll in Sturgis High School and a mob of whites prevents them from entering.
- 1957 -- Kentucky High School Athletics Association allows accredited African-American high schools to become members and to participate in state tournaments.
- 1959 -- NAACP Youth Council pickets Louisville's Brown Theater when its management refuses to admit African Americans to see *Porgy and Bess*.

- 1960 -- General Assembly prohibits discrimination in state employment.
- 1961 -- Kentuckian Whitney Young Jr. becomes executive director of the National Urban League.
- 1962 -- General Assembly empowers cities to create local commissions on human rights in order to prohibit discrimination.
- 1964 -- U.S. Congress passes federal Civil Rights Act. Lack of support in the Kentucky legislature for a strong public accommodations bill leads to a mass march on Frankfort. More than 10,000 people, led by Dr. King, Jackie Robinson, Mahalia Jackson, and Peter, Paul, and Mary, demonstrate in support of civil rights legislation.

- 1965 -- Gov. Edward Breathitt pledges support for a strong civil rights bill addressing employment as well as public accommodations.
- 1966 -- General Assembly passes the Kentucky Civil Rights Act, and King calls it “the strongest and most comprehensive civil rights bill passed by a Southern state.”
- 1968 -- The General Assembly adds housing discrimination to the enforcement section of the state Civil Rights Act.

- 1972 – Taylor, et al, vs Danville Barbers, eliminates exemption of barber shops and beauty parlors from Kentucky’s Civil Rights Act of 1966.
- 1976 -- Correcting a historical oversight, the General Assembly ratifies the 13th, 14th, and 15th Amendments to the U.S. Constitution—more than 100 years after they became law.