

Spring 2023

Hayti Restorative Justice Report



Social Justice & Racial Equity Institute

North Carolina Central University
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About SJREI and the Report

Inspired in 2020, the Social Justice and Racial Equity Institute (SJREI) was organized by the former dean of North Carolina Central University (NCCU) School of Law, Dean Browne C. Lewis, to build upon the vision and efforts of justice advocates at NCCU and the larger Durham community. Housed in NCCU School of Law, SJREI works with various programs, schools, and departments at NCCU to advance the cause of justice and equity. Namely, SJREI addresses systemic racism and other forms of inequality through interdisciplinary problem solving that addresses the legacy of racial injustice and advances a just and prosperous society for all people.

Systemic and institutional racism is a malicious and persistent barrier to the self-realization of racial minorities. SJREI seeks to advance racial equity and social justice by engaging in holistic, interdisciplinary problem solving that offers concrete proposals, policies, initiatives, and solutions that help to repair and reverse the legacy of racial and social injustice. SJREI is guided by values of justice, equality, integrity, collaboration, transparency, and community engagement that encourages participation and guidance of people directly impacted by racial inequity and social injustice.

SJREI more specifically aims to work with community partners to engage in community impact initiatives. The impact initiatives will be guided by research, writing, training, and advocacy to provide direct assistance to individuals and communities in need. The pillars of the impact initiatives will be four community centers, which include the following: (1) **Community Justice Research Center** that engages in interdisciplinary research on issues of economic, housing, health, education, and criminal justice; (2) **Community Housing Advocacy Center** that provides support and education for lower income tenants and aspiring homeowners; (3) **Community Market and Business Center** that facilitates a local market for minority vendors, healthy food providers, and justice involved entrepreneurs with business support services; and (4) **Community Healing and Counseling Center** that provides mental health support, family counseling, and restorative justice for members of the local community.

SJREI's methodology is to be inter-systemic, focusing on one system and then exploring how the social injustice and racial inequity in that system impacts other major systems. SJREI will begin its focus with an analysis of social justice and racial equity issues locally, and expand this scope to state, federal, and global instances of racial injustice. With this approach in mind, this report engages the plight of Durham's Hayti community. The Hayti community continues in its aim for social and economic liberation, knocking down walls and building bridges toward a beloved community where everyone has the housing, nutrition, health care, education, meaningful and sustaining work, prosperity, freedom, and human dignity to realize their full human potential. SJREI joins in this expression of the continued aspirations of the Hayti community. SJREI Co-Directors, Professor Scott Holmes and Professor Ansel Kebede Brown, have authored this report with the invaluable assistance of SJREI research assistants, Amber Creft and James Whitaker, and editing from Professor Erika Taylor Jones. Other law students who have contributed to the report include Tekia Bazemore, Mateo Carvalho, Amanda Covington, Larry Futrell, Anyia Gaines, Kerry Hudson, Nigia Hunt, Shanne McPherson, Alanna Meek, Nyjeema Mills, Nadiya Pope, Matthew Quigley, Brittany Reaves, Kendra Simmons, and Darius Stephens-York.

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Introduction

The rich history of the African American community in Durham, North Carolina is one of ingenuity, resilience, and a resolute determination to carve out creative lives supporting human dignity against unimaginable odds of social injustice and systemic racism. It is the story of the place of Hayti, Durham, the people who shaped that space, the institutions they built, and the systems they challenged. Of specific concern, the Hayti community has been deeply impacted by a history of racial discrimination, particularly housing segregation that has resulted in an urban landscape in Durham where concentrations of Blacks and Whites still largely live separately and disparately. Another consequence of this history of racial housing segregation has been the systemic devaluation of black-owned property as a result of a combination of racially explicit laws, regulations, and government practices.¹

This harm to Durham's Hayti community has formed part of a more pervasive breach in the larger fabric of global justice, where people of African heritage have been subjugated by white supremacy when it has benefited Western economic, political, and social interests. Comparatively, as European colonialists captured and transported Africans against their will for enslavement while engaging in genocidal land theft and cultural eradication in their native lands,² white supremacist policies in America forced African American residents into segregated neighborhoods and restricted investment in these communities by racial laws and discriminatory real estate practices. In Durham, the result of racially restrictive covenants, zoning ordinances, and disruptive urban planning has created systemic devaluation and even confiscation of historically black-owned property.³

Historical Context of the Hayti Community

On April 26, 1865, when Confederate General Joseph E. Johnson surrendered 90,000 Confederate troops to United States General William T. Sherman at the Bennett House, Durham was only a train station along the railroad to Chapel Hill.⁴ Approximately 900 African Americans were freed from the Stagville Plantation owned by the Bennehan-Cameron family from 1771 to 1865.⁵ Newly freed slaves immediately began building new lives and a new community under the protection of the United States Military and federal law. The former slaves

¹ RICHARD ROTHSTEIN, *THE COLOR OF LAW: A FORGOTTEN HISTORY OF HOW GOVERNMENT SEGREGATED AMERICA* xii, 216-217 (2017).

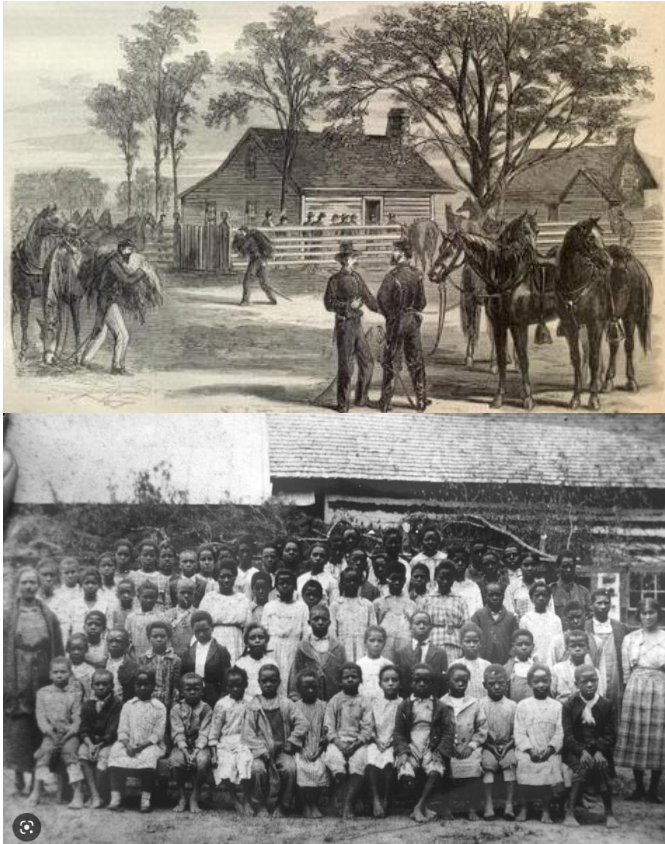
² British colonists took the land in the area of Durham from the Eno and Occoneechee people. Katie Tan, *Forbidden real estate and broken promises: The history of housing inequality in Durham*, THE CHRONICLE (Nov. 8, 2021 11:19 PM), <https://www.dukechronicle.com/article/2021/11/durham-housing-inequality-affordable-gentrification-civil-war-history-uneven-ground> (last visited Apr. 12, 2023).

³ Jasmine Gallup, *Historic Redlining and Discriminatory Policies Have had Lasting Effects on Black Homeowners in the Triangle*, INDY WEEK, (Feb. 23, 2022), <https://indyweek.com/news/durham/mapping-inequality-redlining-discriminatory-housing-practices>; Tan, *supra* note 2.

⁴ JEAN BRADLEY ANDERSON, *DURHAM COUNTY: A HISTORY OF DURHAM COUNTY, NORTH CAROLINA*, 104-105 (2011).

⁵ North Carolina Historic Sites, *Historic Stagville*, STATE OF NORTH CAROLINA WEBSITE, <https://historicsites.nc.gov/all-sites/historic-stagville/history> (last visited Apr. 12, 2023); See Generally JEAN BRADLEY ANDERSON, *PIEDMONT PLANTATION: THE BENNEHAN-CAMERON FAMILY AND LANDS IN NORTH CAROLINA* (2001); HERBERT G. GUTMAN, *THE BLACK FAMILY IN SLAVERY AND FREEDOM, 1750-1925* (1977).

from the Stagville Plantation founded the Hayti district, naming it after Haiti, the former French colony that freed itself from slavery.⁶



W.E.B. Du Bois, the noted Pan-Africanist, civil rights activist, and world-renowned intellectual, wrote about the economic and cultural success of Hayti and Durham in 1912.⁷ Du Bois identified the extraordinary level of achievement attained through “a new group economy,” which he defined as “the closed circle of social intercourse, teaching, and preaching, buying and selling, employing and hiring, and even manufacturing which, because it is confined chiefly to Negroes, escapes the notice of the white world.”⁸ DuBois cataloged grocery stores, barber shots, meat and fish dealers, drug stores, shoe store, manufacturing plants, a building and loan association, a real estate company, a bank and three industrial insurance companies, a hospital, and twenty churches.⁹ Du Bois had observed that part of the success of the black community in Durham was the white economic and political leadership’s hands off approach at the time.¹⁰

Du Bois marveled at the new training school for 250 black students (today NCCU), built in four months “by colored contractors after plans made by a colored architect, out of lumber

⁶ *Id.* at 132. For more history of the Hayti community, See ANDRE VANN AND BEVERLY WASHINGTON JONES, BLACK AMERICA SERIES: DURHAM’S HAYTI (1999).

⁷ W.E.B. DuBois, *The Upbuilding of Black Durham: The Success of the Negroes and their value to a tolerant and helpful southern city*, in THE WORLD’S WORK, Ed. Walter H. Page, p. 334-338 (January 1912).

⁸ *Id.* at 334.

⁹ *Id.* at 334-335.

¹⁰ *Id.*

from a colored planning mill and iron work largely from a colored foundry.”¹¹ The founder of NCCU, Dr. James Shepard, was born in Raleigh just ten years after the Confederate surrender. Dr. Shepard received a pharmacy degree from Shaw University in 1894 and opened a pharmacy in Durham. In 1898, he went to Washington, D.C. to work as a clerk in the office of the recorder of deeds.¹²

During the same year of 1898, the Democratic Party launched a violent White Supremacy Campaign that swept North Carolina and the South, resulting in the disenfranchisement of black voters and the rise of racial segregation.¹³ Potential black candidates and voters were threatened with violence if they participated in the election.¹⁴ The White Supremacy Campaign was marked by violence, as days before the election, Manly McCauley was lynched outside Durham after being accused of eloping with a white woman. The lynching was celebrated in the Durham press as a respectable example of white supremacy.¹⁵ On election day, November 8, 1898, the *Durham Daily Sun* reported, “Beautiful Weather on White Supremacy.”¹⁶

The White Supremacy Campaign marked the end of reconstruction in the South, the institution of Jim Crow, and the continued pattern of racialized violence and terror aimed at subjugating the black citizens of the South. In spite of the stifling suppression of segregation, Hayti became the home of “Black Wall Street” and a place of concentrated black economic power. Hayti temporarily avoided the same white racial violence that fell upon Wilmington in 1898, where white leaders issued a “Declaration of White Independence,” burned down the black-owned newspaper, and forced black residents and businessmen from town by violence, killing hundreds of black citizens in the white coup d’état.¹⁷



¹¹ *Id.* at 335.

¹² Charles W. Eagles, *Shepard, James Edward*, in *DICTIONARY OF NORTH CAROLINA BIOGRAPHY*, ed. William S. Powell (1994), <https://www.ncpedia.org/biography/shepard-james-edwards>.

¹³ Anderson, *supra* note 4, at 184-85.

¹⁴ H. Leon Prather, Sr., *We Have Taken a City*, in *DEMOCRACY BETRAYED: THE WILMINGTON RACE RIOT OF 1898 AND ITS LEGACY*, eds. David S. Cecelski and Timothy Tyson, 15-42 (1998).

¹⁵ LESLIE BROWN, *UPBUILDING BLACK DURHAM: GENDER, CLASS, AND THE BLACK COMMUNITY DEVELOPMENT IN THE JIM CROW SOUTH*, 60-61 (2008); Orange County Community Remembrance Coalition and Equal Justice Initiative, *Manly McCauley: 1880-1898: Background on his Life in Orange County, North Carolina, and his Death by Lynch Mob just West of Chapel Hill*, at 1-6, <https://www.occrcoalition.org/wp-content/uploads/2019/11/MANLY-McCAULEY-PAPER-OCCRC-2.pdf>.

¹⁶ *Id.* at 67.

¹⁷ DAVID ZUCCHINO, *WILMINGTON’S LIE: THE MURDEROUS COUP OF 1898 AND THE RISE OF WHITE SUPREMACY*, 165 (2020); Brown, *supra* note 15, at 14, 68-71.

Hayti and NCCU continued to radiate as a bright ray of hope for the black community. Dr. Shepard returned to Durham in 1910 to open the training school that eventually became NCCU.¹⁸ By then, he had become a successful businessman, who was thought to be one of the wealthiest African Americans in the United States during the early 1900s. He opened the doors of the “National Religious Training School and Chautauqua for the Colored Race” on July 5, 1910. Dr. Shepard served as President of the institution until his death in 1947. He aimed at “the development in young men and women of the character and sound academic training requisite for real service to the nation.”¹⁹

In 1923, the North Carolina state legislature converted the institution into the North Carolina College for Negroes and dedicated it to liberal arts education and the preparation of teachers and principals.²⁰ The college thus became the nation’s first state-supported liberal arts college for black students.



Dr. James Shepard, Founder of NCCU



North Carolina College for Negroes Class of 1923-24. Photo courtesy of [NCCU](#).

Born the same year that NCCU was established was another notable black leader from Hayti, who profoundly impacted the progress of the larger community. Pauli Murray was a civil rights lawyer, professor, scholar, feminist, poet, and Episcopal priest who was raised by her maternal aunts in Durham. She came to Durham when she was only three years old and remained until she left for New York at age 16 to finish high school and prepare for college.²¹ Although

¹⁸ Eagles, *supra* note 12.

¹⁹ *Id.*

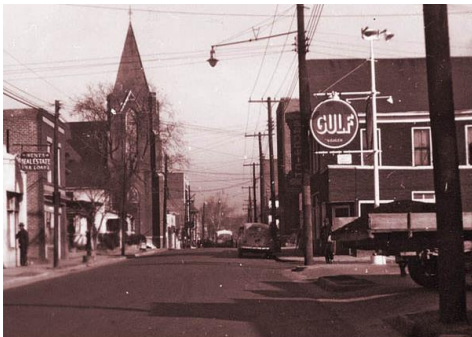
²⁰ *Id.*

²¹ PAULI MURRAY, SONG IN A WEARY THROAT: MEMOIR OF AN AMERICAN PILGRIMAGE, 77-78 (1987).

she lived on the West End of Durham, Murray attended school in Hayti and described it as follows:

[T]he cultural center of Durham's colored community. Along Fayetteville Street, its main thoroughfare, were the library, the two fashionable churches – White Rock Baptist Church and Saint Joseph A.M.E. – the Negro college, numerous colored-owned business enterprises, Lincoln Hospital, and the spacious homes of many of the leading colored families – Moores, Spauldings, Whitteds, Merricks, Pearsons, Scarboroughs, Shepards, and others. Hayti's most prominent residents included officials of the North Carolina Mutual Life Insurance Company, the Mechanics and Farmers Bank, and the Bankers Fire Insurance Company, as well as lawyers, college professors, teachers, and principals, physicians, dentists, ministers, UNDERTAKERS, and tradespeople. We had no lack of role models for successful business and professional careers.²²

Pauli Murray described the difficulty of living on the West End without transportation to the black cultural center of Durham, reflecting, “Since we didn't own a car, or even a horse, we were cut off from Hayti unless we walked several miles or took the streetcar downtown, which carried us only part of the way. Our distance from the hub of cultural life and our lack of mobility made me acutely conscious of living outside the elite circle.”²³



The college campus of what became NCCU bordered Durham's Hayti community, forming a vibrant community of black prosperity and cultural renaissance. By the 1920s, more than 100 black-owned businesses and 600 black-owned homes clustered around Fayetteville and Pettigrew Streets, bordered also by Lawson and Duke Streets. The college attracted men and women academics from around the country, including Helen G. Edmonds, John Hope Franklin, Zora Neale Hurston, and artist Elizabeth Cattlet.²⁴

Between 1938 and 1940, the law school and other graduate programs were instituted at NCCU as a result of litigation requiring States to admit black students to majority college graduate programs if there was no separate black educational institution.²⁵ The North Carolina General Assembly agreed to fund graduate and law degrees at NCCU when it became clear this

²² *Id.*

²³ *Id.* at 78.

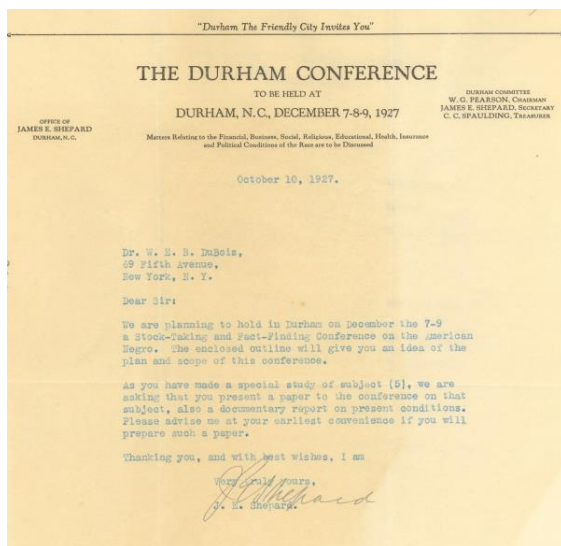
²⁴ Brown, *supra* note 15, at 14.

²⁵ Deborah Mayo Jeffries, *A History of Struggle: NCCU Law Library*, 36 NCCU L. REV. 168, 174 (2013).

was the only way to “prevent Negroes from entering . . . white institutions.”²⁶ As a result of the decision to not admit black students to the law school at the University of North Carolina at Chapel Hill (UNC), the NCCU School of Law became the only other public law school in North Carolina, separate and unequal to the law school at UNC.²⁷

Dr. Shepard continued to work with other black leaders in Durham to carve out a safe space for economic, cultural, and educational growth. The Hayti community was fertile soil, nurturing the growth of NCCU, which in turn, became a central part of the resilient strength of the community. Meanwhile, NCCU played a core role in protecting Hayti and other black communities from the scourge of racist policies that were ever-eroding the brief gains of the Reconstruction era which gave rise to Hayti.

Dr. Shepard organized the Durham Fact-Finding Conference, a congress of black leaders in business, education, and religion, which was held three times at the university from 1927 to 1930. The purpose of the Conference was to name and provide facts regarding various problems confronting African Americans and offering practical programs for solutions to these problems.²⁸ The Fact-Finding Conferences on Race, organized by Dr. Shepard, led to a Southern Conference in Race Relations held at NCCU October 20, 1942, where 59 black leaders from ten states gathered to discuss issues facing black citizens. This Conference later issued a document entitled “A Basis for Inter-racial Cooperation and Development in the South: A Statement by Southern Negroes,” which became known as the Durham Manifesto. See Appendix I. This gathering inspired additional conferences held in 1943 and 1944 leading to the Commission on Interracial Cooperation.



²⁶ *Id.*

²⁷ *Id.* at 177; Donna L. Nixon, *The Integration of UNC-Chapel Hill – Law School First*, 97 N.C. L. REV. 1741,1755-57 (2019); As a result of this history, NCCU Law School is still funded at a lower level of funding supporting the UNC Law School down the road at Chapel Hill. North Carolina Central University School of Law, *So Far, 2009* History and Scholarship Digital Archives, at 31,38,42, <https://historicsites.nc.gov/all-sites/historic-stagville/history>.

²⁸ Archive Guide to Collections of the Durham Fact Finding Conferences, at 1. <https://finding-aids.lib.unc.edu/50004/#d1e283> (last visited Apr. 12, 2023).

Even as NCCU hosted these important conferences on race relations, racial violence increasingly constricted Durham. One of the attendees of the 1942 Conference on Race Relations was Robert Spicely, Director of the Commercial Dietetics at Tuskegee Institute in Atlanta. His brother, Booker Spicely, was murdered in Durham by the white driver of a Duke Energy city bus.²⁹ Private Booker T. Spicely, 34, was a U.S. Army private on active duty when he was killed by Herman Lee Council, a bus driver, who had ordered Spicely to sit in the back of the bus. Spicely initially protested, but eventually moved to the rear of the vehicle. When Spicely got off the bus, Council shot him. An all-white jury acquitted Council.³⁰



The segregationist policies and practices of Durham continued to encroach freedoms of the black community, and Hayti responded. In 1957, a black pastor and NCCU alumni, Douglas E. Moore, led several congregants to conduct a sit-in protest at the Royal Ice Cream Parlor in Durham to oppose racial segregation. The protesters were arrested and convicted of trespassing.³¹ This organizing at the Royal Ice Cream Parlor inspired the widely heralded sit-in movement in Greensboro, North Carolina.³²



²⁹ Duke Energy has begun to make amends to address the injustice of the murder of Private Spicely. *See North Carolina Central University School of Law receives \$100,000 grant from Duke Energy Foundation*, WTVD ABC NEWS (Feb. 1, 2023), <https://abc11.com/north-carolina-central-university-duke-energy-foundation-grant-private-booker-t-spicely-endowed-scholarship-fund/12759115/> (last visited Apr. 12, 2023).

³⁰ MARGARET A. BURNHAM, *BY HANDS NOW KNOWN: JIM CROW'S LEGAL EXECUTIONERS*, 85-98 (2022); Northeastern University School of Law, *Pvt. Booker T. Spicely*, CIVIL RIGHTS & RESTORATIVE JUSTICE, <https://crrj.org/efforts/booker-spicely/> (last visited Apr. 12, 2023).

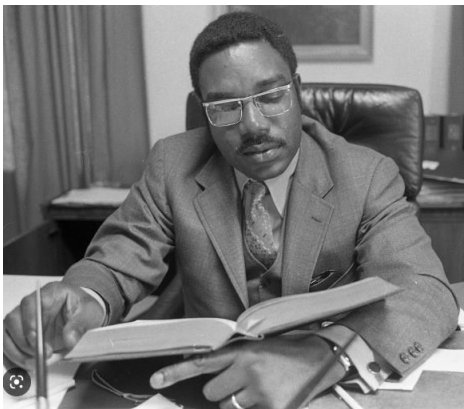
³¹ Maydha Devarajan, *'Doing Something Bold.'* *Before the Greensboro Four, there was Durham's Royal Seven*, NEWS AND OBSERVER, (Jul. 13, 2021 4:27PM), <https://www.newsobserver.com/news/local/article252244233.html>.

³² *Id.*

Legacy of Justice – Hayti and NCCU

Racial tensions in Durham and across North Carolina motivated other civil rights leaders in Durham and at NCCU, including former NCCU Chancellor and alumnus Julius Chambers, Professor Irving Joyner, and Ms. Joyce Thorpe.

Born in Mount Gilead, North Carolina in 1936, Julius Chambers came to NCCU as an undergraduate student in History in 1954.³³ Upon graduating from NCCU, Chambers enrolled in law school at UNC School of Law. Chambers graduated at the top of his class as the first black editor of the law review. He interned with the NAACP Legal Defense fund under Thurgood Marshall and then founded the first integrated law firm in North Carolina with James E. Ferguson II and Adam Stein.³⁴



The same year Chambers came to NCCU, the Durham Housing Authority – first instituted in 1949 – built a housing complex just east of NCCU’s campus called McDougald Terrace. This complex was built for black residents in need of affordable housing, and another complex for white residents had been completed in 1953 called Few Gardens.³⁵

One of the daughters and heroines of Hayti who emerged from McDougald Terrace was Joyce Thorpe. Joyce Thorpe graduated from the DeShazor Beauty College on Fayetteville Street in Hayti, and enrolled in NCCU in 1959.³⁶ In 1964, Thorpe moved into McDougald Terrace.³⁷ Thorpe organized the McDougald Terrace Mother’s Club and requested meetings with Durham Housing Authority to plan a childcare center. The next day, DHA notified Thorpe that her lease was canceled, and she was facing eviction.³⁸ With the help of grass-roots organizer Howard Fuller with Operation Breakthrough and Durham Civil Rights Attorney Floyd McKissick,

³³ RICHARD A. ROSEN AND JOSEPH MOSNIER, *JULIUS CHAMBERS: A LIFE IN THE STRUGGLE FOR CIVIL RIGHTS*, 6, 18 (2016).

³⁴ *Id.* at 2, 33, 46.

³⁵ Anderson, *supra* note 4, at 345; CHRISTINA GREENE, *OUR SEPARATE WAYS: WOMEN AND THE BLACK FREEDOM MOVEMENT IN DURHAM, NORTH CAROLINA*, 290 n. 30 (2005).

³⁶ Greene, *supra* note 35, at 111.

³⁷ *Id.*

³⁸ *Id.* at 105.

Thorpe took her case to the United States Supreme Court and won, solidifying the law that she could not be evicted without just cause.³⁹



Meanwhile, as Thorpe won her case in the Supreme Court, Julius Chambers was making his own way to the Supreme Court. Chambers argued and won important Supreme Court cases for desegregating schools, voting rights, and racial employment discrimination against Duke Energy.⁴⁰ Chambers eventually left the NAACP Legal Defense Fund in 1993 to return to North Carolina to become the Chancellor of NCCU.⁴¹ Even as he worked as Chancellor, Chambers continued to handle civil rights cases, arguing a voting rights case before the United States Supreme Court in 1995.⁴² In his last years, Chambers was of counsel with Ferguson Stein Chambers Gresham & Sumter PA in Charlotte, while also serving as a clinical professor of law and director of the Center for Civil Rights at UNC School of Law.⁴³

³⁹ *Id.* at 112-113; *Thorpe v. Durham Housing Auth.*, 393 U.S. 268 (1969). The next DHA complex will be named after Joyce Thorpe. Laura Brache, *Durham Housing Authority to name new building after former tenant it once evicted*, NEWS AND OBSERVER, (July 18, 2022 7:03 PM).

<https://www.newsobserver.com/news/local/counties/durham-county/article263485068.html>.

⁴⁰ See *Swann v. Charlotte-Mecklenberg Board of Education*, 402 U.S. 1 (1971) (discussing school desegregation); *Thornburg v. Gingles*, 478 U.S. 30 (1986) (discussing voting rights); *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971); and *Ablemarle Paper Co. v. Moody*, 422 U.S. 405 (1975) (discussing employment discrimination), *Shaw v. Hunt*, 517 U.S. 899 (1996) (discussing redistricting).

⁴¹ *Rosen & Mosnier*, *supra* note 33, at 284-85.

⁴² *Id.* at 285.

⁴³ *Id.*

Ferguson Stein Chambers Gresham & Sumter PA developed a strong reputation for defending civil rights as North Carolina's first integrated law firm. In 1971, Irving Joyner joined with Julius Chambers' law partner, James Ferguson, to defend ten black residents of Wilmington falsely accused and convicted of bombing a white-owned grocery store, as violence broke out around the city's effort to desegregate schools.⁴⁴ The convictions were eventually overturned when witnesses began recanting their testimony and the ten young activists were eventually exonerated and pardoned.⁴⁵ Joyner joined the NCCU School of Law in 1982, even as he continued to handle notable civil rights cases and criminal appeals. He served a five-year term as Vice-Chairperson of the 1898 Wilmington Race Commission, which conducted a thorough investigation into the white supremacy violence in Wilmington and recommended reparations to black residents.⁴⁶ Commenting on the devastation of the Wilmington race riots, Professor Joyner stated, "There is no amount of money that can repair what happened years ago and compensate for the loss of lives and the loss of property."⁴⁷



The Deconstruction of Hayti

In spite of the efforts to eradicate the vices of racism in Durham and the resiliency of the Hayti community, Hayti eventually experienced a tragedy reminiscent to that which befell Wilmington's African American community. This tragedy of racial degradation manifested through the dismantling of the vibrant Hayti District of Durham in the name of "Urban Renewal," or "Urban Black Removal" as some have labeled it.

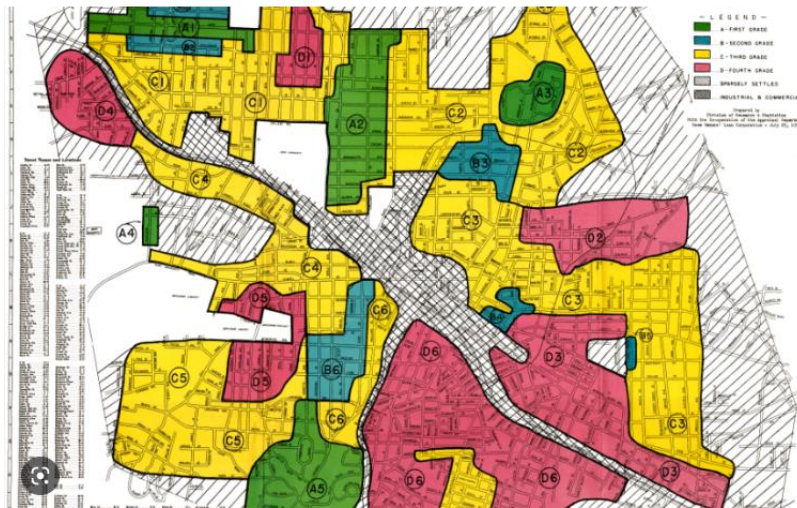
⁴⁴ Philip Gerard, *The 1970s: The Wilmington 10*, OUR STATE, (Mar. 20, 2021), <https://www.ourstate.com/the-1970s-the-wilmington-10>.

⁴⁵ *Id.*

⁴⁶ North Carolina 1898 Wilmington Race Riot Commission, *1898 Wilmington Race Riot Report*, NORTH CAROLINA DIGITAL COLLECTIONS 1-2 (2006), <https://digital.ncdcr.gov/digital/collection/p249901coll22/id/5842>.

⁴⁷ Chris Fitzsimon, *Reparations Advised for 1898 Riot in Wilmington*, NC NEWSLINE, (Jun. 2, 2006), <https://ncnewsline.com/2006/06/02/reparations-advised-for-1898-riot-in-wilmington>.

Setting the stage for this dismantling, by the late 1930s, Hayti fell victim to the racially discriminatory lending practice known as redlining,⁴⁸ which singled out many communities of color as "hazardous" environments for lending.⁴⁹ East Pettigrew Street fell squarely within the redlined area. By eliminating the availability of credit in Hayti, redlining stymied both the ability of residents to purchase homes and hampered economic investment in the community, despite the strength of its local financial institutions.



Meanwhile, North Carolina's economy began to decline, in part due to its declining tobacco, cotton, and furniture industries.⁵⁰ The American Housing Act of 1949 paved the way for the federal government to give large grants to cities to acquire so-called "slums" for "urban renewal" projects.⁵¹ A euphemistic term for many, urban renewal was sold to the public as an opportunity for economic growth that would outweigh any destruction left in its path. The federal government's willingness to foot the majority of the bill enticed many municipalities around the country, including the City of Durham, to embrace urban renewal.⁵²

When legal segregation ended in the 1960s, white investors and developers encroached more significantly into historically black neighborhoods, and Hayti was no exception. Furthermore, as automobiles became increasingly more affordable, people began to rely on them more for transportation, and highways projects became more popular across the country. In its first proposal for the N.C. Highway 147 project (locally known as the Durham Freeway), the

⁴⁸ Redlining is a systematic discriminatory practice where financial services for minorities in specific neighborhoods are withheld or denied.

⁴⁹ Allison De Marco & Heather Hunt, *Racial Inequality, Poverty and Gentrification in Durham, North Carolina*, REPORT OF NORTH CAROLINA POVERTY RESEARCH FUND, 6-7 (Summer 2018), https://fpg.unc.edu/sites/fpg.unc.edu/files/resource-files/durham_final_web.pdf; Rothstein, *supra* note 1, at 64.

⁵⁰ Catherine Farmer, *Negro Removal: The Destruction of the Hayti District through Urban Renewal*, YOUTUBE (Oct. 18, 2018), <https://www.youtube.com/watch?v=1FJqueB0yhk>.

⁵¹ Jim Wise, *Durham's struggling Hayti embarks on renewal plan: Past urban renewal schemes went nowhere, except for Durham Freeway, which split the community. Now, Durham's City Council is encouraging some ambitious projects that have private backing.* TRIBUNE BUSINESS NEWS (Dec. 10, 2007), <http://nclive.org/cgi-bin/nclsm?url=http://search.proquest.com/wire-feeds/durhams-struggling-hayti-embarks-on-renewal-plan/docview/463441232/se-2>.

⁵² Anderson, *supra* note 4, at 342-43.

Redevelopment Commission of the City of Durham cited its apparent unsuitability for automobile traffic as a factor supporting urban renewal. It stated that Hayti "had poorly aligned and unimproved streets" and that "the commercial development along Fayetteville Street impair[ed] the effectiveness of the street as a traffic collector, and [wa]s hazardous to motorists and pedestrians alike."⁵³ These claims did not reflect the realities of the community at the time. However, the decisions made to decimate the vibrant Hayti community, premised on these unfounded claims, have resulted in the unfortunate realities that residents living in the community still struggle with this very day.

The Durham Freeway began construction in the early 1960s, and it took well over a decade to complete. Ultimately, its construction resulted in the displacement or condemnation of more than 4,000 households and 500 businesses in Durham.⁵⁴ More than 100 of the businesses affected were located within the Hayti community, primarily on Fayetteville Street and Pettigrew Street, since the new Freeway ran through the middle of Hayti.⁵⁵ The slow pace of construction of the Durham Freeway also caused road closures for extended periods of time, further increasing the economic harm of the project before it was ever completed.⁵⁶



As historic businesses, monuments, and homes were destroyed or relocated, the human impact on Hayti was palpable. Many residents were promised new, modern homes in exchange for relocation, but those promises "went largely unfulfilled and many ended up in public housing."⁵⁷ Economic opportunities dried up as businesses were uprooted, leaving working age individuals little choice but to move elsewhere for economic opportunity. The percentage of Hayti residents not in the workforce nearly tripled from 1960 to 1970, from 15.7% to 46.9%. By 1980, Hayti's population density had fallen by 72% from its 1960 total.⁵⁸

⁵³ Fredrick Erhsam & Charles Becker, *The downfall of Durham's historic Hayti: Propagated or preempted by urban renewal?*, Masters Thesis, 6 (May 3, 2010), https://sites.duke.edu/djepapers/files/2016/10/Ehram-Fred_DJE.pdf.

⁵⁴ Henry McKoy, *Beyond Juneteenth*, THE ASSEMBLY (June 16, 2022), <https://www.theassemblync.com/essays/haytibeyond-juneteenth>.

⁵⁵ Sana Pashankar, 'A special space carved out here in Durham': *The rise, fall and impact of Black Wall Street*, THE CHRONICLE (Jan. 21, 2022), <https://www.dukechronicle.com/article/2022/01/durham-black-wall-street-blackowned-businesses-construction-hotels-apartments>.

⁵⁶ Erhsam & Becker, *supra* note 53.

⁵⁷ De Marco & Hunt, *supra* note 49, at 6-7.

⁵⁸ Erhsam & Becker, *supra* note 53, at 16.

At the time of the construction of the Durham Freeway, another daughter and heroine of Durham, Elaine O’Neal, grew up in the West End just as Pauli Murray. O’Neal graduated from Durham’s storied black high school, Hillside High School, before attending NCCU. Upon graduating from NCCU, O’Neal went on to earn her Juris Doctor from NCCU School of Law.⁵⁹ The two-time graduate of NCCU later became Durham’s first woman appointed as Chief District Judge and the county’s first woman elected as North Carolina Superior Court Judge.⁶⁰ O’Neal then returned to her alma mater to become Interim Dean of NCCU School of Law before becoming the first African American woman Mayor of Durham.⁶¹ As the Mayor of Durham, Mayor O’Neal has remained steadfast in her commitment to addressing past and present issues of injustice and racial inequity in the City.

Today, while very little of historic Hayti remains standing, few symbols of what once was remain. The original St. Joseph’s AME church still stands and is now used by the St. Joseph’s Historic Foundation as the Hayti Heritage Center for cultural and community activities.⁶² Some of Hayti’s historic businesses survive to this day, and did so either by relocating out of Hayti entirely, or by continuing to operate in the small portions that remain, such as Heritage Square and Phoenix Square. The historic racial inequality has led Durham to a gentrification crisis that is driving an eviction crisis, as rising property values and increased property taxes are forcing poor and black residents from Durham.⁶³

The Current Conflict

This contextual history of the rich heritage of Durham’s African American community, the destruction of Hayti resulting from the construction of the Durham Freeway, and the present gentrification crisis in Durham serve as the backdrop for a community conflict around the development of one piece of property in the Historic Hayti District. The property, now called “Fayette Place,” is located just off of Fayetteville Road along East Umstead Street by the Durham Freeway. When the residences were demolished during the demise of historic Hayti, a public housing project was built in 1967 called Fayette Place. This complex declined and by the 2000s, Durham Housing Authority (DHA) emptied the property.



⁵⁹ Elaine M. O’Neal, CITY OF DURHAM, <https://www.durhamnc.gov/1329/About-the-Mayor> (last visited Apr. 12, 2022).

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² Anderson, *supra* note 4, at 405.

⁶³ Tan, *supra* note 2.

In 2002, DHA sold the project for \$1 to its for-profit (but tax-free) subsidiary, Fayette Place, LLC, which planned to convert the community to Section 8-subsidized housing.⁶⁴ Yet, without authorization from the U.S. Department of Housing and Urban Development (HUD), DHA financed its business venture by “inappropriately advancing funds and guaranteeing loans for nonfederal development,” totaling more than \$700,000 according to a 2004 HUD audit.⁶⁵ Within two years, Fayette Place, LLC had defaulted on its loans; HUD determined DHA owed roughly \$829,000 on the property.⁶⁶ In debt \$5.3 million as a result of these financial transactions, DHA never renovated the apartments. “Nevertheless, some residents stayed in the abandoned complex, until Campus Apartments agreed to purchase the property in 2007.”⁶⁷ In 2008, the Durham Housing Authority sold Fayette Place for \$4 million to Campus Apartments, which promised to build campus housing for NCCU, although Campus Apartments never did. In 2009, Campus Apartments demolished all of the buildings, leaving slabs on the site. In 2017, the Durham City Council gave \$4.2 million to Durham Housing Authority to buy back the land.⁶⁸



Presently back in the hands of DHA, the property still lays vacant as DHA, the City of Durham, and community groups try to decide what to build at Fayette Place. A group called “Hayti Reborn” has advocated for a reparative form of justice to rebuild the community’s businesses and homes.⁶⁹ City leaders have indicated that the City does not have the legal means to break the agreement between DHA and the three companies selected to build 774 apartment units at Fayette Place by Durham Development Partners – a joint venture team that includes F7 International Development, Greystone Affordable Development, and Gilbane Development Company.⁷⁰

⁶⁴ Matt Saldana, *What’s the future of Fayette Place?*, INDY WEEK, (Jul. 15, 2009), <https://indyweek.com/news/durham/future-fayette-place>.

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ Thomasi McDonald, *Hayti Residents Say They Can’t Wait Any Longer for Durham’s Promise of Urban Renewal*, INDY WEEK, (Nov. 9, 2022), <https://indyweek.com/news/durham/hayti-residents-durham-urban-renewal-debate>.

⁶⁹ *Id.*

⁷⁰ *Id.*

Engagement of SJREI and NCCU Law Students

When approached by community members and members of Hayti Reborn, SJREI and law students in the Community Lawyering section of the NCCU Civil Litigation Clinic began to conduct research on the history and legal transactions associated with Fayette Place. Research was conducted on the deeds and restrictive covenants that existed on the land to ensure that proper community engagement was taking place and that the members of the community had a voice in how the historic Fayette Place land would be developed.

Community members had expressed a concern that outside developers were not taking requests from the community seriously and that the process of development was not transparent. As interviews, further investigation, and research was conducted, it was determined that when the property was repurchased by DHA, there were restrictive covenants which required *community engagement*.

Fayette Place was conveyed to Development Ventures Incorporated (DVI), a subsidiary of the DHA on June 15, 2017, subject to restrictive covenants set forth in a Declaration of Deed Restrictions (herein “Declaration”). There are 16 restrictions, eight of which are listed below, that run with the conveyance of Fayette Place (herein “Property”) from Campus LLC:

1. DVI should maintain the Property in a good, clean, sanitary, and sage condition, in accordance with all applicable governmental laws, regulations, codes and orders, including but not limited to, all City ordinances and requirements. Maintenance of the Property shall include, but not limited to mowing the grass, removing weeds, trash and debris, and repairing fencing as needed within a reasonable time after acquisition of the Property and periodically thereafter.
2. *DVI shall create and implement a community engagement program to provide meaningful opportunities for the Durham community, included but not limited to the historical Hayti community and NCCU, to contribute input to the redevelopment plans for the Property and surrounding area. [emphasis added].*
3. The redevelopment of the Property shall include residential rental units converted to Section 8 housing allowed by the Rental Assistance Demonstration Program (RAD Program) of the U.S. Department of Housing and Urban Development. *The number and distribution of Section 8 units shall be determined by DVI in Consultation with the City and Community groups as described in paragraph 2 or as otherwise allowed by HUD. [emphasis added].*
4. DVI shall not sell, convey, or otherwise transfer the Property, or start construction activities to redevelop the Property *without prior written consent from the City Manager. [emphasis added].*
5. Market rate housing is allowed for development on the Property.
6. Non-residential use development is permitted.
7. The term of the Declaration should remain in full force and effect for thirty years beginning on the Effective Date. The City of Durham may release, in whole or in part, or terminate the restrictions before thirty years by written release document and recorded with the Durham County Register of Deeds; provided that

the City executes and records such a release in the event of foreclosure or deed in lieu of foreclosure affecting the Property or a portion thereof.

8. The covenants, restrictions, and reservations declared (1) should be deemed covenants running with the land and subject to Section 7, should pass to and be binding upon DVI and its successor and assigns in the title to the Property and (2) are not merely personal covenants of DVI. The benefit goes to the City of Durham during the term of the Declaration. DVI agrees that any and all requirements of the laws of North Carolina to be satisfied in full, and that any requirements of privity of estate are intended to be satisfied, and that an equitable servitude in the form of a negative easement has been created to ensure that the restrictions run with the Property. Subject to Section 7, each contract, deed, or other instrument hereafter executed covering or conveying the Property or a portion of it should be held to have been executed, delivered, and accepted subject to such covenants, reservations, and restrictions regardless of whether such covenants, reservations, and restrictions are set forth in such contract, deed or other instrument.

The question for the community has been what constitutes meaningful “community engagement?” Notably, the question has been raised, “Who is the community?” SJREI research assistants began considering these questions with community members and assessed that community engagement should involve the input and impressions of community members to make informed decisions and to nurture a cooperative relationship. This assessment is consistent with the notion that intentional and equitable community engagement empowers those who are often marginalized and adversely impacted by decisions being made.

As designated by the restrictive covenant contract terms, the City of Durham has required its development partner, DVI, to implement a meaningful community engagement program for residents to contribute input into the redevelopment plans of Fayette Place. The Durham Community Partners (DCP) and DHA have hosted various conferences inviting the Durham community. The meeting dates are listed below:

- Community Visioning Workshop – August 18, 2018
- Fayette Place Preferred Concept Plan – March 19, 2019
- Meet the Downtown Developers & Information Session – May 19, 202
- Durham CAN – June 14, 2022
- Durham Community Partners – June 16, 2022
- DCP Meeting - July 14, 2022
- NCCU - July 20, 2022
- Grant Streel Leaders - July 27, 2022
- DCP Meeting - July 28, 2022
- DCP Meeting - September 29, 2022

DHA’s and DCP’s additional efforts at community outreach have included various emails sent to approximately 1,700 residents and individuals interested in receiving DHA news via its database listserv. Additionally, there were over 1000 flyers distributed and 30 yard signs placed. Organizations attending these meetings included, but were not limited to Durham Congregations, Association and Neighborhoods, Grant Streel Leaders, Hayti Reborn, Durham Tech Community

College, Durham Community Land Trust, NCCU, City of Durham Elected Officials, The Durham Business and Professional Chain, The NC Institute of Minority Economic Development, and Carolina Small Business Development Fund.⁷¹

DCP's and DHA's intended purpose and goal of community engagement was to: (1) gather input from stakeholders about which historical, structural, and residential factors they deemed most important to weigh when creating the new Fayette Place; (2) use the input gained to further refine the site plan and develop draft structural rendering of the site including indoor and outdoor amenities; and (3) share information of the rebuilding of Fayette Place that would provide access to much needed affordable housing and community driven commercial space in the heart of the City of Durham. This would honor the rich history at a site surrounding the Hayti neighborhood through equitable development that is inclusive and accessible.

Even with these efforts to engage the community, members of the community felt they were being talked to and not listened to by the City. Presentations to the community were not received as demonstrated listening, where community members felt their ideas were being incorporated into the plan for the last piece of earth that could represent the history of Hayti. Upon grasping the depth of the conflict with regard to how and who would develop the Hayti community, SJREI set out to be a support for a restorative process for the good of Durham.

Preparing for a Restorative Justice Circle

Realizing there was a need to reconcile an ongoing conflict in how the community members, DHA, and the Durham City Council members wanted to develop Fayette Place, SJREI worked within the Community Lawyering section of the Civil Litigation Clinic and students in the Restorative Justice program to organize a restorative justice community listening circle as a next step towards restoration within the Hayti community.⁷² The students took the core tenants of restorative justice and adapted them in a way that best suits the Hayti community to hold a community conference incorporating the justice listening circle method. These tenants traditionally include the interconnected concepts of encounter, repair, and transformation.

It should be noted that transformative community conferencing has a history of success in addressing racial harms. One significant example of transformative community conferencing is the 1898 Wilmington Race Riot Report that was facilitated by the 1898 Wilmington Race Riot Commission on May 31, 2006.⁷³ The report outlined the political, social, and economic

⁷¹ Material provided to SJREI pursuant to public records requests.

⁷² Restorative justice circles create a space for the community to strengthen relationships, plan together, resolve conflicts, and talk through difficulties. The circle process was implemented to provide a means of support for both those who have been wronged and the entity that committed the wrongdoing. This allows the community to come to a solution that works best for the collective and does not limit that power to only those in authority. This dynamic also provides a place for the community to support all parties through words of affirmation and encouragement. It is clear that the purpose of the circle process is to communicate a common goal amongst conflicting parties. This encourages values of inclusion, connection, equality, and authenticity. Each person is able to speak their truth, while also treating each party with dignity. This process shows a deep commitment to promoting autonomy and belonging even in the face of conflict. Indeed, restorative justice's applicability for creative problem solving is tremendously adaptable and powerful.

⁷³ North Carolina 1898 Wilmington Race Riot Commission, *supra* note 46, at 1-2.

disadvantaged the black community faced following the racial violence the community became victim to in 1898. It also presented possible proposals to seek the repair of the political, economic, and moral damage that resulted from the violence and intimidation of the white supremacists within the Democratic Party.⁷⁴ These solutions included the empowerment of the community through the acknowledgement of the political disenfranchisement of African Americans and recognizing the long-term economic disadvantages due to the loss of generational wealth and banishment from their homes. The commission also advocated for the education of all ages about the events that took place in 1898 in order to provide accurate accounts of this tragic event, and for the recognition of the events to be displayed and made available in public locations.⁷⁵ These recommendations were supported by statistics and evidence that acknowledged the harm, showing the detrimental impact it had on the development of the black community. By showing a depletion in resources, the commission efficiently proposed ways that the community itself can restore the relationship between the officials of the community and the citizens who were wronged.

One of the goals of the Hayti Restorative Justice Community Conference was to identify the harm that the Hayti community has suffered and to identify ways that the City Council and DHA can repair that harm, as well as prevent future incidents. In order to arrive at this ultimate goal, the Restorative Justice class began the work of learning which community members and stakeholders had a voice in the development of Hayti. Thus, prior to the facilitation of the circle process, the class collectively decided to conduct meetings with some of the potential “members” of the circle. These pre-conferencing meetings provided an opportunity to explain the process of a listening circle to participants, explain the guidelines, and get a preview of the perspective from the participants and share other perspectives. In addition to pre-conferencing meetings, students conducted a survey of participants before and after the listening circle in order to collect data to track the effectiveness of the circle process.⁷⁶

The pre-circle survey was useful in more ways than collecting data. The facilitators of the circle were asked to review the survey responses prior to the circle process so that they could assess the participant’s comfortability levels with the process and to gauge participants’ understanding of the circle process. The answers provided directly impacted how the facilitators conducted the circle, how much time they spent explaining the rules of circle process, and the specificity of the prompt and other detail-related factors.

When asked what goals participants hoped to achieve, or what issues they hoped to resolve, the majority of the goals for the circle process fell along the line of finding a resolution of the conflict or coming to a collective consensus regarding the redevelopment project. One particular response captured this sentiment: “It is hoped that all will hear and receive differing perspectives about how to achieve a common goal; i.e., to restore and revitalize Hayti.” As to be expected, there was more participation in the pre-circle survey than the post-circle survey.

⁷⁴ *Id.* at 3.

⁷⁵ *Id.* at 4.

⁷⁶ Both surveys were emailed to the circle process participants.

The Restorative Justice Community Conference

On April 4, 2023, SJREI hosted more than 40 people in the Great Hall at NCCU School of Law for the Restorative Justice Community Conference. Participants included community members, clergy, a member of City Council, a former Mayor of Durham, DHA representatives, Hayti Reborn community leaders, and a former Chief of Durham Police.

The structure of the listening circle was designed to create a safe space to deepen relationships among the participants and evoke conditions where people could share deeply from their own experiences and where the community could listen deeply to each other.⁷⁷ Participants sat in a circle, and the session began with law students reviewing the history of Hayti and the harm of Urban Renewal/Removal. The student facilitators also shared the conference guidelines with the group and asked if there should be additional guidelines. Some of the values promoted for the group included: (1) equity and equality of voice; (2) voluntariness; (3) dignity; (4) safety; and (5) flexibility and responsiveness. The guidelines and values were written on yellow sheets of papers and placed in the center of the circle.

There were two prompts or questions participants were asked to answer. Everyone was given the opportunity to answer the first prompt in the first round, and then in the second round, participants answered the second prompt. The first prompt was: “Tell us who you are, why are you here, and why you care about Hayti; what brings you here today?” The second prompt was: “What is your dream for the future of Hayti and the development of this property? What concrete suggestions do you have about the process for the development and for decision makers?”



⁷⁷ See KAY PRANIS, BARRY STUART, MARK WEDGE, PEACEMAKING CIRCLES: FROM CONFLICT TO COMMUNITY 82-83 (2003).



Several community members expressed a longing for the days of old and a desire for their preservation for future generations. One participant said, “Black people built this community one generation removed from slavery, and it was beautiful.” Adding to this sentiment, a participant declared, “I want to save a piece of what was once a community.” Another community member stated, “I hope to see some resemblance of the ancestry preserved for future generations.” Such a longing produced a cry for the truth, as one participant declared, “Truth telling builds trust.” One gentleman reflected on the history of displacement by drawing comparison to the Native American community in relation to its loss of land and the trail of tears. The participant concluded his reflection by ruminating, “I dread the thought of losing something that I won’t be able to get back.” Moreover, he stated, “healing begins with telling the truth.”

As the circle progressed, many community members expressed the feeling of isolation caused by the actions of developers. Many of the community members present expressed the pain of the developers making plans to renovate the Hayti community without having adequate communication with the community. As the talking piece circulated, each member of the community produced a piece to the puzzle unveiling their shared narrative. One participant expressed, “Hayti didn’t just lose homes but over 60 businesses . . . and institutions . . .” Another community member joined in by expressing, “I’m here because there has to be a way for us to stop repeating the same cycles over and over and over again.” In agreement, another expressed, “The last parcel of land belongs to the people who were not listened to and were made promises that were never fulfilled.”

The circle concluded with a discussion of concrete desires harvested amongst the community members. One community member expressed how four previous meetings had taken place with developers, but the sentiment was that none of the community’s desires had actually been considered. Some of these desires expressed were the incorporation of a grocery store that has a section for produce from local black farmers, the reestablishment of the black-owned Royal Theatre, as well as the rebuilding of the Biltmore Hotel (another historic staple of Hayti).

The group resoundingly emphasized the importance of community engagement with all members of the community and not just a select portion of the community. One lady from the

community captivated the group, sharing, “I don’t just want to see the opportunity for homeownership and actual ownership . . .” adding, “The pain and the fight don’t understand what the policies are a lot of times.” Participants expressed other hopes, including affordable housing for residents making \$7.50 an hour, actions taken toward resolving the environmental issues impacting the community, a museum displaying black prominence and teaching the community’s history while showcasing social justice, and a homeownership education program.

The student facilitator was able to maintain decorum around tensions concerning the role that DHA has played in delivering on the covenantal obligations of “community engagement” in relation to the development of Fayette Place. Current and former City officials noted that DHA is often underfunded and lacking in financial interests. One official stated, “DHA may not make a profit, but they make the decision regarding who the developer is going to be.” A community leader shared, “developers are always gonna do what’s in their economic best interest.” Another community leader stated, “I want to see more than just an ally, but a co-conspirator.”

One of the final and impactful statements made by a member of the community was, “I want to see what Hayti represents. What it would have and should have been. It’s beyond time to move beyond community engagement and toward community empowerment.”

After the circle finished, students conducted a survey asking about the participants’ experience during the circle conference and their outlook on the overall process that occurred. While a few community members had no expectations, some hoped for concrete plans that would create forward movement. One member had hopes to learn who the actors were, what were the conflicts, and what systemic perceptions were in play. Another member had hopes to educate DHA representatives while finding methods of returning the land to the Hayti community. With regard to this high expectation, some community members expressed that their expectations were not met in whole, while others expressed that theirs were met in part. In all, there was a response that allowing the community members to express their concerns was a vital part of the circle conference, even though no specific plans of action were created.

As to whether hearing from other participants in the circle changed members’ views or opinions of the Hayti redevelopment project, one participant discussed how there was no change and that residents and elected officials of Durham must “do right by Hayti.” Venting was a point mentioned by multiple participants, expressing how the space allowed community members to vent, but some noted that venting was not enough for forward movement. One member expressed challenges in the community focusing on Fayetteville Street projects without a competitive plan for real estate development. Some members further expressed that preventing affordable housing through DHA should not be a primary goal for the community. While affordable housing was mentioned multiple times throughout the circle process, one member wrote that affordable housing is needed but that it should not occupy all 20 acres of the land.

Of particular relevance to SJREI, a question was posed how NCCU School of Law can assist the Hayti community. Participants offered suggestions for figuring out a method of succession to provide future law students with the information and resources to continue helping the community. Another member offered advice to publish articles that discuss the City’s involvement in redevelopment of Fayette Place to ensure good faith. More advice was offered to

form relationships with public housing authorities, affordable housing residents, neighborhood leaders, and renters and homeowners to have better perspective on what the community is facing. It was noted that without the help from members of the community who have been harmed for the longest, more harm than good could unconsciously impact the Hayti community.

A compelling communication from a representative of Hayti Reborn was sent to SJREI following the conference:

Last night's gathering of community stakeholders and gatekeepers of Hayti was a powerful forward motion for change. Successfully, many voices and kindred spirits were gathered in one space for one purpose. The work of the Restorative Justice community in the NCCU School of Law under your leadership is gratefully appreciated. Thank you, for providing a model for addressing restoration and healing in our community. It is understood that more and more is needed, but the successful launching of community engagement Circle was the right way to begin. More power to you as you continue your work by empowering the community with restorative practices. More power to us all as we carry on in our endeavors to repair and restore Hayti. Yours in service.

Moving Towards the Future

SJREI has outlined here that great work is needed to repair and heal the harms that have been experienced in Durham's Hayti community. SJREI will continue to engage in future efforts to contribute to restorative justice in Hayti. The institute will continue to provide a platform to community members and stakeholders of Hayti through the SJREI Justice Empowerment Series, a lectures series and presentations from experts and directly impacted people on social justice and racial equity issues. Future research by SJREI will focus on other remedies to the harm suffered in Hayti, exploring the various systems that have been directly or indirectly affected through the injustices suffered in Hayti. This effort will be part of SJREI's ongoing research and writing in multiple areas of social justice and racial equity. SJREI will remain intimately engaged with the Hayti community to provide support for housing, business, counseling, and restorative healing to the community. Finally, SJREI will leverage its unique positioning at NCCU School of Law and its partnership with other programs and disciplines at NCCU to engage in problem solving for the needs of those suffering from the legacy of injustice, working with community members and directly impacted people to provide training, support, and policy recommendations to effect change. SJREI fundamentally believes that with diligence, sensitivity, and close community collaboration and partnership, Hayti can be restored and empowered to see its finest moments in the years ahead for future generations.

Appendix I

The Durham Manifesto

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**SOUTHERN CONFERENCE ON
RACE RELATIONS**

Durham, N. C., October 20, 1942



Statement of Purpose

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A Basis for Inter-racial Cooperation and
Development in the South:

A Statement by Southern Negroes

—Sub-Committee Report

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A List of Those Who Attended the Conference

★

Other Comments on Conference Statement

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Press Comments



P. B. YOUNG, *Chairman*

LUTHER P. JACKSON, *Secretary-Treasurer*

GORDON B. HANCOCK, *Director*



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<https://archive.org/details/southernconferen00sout>

The Durham Manifesto (Cont.)

Statement of Purpose

By

GORDON B. HANCOCK
Director

If as has been said, there are some hours of more than sixty minutes and some minutes of more than sixty seconds, surely we have come upon such a great moment in the history of our race and nation. It is a moment of great possibilities and not a little surcharged with drama. Many things have been spoken for him and against him, to him and about him; but the Southern Negro is today speaking for himself. His laudable attempt should be a source of pride to the Negro and white South, and to the Negro and white North, East, and West. Oftentimes the little we do for ourselves proves more meaningful than the great things others do for us, however praiseworthy what others do, may be.

The Inception Of The Conference

The inception of this conference hinges about the tragedy that took place at the close of World War I, when returning Negro soldiers were met not with expressions and evidences of the democracy for which they had fought and for which thousands of their fellow race-men had died. Instead there was a sweeping surge of bitterness and rebuff that in retrospect constitutes one of the ugliest scars on the fair face of our nation. Interracial matters were left adrift and tragic was our experience and distressing was our disillusionment. Today the nations are locked in mortal combat and the situation is desperate and dangerous, with the scales of fortune so delicately poised that we dare not predict what a day may bring forth; but this we know, that the Negro is again taking the field in defense of his nation. Quite significant also is the fact that whereas the pronounced anti-Negro movement followed the last war, it is getting under way even before the issues of war have been decided. In an hour of national peril, efforts are being made to defeat the Negro first and the Axis powers later. Already the dire threat to throw again the Negro question into the politics of the South is becoming more and more dangerous. This is a direct challenge to the Negroes of the South, who have most to gain if this threat is throttled and most to lose if it is fulfilled.

The Purpose Of The Conference

The purpose then of this conference is to try to do something about this developing situation. We are proposing to set forth in certain "Articles of Cooperation" just what the Negro wants and is expecting of the post-war South and nation. Instead of letting the

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demagogues guess what we want, we are proposing to make our wants and aspirations a matter of record, so clear that he who runs may read. We are hoping in this way to challenge the constructive cooperation of that element of the white South who express themselves as desirous of a New Deal for the Negroes of the South.

In our Articles of Cooperation we are seeking for a common denominator of constructive actions for Negroes and this group of whites who are doing many of the things we want done, and cannot do ourselves. In other words we are proposing to draft a New Charter of Race Relations in the South. The old charter is paternalistic and traditional; we want a new Charter that is fraternalistic and scientific; for the old charter is not compatible with the manhood and security of the Negro, neither is it compatible with the dignity and self-respect of the South. It ever leaves the South morally on the defensive! The Negro has paid the full price of citizenship in the South and nation, and the Negro wants to enjoy the full exercise of this citizenship, no more and no less.

No Cleavage Desired

The purpose of this conference then is not secessionist. We of the South know full well that any attempt of the Southern Negro to secede from Negroes of other regions will be even more fatal and abortive than the attempt in the 1860's. Our major objective is accession not secession. This conference is not isolationist. Science, religion and education have doomed isolation and isolationism forever. If the Nations separated by the seven seas cannot be isolated how much less can the Negroes of the South. We know that the Negro question of the South is a part of the great question throughout the nation and world. We know that before the question is settled anywhere it must be settled everywhere. But we also know that constitutional ailments may often be helped by local measures. This conference is not secessionist. We are not meeting clandestinely in bundist fashion; but rather as citizens of the South and nation and well within our Constitutional rights and prerogatives. We therefore need not cringe and crawl, tremble or truckle or even tip-toe, as we deliberate on a possible way to relieve a pressure that is already becoming critical.

Task Delicate, But Not Impossible

To be sure, our task is a delicate one, but delicate tasks are never impossible, if performed by men who are not themselves delicate in spirit. More often the firm handling of delicate issues proves the wiser course. The matter handled in Fanuel Hall was delicate, but it was firmly handled and the world thereby was blessed. So in this historic meeting today, whatever advance step we may make in race relations will rebound to the advantage of the South and nation no less than to the advancement of the Negro race. Let us bear ever in mind that the soul of the South and nation are at stake no less than the fortunes of the Negro race. The greater tragedy of critical situations lies not in the impairment of circumstances and fortunes, but of spirits. Should our just demands be denied by the white South, we can still appeal to

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The Durham Manifesto (Cont.)

the conscience of the nation; and failing here, we can appeal to the Supreme Court of History, before the Great White Throne of the Future. Oppressed groups of whatever persuasion have always the assurance that in their struggles for deliverance they have Time and Right and God on their side. As we enter upon our deliberations let us remember that not only is our manhood being weighed in the balance, but our statesmanship also.

The sponsors of this conference may not have fashioned the most well-wrought conference imaginable, but what they did was at a tremendous sacrifice; for none of them had the time and means to give as the cause demanded; but they did the best they could. We have brought to you a conference that is absolutely unfettered and unintimidated. There are no secret commitments, no secret understanding, no dotted lines, no secret financial underwritings. May God help us on this historic occasion to quit ourselves like men.



A Basis for Inter-Racial Cooperation and Development in the South

A Statement by Southern Negroes

*—Issued December 15th, 1942, by a Sub-Committee
of the Southern Conference on Race Relations*

The war has sharpened the issue of Negro-white relations in the United States, and particularly in the South. A result has been increased racial tensions, fears, and aggressions, and an opening up of the basic questions of racial segregation and discrimination, Negro minority rights, and democratic freedom, as they apply practically in Negro-white relations in the South. These issues are acute and threaten to become even more serious as they increasingly block, through the deeper fears aroused, common sense consideration for even elementary improvements in Negro status, and the welfare of the country as a whole.

With these problems in mind, we, a group of southern Negroes, realizing that the situation calls for both candor and wisdom, and in the belief that we voice the sentiments of many of the Negroes of the Nation as well as the South, take this means of recording our considered views of the issues before us.

- (1) Our Nation is engaged in a world-wide struggle, the success of which, both in arms and ideals, is paramount and demands our first loyalty.

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- (2) Our loyalty does not, in our view, preclude consideration now of problems and situations that handicap the working out of internal improvements in race relations essential to our full contribution to the war effort, and of the inevitable problems of post-war reconstruction, especially in the South where we reside.
- (3) The South, with its twenty-five million people, one-third of whom are Negroes, presents a unique situation, not only because of the size of the Negro population but because of the legal and customary patterns of race relations which are invariably and universally associated with racial discriminations. We recognize the strength and age of these patterns.
We are fundamentally opposed to the principle and practice of compulsory segregation in our American society, whether of races or classes or creeds, however, we regard it as both sensible and timely to address ourselves now to the current problems of racial discrimination and neglect and to ways in which we may cooperate in the advancement of programs aimed at the sound improvement of race relations within the democratic framework.
- (4) We regard it as unfortunate that the simple efforts to correct obvious social and economic injustices continue, with such considerable popular support, to be interpreted as the predatory ambition of irresponsible Negroes to invade the privacy of family life.
- (5) We have the courage and faith to believe, however, that it is possible to evolve in the South a way of life, consistent with the principles for which we as a Nation are fighting throughout the world, that will free us all, white and Negro alike, from want, and from throttling fears.

POLITICAL AND CIVIL RIGHTS

1. We regard the ballot as a safeguard of democracy. Any discrimination against citizens in the exercise of the voting privilege, on account of race or poverty, is detrimental to the freedom of these citizens and to the integrity of the State. We therefore record ourselves as urging now:
 - a. The abolition of the poll tax as a prerequisite to voting.
 - b. The abolition of the white primary.
 - c. The abolition of all forms of discriminatory practices, evasions of the law, and intimidations of citizens seeking to exercise their right of franchise.
2. Exclusion of Negroes from jury service because of race has been repeatedly declared unconstitutional. This practice we believe can and should be discontinued now.
3. a. Civil rights include personal security against abuses of police power by white officers of the law. These abuses, which include wanton killings, and almost routine beatings of Negroes, whether they be guilty or innocent of an offense, should be stopped now, not only out of regard for the safety of Negroes, but of common respect for the dignity and fundamental purpose of the law.
 - b. It is the opinion of this group that the employment of Ne-

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The Durham Manifesto (Cont.)

gro police will enlist the full support of Negro citizens in control of lawless elements of their own group.

4. In the public carriers and terminals, where segregation of the races is currently made mandatory by law as well as by established custom, it is the duty of Negro and white citizens to insist that these provisions be equal in kind and quality and in character of maintenance.

5. Although there has been, over the years, a decline in lynchings, the practice is still current in some areas of the South, and substantially, even if indirectly, defended by resistance to Federal legislation designed to discourage the practice. We ask that the States discourage this fascistic expression by effective enforcement of present or of new laws against this crime by apprehending and punishing parties participating in this lawlessness.

If the States are unable, or unwilling to do this, we urge the support of all American citizens who believe in law and order in securing Federal legislation against lynching.

6. The interests and securities of Negroes are involved directly in many programs of social planning and administration; in the emergency rationing, wage and rent control programs. We urge the use of qualified Negroes on these boards, both as a means of intelligent representation and a realistic aid to the functioning of these bodies.

INDUSTRY AND LABOR

Continuing opposition to the employment of Negroes in certain industries appears to proceed from (1) the outdated notions of an economy of scarcity, inherited from an industrial age when participation in the productive enterprises was a highly competitive privilege; (2) the effects of enemy propaganda designed to immobilize a large number of potentially productive workers in the American war effort; (3) the age-old prejudices from an era when the economic system required a labor surplus which competed bitterly within its own ranks for the privilege of work; (4) the established custom of reserving technical processes to certain racial groups; and (5) craft monopolies which have restricted many technical skills to a few workers.

Our collective judgment regarding industrial opportunities for Negroes may be summarized as follows:

1. The only tenable basis of economic survival and development for Negroes is inclusion in unskilled, semi-skilled and skilled branches of work in the industries or occupations of the region to the extent that they are equally capable. Circumstances will vary so as to make impossible and impracticable any exact numerical balance, but the principles enunciated by the President's Fair Employment Practices Committee are regarded by us as sound and economically essential.
2. There should be the same pay for the same work.
3. Negro workers should seek opportunities for collective bargaining and security through membership in labor organizations. Since there can be no security for white workers if Negroes are unorganized and vice versa, labor unions of white workers should seek the organization of Negro workers, on a fair and equal basis.
4. We deplore the practice of those labor unions which bar

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Negroes from membership, or otherwise discriminate against them, since such unions are working against the best interest of the labor movement. We hold that only those labor unions which admit Negroes to membership and participation on a fair and democratic basis should be eligible for the benefits of the National Labor Relations Board, Railway Labor Act, State Labor Relations Acts and other protective labor legislation.

5. It is the duty of local, state and federal agencies to insist upon and enforce provisions for the industrial training of Negroes equal in quality and kind with that of other citizens. We believe, further, that Negroes should have equal opportunity in training programs carried on by industries and by labor organizations.
6. We urge Negro representation on regional organizations concerned with the welfare of workers.
7. We regard the wage-and-job-freezing order of the War Manpower Commission as holding the seeds of a distinct disadvantage to Negroes and other marginal workers. Most of these workers are now employed in the lowest-income job brackets. The "freeze" order can remove the opportunity for economic advancement. There is as yet no assurance that under existing circumstances the War Manpower Commission can deal more equitably by the Negro in the future than it has in the past.
8. We are convinced that the South's economic and cultural development can be accelerated by increasing the purchasing power and skills of Negro workers.

SERVICE OCCUPATIONS

Any realistic estimate of the occupational situation of Negroes supports the view that Negroes will be employed in greatest proportions for a long time in service occupations. We see, however, possibilities of making of these fields scientifically guided areas in which training and organization will play a greater part in bringing about results mutually beneficial to employer and employee. We believe that greater service will be rendered and greater good will be engendered in the service fields if the following principles are observed:

1. More thorough training should be provided workers who plan to enter the service field, but the reward of the job and treatment on the job should be such as to make the workers feel that their training is justified. Opportunity should be given the service worker to advance through the opening up of additional opportunities.
2. A wholesome environment, living accommodations, food, uniforms and rest rooms, all of an approved standard, should be provided service workers.
3. Opportunity should be given the service worker to live, after his stipulated hours of work, as an individual undisturbed in his private life by the whims and caprices of his employers.
4. In view of the strides made by labor in general, while the service worker's lot has remained about the same, service

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The Durham Manifesto (Cont.)

workers should be organized into unions with recognized affiliations.*

5. Service workers should be included in the provisions for old age insurance, unemployment compensation, workmen's compensation, the wage and hour act, and other benefits of Social Security legally provided to workers of other categories

We believe that these provisions will help to insure some intelligent service and wholesome loyalty (which will improve both the quality of labor and personal relations) in service occupations.

EDUCATION

As equal opportunity for all citizens is the very foundation of the democratic faith, and of the Christian ethic which gave birth to the ideal of democratic living, it is imperative that every measure possible be taken to insure an equality of education to Negroes, and, indeed to all underprivileged peoples.

1. Basic to improvement in Negro education is better schools, which involves expenditures by States of considerably more funds for the Negro schools. This group believes that a minimum requirement now is (a) equalization of salaries of white and Negro teachers on the basis of equal preparation and experience; (b) an expanded school building program for Negro schools designed to overcome the present racial disparity in physical facilities; this program to begin as soon as building materials are available; (c) revision of the school program in terms of the social setting, vocational needs and marginal cultural characteristics of the Negro children; and (d) the same length of school term for all children in local communities. Our growing knowledge of the effect of environment upon the intelligence and social adjustment of children, in fact leads us to believe that to insure equality of educational opportunity it is not enough to provide for the under-privileged child, of whatever race, the same opportunities provided for those on superior levels of familial, social, and economic life. We feel it a function of Government to assure equalization far beyond the mere expenditure of equivalent funds for salaries and the like.

2. The education of Negroes in the South has reached the point at which there is increased demand for graduate and professional training. This group believes that this training should be made available equally for white and Negro eligible students in terms defined by the United States Supreme Court in the decision on the case of Gaines versus the University of Missouri.

3. Where it is established that States cannot sustain the added cost of equalization, Federal funds should be made available to overcome the differentials between white and Negro facilities and between southern and national standards.

4. It is the belief of this group that the special problems of Negro education make demands for intelligent and sympathetic representation of these problems on school boards by qualified persons of the Negro race.

*In the present hysteria of many housewives who are losing poorly paid servants to better paying war industries, it seems desirable to emphasize that this proposal bears no relation to the fantastic and probably Axis inspired rumors of so-called "Eleanor Clubs."

5. The education of Negro youth can be measurably aided by the use of Negro enforcement officers of truancy and compulsory education laws.

AGRICULTURE

The South is the most rural section of the Nation, and Negroes, who constitute 33 per cent of its population, are responsible for an important share of the agricultural production on southern farms.

We recognize that the South is economically handicapped and that many of its disabilities are deeply rooted in agricultural maladjustments. To win the war, there is need for increased production of food, fibre and fats. In the present organization of agriculture, Negroes are a large part of the sharecropper and tenant group and a great majority of the rural Negro workers are in this class. Circumstances deny the Negro farmer sufficient opportunity to make his full contribution as a citizen. We suggest the following measures as means of increasing the production of the area, raising the status and spirits of Negro farmers, and of improving the region's contribution to the total war effort.

1. Establishment of sufficient safeguards in the system of tenancy to promote the development of land and home ownership and more security on the land, by:
 - a. Written contracts
 - b. Longer lease terms
 - c. Higher farm wages for day laborers
 - d. Balanced farm programs, including food and feed crops for present tenants and day laborers.
2. Adequate Federal assistance to Negro farmers should be provided on an equitable basis. The war effort can be materially aided if adequate provisions are made now for the interpretation of governmental policies to rural Negroes.
3. The equitable distribution of funds for teaching agriculture in the Negro land grant colleges to provide agricultural research and experimentation for Negro farmers.
4. The appointment of qualified Negroes to governmental planning and policy making bodies concerned with the common farmer, and the membership of Negro farmers in general farmers' organizations and economic cooperatives, to provide appropriate representation and to secure maximum benefits to our common wealth.

MILITARY SERVICE

We recognize and welcome the obligation of every citizen to share in the military defense of the nation and we seek, along with the privilege of offering our lives, the opportunity of other citizens of full participation in all branches of the military service, and of advancement in responsibility and rank according to ability.

Negro soldiers, in line of military duty and in training in the South, encounter particularly acute racial problems in transportation and in recreation and leave areas. They are frequently mistreated by the police. We regard these problems as unnecessary and destructive to morale.

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SOCIAL WELFARE AND HEALTH

1. We believe that some of the more acute problems of Negro health, family and personal disorganization are a reflection of deficiencies in economic opportunity, but that social and health services for Negroes will continue to be necessary in considerable amounts even with improvement of their economic status. As a means of reducing the mortality and public contagion resulting from inadequacies of medical attention and health knowledge, this group believes that minimum health measures for Negroes would include the following:

- a. Mandatory provisions that a proportion of the facilities in all public hospitals be available for Negro patients;
- b. That Negro doctors be either included on the staff for services to Negro patients, according to their special qualifications, or permitted as practitioners the same privilege and courtesy as other practitioners in the public hospitals;
- c. That Negro public health nurses and social workers be more extensively used in both public and private organizations.

2. We advocate the extension of slum clearance and erection of low-cost housing as a general as well as special group advantage. The Federal government has set an excellent precedent here with results that offer much promise for the future.

It is a wicked notion that the struggle of the Negro for citizenship is a struggle against the best interests of the Nation. To urge such a doctrine, as many are doing, is to preach disunity and to deny the most elementary principles of American life and government.

The effect of the war has been to make the Negro, in a sense, the symbol and protagonist of every other minority in America and in the world at large. Local issues in the South, while admittedly holding many practical difficulties, must be met wisely and courageously if this Nation is to become a significant political entity in a new international world. The correction of these problems is not only a moral matter, but a practical necessity in winning the war and in winning the peace. Herein rests the chance to reveal our greatest weakness or our greatest strength.

[Signed]

CHAS. S. JOHNSON
Chairman Sub-Editorial
Committee
GORDON B. HANCOCK
F. D. PATTERSON
BENJAMIN E. MAYS
ERNEST DELPIT

RUFUS E. CLEMENT
HORACE MANN BOND
JAMES E. JACKSON
WM. M. COOPER
P. B. YOUNG
Conference Chairman

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In Attendance at Southern Race Relations Conference

A complete list of those attending the Southern Conference on Race Relations held at the North Carolina College for Negroes, Durham, October 20th, is as follows:

DR. CHAS. S. JOHNSON, Director, Department of Social Sciences, Fisk University, Nashville, Tenn.
 DEAN R. O'HARA LANIER, Hampton Institute, Hampton, Va.
 DR. H. L. MCCORREY, President, Johnson C. Smith University, Charlotte, N. C.
 DR. L. F. PALMER, Executive Secretary, Virginia State Teachers Association, Newport News, Va.
 O. M. PHARR, Principal, Unity High School, South Carolina.
 REV. J. A. VALENTINE, D.D., Durham, N. C.
 DR. GORDON B. HANCOCK, Department of Sociology, Virginia Union University, Richmond, Va.
 DEAN MOSES S. BELTON, Johnson C. Smith University, Charlotte, N. C.
 WILLIAM M. COOPER, Director of Extension Work, Hampton Institute, Va.
 ASBURY HOWARD, representing Mine, Mill and Smelter Workers (CIO), Bessemer, Ala.
 DR. JOHN M. GANDY, President-Emeritus, Virginia State College, Petersburg, Va.
 L. H. POSTER, Treasurer-Business Manager, and Acting President, Virginia State College, Petersburg, Va.
 PRESIDENT J. B. WATSON, A. and M. College, Pine Bluff, Ark.
 CLARENCE A. LAWS, Executive Secretary, New Orleans Urban League, New Orleans, La.
 DON A. DAVIS, Comptroller, Hampton Institute, Chairman Executive Committee, National Negro Business League, Hampton, Va.
 REV. H. B. BULTER, President, Baptist State Convention, Hartsville, S. C.
 PROF. J. B. BLANTON, Principal, Voorhees N. and I. School, Denmark, S. C.
 WILLIAM Y. BELL, Executive Secretary, Atlanta Urban League, Atlanta, Ga.
 J. A. BACOATE, Vice President, Benedict College, Columbia, S. C.
 MRS. R. E. CLAY, Bristol, Tenn.
 FORRESTER B. WASHINGTON, Director, School of Social Work, Atlanta, Ga.
 JESSE O. THOMAS, Staff Assistant, War Bonds and Stamps, Washington, D. C.
 JAMES T. TAYLOR, Dean of Men, North Carolina College, Durham, N. C.
 DR. AND MRS. J. G. STUART, Columbia, S. C.
 ROBERT A. SPICELY, Director, Commercial Dietetics, Tuskegee Institute, Ala.
 C. C. SPAULDING, President, North Carolina Mutual Life Insurance Co., and Mechanics and Farmers Bank, Durham, N. C.
 MRS. ANDREW W. SIMPKINS, Social Worker, Columbia, S. C.
 DR. JAMES E. SHEPARD, President, North Carolina College, Durham, N. C.
 REV. J. ALVIN RUSSELL, D.D., President, St. Paul's Polytechnic Institute, Lawrenceville, Va.
 G. D. ROGERS, President, Central Life Insurance Company, Tampa, Fla.
 DR. F. D. PATTERSON, President, Tuskegee Institute, Tuskegee Institute, Ala.
 ROSCOE C. MITCHELL, Associated Negro Press Representative, Richmond, Va.
 JOHN W. MITCHELL, State Agent, A. and T. College, Greensboro, N. C.
 DR. BENJ. E. MAYS, President, Morehouse College, Atlanta, Ga.
 JAMES G. MARTIN, JR., Business Agent and Financial Secretary, Carpenters' Local No. 544, Baltimore, Md.
 DR. HORACE MANN BOND, President, Fort Valley State College, Fort Valley, Ga.
 THEODORE MALLORY, Secretary-Treasurer, United Transport Service Employees of America, Member International Executive Board, Atlanta, Ga.
 DR. AND MRS. D. K. JENKINS, Columbia, S. C.
 DR. LUTHER P. JACKSON, Chairman of the Department of History, Virginia State College, Petersburg, Va.
 EDGAR P. HOLT, Vice President, Southern Negro Youth Congress, Birmingham, Ala.
 WALTER J. HUGHES, M.D., State Board of Health, Raleigh, N. C.
 JAMES E. JACKSON, Executive Secretary, Southern Negro Youth Congress, Birmingham, Ala.
 J. W. HOLLY, President, Georgia Normal College, Albany, Ga.
 K. W. GREEN, Dean, State A. and M. College, Orangeburg, S. C.
 ERNEST DELPIT, President and Business Manager, Carpenters' Local, New Orleans, La. (A. F. of L.)
 G. HAMILTON FRANCIS, M.D., Speaker House of Delegates, National Medical Association, Norfolk, Va.
 REV. JOHN E. CULMER, Rector, Episcopal Church, Miami, Fla.
 DR. ROBERT P. DANIEL, President, Shaw University, Raleigh, N. C.
 A. B. COOKE, Business Agent, Local No. 815, Carpenters, Columbia, S. C.
 DR. RUFUS E. CLEMENT, President, Atlanta University, Atlanta, Ga.
 D. G. GARLAND, Representative, American Federation of Labor, Winston-Salem, N. C.
 MAJ. W. M. WHITEHEAD, Principal School for the Handicapped, Newport News, Va.
 D. W. BYRD, M.D., Chairman, Health Commission, National Medical Association, Norfolk, Va.

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C. H. BYNUM, Field Secretary, Commission on Interracial Cooperation, Dallas, Texas.

DR. CHARLOTTE HAWKINS BROWN, President, Palmer Memorial Institute, Sedalia, N. C.

F. B. YOUNG, Editor-Publisher, Journal and Guide, Norfolk, Va.

EDWARD MASON, representing Dining Car Cooks and Waiters, Houston, Texas.

REPRESENTED BY LETTER

C. A. SCOTT, Publisher, Atlanta Daily World, and Scott Chain of Weekly Newspapers, Atlanta, Ga.

CARTER WESLEY, Editor-Publisher, The Informer, Dallas Express and New Orleans Sentinel, Houston, Texas.

MRS. ZELLAR R. BOOTHE, Oklahoma City, Okla.

DEAN V. E. DANIEL, Wiley College, Marshall, Texas.

CLAUDE A. BARNETT, Director, Associated Negro Press, Chicago, Ill.

Others who sent Telegrams endorsing the Conference were:

DR. J. R. E. LEE, President, Florida A. and M. College, Tallahassee, Fla.

ATTY. J. LEONARD LEWIS, Jacksonville, Fla.

ATTY. J. R. BOOKER, Little Rock, Ark.

MRS. ORA BROWN STOKES, Washington, D. C.

PRESIDENT H. L. TRIGG, Elizabeth City State Teachers College, Elizabeth City, N. C.

PRESIDENT DAVID D. JONES, Bennett College, Greensboro, N. C.

MRS. H. L. MCCROREY, Charlotte, N. C.

DR. W. A. FOUNTAIN, President, Morris Brown College, Atlanta, Ga.

BISHOP B. J. KING, Atlanta, Ga.

PRESIDENT JAS. BRAWLEY, Clark University, Atlanta, Ga.

PRESIDENT W. J. HALE, Tennessee A. and I. College, Nashville, Tenn.

DR. MARY BRANCH, President, Tillotson College, Austin, Texas.

DR. L. H. BELL, Mississippi State College, Alcorn, Miss.

WILEY A. HALL, Executive Secretary, Urban League, Richmond, Va.

DR. J. M. ELLISON, President, Virginia Union University, Richmond, Va.

M. F. WHITAKER, President, South Carolina State College, Orangeburg, S. C.



Comments on the Conference Statement

DR. MORDECAI W. JOHNSON, President Howard University, Washington, D. C.

I am impressed at once with the fact that the statement is a judiciously worded address from southerners to southerners; that it includes representatives of labor, the press and many secular organizations, as well as the schools and the churches; and that the statement is designed to address itself to matters of immediate concern in which it is felt that substantial progress is possible now.

DR. GUY B. JOHNSON, Research Professor, University of North Carolina.

I feel that this is a remarkable and a reasonable statement of aims upon which all intelligent people in the south should be willing to unite.

DR. FLORENCE M. READ, President, Spelman College, Atlanta, Ga.

It is a statement that I think should have wide circulation.

DR. W. A. FOUNTAIN, President, Morris Brown College, Atlanta, Georgia.

There is a great need for our taking steps to bring about improved relations between the races, and I am happy to have the privilege of serving in whatever capacity I can.

JUDGE WILLIAM H. HASTIE, Civilian Aide to the Secretary of War; Dean Howard University Law School.

I am impressed most of all with the fact that your detailed and

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carefully worked-out statement shows the fundamental agreement of Negroes throughout the country upon the next steps which must be taken toward complete emancipation.

DR. SAMUEL C. MITCHELL, University of Richmond.

That is a statesmanlike paper. It is able, candid and effective. It should mark an epoch in the cause of good-will between the races in the South.

CLAUDE A. BARNETT, Director, Associated Negro Press, Chicago, Illinois.

I am profoundly impressed by the statement which has been issued by the Southern Race Relations Conference. It is forceful, sane, practical and realistic.

DR. BELLE BOONE BEARD, Department of Economics and Sociology, Sweet Briar College.

I have read every word of the statement with the greatest interest and want to congratulate the conference upon its action.

LEWIS L. SCOTT, Attorney-At-Law, Columbia, Tennessee.

I wish to congratulate you and your associates on the very fine effort you have made in this movement to bring about an improvement in the much discussed race question. What you have said will not only contribute to the war effort but also to the making of a just peace.

CARTER W. WESLEY, Editor-Publisher The Informer, Houston, Austin and Beaumont, Tex., Dallas Express and New Orleans Sentinel, and Fort Worth, (Tex.) Mind.

I think the conference statement is a historical achievement destined to play a large part in bringing about adjustments, and I believe it is a charter of Negro rights which all Negroes in the South can adhere to.

FURMAN L. TEMPLETON, Racial Relations Adviser, Office of Civilian Defense, 3rd Civilian Defense Area, Baltimore, Md.

Although it was not my privilege to attend the conference in Durham, everything I have read about it leads me to believe that the work initiated there gives every promise of developing into an effective force for good. If there was ever a time when the country needed a clear-cut intelligent and objective statement of the problem of race relations, that time is now. It appears to me that the conference findings supply that need.

DR. FRED M. ALEXANDER, Supervisor of Negro Education, State Board of Education, Richmond, Virginia.

I have read this pamphlet with great interest and feel that you have done an outstanding job.

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WM. E. TAYLOR, Dean, School of Law, Lincoln University, St. Louis, Missouri.

The suggestions, proposals and recommendations seem to me unusually sound and forward looking. For quite a while now I have been convinced that unless some of the sensible leaders of our race step to the front and take a statesmanlike stand based upon realities and conditions as they exist rather than the Utopian possibilities of which we dream our race will suffer irreparable injury before the close of the present conflict.

* * * *

DR. JACKSON DAVIS, General Education Board, New York.

The report is straightforward and factual and the restraint of its phrases carries conviction. It reveals an understanding of the historical background of Southern life, as well as the social and economic processes through which the desired changes must be realized. To my mind it is one of the most constructive steps ever taken for better race relations in the South. I hope it will meet with the support that it deserves.

* * * *

DR. W. E. B. DuBOIS, Atlanta University, Atlanta, Ga.

The planning of programs to guide the future of the Negro in America has not been in vain. On the whole the Durham program is a pretty good document. I should have written it a little differently myself, but I would not be unwilling to sign it.



Press Comments

Richmond News-Leader

With at least 75 per cent of the declaration, every reasonable white man probably will find himself in complete accord. The plea for humanity and for economic justice, which is the basis of the statement, is the one that will produce more of agreement than ever has existed between races in the South.

* * * *

Newport News Daily Press

We commend to both whites and Negroes for careful consideration the Durham manifesto. It contains little that is not fundamentally sound—things which American citizens have a right to expect.

* * * *

Atlanta Constitution

It will be unfortunate if the South does not discuss calmly and intelligently the basis for inter-racial cooperation advanced recently by a group of southern Negroes.

If the southern Negro leaders, asking for the cooperation of the majority race, do not receive encouragement, then the South will have failed the first effort by southern Negro leadership along realistic lines.

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Atlanta Daily World

We commend the work of the Conference. It is the result of serious study by able and yet conservative Negro leaders, whose sincerity of purpose and racial earnestness can hardly be questioned.

* * * *

Christian Science Monitor

Above the clamor of current racial discussion in America, a quiet, reasoned voice is now heard in behalf of interracial cooperation in the South, through a statement by the committee speaking for the recently founded Southern Conference on Race Relations.

Advancement in responsibility and rank in military service according to ability; equal salaries for Negro and white teachers on the basis of preparation and experience; additional education facilities; inclusion of Negro doctors on public hospital staffs to treat Negro patients; organization of Negro service workers into unions with recognized affiliations; abolition of the poll tax; effective enforcement of anti-lynch laws—these and other proposals seem to furnish a reasonable basis for consideration and action.

* * * *

Norfolk Virginian-Pilot

Out of the Southern Conference on Race Relations that was held at Durham on October 20 has come a manifesto of historic importance. It is offered, on behalf of this conference by a drafting committee representative of the South's most responsible Negro leadership as a 'basis for interracial cooperation' with especial reference to the problems this cooperation presents in the Southern States. Its publication yesterday supersedes, as a declaration of principles and objectives in this field, the many diverse statements, Negro in authorship, by means of which the country has been made aware of the dimensions this problem has assumed during the last two years of war and preparations for war.

Almost without exception, the remedial, corrective and protective reforms that the present manifesto indorses, are reforms generally acknowledged as just in principle, or validated by our highest court, or actually in incipient application.

* * * *

Norfolk Ledger-Dispatch

There has come to the Ledger-Dispatch, along with many other newspapers, a report entitled A Basis for Inter-Racial Cooperation and Development in the South: a Statement by Southern Negroes. If our colleagues of the Southern press are affected by it as we are, they are profoundly disquieted.

For this report, let it be noted, is prepared by Southern Negroes, not by Northern Negroes . . . The Ledger-Dispatch knows some of the men who prepared or collaborated on the preparation of this report, knows them to be men of quiet ability and of a natural conservatism, and it has no doubt that many of its colleagues knows a number of others.

It deserves, if it does not demand, reflection and study on the part of the White South—far more of both than is possible in an hour or two.

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NC Central
UNIVERSITY

School of Law
Social Justice and
Racial Equity Institute
