



Tennessee's Tent City The 60th Anniversary of a Great Voting Rights Victory

A lynching appeared imminent on the night of May 23, 1940. A white “posse” had been hurriedly deputized by the Fayette County sheriff. The group then encircled the rural home of Burton Dodson, a 50-year-old African American farmer. Dodson had earlier argued and come to blows with a white man over an unknown matter. Afterwards, Dodson’s foe recruited friends to be a posse.¹

When called upon to surrender, as his wife and children laid on the ground in front of the farmhouse, Dodson ran for the forest through a hail of bullets while returning fire. In the mayhem, Deputy O. B. Burrow was shot from behind and killed, indicating a posse member may have fired the fatal bullet. Dodson escaped. Nineteen years later, he was discovered living in East St. Louis, Illinois, and extradited to Tennessee to face murder charges.²

A Memphis Lawyer Seeks Justice in Somerville

James F. Estes of Memphis, a World War II veteran and one of the few Black lawyers in Tennessee, represented the 70-year-old Dodson in the murder trial that took place in the Fayette County Courthouse in Somerville. Although the county was 70% African American, all the jurors were white. Estes learned jury pools were drawn from voter rolls and less than 50 Blacks were ever registered and less than a dozen voted.³



The Fayette County Courthouse in Somerville, Tennessee.



Memphis lawyer James F. Estes, a World War II veteran, represented Burton Dodson and aided civil rights organizers in Fayette and Haywood counties.

Dodson was found guilty of second-degree murder and sentenced to 20 years in prison. The sentence was later commuted to 10 years. With the legal advice and assistance of Estes, who was riled by the jury selection process, two groups were organized and incorporated in 1959 to register Black voters: the Fayette County Civic and Welfare League and the Haywood County Civic and Welfare League.⁴

Amid threats of violence, in the hot summer of 1959, the Fayette County League, led by civil rights pioneers John and Viola McFerren and Harpman Jameson, conducted the first Black voter registration drive in the rural South. However, as directed by local party leaders, the newly registered were turned away from the polls by election officials conducting an illegal all-white Democratic primary.⁵

James Estes, John McFerren and Harpman Jameson drove 22 hours to Washington to seek help from the Eisenhower Justice Department. The FBI investigated. And on Nov. 16, 1959, Rives Manker of Memphis, reso-

lute U.S. Attorney for West Tennessee (later Shelby County Chancery Court Part One Chancellor), filed suit against Fayette County's Democratic executive committee based on the Civil Rights Act of 1957 signed into law by President Eisenhower.⁶

Fayette County's election commissioners resigned in protest over "federal interference." A consent decree in favor of Black voters was entered in 1960 by U.S. District Judge Marion Boyd of Memphis. In the November 1960 general election, the new voters caused the Republicans, for the first time in history, to come to power in Fayette County.⁷

Ruthless Economic Retribution

In the spring of 1960, powerful Fayette County and Haywood County business leaders and landed families, coordinated by the White Citizens Council, imposed a total trade ban, or reverse boycott, on Black voters and their white supporters whose names appeared on a secretly cir-



Black Tennesseans waiting to register to vote in Somerville in 1960.

culated list. Goods, services, insurance, loans and credit were refused. Even physicians declined medical care. The denial of store credit to Black sharecroppers, long tied to the arrangement for necessities, was devastating.⁸

Then, after the cotton crop was in, the landowners began multitudinous evictions of sharecroppers and tenants. The landowners expected the homeless new voters to depart the area.⁹ The brutal tactic was made more feasible by accelerated purchases of mechanical cotton pickers manufactured at International Harvester's nearby Frayser plant.¹⁰

Yet the cruel trade freeze was not limited to intra-county commercial activity. The economic shutdown extended to outside suppliers. Threats against regional gasoline and soft drink providers ended shipments to Black retail establishments such as League leader John McFerren's store. A sheriff's deputy was posted at the Fayette County line to stop any gasoline shipments. Nevertheless, the African American community was more determined than ever. McFerren and others drove to Memphis to purchase food and gasoline from wholesalers.¹¹

Fayette County Freedom Village

With the number of homeless families skyrocketing, Shepherd Towles, a Black landowner, opened his property five miles from Somerville to evicted families. An anonymous white businessman supplied 14 Army surplus tents to the League. Originally, 11 families moved to the property, 81 people in all. The homeless families grew in number every day until 345 families lived in the huge "Tent City," named "Fayette County



A determined "Tent City" family.

Freedom Village," and at a second canvas community on Gertrude Beasley's land near Moscow, Tennessee.¹²

For two years, life was hard in sweltering or freezing tents with dirt or cardboard floors, no electricity, no bathrooms, deep mud everywhere and water lugged in buckets from a communal well, but many felt the lodging better than that rented by their former landlords. Moreover, they were terrorized at night by drive-by gangs of thugs, such as the Ku Klux Klan, with shots fired into tents. But they persevered and voted. Supplies and funds also arrived as the situation received national press coverage.¹³

Furthermore, the secret list was smuggled from a Somerville business and published. After another FBI investigation, the Justice Department acted again. A federal civil rights lawsuit was filed against 27 businesses and two Haywood County banks. The suit was subsequently amended to add 36 landowners. And another action was filed against 45 landowners, 24 merchants and a Somerville bank.¹⁴

Sweeping Federal Injunctive Relief

The Sixth Circuit decision of *U.S. v. Beatty* (1961) instructed the trial court to grant injunctive relief.¹⁵ Hence, 60 years ago this year, on July 26, 1962, Judge Boyd entered a sweeping injunction ordering a halt to the evictions and the trade ban. The defendants "were perma-

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nently enjoined from engaging in any acts . . . for the purpose of interfering with the right of any person to register to vote and to vote for candidates for public office.”¹⁶

Also, the events in West Tennessee helped win enactment of the Civil Rights Act of 1960, signed by President Eisenhower, and the Civil Rights Act of 1964 and the Voting Rights Act of 1965, both signed by President Lyndon Johnson. These landmark measures dramatically increased federal oversight, involvement and enforcement to guarantee the right to register and to vote.¹⁷

The Tent City residents eventually moved to their own homes or to housing provided by churches and charities.¹⁸ Because of internal disagreements, the Fayette County League split into two organizations but members continued to fight for just representation in local political offices and desegregation of the public schools.¹⁹ In 1970, the original League won a federal suit challenging the constitutionality of Tennessee’s “Riot Act” and “Disorderly Conduct Act” after members were arrested by the Fayette County sheriff for marching to the courthouse lawn.²⁰

In 1981, Tennessee’s foremost African American historian, Lester C. Lamon, observed:

It had been a contest of wills and survival—and it was not over—but even the state’s most oppressed and vulnerable black community had demonstrated to all observers that the days of accommodation and voluntary submission to caste oppression were over.²¹

Early in the Fayette County struggle, Dr. Martin Luther King Jr. wrote to James Estes in Memphis: “We have gained new courage and determination from your unfaltering perseverance in the face of overwhelming odds.”²² And it all began because a Tennessee lawyer dared to ask questions and do something. ■

Notes

1. Sam McGowan, *West Tennessee: Land Between the Rivers* 432-33 (2013); Richard L. Saunders, “What Happened? ‘Tent City,’ Tennessee” www.utm.edu (3rd UT-Martin Civil Rights Conf. 2013).

2. McGowan at 432-33; Saunders *supra* note 1.

3. Saunders *supra* note 1.

4. *Id.*

5. *Id.*; McGowan at 433.

6. See “Democratic Leaders Quiet on Fayette election Suit” *Commercial Appeal* 17 Nov. 1959 p. 8; Saunders *supra* note 1; McGowan at 433; Fred Travis, “The Evicted: Fayette and Haywood Counties, Tennessee: February 1961” in *Reporting Civil Rights: American Journalism 1941-1963* 541-49 (2003).

7. Saunders *supra* note 1; McGowan at 433.

8. See Lester C. Lamon, *Blacks in Tennessee, 1791-1970* 102 (1982); Saunders *supra* note 1; Linda T. Wynn, “Tent City, Fayette and Haywood Counties” in *The Tennessee Encyclopedia of History & Culture* 965. 965-66 (Carroll Van West ed. 1998).

9. See Lester C. Lamon, *Blacks in Tennessee, 1791-1970* 102 (1982); Saunders *supra* note 1; Linda T. Wynn, “Tent City, Fayette and Haywood Counties” in *The Tennessee Encyclopedia of History & Culture* 965. 965-66 (Carroll Van West ed. 1998).

10. McGowan at 431.

11. Saunders *supra* note 1; Linda T. Wynn, “McFerren, John and Viola” in *The Tennessee Encyclopedia of History & Culture* 586 (Carroll Van Est ed. 1998).

12. Saunders *supra* note 1; Wynn, “Tent City” at 965-66.

13. *Id.*

14. *Id.*; Wynn, “Tent City” at 965-66; McGowan at 435 Lamon at 104.

15. 288 F.2d 653.

16. Saunders *supra* note 1; Wynn, “Tent City” at 966.

17. See Bill Carey, “Fayette County’s Tent Cities May Have Triggered Civil Rights Movement,” in *The Tennessee Magazine* (June 2016).

18. McGowan at 425.

19. Saunders *supra* note 1.

20. *Original Fayette County Civic & Welfare League v. Ellington*, 309 F. Supp. 89 (W.D. Tenn. 1970).

21. Lamon at 104.

22. Letter of Dec. 1960 from Martin Luther King Jr. to James F. Estes (Martin Luther King, Jr., Papers, 1954-1968, Boston University, Boston, Mass.).

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