



Washington History in the Classroom

This article, © the Historical Society of Washington, D.C., is provided free of charge to educators, parents, and students engaged in remote learning activities. It has been chosen to complement the DC Public Schools curriculum during this time of sheltering at home in response to the COVID-19 pandemic.



“Washington History magazine is an essential teaching tool,” says Bill Stevens, a D.C. public charter school teacher. “In the 19 years I’ve been teaching D.C. history to high school students, my scholars have used *Washington History* to investigate their neighborhoods, compete in National History Day, and write plays based on historical characters. They’ve grappled with concepts such as compensated emancipation, the 1919 riots, school integration, and the evolution of the built environment of Washington, D.C. **I could not teach courses on Washington, D.C. history without *Washington History*.**”



Bill Stevens engages with his SEED Public Charter School students in the Historical Society’s Kiplinger Research Library, 2016.

Washington History is the only scholarly journal devoted exclusively to the history of our nation’s capital. It succeeds the *Records of the Columbia Historical Society*, first published in 1897. *Washington History* is filled with scholarly articles, reviews, and a rich array of images and is written and edited by distinguished historians and journalists. **Washington History** authors explore D.C. from the earliest days of the city to 20 years ago, covering neighborhoods, heroes and she-roes, businesses, health, arts and culture, architecture, immigration, city planning, and compelling issues that unite us and divide us.

The full runs of *Washington History* (1989-present) and its predecessor publication the *Records of the Columbia Historical Society* (1897-1988) are available through JSTOR, an online archive to which many institutions subscribe. It’s easy to [set up a personal JSTOR account](#), which allows for free online reading of six articles per month in any of their journals, or join the Historical Society at the [Membership Plus](#) level for unlimited free access to our publications.

FAIR-MINDED *Americans*

stay out of Hecht's

help end segregation at Hecht's lunch counter

MRS. MARY CHURCH TERRELL,
88 year-old Committee Chairman, says
... "I have visited the capitals
of many countries, but only
in the capital of my own country
have I been subjected to
this indignity."



Hecht's violates the law
D.C. Restaurants must serve all well-behaved persons
without discrimination - Law of 1873

Hecht's violates fair business practice
Millions of dollars are spent each year by Negroes at Hechts - yet
Negro Americans may not eat at the lunch counter

Hecht's violates democratic principles
Hecht's preaches brotherhood in full page ads, yet Hecht's
practices segregation at its lunch counter

shop at these
7th st. stores that
serve all

- KANN'S
- GOLDENBERG'S
- KRESGE'S
- WOOLWORTH'S
- GRAND'S
- MCCRORY'S

Coordinating Committee for the Enforcement of the D.C.
Anti-Discrimination Laws: 1103 Trenton Place S.E.

In its campaign to validate the "lost" public accommodation laws of 1872 and 1873, the Coordinating Committee for the Enforcement of the D.C. Anti-Discrimination Laws sponsored three major picketing campaigns—all successful—against Kresge's, G. C. Murphy's, and the Hecht Company in the early 1950s. Courtesy, Marvin Caplan.

Eat Anywhere!

by Marvin Caplan

A personal recollection of the Thompson's Restaurant case and the desegregation of Washington's eating places.

In 1951, I moved to Washington from Richmond, Virginia, to join the staff of the Washington bureau of Fairchild Publications, publishers of eight daily and weekly papers for various industries and retail trades. The Coordinating Committee for the Enforcement of the D.C. Anti-Discrimination Laws was picketing the Hecht Company store on 7th Street, N.W., at the time, in an effort to persuade the store to serve black as well as white customers at its basement lunch counter.

A Washington friend of mine, who knew I had been active in the civil rights movement in Richmond, urged me to join the Saturday picketing in front of Hecht's. I demurred. I had a brand new job, I told her, a brand new baby and Hecht's was a Fairchild subscriber; I feared the consequences if my employers learned I was picketing one of their clients. "Marvin," my friend said, "being afraid just isn't a good enough reason for not picketing." So the following Saturday, I joined the line. When the officers of the Coordinating Committee discovered I was a newspaper man, they promptly made me chairman of the Publicity Committee. In that capacity, it was my privilege to work with and come to know two remarkable women: Mary Church Terrell and Annie Stein.—M.C.

Gone from 715 14th Street in downtown Washington is a landmark of social revolution: Thompson's Restaurant.

Most Americans would probably date the start of racial desegregation in our time from 1954, when the Supreme Court handed down its decision in the *Brown v. Board of Education of Topeka, KS* school case. Few recall the cases that preceded *Brown*,

in which the court signalled its readiness to move against segregation,¹ particularly a 1953 ruling of great symbolic importance that put an end to racial discrimination in the eating places of the nation's capital. That decision gave Thompson's its significance. If the chain is remembered today it is not for its food but for its refusal to serve it.

Thompson's four restaurants were known among Washingtonians as places where you could dine cheaply—during the 1930s, for instance, they sold ham and egg sandwiches for five cents apiece. Thompson's reluctantly took its place in history on a January afternoon in 1950, when four citizens entered the cafeteria together, took up trays, and made their way along the food counters.

The group was considerably more prestigious than Thompson's usual clientele. Most times the restaurant was visited by footsore shoppers, secretaries with 20 minutes for lunch, tourists looking for an inexpensive meal and men down on their luck, who came in on a cold day to sit for an hour or so and warm their hands on a mug of coffee. Rev. W. H. Jernagin, one of the two men in the party, was pastor of the Mount Carmel Baptist Church and president of a national Baptist training program; David Scull was a government worker active in the civil rights programs

of the Society of Friends. There were two women: Geneva Brown, the secretary-treasurer of the local Cafeteria Workers Union and, best known of the four, Mary Church Terrell, an 86-year-old international leader in the women's rights movement. It was an interracial group, for Scull was white.

When the four of them with their laden trays reached the checkout register, they found the manager waiting. He took one look at two unmistakably dark faces, the minister's and the union official's, and told the group grimly, "We don't serve colored."

Why did they choose Thompson's? Because it was practically next door to the offices of Joseph Forer and David Rein, two lawyers who wanted to use a denial of service because of race as the basis for a test case. Armed with the sworn affidavits of members of the testing party, they were ready to go before the D.C. corporation counsel and argue that it was his duty to prosecute Thompson's for violating the District of Columbia's Criminal Code—specifically, for violating two laws that were no longer in the code.

These two statutes were enacted in 1872 and 1873, in the wave of Reconstruction reform that brought black Americans new legal rights and new educational and social opportunities. Such reforms came to the District of Columbia earlier and in greater measure than elsewhere when a post-Civil War Congress controlled by Radical Republicans used the nation's capital as a proving ground for new social legislation. The 1872 and 1873 statutes were enacted by a territorial legislature, partially elected, partially appointed by the Grant administration, that was in place in the District from 1871 to 1874. The statutes required restaurants, hotels, "ice-cream saloons," barbershops and certain other places of public accommodation to serve "any respectable, well-behaved person

without regard to race, color or previous condition of servitude" or face a \$100 fine and a loss of license for a year.²

By the turn of the century, however, new "Jim Crow" laws were eroding the civil rights advances of Reconstruction everywhere in the nation. In 1901, the two anti-discrimination laws were simply omitted from a recodification of the District of Columbia Code. The omission left a code that reflected what had by then become local custom. Mrs. Terrell was old enough to remember that "in the 1890s a colored person could dine anywhere in Washington." Succeeding Democratic administrations, she recalled in a newspaper interview, brought to power "cruel Southerners" who ignored the District's laws and imposed racial segregation on the capital by political pressure and administrative action.³

By 1950, segregation by law and by custom was firmly entrenched in Washington. Segregated restaurants were only one reflection of a racially-divided city. Black Washingtonians encountered segregation in the most fundamental aspects of their daily lives. Housing and public schools were segregated. Only one hospital, Freedman's, admitted blacks without segregation, and several would not admit black patients at all. While the federal government offered some opportunities for skilled employment, blacks, in the main, were relegated to perform the capital's menial tasks—as its messengers, porters, day laborers and domestics.

Blacks who ventured downtown found most hotels and movie houses closed to them. The National Theatre, Washington's one legitimate playhouse, excluded blacks, a policy that so incensed the Actors' Equity Association that it instituted a boycott against the place. Most recreation facilities, public and private, were segregated as well. Glen Echo, the area's one amusement park, was closed to blacks, a restriction that left countless black youngsters heartbroken.

Given the circumstances, it seemed evident that the 1872 and 1873 laws were not omitted from the code by accident. Common sense suggested, however, that a city could not repeal laws just by dropping them. The "lost laws" became a rallying cry for those District citizens seeking, in the aftermath of a world war against facism and racism, to strike down the color bar in Washington. An organization with the cumbersome name of "The Coordinating Committee for the Enforcement of the D.C. Anti-Discrimination Laws" was formed in 1949 with Mary

It is hard to imagine two women joined in a common endeavor who were seemingly more unlike than Annie Stein and Mary Church Terrell.

Church Terrell as its chairman; about 61 civic, religious, labor, and social groups enlisted in its campaign. That it could function effectively in the dark, red-baiting days of the McCarthy era was not the least of the committee's successes. By having a person of Mrs. Terrell's eminence at its head and by focusing on a single issue—the desegregation of the District's eating places—it was able to quiet the fears of some of its member organizations. Apprehensions could easily have been stirred in those uneasy days by the fact that Forer and Rein, the committee's chief counsels, were officials of the local chapter of the National Lawyers Guild and attorneys for many left-wing notables in trouble with the House Un-American Activities Committee. In addition, its secretary, Annie Stein, was a local official of Henry Wallace's Progressive Party, suspected at the time of being dominated by Communists.⁴

It is hard to imagine two women joined in a common endeavor who were seemingly more unlike than Annie Stein and Mary Church Terrell.

In 1950, at the age of 86, Mrs. Terrell was nearing the end of a life rich in public service and honors. A graduate of Oberlin College, where she was a classics major, she came to Washington to teach Latin and German in the M Street High School, a black secondary school of exceptionally high academic standards. She went on to serve as a member of the D.C. School Board for 11 years. She was the founder and first president of the National Association of Colored Women's Clubs and was in great demand as a speaker at international women's conferences. She was president of the Women's Republican League of Washington. She and her husband, Robert H. Terrell, were prominent figures in Washington society. Robert Terrell was principal of the M Street High School and later a judge of the Municipal Court, who, after his death in 1925, was memorialized in the name of Terrell Junior High School.

Mrs. Terrell was a tall, whitehaired woman of regal bearing, possessed of an orator's eloquence. Her complexion was not one to alert a Thompson's restaurant manager to the fact that she was colored. H. G. Wells, a friend of Mrs. Terrell's, wrote in his introduction to her autobiography, *A Colored Woman in a White World*, that the equal rights campaigner might have been more explicit about a matter that he says a perceptive reader could figure out anyway. Mollie Church's African ancestors had intermarried with whites and she grew up in Memphis, Tennessee, fully aware of the problems involved in being the product of two races.

The strength and poignancy of Mrs. Terrell's autobiography is the author's unflinching recognition of what it means to be black. It never occurred to her to "pass" for white; she would have rejected

such a choice as cowardice. She asserted her racial identification proudly and never shrank from the obligations she felt it imposed on her.

In a passage of the autobiography that almost seems to foreshadow the Thompson case, Mrs. Terrell notes that as a colored person she could walk from the Capitol to the White House (a distance of some 16 blocks) and not find a restaurant that would serve her. She recalls being hungry and weary and reading the posted menu outside a restaurant longingly, but being unable to summon the "grit" needed to enter and risk refusal. "But," she says, "I have never stopped trying to get what I knew was just and right for me to have."⁵ It was in her lifelong battle



against the injustice of racial discrimination that she found common ground with Annie Stein.

Annie Stein grew up in New York City, in a poor Jewish family. Her parents were radicals who had long ago substituted social protest for religious affiliation. A graduate of City College of New York, trained as a statistician, Annie Stein was always deeply involved in political action. In New York during the 1930s, she worked for the National Women's Trade Union League, organizing the lowest paid workers in the city—laundry and domestic help, restaurant and hotel employees. In Washington during World War II, she represented the Congress of Industrial Organizations (CIO) on an Office of Price Administration panel and worked to see that grocers and restaurant owners observed ceiling prices. After the war, she worked for the Washington Committee for Consumer Protection and organized a city-wide consumer strike against the rising costs of milk and meat that kept the price of meat down for weeks. She was a government employee for a time, until she lost her job in a dispute over a loyalty oath. That enabled her to devote all her energies to the work of the Coordinating Committee.

Mrs. Terrell's frequent characterization of Annie Stein as "the greatest secretary in the world," was an appropriate recognition of talents of a very high order. If Annie Stein had been a West Point cadet, a member of the Coordinating Committee once observed, she would have ended up a general. She was a superb strategist. A rangy, high-spirited woman, she had a gift for coaxing people around to her way

Annie Stein, a superb strategist with a gift for organizing, worked as a team with Mary Church Terrell to desegregate Washington's lunch counters. She is seen here in August 1979, speaking at a memorial service for David Rein, who had been co-counsel to the Coordinating Committee. Courtesy, Richard Rein.

of thinking and leaving them convinced it was what they wanted to do anyhow.

As chairman of the Anti-Discrimination Committee of the local chapter of the Progressive party, Annie Stein made the "lost laws" her cause. She began by phoning her friend Joe Forer and proposing that he undertake the legal research necessary to establish their continuing validity. Early on, she recognized the need to build broad public support for the laws, and it was largely through her efforts that the Coordinating Committee was formed. No one now remembers how she did it, but she persuaded Mrs. Terrell to accept the chairmanship of the new coalition. It took three years for the Thompson Restaurant case to work its way through the courts. The Coordinating Committee was there at every step, keeping the issue before the public and often dramatizing refusals of service with picket lines.

The Coordinating Committee's efforts built upon decades of civil rights activism in the District of Columbia that finally began to bear fruit after World War II.

Long-time black residents of Washington like Mrs. Terrell could recall, with mounting anger and humiliation, how rights they thought had been won in the Civil War and the Reconstruction were taken from them in blatant disregard of existing law through the institutionalization of "Jim Crow." The inauguration of President Woodrow Wilson, in 1913, only worsened matters as new and stringent segregationist policies were instituted in city and federal governments.

Mary Church Terrell, who became chairman of the Coordinating Committee at the age of 87, is seen here as a younger woman in the midst of a distinguished career as an educator, organizer, and campaigner for equal rights who was much in demand as a speaker at national and international conferences. Courtesy, Moorland-Spingarn Research Center, Howard University.

The long struggle to regain lost rights and win additional ones got underway with renewed determination in the early part of the twentieth century. The founding of the National Association for the Advancement of Colored People (NAACP) gave a new organizational base to the struggle. The Washington chapter of the NAACP was organized in 1912 and spearheaded the attack on the government's treatment of black people.

In the District, the fight for racial equality entered a new economic phase in the 1930s. In 1933, a group of blacks formed the New Negro Alliance and organized an effort to compel white-owned stores in black neighborhoods to employ



black workers. Its members included Walter E. Washington, who was to become Washington's first black mayor; William Hastie, a future federal judge; and Robert C. Weaver, who, as secretary of Housing and Urban Development in 1966-1968, became the first black man to serve as a presidential cabinet member. In a campaign that foreshadowed some of

the Coordinating Committee's tactics, the alliance boycotted and picketed the white businesses that would not hire blacks, using the slogan, "Don't buy where you can't work."

World War II was a vast interruption. But its conclusion gave new impetus to the struggle, as returning blacks and white residents who abhorred racial discrimina-

**WE PREACH
DEMOCRACY
TO THE
WORLD—**



"I believe you should know that Washington is not a good salesman for your kind of democracy".
—Danish Visitor

**BUT WE PRACTICE IT
IN NATION'S CAPITAL WITH
EXAMPLES LIKE THESE —**



African foreign minister refused admittance to a white hotel.



Bolivian educator refused service in a chain restaurant.



Hindu woman refused service at a soda fountain.



West Indian students forced to stand at counter.



Panama visitor asked to leave a white church.



Puerto Rican senator forced to sleep on couch in government office.

* Dark-skinned foreigners are often embarrassed

OUR WORLD PROMISES



All Nazi race, creed, or political discrimination shall be abolished.
—Berlin Agreement, 1945



World peace necessitates elimination of racial and religious distinctions.
—Act of Chapultepec, 1945



"We fought for dignity of the individual".
—Secretary of State Marshall, Rio de Janeiro, 1947

30

tion realized the irony of fighting for freedom around the world only to come home to a segregated capital.

The year 1948 was a watershed for civil rights. It was a presidential election year in which an historic battle at the Democratic convention resulted in the adoption of the most far-ranging civil rights plank of modern times. Civil rights was a major campaign issue for President Harry Truman. Near the end of 1947, a commission he had appointed issued a report, "To Secure These Rights," that shocked the nation with its revelations of how deeply racial segregation and discrimination were rooted in our society. Its findings and recommendations found their way into the 1948 debates on civil rights.

An even greater impact on Washington, however, was made by another report, "Segregation in Washington," published in 1948 by a group of 90 nationally known citizens—Eleanor Roosevelt, Hubert Humphrey, and Walter Reuther among them. The report used blunt language to document the devastating impact of racism on the black community in the capital. Historian Constance Green concluded that "Segregation in Washington" "accomplished more in breaking the hard core of racism in Washington than any other one instrumentality."⁶ While it is generally understood that it did so with its bold language and dramatic illustrations, lesser known is its role in providing the ammunition for a new round of civil rights activism. It was responsible for the public rediscovery of Washington's "lost" public accommodation laws—ammunition that would be picked up by Annie Stein and Mary Church Terrell.

Kenesaw M. Landis, the author of the report, wrote:

The 1948 report, "Segregation in Washington," carried dramatic illustrations such as this, adding to the publication's strong impact on the community.

Some people say that the time is not ripe for colored people to have equal rights as citizens in the Nation's Capital and that white people are "not ready" to give them such rights. But in 1872 . . . the popularly elected Assembly of the District passed a law giving Negroes equal rights in restaurants, hotels, barbershops and other places of public accommodation. Stiff penalties were provided for violation. As late as 1904 this civil rights law was familiar to the correspondent of the New York Times. But around the turn of the century it mysteriously disappeared from the compiled statutes of the District and it cannot be found in the present codes. Since there is no record of its repeal, some lawyers speculate that it may still be technically in full force and effect.

Joe Forer and David Rein were among the lawyers who indulged in that speculation. As chairman of the District Affairs Committee of the D.C. Chapter of the National Lawyers Guild, Forer researched the matter. He then wrote an opinion which he and six other lawyers signed, among them Charles H. Houston, then dean of Howard University Law School; and Margaret A. Haywood, presently a retired judge of the Superior Court. The opinion maintained that the applicable sections of the 1872 and 1873 laws had never been repealed. It also argued that Congress had the constitutional power to delegate its authority over the District to the territorial government that had enacted the laws.

The opinion recalled that, in 1908, a conviction against a man charged with mistreating a horse was upheld by the U.S. Court of Appeals even though the law under which he was convicted, like the "lost laws," was enacted by the Legislative Assembly in the early 1870s and then omitted from the 1901 code. The appellate court also held, on a point that later became crucial to the Thompson case, that the law against mistreatment of animals was a "police regulation" enacted in the interests of peace and order, and

that the 1901 code explicitly exempted such regulations from repeal.

In May 1949, the guild opinion was submitted to the corporation counsel, Vernon West, who announced that he would take the matter under study. And there the matter rested. After repeated failures to get any action from the counsel, the Coordinating Committee in 1950 decided to prod him by presenting him with a specific violation of the "lost laws." The result was the visit that Mrs. Terrell and her three friends paid to Thompson's Restaurant in January 1950.

Technicalities raised in the preliminary stages of the complaint and in its first consideration by a court required Mrs. Terrell to lead two more testing parties back to Thompson's. Each time the manager obliged by restating his reason for refusing service. Eventually, however, the case was launched and on its way through the courts.

The Washington Restaurant Association girded itself to do battle on Thompson's side. It sent a letter to its members urging them to continue to refuse to serve colored persons and asking them to contribute at least \$25 to a defense fund. The *Washington Afro-American* estimated the fund eventually amounted to about \$100,000. The Washington Board of Trade joined the association in the suit as a "friend of the court."

Arrayed against these powerful forces was the hand-to-mouth operation of the Coordinating Committee. Its meeting hall was the store-front headquarters of the Laundry Workers Local 471 at 1015 M Street, N.W. (It has since been razed.) The committee's office was Annie Stein's two-bedroom apartment in Southeast Washington, which she shared with her husband and her young son and daughter. She kept the committee's records in a filing cabinet in her bedroom; that was also where she kept the committee's mim-

Foreign embassies and the U.S. Department of State were among the eager customers for the Coordinating Committee's regularly revised lists of restaurants willing to serve all customers, regardless of race. This article was published in the Washington Afro-American. Courtesy, Washingtoniana Division, D.C. Public Library.

eograph machine. Her dining-room table was often pressed into service for stuffing and mailing parties and for evenings devoted to the lettering of picket signs.

Given the white hostility to racial change and the adamant opposition of the restaurant association, the Coordinating Committee was agreeably surprised to find that there were more restaurants in Washington than it had anticipated that were willing to serve anyone who came in. Only federal government cafeterias, Union Station, and one or two organizational eating places like the dining rooms of the YWCA and the American Veterans Committee club house were generally known to serve both races. The committee discovered additional places by regularly sending out small interracial testing parties.

In June 1950, the Coordinating Committee issued its first list of District restaurants that served without discrimination—about 20 of them. The list was an immediate best seller. Among its customers were foreign embassies and the State Department of the United States, which found the prevailing discriminatory policy of the capital's restaurants a continuous source of international embarrassment. The list was rechecked, revised, and expanded periodically. By the time the case reached the Supreme Court the committee was giving its stamp of approval to more than 60 restaurants. It was not uncommon for Annie Stein to get a call from a State Department official who wondered if Mrs. Stein's new list was available yet and if he could send a messenger over the minute it came off the mimeograph.

Once the District's suit against

July 24, 1951

List Published of the 36 White-Owned Restaurants in D.C. Serving All Comers

Anti-Discrimination Body Urges Residents to Patronize Places, Insist Upon Equality

The Co-ordinating Committee for the Enforcement of the D.C. Anti-Discrimination Laws this week released a list of 36 restaurants and cafeterias in the District that have non-discriminatory policies.

The committee, headed by Mrs. Mary Church Terrell, urged District residents to patronize the dining places that seat and serve ALL without DISCRIMINATION.

It also suggested that residents:

- 1—Please sit down in dime stores—don't patronize the jim-crow standup counters;
- 2—Lunch or dine in one of these restaurants as often as you can;
- 3—Notify the committee if service is refused.

All these stores have been checked recently, but management policy changes suddenly. Notify the secretary of the committee at 1103 Trenton Pl., S.E., JOHNSON 2-6932, if discrimination is practiced.

Fair Restaurants

The list of democratic eating places follows:

F AND G ST. SHOPPING

AREA, N.W.—A-1 Restaurant, 1003 E St.; Greyhound Post House, 1114 N.Y. Ave.; Intl. Bldg. Lunch, 1318 F St.; S. S. Kresge, 1101 G St.; Little Lindy's, 1724 12th St.; Mayflower Donut, 1309 F St.; Trailway Depot, 1201 N.Y. Ave.; and F. W. Woolworth, 1201 F St.

LOWER 7th ST., N.W.—Goldenberg's;

7th and K St.; F and W Grand 400 7th St.; Kann's Dept. Store, 7th and Pa. Ave.; also basement-during off hours, at other times for employees only; S. S. Kresge, 7th and E Sts.; McCrory's, 826 7th St.; F. W. Woolworth, 810 7th St.; and F. W. Woolworth, 406 7th St. and I Sts.

CAPITOL HILL AREA—Methodist Bldg. Cafeteria, 110 Md. Ave., N.E.; and Union Station Restaurant.

Y's Serve All Patrons 17th ST. AREA, N.W.—McReynolds Drug, 18 and G Sts.; New Bagdad, 1733 I St.; Potomac Cafeteria, 800 18 St.; State Drug, 1701 Pa. Ave.; YMCA, 1736 G St.; and YWCA, 17th and K.

14th AND IRVING ST., N.W.—S. S. Kresge, 3116 14 St.; G.

C. Murphy, 3128 14 St.; and F. W. Woolworth, 1113 H St.

OTHERS—All Federal Building Cafeterias, AVC Clubhouse, 1751 N. H. Ave.; Hains Point Inn, East Potomac Pk.; and Zoological Park Restaurant.

Thompson's was filed, a few more restaurants began serving everyone. The committee was able to persuade a few more to serve through negotiation. The first confrontation on 7th Street came with Kresge's. When negotiation failed there, and when leaflet distribution failed, some of the Coordinating Committee's more aggressive members proposed that the organization picket the store.

At first the proposal met with considerable resistance. Some of the committee's most active participants were union members, who knew that picket lines were no pleasure and difficult to maintain. Some of the committee's member organizations felt picketing would take them in a more militant direction than they wanted to go, particularly then, in the McCarthy era.

Mrs. Terrell met this organizational crisis grandly. Ignoring assertions of the

uselessness and vulgarity of picketing and warnings that it would provoke riots and racial violence, she put on her ankle-length fur coat, wrapped a scarf around her head, and with her cane in one hand and a sign in the other, led the first picket line in a snowstorm. Occasional threats and insults were the worst things the pickets experienced. In eight weeks, Kresge's trade was so seriously hurt that the store capitulated. The pickets were invited in to have a cup of coffee and to sit at the lunch counter that had denied black customers service for so many years.

Victory convinced the Coordinating Committee that picketing could be a powerful weapon in the fight for desegregation. It resorted to sign-carrying on a large scale twice while the Thompson case was moving through the courts: once against the Hecht Company on 7th Street

and once against the G. C. Murphy store on F Street. The focus on the lunch counters in downtown variety and department stores was the brilliant choice of Annie Stein. An earlier picketing effort of an upper Connecticut Avenue drug store by the Fellowship for Reconciliation had failed because the store had few black customers and no incentive to change its policy. The downtown lunch counters, by contrast, were heavily dependent on the black population for their trade. "Don't Shop Where You Can't Eat" became a watchword of the campaign.

Hecht's unwittingly invited the Coordinating Committee's attention. During World Brotherhood Week in February

"Don't Shop Where you Can't Eat" became a watchword of the campaign.

1951, the store ran a full-page ad in the local newspapers featuring a message from Eric Johnston, Economic Stabilization administrator and general chairman of the event. Under a large photograph of a white and black hand clasping, Mr. Johnston called on everyone to work to build "bridges of brotherhood." He declared: "We can't blind ourselves to the disturbing and undermining racial and religious antagonisms in America. They will defeat our good intentions for world brotherhood until we cast them out and live as brothers in our states, communities and neighborhoods—not for a single week in any year, but day by day and year by year."

The ad prompted Mrs. Terrell and Mrs. Stein to call upon Hecht's manager. Heretofore, Hecht's had refused to serve black customers at the basement lunch counter. Did the ad mean the company was now ready to drop the color bar and build a

"bridge of brotherhood?" Apparently it did not. The ad, the manager explained, was "a gesture." The lunch counter would continue to be reserved for white customers only.

Discussions with Hecht's continued for several months; then the store broke off all negotiations. The Coordinating Committee responded by mobilizing a boycott against Hecht's. When it became evident that the boycott was having little effect, out came the picket signs.

For six months, from a tropical Saturday in July 1951, on through a slushy Christmas season, the Coordinating Committee kept a line going in front of the store's main entrance on 7th Street every Thursday night, every noon hour on Friday and all day Saturday.

It was one of the best-dressed picket lines Washington had ever seen. Annie Stein made sure of that. Since the "lost laws" required service of "any well-behaved person," she argued, the pickets ought to underscore that fact by looking particularly natty. Thanks to her, the Coordinating Committee decreed a dress code of exquisite cruelty. Men in coats and ties and women in smart hats and dresses and long silk stockings could often be found pounding the burning sidewalks outside of Hecht's during one of Washington's oven-hot summer days.

The marches were enlivened now and then by guest appearances. Once a prominent local black boxer took part. On another occasion, Josephine Baker, the celebrated singer and dancer and a friend of Mrs. Terrell's (who seemed to know everyone), spared a moment during a visit to the capital to come down to Hecht's, and, when she was refused service at the basement lunch counter, took a turn on the picket line.⁷ The city's black ministers came out several times. Black-run labor unions, notably Local 471 of the Laundry Workers, sent trained pickets out to demonstrate their solidarity with the struggle.



Coordinating Committee members picket G. C. Murphy's on F Street near 13th, N.W. in May 1952. Courtesy, Marvin Caplan.

Scarcely a word of this appeared in any of the city's three daily papers. Hecht's, after all, was a major advertiser.

The climax of the Hecht's campaign came on the Thursday night before Christmas, when a picket line of about 100 people marched in a hailstorm outside the main entrance. Led by a committee member dressed as Santa Claus and carrying cardboard signs that had begun to swell and run, the cold and dripping pickets circled the sidewalk in lockstep, singing words they had set to the tunes of well-known Christmas carols.

Shortly after Christmas, Hecht's surrendered. Annie Stein predicted it. Addressing a meeting of the committee in the laundry workers' hall, just before the big

Christmas demonstration, she said it was her opinion that the store had had enough. They were losing tremendous amounts of business, she said. That was evident from the fabulous sales they were running in an attempt to lure boycotting customers back into the store. "They'll put up with us during December when business is good and during the Christmas rush and maybe a few weeks after that," the author remembers her saying. "But you'll see. When the January white sales start and we're still out there. . . ."

January came and still the management refused to meet with a delegation from the Coordinating Committee. The pickets knew the basement counter was still refusing service because it was their practice to check the counter every week on the chance that the store might have quietly dropped the color bar.

Then one Saturday, in about the middle of the month, a black porter came

out to sweep the pavement while the line was in progress and softly and casually mentioned to one of the pickets that the store had decided to change its policy. The following Tuesday, a black picket leader presented herself at the lunch counter. She found that instead of being ignored or rebuffed, as she had been during all the months she had been checking, she was able to buy a sandwich and a cup of coffee from a white waitress who seemed to pay no attention to the color of her skin. Although the daily press made no mention of the change, the news spread quickly. A day or so later, Mrs. Terrell, Annie Stein, and three black women reporters from the *Afro-American*, the *Pittsburgh Courier* and the *Associated Negro Press* had lunch at the basement counter.

The store would not admit it had changed its policy. When reporters for the black newspapers and a reporter for the retail trade press inquired, they were each told that the store had never discriminated against its black customers.⁸ A short while later, Hecht's removed the counter stools. Apparently the management had decided that if customers had to eat, it would get fewer complaints if whites and blacks stood rather than sat next to each other, thus acting in earnest on what Harry Golden had meant in jest when he proposed his system of "vertical integration."⁹

A pencil vendor, a white man, who sold his wares in front of the G. C. Murphy store on F Street near 13th Street, explained to a few Coordinating Committee pickets one day why they would never win their campaign against the store. Legless, he took up a post outside of Murphy's every business day, propelling himself and his little Rhesus monkey on a wooden platform mounted on castors. A debonair dresser, he wore a white shirt, bow-tie and straw hat in even the hottest weather. As a Murphy's landmark, he seemed to feel he could speak for

the company. Murphy's, he told the author, was "hard." He continued, "and they're too big for you. They're bigger than Hecht's. You're dealing with a big national chain. They're not going to mind the few dollars you may make them lose."

In spite of this well-meant advice, the picketing was initiated in May 1952, and continued throughout the summer. The Coordinating Committee came to Murphy's buoyed by its victory at Hecht's and a subsequent victory at another 7th Street department store, Lansburgh's, which had agreed to open its lunch counters to everyone after two visits from a delegation headed by Mrs. Terrell and Mrs. Stein.

At the time the picketing began, Murphy's was the only chain variety store in the city that still refused to serve black customers at its lunch counter. Two other Murphy stores in Washington had already dropped their exclusionary policy. But the manager of the F Street store seemed determined not to budge. He refused to discuss the matter. When the Coordinating Committee appealed to Murphy's home office, it got a letter back saying such policy questions were left to the discretion of the manager of each individual store.

On a sunny Saturday, with Mrs. Terrell looking on from a little canvas stool set out for her near the pencil vendor, members of the Coordinating Committee took up their signs again and began marching in front of Murphy's. The huge store ran straight through the middle of the block, from F to G streets, with entrances on both. Even so, with rare exceptions, the committee was able to keep pickets in front of both sides of the store every Thursday night and all day Saturday.

Once a group of local ministers came to march. Another time, the Richmond, Virginia, branch of the NAACP sent up an interracial busload of marchers. For the most part, however, the line was maintained by the faithful, the veterans of the six months at Hecht's and the eight weeks



at Kresge's. Despite the muttered threats and shouted epithets of some of the white passersby, the pickets were often encouraged by expressions of sympathy from other pedestrians, white as well as black, and by occasional gifts of money that were pressed into their hands.

No one foresaw the end of the line at Murphy's. It came suddenly one day in September. The manager telephoned Mrs. Terrell and invited her to drop by. She came immediately, accompanied by Annie Stein. After a discussion that lasted several hours, in which they were able to reassure him that his business would not suffer, the manager agreed to open the store's restaurant to all its customers. He inaugurated the new policy by personally conducting the ladies to the lunch counter and treating them to pie and coffee. They

Mary Church Terrell was honored on her eighty-ninth birthday with a testimonial at Howard University on October 4, 1952, in the midst of the Coordinating Committee's campaign. Mrs. Terrell, born in 1863, the year of the Emancipation Proclamation, had campaigned for equal rights for women and for black Americans since the 1890s. Courtesy, Marvin Caplan.

passed the vendor when they left the store and, jubilant, stopped to buy a pencil from him. One of Annie Stein's most vivid memories of that afternoon was the vendor's jaw dropping in astonishment when they told him they had won.

Only four months later, the Coordinating Committee suffered a staggering blow. On January 22, 1953, after a year's deliberation, the U.S. Court

of Appeals for the District of Columbia ruled 5-to-4 that the old laws were no longer valid. Mrs. Terrell told the press that the majority ruling was "a tragedy for the United States. The four fifths of the world's population who are colored people will be shocked by this ruling and by the moral justification given to the evil of segregation."

The decision was one more sharp turn in the case's zig-zag course through the courts. On July 10, 1950, after the first argument in the case, Judge Frank Myers of the Municipal Court for the District of Columbia, had ruled that the laws were no longer in effect, since their omission from the code was evidence that they had been repealed "by implication." He was reversed by the D.C. Municipal Court of Appeals on May 25, 1951, in a 2-to-1 decision. The January 1953 reversal of that court's opinion by the federal appellate court that so shocked the Coordinating Committee was, fortunately, still subject to further review by the U.S. Supreme Court.

By then there was tremendous pressure on the District government to appeal. The pressure came not only from the Coordinating Committee and the liberal groups it represented. It came also from influential groups in the city that were working for home rule. The appellate court had based its ruling in part on the argument that Congress did not have the right to delegate any of its governmental authority to a lesser body, in this instance, the territorial legislature that had enacted the "lost laws." In doing so, the appellate court raised serious doubt that Congress could ever permit the citizens of Washington to govern themselves.

Then, too, what had begun as a local dispute between a few District residents and a restaurant had become a national symbol in the fight against racial discrimination. Both the Democratic administration of Harry Truman and the Republican administration of Dwight D. Eisenhower

found it politically expedient to add their weight to that of the many groups, both local and national, urging that the laws be reinstated. The Department of Justice during the Truman administration filed a "friend of the court" brief with the U.S. Court of Appeals, in defense of the validity of the laws. The Justice Department, under Eisenhower, filed a similar brief when the case reached the Supreme Court, and U.S. Attorney General Herbert Brownell took part in the argument there.

The District appealed the case a few weeks after the adverse ruling by the appellate court. The Supreme Court heard argument in April and on June 8, 1953, reversed the U.S. Court of Appeals in a unanimous 8-man ruling.

The power of Congress to grant self-government to the District, the court said, in the decision by Justice William O. Douglas, "would seem to be as great as its authority to do so in the case of territories." Furthermore, it concluded: "the acts of 1872 and 1873 survived, we think, all subsequent changes in the government of the District of Columbia and remain today a part of the governing body of laws applicable to the District."

"Eat Anywhere!" the *Washington Afro-American* commanded in a banner headline. The two major dailies were more restrained in their reactions. The *Evening Star* deplored the "fuzziness" of the procedure by which a civil right was won through an appeal to a "lost" law. That, it said, was "something less than ideal." However, it observed, "restaurants will be open to all and this—procedure aside—is as it should be."¹⁰

A *Washington Post* editorial saw the Supreme Court ruling primarily as "a sweeping victory for home rule." It went on to say that the decision would accelerate the trend in the capital to obliterate "all enforced segregation and discrimination." And finally, in a lofty admonishment to the principal parties in the fight, it declared: "We hope the restaurant owners



Mary Church Terrell and Annie Stein celebrate after the favorable Supreme Court decision of June 8, 1953, declaring the validity of the public accommodation laws of 1872 and 1873, the so-called "lost laws." Courtesy, Marvin Caplan.

will cooperate and put the law speedily into full effect and that those who have led the civil rights fight will give them a fair chance to make the required changes smoothly and harmoniously." In its news stories on the decision, the *Post* made no mention of the Coordinating Committee; it identified Mrs. Terrell merely as "one of three Negro plaintiffs in the case." It reported that the reactions of restaurateurs "ranged from relief to blunt acceptance. Only a few reported that any white waiters or waitresses planned to quit."¹¹

The *Star* quoted Mrs. Terrell saying that the Coordinating Committee would continue its efforts as long as necessary to see that no restaurant would be permitted to violate or evade the laws.

Now that the validity of the "lost laws" was established, the case went back to the Municipal Court for a trial on the merits. If Thompson's Restaurant was found guilty of a violation, as it surely would be, it

faced the possibility of losing its license for a year.

But the Coordinating Committee saw no need to be vindictive. Four days after the Supreme Court ruled, Mrs. Terrell and the three other original complainants went back to the 14th Street restaurant on a pre-arranged visit. Joe Forer followed them in. As he recalls the moment, the manager himself came over and personally, even obsequiously, Forer felt, carried Mrs. Terrell's tray to the table. Satisfied, Forer went back to his office and wrote a letter to the corporation counsel on behalf of his clients saying that since Thompson's was now complying with the law and since its behavior, in denying service, had been no different than that of most of its competitors, there was no reason to single it out. He was therefore withdrawing the complaints.

Anyone who sat with Mary Church Terrell, aged 89, at lunch in one of the newly desegregated restaurants shortly after the Supreme Court ruling, and watched her sprinkle a teaspoon of sugar over her strawberry shortcake, must have supposed that she would live forever. Nevertheless, she died on Saturday, July 24, 1954, at her summer home in Highland Beach, Maryland, little more than a year after the Thompson's Restaurant case was decided and only two months after the *Brown v. Board of Education* school decision.

The Coordinating Committee barely survived her. It was a victim of its own success. It could not bring the coalition it represented to bear on other matters of discrimination, such as jobs, and went out of existence about two years after the decision.

Annie Stein went on to champion other causes. A few months before the Supreme Court decision came down, she and her family moved to Brooklyn where she soon became active in the fight for school desegregation. She died there in 1981, at the age of 68. ☞



Caplan, pp. 25–39

1. Of particular note were two 1948 decisions: *Hurd v. Dodge*, 334 U.S. 24, and *Shelley v. Kraemer*, 334 U.S. 1, both of which held that restrictive covenants in housing deeds were unenforceable. In 1950, the Supreme Court, in *Sweatt v. Painter*, 339 U.S. 629, and *McLaurin v. Oklahoma State Regents*, 339 U.S. 637, struck down the segregation of black students in institutions of higher learning; in this instance, the University of Texas and Oklahoma State. In *Henderson v. United States*, 339 U.S. 816, also in 1950, and *Morgan v. Virginia*, 328 U.S. 373, 1946, it held segregation in interstate travel to be unlawful.
2. Act of June 20, 1872, D.C. Laws 1871–72, Part IV, c. 51, pp. 65–66. Act of June 26, 1873, D.C. Laws 1873, Part II, c. 46, pp. 116–19. Both acts are compiled in *District of Columbia Compiled Statutes, 1887–1889* (Abert & Lovejoy, eds., 1894) c. XVI, pp. 148–54.
3. *Pittsburgh Courier*, December 9, 1944.
4. Henry A. Wallace, Franklin D. Roosevelt's third-term vice president (1941–45), formed the Progressive Party when he ran for president in the 1948 campaign. His refusal to ban Communists from participating in his campaign subjected him and the party to violent red-baiting.
5. Mary Church Terrell, *A Colored Woman in a White World* (Washington, D.C.: Ransdell, Inc., 1940), p. 384.
6. Constance McLaughlin Green, *The Secret City: A History of Race Relations in the Nation's Capital* (Princeton: Princeton University Press, 1967), p. 288.
7. Josephine Baker (1906–1975) was an expatriate black American singer, who became a sensation in Paris after her debut in 1925.
8. The author was the reporter from the retail trade press. Ethel Payne from the *Pittsburgh Courier* and another black reporter told the author they received the same answer when they called the store.
9. The wry suggestion of humorist Harry Golden, that the way to accomplish the mixing of the races without rancor was to see that whites and blacks never had to sit down together, was widely quoted during the 1950s and 1960s. In one of his books, *The Best of Harry Golden*, he observed, "The white and Negro stand at the same grocery and supermarket counters, deposit money at the same bank teller's window, pay phone and light bills to the same clerk, walk

Washington History, Spring 1989

through the same dime and department stores,
and stand at the same drugstore counters. It is
only when the Negro 'sets' that the fur begins to
fly."

10. *Washington Star*, editorial, June 9, 1953.
11. *Washington Post*, June 9, 1953.

