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Wayne, this guy just leaned over and spit right in his face. Wayne threw the picket sign down, (laughing) grabbed the guy by the collar, and he said ‘you goddamn son of a bitch. I’m not non-violent!’ And the guy tore his shirt, just ripped up his shirt trying to get away. (laughing uproariously) And he went running down the street. Wayne was standing right next to me saying ‘Come back you god damn ass hole.’ And everybody there was just laughing like hell. It really was funny.

There was this time in front of the Carolina theater, the one that’s been restored now, but then was just an old theater, downtown theater. But it belonged to the city. And we thought we had a good legal case to picket that, to make them let black people come in, because it was tax paid, tax made, tax owned, tax maintained, and it was illegal for them to discriminate against tax payers. And so … we … Floyd thought of this round robin, he called it. That was back before they closed down the section between the city—what’s now the Durham Arts Council. It was city hall then, and the Carolina Theater, and there was an alley in between them.

And, so, the march started down at NC Central, it was NC College—North Carolina College for Negroes. And people marched up, and then they started lining up at the ticket booth—all black, students, and I was one of the white people who had bought tickets before it started, before they got there, I had bought tickets, so we had tickets in our pockets. The guy came in the hall, his-name. and we all had tickets in our pockets. Big moment, and we started this….Floyd thought of it—the round robin thing. He was the legal advisor for all of us. And Victor Bryan a distinguished old lawyer from Durham was lawyer for the theater. He was advising the manager and the assistant manager.

Jn. Did they know beforehand that this was going to happen?

J. The word was out, that they were going to go after the Carolina Theater. No body knew exactly what was going to happen, what that meant. But the word was out. Anyway, the thing was….this was in the summer, and a day like this…it was daylight saving time and it was light until really late and each black student would go up and say to the cashier ‘I would like one ticket please.’ And she would say ‘I can’t sell you a ticket.’ And they would say ‘Is it because of my race’? And she would say ‘I can’t sell you a ticket.’ And they’d say ‘Is it because of my race’? (a little stronger emphasis). And they would say ‘Is it because of my race’? And she would say ‘I can’t sell you a ticket.’ And he would leave and the next person would come up and say ‘I’d like one ticket please.’ And she’d say ‘I can’t sell you a ticket.’ And they’d do the recital. And then they would go around and get in line behind the others. And so it just was going on and on. Until, we were waiting for the time to make the break. But then, all of the sudden this pick-up truck pulled up. That was back when it was legal to park across there. It pulled up in front of the theater, right in front of the armory. And pulled up to park and these two guys got out and, man… if you could have known in the ‘60s those two guys got out--one of them with the white
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tee-shirt with the sleeves rolled up and the Lucky Strikes in the sleeve. The other guy wearing a black windbreaker unzipped down to his naval, you know, and the sleeves rolled up partly. And we were standing over near the bicycle racks waiting to see what was going to happen. And these guys got out of the truck and I said ‘oh shit, oh shit.’ And so, of course the Durham police did what they did every time. They said ‘get out of here. Let’s just get out of here. Let them just kick some ass. Let’s just fade away.’ They were there to arrest black people. They didn’t want to bother any white people who were…and these two….

Side B

J. They could not figure out what the hell was going on. And one of them walked up to somebody at the window and said ‘what’s going on?’ We want to go to the movie. And the lawyer advised to tell them ‘you’ll have to get in line. And wait your turn.’ And they said ‘WHAT?’ This guy turned around to all of these black students, all of these black demonstrators and said “Look…..” And he told him, they [the people from the Carolina Theater] told him ‘look these people are trying to integrate the theater. And we’re trying to maintain policy.’ And they [the people from the pick-up truck] said ‘Look! I know you people got problems. But I got problems too. My wife lets me out ONE night a month to come to a picture show. And this is the night, and I want to go to a picture show’ (Yelling and laughing).

Everybody who was so tense and scared that we were going to see gunfire and something, you know, just cracked up laughing and just moved back and waved the guy in. They said ‘sell him a ticket. Sell him a ticket.’ And they said ‘yeah, he’s in front of me.’ And they sold him two tickets.

In. Pretty funny. What happened at the end?

J. They went into the theater and then a little bit later--we waited till it got dark, you know just a little darker than this—and we picked out the people who thought that they would be, you know... Joe Amos, and I can’t remember… and the people who had been involved some of these things and we gave them tickets. And so we arranged it so they moved up to the front of the line. And this time instead of going around they waited—five, six, seven of them—and we gave them tickets. Floyd all of the sudden just said ‘GO.’ And they all went running through the front door. And nobody….just surprised everybody and all of the ushers who had been standing and blocking the door were all standing around talking and smoking cigarettes and so they got up to the top of the steps and people stopped them at the top of the steps—the police did, the police had gotten back in. And so they had seven guys lined up, I think it was something like that, lined up coming down the steps to go into the thing, with their tickets, and of course they were scared shitless they didn’t know what the hell was going on. They walked up to the first guy, and the cop pulled out his thing (pad), and said ‘what’s your name?’ Joe Amos said ‘Joseph Amos,’ and
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he said AMOS?. And he said ‘yeah.’ And he (the cop) said ‘what’s your address?’ And he said... whatever it was (doesn’t remember) and he (cop) said ‘what’s your home address?’ Then, he walked past him to the next guy. And (cop) said ‘what’s your name?’ and the next guy had been involved in these things before, and he said ‘am I under arrest’? And he (the cop) said ‘NO, what’s your name?’ And he said ‘if I’m not under arrest, I don’t have to give you my name.’ And the guy (first one) in front snapped his fingers and (laughing) was so embarrassed that he had blown it, his big moment in the movement, that he had blown it. He had fucked up. (laughing) He had been given these instructions and everything and then ‘what are you supposed to do or say? If I’m not under arrest I don’t have to give you my name.’ So he (cop) went to the next guy. And the next guy said ‘if I’m not under arrest, I don’t have to give you my name.’ And he went on with that. Then, while they were taking names, and they said ‘Joe Amos, you go with captain so and so, and the rest of you guys...’. And just about then, I was inside watching because I could go in and out, being white, and all of the sudden, boy the doors popped open on the other side, and obviously Floyd had said outside ‘go.’ And these guys just came running through. And they just threw the tickets at the usher...to the ticket taker and went running in into the auditorium. And they were in the dark auditorium. And there’s nothing anybody could do. (laughing robustly). No body knew who they were, where they were, what had happened. The people who were watching the movie didn’t know what the hell was going on. So then they finally closed the theater, and that...and ‘all of you will be given free passes to come back.’ Course not the black people.

It really was funny. There were funny movements. And everything had to be...they had to protect themselves all of the time so that they couldn’t be then taken to court – federal court and have a federal judge say ‘that’s a violation of law. You don’t have any right to...’ They hadn’t committed any kind of overt racial discrimination. They just wouldn’t sell the tickets. And of course when the case came up, then...it came up and went before the judge and the judge didn’t want to hear any testimony and it was thrown out and then it was appealed to the 5th — what is our circuit?— to the 5th circuit court of appeals in Richmond [actually the 4th circuit]. And all of the sudden we have a judge when we got there. Merhige—we called him ‘meriage’ (??) and he was really gutsy and said just enough to give them the right to appeal to the Supreme Court. [Judge Robert Reynolds Merhige, Jr. was the federal judge for the eastern district of Virginia from August, 1967-June 1998. Federal Judicial Center, www.fjc.gov. No other federal judge could be found with a name similar to Merhige’s.] And when they said that they were going to appeal to the Supreme Court then— you see every time these things would result in a whole lot of publicity which would result in a whole lot of contributions— just like when we were trying to break down the...service at the lunch counters and people would sit-in and they would just sit there, and they would say, ‘I’m not going to serve you, I’m not allowed to serve you...we’re going to close the restaurant.’

And people would just sit there and stay there, and then....You know what desegregated