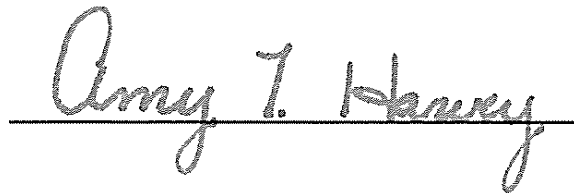


**I, Amy T. Harvey, Deputy Town Clerk of the Town of Chapel Hill, North Carolina, hereby certify that the attached is a true and correct copy of (2018-11-07/R-4) adopted by the Chapel Hill Town Council on November 7, 2018.**

**This the 8<sup>th</sup> day of November, 2018.**

A handwritten signature in cursive script that reads "Amy T. Harvey". The signature is written in black ink and is positioned above a solid horizontal line.

**Amy T. Harvey  
Deputy Town Clerk**



**A RESOLUTION TO ACCEPT THE RECOMMENDATION OF THE COUNCIL SUBCOMMITTEE ON HISTORIC CIVIL RIGHTS COMMEMORATIONS, REFER IMPLEMENTATION TO TOWN MANAGER AND STAFF, AND DISSOLVE THE SUBCOMMITTEE (2018-11-07/R-4)**

WHEREAS, on June 13, 2018 the Council of the Town of Chapel Hill accepted the report of the Historic Civil Rights Commemorations Task Force; and

WHEREAS, the Council further authorized the Task Force's Chapel Hill Nine Subcommittee to develop a recommendation for a physical marker commemorating the first sit-in in Chapel Hill and the Chapel Hill Nine, the first young people arrested in Chapel Hill for demonstrating against segregation; and

WHEREAS, the Subcommittee developed a recommendation for a marker informed by community input, documented historical research, and wider community interests.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council accepts the recommendation of the Chapel Hill Nine Subcommittee.

BE IT FURTHER RESOLVED that that the Council refers the recommendation to the Town Manager and staff for implementation, and that staff will keep Council updated on implementation progress.

BE IT FURTHER RESOLVED that the Council thanks Subcommittee members and Chair, Reginald Hildebrand, for their commitment and contributions. Other members include Nancy Oates, Town Council Member; Ken Broun, Chair of the Historic Civil Rights Commemorations Task Force and former Mayor; James Britt; Dianne Jackson; Danita Mason-Hogans; OJ McGee; Mae McLendon; Cecelia Moore; Megan Stanley.

BE IT FURTHER RESOLVED that the Council finds that the Chapel Hill Nine Subcommittee has fulfilled its charge, its work is deemed complete and the Subcommittee is dissolved.

This the 7<sup>th</sup> day of November, 2018.

Historic Civil  
Rights  
Commemorations  
Task Force  
Chapel Hill Nine  
Subcommittee



Reginald Hildebrand, Chair  
Ken Broun  
Danita Mason-Hogans  
Nancy Oates  
James Britt  
Dianne Jackson  
OJ McGee  
Mae McLendon  
Cecelia Moore  
Megan Stanley



November 7, 2018

# Historic Civil Rights Commemorations Task Force Chapel Hill Nine Subcommittee

## Contents

- Overview.....3
- Subcommittee Goals.....3
- Recommendation .....3
- The Case for Commemoration.....4
  - Design .....5
    - Interests .....5
    - Location.....5
    - Documentary photographs .....6
    - Materials & Design .....7
    - Structural permanence & timeliness .....7
- Appendix A: Letter of Support, West End Wine Bar.....9
- Appendix B: Chapel Hill Nine Subcommittee ..... 10
  - Members..... 10
  - Meetings & Activities ..... 10
- Appendix C: Methodology & Findings ..... 11
- Appendix D: Associated Projects ..... 14
- Appendix E: Harold Foster & Civil Rights in Chapel Hill ..... 15
- Appendix F: References ..... 17

# Historic Civil Rights Commemorations Task Force Chapel Hill Nine Subcommittee

## Overview

On September 27, 2017, Mayor Pam Hemminger formed the Council Task Force on Historic Civil Rights Commemorations (HCRC). She charged this group with developing a timeline of the important people, places and events “significant in the town’s Civil Rights struggle so that they may be commemorated in historical context by the Town, including the sit-in at the Colonial Drugstore and the Lincoln High Students (‘Chapel Hill Nine’) whose actions ignited the integration movement in Chapel Hill.”

On June 13, 2018, the HCRC Task Force presented its report to Council which included a timeline that documented Chapel Hill’s Civil Rights history, fulfilling its charge. The report also laid out a series of recommendations, including authorizing the Chapel Hill Nine Subcommittee to prepare a final recommendation to Council proposing a marker to honor the first sit-in in Chapel Hill and the Chapel Hill Nine.

This report presents that final recommendation and provides updates on associated recommendations, projects, and activities growing out of the work of the HCRC Task Force.

## Subcommittee Goals

1. Develop a recommendation for Chapel Hill Town Council for a commemorative marker, honoring the high school students responsible for Chapel Hill’s first sit-in. To do this, the subcommittee will:
  - a. Reach agreement on the historical narrative around the first sit-in on February 28, 1960.
  - b. Reach agreement on high level interests for a marker commemorating the first sit-in in Chapel Hill, including purpose, location, and narrative.
2. Engage community stakeholders, including Town staff and downtown business owners in the process of developing a recommendation.
3. Continue to assist and inform projects and recommendations begun by the HCRC Task Force.

## Recommendation

Based on the subcommittee’s research and analysis of the historical record<sup>1</sup>, we conclude the following:

- The Chapel Hill Nine refers to the nine young high school students responsible for Chapel Hill’s first sit-in, sparking a years-long struggle for civil rights in Chapel Hill.
- The first sit-in occurred on February 28, 1960 at Colonial Drug, Co. on W Franklin St in downtown Chapel Hill.
- The contribution of young, black high school students in sparking the direct-action movement in Chapel Hill is notable community history.
- This history should be permanently commemorated for the benefit of the whole community and future generations.

---

<sup>1</sup> See Appendix C: Methodology and Findings

## The Case for Commemoration

The struggle for freedom and an inclusive community has no beginning and no end. It is fought on many fronts, in many ways, and has many heroes, the names of most of whom we will never know. But there are some particular moments and individuals who serve to quicken the spirit of a movement, who heighten its urgency, and who make it difficult to pretend that nothing is wrong. There are moments when a few individuals open the floodgates of change with their courage.

On Sunday, February 28<sup>th</sup>, 1960, nine young men who were students at Lincoln High School entered what was then the Colonial Drug, Co. They sat at a booth and simply sought the same service that was given to white customers. They remained seated even after they were denied service and told to leave. In time, they left voluntarily and were confronted by police who took down their names as they stood on the sidewalk outside the drug store. Those nine young men were Harold Foster (18), William Cureton (18), John Farrington (17), Earl Geer (16), David Mason Jr. (17), Clarence Merritt Jr. (17), James Merritt (16), Douglas Perry (17), and Albert Williams (16). What set Chapel Hill apart was the remarkably mature leadership of an extraordinary group of high school students, who grew up in this community.

Historian and activist John K. Chapman writes: "What Chapel Hill had, that many other small communities did not have, apparently, was a leadership core ready to take the dare. Without movement experience, formal organization, or the assurance of widespread support, these young black men set the struggle in motion. The initial assault on the Colonial Drug Store, therefore, must be appreciated as an extraordinary act of leadership."<sup>2</sup>

In his highly respected memoir of the Civil Rights Movement in Chapel Hill, John Ehle writes, "The High School students from the Negro community revolted first."<sup>3</sup> In addition, the work of the distinguished historian Marcellus C. Barksdale of Morehouse College also supports the significance of what happened at Colonial Drug. Professor Barksdale writes, "The first direct demonstration—a sit in—was spontaneously formed in front of the Colonial Drug Store... on Franklin Street in Chapel Hill on February 28, 1960."<sup>4</sup> Barksdale also points out what happened that day was the spark that launched a sustained series of civil rights demonstrations that lasted until the spring of 1964.

The landscape of Chapel Hill changes rapidly and continuously. It is important for our community to mark and memorialize the places where significant events in our history took place. The places and moments that we chose to commemorate say something about our social values and our aspirations as a community. Mr. Jared Resnick, owner of the West End Wine Bar, the business now located at the site of the former Colonial Drug Store, joins us in recommending that an accessible, informative, engaging, and aesthetically appropriate commemorative marker be placed at 450 West Franklin Street. The details of the marker we are proposing have been reviewed and approved by Mr. Resnick.

—Dr. Reginald Hildebrand  
Submitted on behalf of Chapel Hill Nine Subcommittee

---

<sup>2</sup> John Kenyon Chapman, "Second Generation: Black Youth and the Origins of the Civil Rights Movement in Chapel Hill, N.C. 1937-1963" (master's thesis, University of North Carolina at Chapel Hill, 1995), 131.

<sup>3</sup> John Ehle, *The Free Men* (New York: Harper and Row, 1965), 34.

<sup>4</sup> Marcellus Barksdale, "Civil Rights Organization and the Indigenous Movement in Chapel Hill, N.C., 1960-1965," *Phylon* 47, no.1 (1986): 31.

## Design

The subcommittee submits this design recommendations to Council with the understanding that such recommendations will inform rather than dictate future decisions.

## Interests

The subcommittee identified and agreed upon the following underlying needs or interests for a marker that commemorates Chapel Hill's first sit-in. Such a marker should:

- Inform visitors about the first sit-in in Chapel Hill, including who the Chapel Hill Nine were and their role in Chapel Hill's Civil Rights Movement.
- Be located in historical context at the site of the first sit-in.
- Be physically and intellectually accessible and engaging to a broad audience.
- Inspire reflection and conversation.
- Be aesthetically pleasing.
- Evoke community history and connections.

## Location

The subcommittee recommends that the marker be physically located at the site of the first sit-in: 450 West Franklin Street, former home of Colonial Drug. Siting the marker at this location places the commemoration into historical context and enriches visitors' experience of the past.

Today, the West End Wine Bar occupies the building that formerly housed Colonial Drug. Members of the subcommittee visited this site and met with management of the Wine Bar to consider how a marker might function at this location. Additionally, the subcommittee spoke with Town staff to learn more about the future plans for downtown and West Franklin Street.

In considering the built environment—both downtown generally and 450 West Franklin specifically—the subcommittee identified the following interests for a marker location. A marker should

- Complement the existing space.
- Allow the sidewalk space outside of the venue to remain flexible.
- Follow all municipal and state codes and regulations.
- Not impede pedestrian traffic.
- Not interfere with sight lines from the West End Wine Bar windows.

The subcommittee has identified the following possible location for a marker, based on these interests:



### Proposed narrative

After extensive research and discussion, the subcommittee reached consensus on the historical narrative. Details about the methodology and findings can be found in Appendix C, beginning on page 11 of this report. Based on those findings, the subcommittee proposes the following short narrative paragraph for a marker:

“On this site on Sunday, February 28, 1960, nine young men from Lincoln High School entered what was then the Colonial Drug Store, sat at a booth and sought the same service that was given to white customers. They remained seated after they were refused service and told to leave. In time, they left voluntarily and were confronted by police who took down their names as they stood on this sidewalk. Their courageous step sparked a decade of civil rights demonstrations in Chapel Hill.”

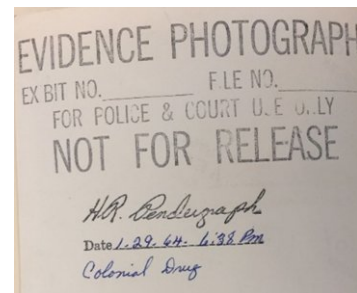
The subcommittee additionally recommends that the marker be inscribed with the names and ages of the Chapel Hill Nine at the time of their arrest by Chapel Hill Police in the summer of 1960:

Harold Foster (18)  
William Cureton (18)  
John Farrington (17)  
Earl Geer (16)  
David Mason Jr. (17)  
Clarence Merritt Jr. (17)  
James Merritt (16)  
Douglas “Clyde” Perry (17)  
Albert Williams (16)

### Documentary photographs

No images of the first sit-in in Chapel Hill are known to exist. However, the subcommittee recommends using documentary photographs on the marker in the interest of creating a commemoration that is accessible, emotionally resonant, and historically evocative. Members searched for images to convey the story of the Chapel Hill Nine and Colonial Drug and ruled out any images already in use on the Freedom Fighters Gateway in Northside. Subcommittee members have examined photographs from the NC collection at UNC, images from newspapers, and images from Jim Wallace’s book *Courage in the Moment*.

The subcommittee recommends two images for inscription on the marker. The first shows a group of student demonstrators outside of Colonial Drug. This image is part of the North Carolina Collection at UNC, found with a collection of evidence photographs taken by the Chapel Hill Police Department.



Images from North Carolina Collection, UNC Libraries



The second image was taken by Jim Wallace who, from 1963-64, was a staff photographer for the Daily Tar Heel. His iconic images of the movement in Chapel Hill have been collected in the book, *Courage in the Moment*. This image clearly displays the name of Colonial Drug, evoking the historical site of the first sit-in, as well as the explicit racism of the Jim Crow era.



Copyright Jim Wallace. Used with permission.

### Materials & Design

Historian John K. Chapman described the location where, in the early days of 1960, Lincoln High School students planned and strategized Chapel Hill's first sit-in: "In the hallways of Lincoln High School, after school at M 'n N's Grill, and late at night on the Rock Wall, black teenagers were talking, reflecting on the protest movement that was spreading across the state, and reaching decisions, both personal and collective, about how to act."



By many firsthand accounts, the "rock wall" featured prominently in the lives of the Lincoln High School students who sparked the movement.

Stone walls are an iconic image of Chapel Hill, walls laid by master rock masons from Chapel Hill's African American community. In considering material use, design, and craft, the subcommittee

recommends taking into account this history. A stone wall connects the past with present and future for generations who may find in this marker a space to talk honestly about their own Chapel Hill.

### Structural permanence & timeliness

Subcommittee members met with Town staff to learn more about the logistical constraints involved in installing a commemorative marker. From these conversations, the subcommittee recognizes that Town staff tasked with implementation will need to seek guidance and approval during the

design and implementation phase from the appropriate Town and State authorities including the North Carolina Department of Transportation, Planning, and Fire.

Additionally, the subcommittee learned that while there will be constraints and opportunities for collaborative problem-solving, the primary issue that will effect implementation is the Town's streetscape plans. This section of West Franklin has not yet received a planned streetscape treatment. When it does, any existing marker will likely need to be moved during construction. The timing of the streetscape project is currently unknown.

Given this uncertainty, the subcommittee weighed two options:

1. Recommending a semi-permanent marker that can be moved as needed and that could be implemented quickly, prioritizing timeliness over other design considerations.
2. Recommending a permanent marker that prioritizes design over timeliness and allows for a greater range of possible materials and interests to be met.

While the subcommittee would like to see this marker installed within the lifetimes of the living members of the Chapel Hill Nine, we ultimately recommend prioritizing design interests—including permanence—over other logistical constraints.

The subcommittee additionally reflected on upcoming dates and their significance for installation of a marker. The subcommittee recommends keeping the following dates in mind for implementation:

- February 28, 2019: proposed date for a dedication of the future site of the commemorative marker
- February 28, 2020: proposed date for completion of the marker installation. This date marks the 60<sup>th</sup> anniversary of the first sit-in by the Chapel Hill Nine.

# Historic Civil Rights Commemorations Task Force Appendix A: Letter of Support, West End Wine Bar



WEST END ENTERTAINMENT  
601 W MAIN ST, SUITE E  
DURHAM, NC 27701  
919.636.8543

October 12, 2018

Town Council  
Town of Chapel Hill  
405 Martin Luther King Jr. Blvd  
Chapel Hill, NC 27514

Dear Council Members,

I am writing in support of the Chapel Hill Nine Committee's proposed commemorative marker honoring the first sit-ins in Chapel Hill.

In 1960, 450 West Franklin Street was home to Colonial Drug Co., the site of the first sit-in protesting the segregated lunch counter housed inside the drugstore. As the current owner of the building and the business, West End Wine Bar, now located at 450 West Franklin Street, I fully support the commemoration of this event with the proposed marker.

The general manager of my companies has met with members of the Chapel Hill Nine Committee to learn about the concept behind the commemorative marker, its proposed location, and initial design concept. The proposed plan has my full support and the support of the general manager, Olivia Gray.

We are honored to be part of this process and proud for this location to be recognized as the site of such an important historical event for the Town of Chapel Hill and its community.

Kind Regards,

Jared Resnick

Owner

Olivia Gray  
General Manager

West End Entertainment, LLC  
601 West Main St, Suite E, Durham, NC  
919-636-8543 | olivia@westendwinebar.com

# Historic Civil Rights Commemorations Task Force

## Appendix B: Chapel Hill Nine Subcommittee

### Members

The subcommittee consists of the following members, representing the listed organizations:

- Reginald Hildebrand (Chapel Hill Nine subcommittee Chair)— UNC, Retired History Professor
- Ken Broun (HCRC Chair)—former Mayor of Chapel Hill, retired UNC professor, downtown resident
- Nancy Oates—Chapel Hill Town Council Member
- James Britt—Brother of Chapel Hill Nine member, William Cureton
- Dianne Jackson—NAACP Board Member, Retired CHCCS Librarian
- Danita Mason-Hogans—Daughter of Chapel Hill Nine member, Dave Mason and Center For Documentary Studies, Duke University
- OJ McGee—UNC Black Caucus
- Mae McLendon—St. Paul’s AME
- Cecelia Moore—UNC Historian
- Megan Stanley—Jackson Center, Coordinator for Youth Leadership and Education

### Meetings & Activities

The subcommittee met weekly from June 26, 2018-October 9, 2018. Meeting time was used to discuss historical records, think through design interests and decisions, and update members on other associated projects. Additional activities:

July 24, 2018	Reginald Hildebrand and Danita Mason-Hogans facilitated a conversation with the living members of the Chapel Hill Nine: David Mason, Jim Merritt, Clyde Perry, and Albert Williams. All members of the HCRC Task Force were invited to be present and ask questions during this conversation. Library staff recorded this event, which will be made available for researchers as well as used to create a short video about the Chapel Hill Nine.
August 14, 2018	The subcommittee submitted a narrative on Harold Foster to the Town’s Naming Committee. The Naming Committee subsequently recommended Foster for inclusion on the Peace and Justice Plaza. This recommendation was approved by Council on September 5, 2018.
August 21, 2018	Sarah Poulton, Downtown Special Projects Manager and Susan Brown, Executive Director of Community Arts and Culture met with subcommittee members to learn about commemorative marker plans and advise the subcommittee on their recommendations.
September 6, 2018	Members of the subcommittee met on site at the West End Wine Bar to consider how a commemorative marker might work with the existing built environment. Olivia Gray, general manager of the Wine Bar, also participated in this meeting.

## Historic Civil Rights Commemorations Task Force

### Appendix C: Methodology & Findings

The subcommittee met weekly throughout the summer and early fall to review and clarify historical accounts and documentation of the first sit-in in Chapel Hill, to develop interests and language for a marker to honor this sit-in, to engage community stakeholders, and to move forward with other HCRC Task Force recommendations.

Subcommittee questions about events that took place on February 28 and the later arrest of the Chapel Hill Nine in July, 1960:

- When was the first sit-in in Chapel Hill?
- Where was the first sit-in in Chapel Hill?
- Who was involved?
- How was this action organized?
- How should we resolve conflicting first-hand accounts?

These questions were important for a few reasons:

1. To ensure accuracy and confidence in the history presented in a commemorative marker.
2. To recognize and honor the indigenous Civil Rights Movement in Chapel Hill, begun by young people within the community, not outside forces.
3. To dispute a common idea that the first sit-in was “spontaneous” rather than planned.
4. To resolve the conflicting accounts and put to rest unease about the lack of clarity of primary source documents.

Sources consulted:

- Primary source documents: Chapel Hill News, Daily Tar Heel, Lincoln Echo
- Oral histories:
  - 1974 oral history with Harold Foster
  - John K. Chapman’s MA thesis interview with James Brittain
- First-hand accounts: David Mason, Jim Merritt, Albert Williams, Clyde Perry

Undisputed information:

- The sustained sit-in/direct action movement for Civil Rights in Chapel Hill began on February 28<sup>th</sup>, 1960.
- Colonial Drug was the site of the initial demonstration and remained a focus of demonstrations for several months.
- The Chapel Hill 9 were arrested on July 26<sup>th</sup> 1960 after a long series of protests at Colonial Drug.

Divergent Accounts in oral histories and first person accounts:

First Person Accounts: David Mason, Albert Williams, Jim Merritt, and Doug Perry agree that there was a single sit-in on February 28, 1960. This event happened after church. A meeting had been set by Harold Foster the previous Friday (February 26, 1960) for a group of Lincoln High School students to meet after church on February 28, 1960. The people present at this meeting were Clarence Merritt Jr, Douglas Perry, James Merritt, Harold Foster, Dave Mason, Jr., William Cureton, Albert Williams, Earl Geer, John Farrington, and Bernard Britt. Only Britt did not accompany the

group to the sit-in—a precaution based on his prior arrest record. The students then walked together to Colonial Drug Co., sat down for service, were refused and told to leave. When they left, their names were recorded by police officer David Caldwell.

According to both firsthand accounts and the newspaper record, February 28, 1960 was cold and snowy. Additionally, the sun set at 6:10 pm.

Oral History account, as recorded in Chapman's master's thesis: The account told in Chapman's work was created using a 1974 oral history with Harold Foster and Chapman's own oral history with James Brittain. According Chapman, there was a second sit-in on the evening of February 28 which included William Cureton, Earl Geer, Thomas Mason, James Brittain, Harold Foster, James Merritt, and one 1 other unnamed protestor.

In this account:

- Description of events for the entire day (according to Chapman, this is February 28) are very different from first-hand accounts and from the primary source document of the time. In this account there were two different sit-ins and both were informal and spontaneous.
- Harold Foster claims not to have been at the protest earlier in the day on February 28.
- Chapman makes reference to the lateness of the evening when the second sit-in occurred: "many of the stores on East Franklin Street, in the white business district, were closed."
- Warrants were issued for the arrests of Thomas Mason and James Brittain. Since both were under 15 they were sent to juvenile court.
- No reports of these—or any—arrests or the appearance of Mason and Brittain in juvenile court can be located in any primary source document. The only such references are for the events that occurred in the summer of 1960.

Newspaper Accounts:

February 28 Sit-In at Colonial Drug: According to the Chapel Hill News reporting on the first sit-in, which appeared in the March 3 edition of the paper, a single sit-in occurred on Sunday, February 28, 1960. This action sparked three days of picketing and sit-ins in several downtown Chapel Hill businesses. The actions occurring on Monday and Tuesday (February 29 and March 1) involved as many as 100 students and community demonstrators. However, on the initial sit-in, the newspaper reports:

"The demonstrations were started Sunday night [February 28, 1960] by a small group of students at Lincoln High School...One of the leaders in the young Negro demonstrations, 18-year-old Lincoln senior Harold Foster, said the demonstrations would be resumed next week with adult Negro leadership. He said the group organized Tuesday night and acquired legal counsel also...The demonstrations started apparently without adult participation and without any organization. He said the group of demonstrators were entirely high school students, but another leader in the group was Hilliard Caldwell, 23, an employee of the University." Note: Caldwell joined the group on Monday. No account puts him at the initial demonstration on Sunday, February 28.

July 25-26 Sit-Ins at Colonial Drug: These series of sit-ins, were, by all accounts a spontaneous reaction to feelings of frustration at the pace of change in the community. Again, a group of Lincoln High School students gathered at Colonial Drug to request service. According to a July 28 report in the Chapel Hill News, this resulted in warrants for 11 "teenage Negro boys" including all members of the Chapel Hill Nine and Thomas Mason and James Brittain—both "under 15 and...released to the custody of their parents."

According to this article, “the same students participated in the organized, bi-racial sitdown demonstrations at the drug store last February and March.”

By closely examining all of the information from newspaper accounts, oral histories, and firsthand accounts, the subcommittee distilled the following key facts:

- The time of the July demonstration cited in the news article is 10:20 pm, which aligns with the oral history accounts from James Brittain and Harold Foster.
- Chapman connects the Foster and Brittain accounts to the February sit-in.
- The news article in July 1960 also states that police officer David Caldwell did not make any arrests immediately, but that he was in possession of the names of the young people who had participated.
- According to David Mason, Jim Merritt, Albert Williams, and Clyde Perry no one was arrested as a result of the actions on February 28, 1960. However, police officer David Caldwell took the names of the nine young men present in Colonial Drug who were told that they would be arrested if there was further trouble.
- Arrest warrants were not served until a full 24 hours after the sit-ins on July 25, according to the news account.





The subcommittee has reached consensus on the following details based on these distilled facts:

- The Chapel Hill Nine refers to the nine young men who were arrested, charged, and found guilty of criminal trespass in the summer of 1960.
- The arrest warrants issued for these nine young men came from the list of names held by police officer David Caldwell.
- David Caldwell recorded the names of the Chapel Hill Nine members after the demonstration on February 28, 1960.
- Oral history accounts in Chapman’s master’s thesis more accurately align with the events in July—not February 28. This is based on the characterization of the event (from Harold Foster, the July event was “spontaneous” and unplanned and that he was not a part of the first wave of that sit-in), the time of day described in both the newspaper account and in the oral histories, and the likelihood that 14 year-old high school students would be out on a dark, very cold Sunday night and encounter so many of their friends also out. Such events align well with a summer evening with no school the next day.
- The first-hand accounts from living members of the Chapel Hill Nine dispute Chapman’s account. According to David Mason, he attended only one sit-in during the direct action Civil Rights movement: the sit-in on February 28, 1960. On July 25-26, Mason was not even living at home and was only found by police based on information from Clyde Perry.









In conclusion, the subcommittee has reconciled divergent accounts and concluded that the Chapel Hill Nine were the only participants in the first direct-action sit-in in Chapel Hill at Colonial Drug Co. on February 28, 1960. Additionally, the subcommittee agrees that this action was planned in advance and was not a spontaneous action. These conclusions have formed the basis for the commemorative marker recommendation.

## Historic Civil Rights Commemorations Task Force Appendix D: Associated Projects

In the June 13, 2018 report to Council, the HCRC Task Force made four broad recommendations:

	Share the work of the HCRC Task Force with the community
 History	Authorize the Chapel Hill Nine Subcommittee to develop a recommendation for a commemorative marker.
	Participate with other community organizations in an event to mark Chapel Hill's first sit-in
	Recommend Harold Foster to the Council's Naming Committee for inclusion on the Peace and Justice Plaza marker

Since June 13, members of the Task Force and Subcommittee and Town staff have continued to work on and expand upon these recommendations.

	Council passed a resolution to inscribe Harold Foster's name on the Peace and Justice Plaza.	September 5, 2018
 History	Present Chapel Hill Nine commemorative marker recommendation to Town Council.	November 7, 2018
	Open Our Future, Exhibit launch and reception	November 30, 2018
	Unveil the visual timeline developed from the work of the HCRC Task Force. Makes copies of this timeline available for lending to area schools and community organizations.	November 30, 2018
	Unveil the Local History Trading cards: sets of nine cards, each with an image from the timeline and spanning the decade illustrated by the timeline, will be made available both to the general public and for area schools and community groups.	November 30, 2018
	Screen a short video about the Chapel Hill Nine. The video will then be available for online viewing.	November 30, 2018
	Art in Transit: Installation of images and text about Civil Rights in Chapel Hill in four bus shelters on Franklin Street.	TBD
	Interactive website for timeline currently under construction.	TBD



## Historic Civil Rights Commemorations Task Force Appendix E: Harold Foster & Civil Rights in Chapel Hill

Narrative developed for Naming Committee's consideration, August 2018

February 28, 1960 was a cold, snowy Sunday in Chapel Hill. A group of friends from the segregated all-black Lincoln High School agreed to meet after church at a popular gathering spot--locally owned M 'n N's Grill. There Harold Foster, an 18-year-old high school senior, relayed the plan: they would stage a sit-in at Colonial Drug, a West Franklin Street drugstore and segregated lunch counter on the edge of the African American neighborhoods. Foster had decided: the time had come for Chapel Hill to integrate.

This incident has been characterized by many as a spontaneous action--not planned, not organized. On the contrary, Foster and his friends had been planning this moment for weeks--ever since hearing about what four college students in Greensboro had done 4 weeks earlier at a Woolworth's lunch counter. What they hadn't done is include adults in their planning--teachers, parents, and clergy were wary of direct action and understandably worried about the dangers such a movement would bring to their close-knit community.

But Foster, a Chapel Hill native, had been challenging the status quo his whole life. Teachers were consistently confounded by the boy whom they characterized as a brilliant intellectual and a leader, but also a troublemaker. By the time he was a senior, he was editor of the high school paper, captain of both the football team and basketball team, and vice-president of his class. He also questioned authority at a time when such questioning was viewed as dangerous, even life-threatening, for his community. He was an insatiable reader who had devised his own course of study into African and African-American history. He used that knowledge in challenging authority, and he used it to fuel his peers and their planning.

Evidence of the plan can be viewed in the Chapel Hill News. In February 1960 the newspaper ran a 3-part series entitled "The Negro Speaks on Integration." The February 15 article featured students from Lincoln, including Harold Foster. Foster speaks first and definitively when asked "is integration in Chapel Hill moving fast enough?"

"No, it's not going fast enough."

Later in the article, Foster warns of something to come in Chapel Hill: "There shall be [incidents in Chapel Hill similar to those recently in Greensboro]. Should trespassing warrants be served, I think the Negro is willing to pay the price....We have a 'rebuttal' planned to take place before the next paper comes out. You may have front page news for Monday."

And with that, Foster signaled the start of the direct-action Civil Rights Movement in Chapel Hill. Foster was not simply a participant; he was the undisputed leader among his high school peers. In the months and years to come, he emerged as a community leader, writer, and intellectual who devoted his life to the struggle for social justice--as a writer and activist.

But his true legacy may well be providing that spark--both the heat and the light--on a cold day in February, 1960. Harold Foster set the path for direct-action civil rights in Chapel Hill--a poor, black kid--the world tried to convince him that he was powerless. But Foster refused to listen: "We were disobedient to that extent, disobedient to those who told us to be obedient, but obedient to our own consciences."

## Activities:

- Foster inspired and led fellow Lincoln High students in first sit-ins in Chapel Hill. Chapel Hill was unusual: most communities of its size did not experience protests in 1960. And most early protests in communities of any size were not led by high school students.
- Foster and the other eight students who were present on February 28, known as the Chapel Hill Nine, were arrested and convicted of trespass on September 1, 1960. The Chapel Hill Nine were represented by Floyd McKissick, famed Civil Rights lawyer and the first African American student admitted to UNC Law. In 1966, McKissick replaced James Farmer as the national director of CORE (Congress on Racial Equity).
- On March 1, 1960 the Chapel Hill-Carrboro Committee for Racial Equity (CORE) formed. Foster is made chair of the executive committee.
- May 8, 1960 Martin Luther King, Jr visits Chapel Hill. Photographs of King at Roberson Street Community Center show Foster standing next to King.
- Foster attended college at North Carolina College in Durham (now NC Central), where he becomes editor of the school newspaper.
- In 1963, Foster becomes an early member of Student Peace Union (SPU)--he is the first (and for a while) the only black member and only Chapel Hill native.
- In 1963, Foster is made chair of Chapel Hill Committee for Open Business (COB)
- In August 1963, Foster attends the 1963 March on Washington as part of the local CORE delegation.
- In 1964, on the day Lyndon Johnson signed the Civil Rights Act, Foster was one of 1000 attendees at the National CORE Convention in Kansas City. At that convention, national leader James Farmer urged all attendees to test this act by seeking service at formerly segregated businesses. The results in Chapel Hill can be found on the timeline created by the Historic Civil Rights Commemorations Task Force.
- In later years, Foster was jailed as a result of his protests against the war in Vietnam. He became a literacy teacher while imprisoned.
- Foster was a reporter and writer in North Carolina (wrote for the Carolina Times) and in New York (wrote for the New Amsterdam paper).
- [Photograph of Foster demonstrating](#) is part of collection at National Museum of African American History and Culture.
- In 2008, Foster was named as the winner of the Rebecca Clark Award for service to the community.
- Harold Foster died on December 5, 2017.

# Historic Civil Rights Commemorations Task Force

## Appendix F: References

References consulted and cited in developing context and content for commemorative marker:

### Books

- The Free Men by John Ehle (1965)  
Description: describes the experiences of a handful of dedicated young students, both black and white, during the 1963-64 civil rights protests in Chapel Hill, NC.
- Courage in the Moment: The Civil rights Struggle, 1961-1964, photographs by Jim Wallace and text by Paul Dickson (2012)  
Description: In 1961, the editor of The Daily Tarheel sent his staff into the streets of Chapel Hill to cover local civil rights activities.

Articles, theses/dissertations, and various online/print resources:

- John K. Chapman master's thesis: "Second Generation: Black Youth and the Origins of the Civil Rights Movement in Chapel Hill, N.C., 1937-1963".
- Marcellus Barksdale article "Civil Rights Organization and the Indigenous Movement in Chapel Hill NC, 1960-1965." Phylon (1986).
- Marcellus Barksdale dissertation: "The Indigenous Civil Rights Movement and Cultural Change in North Carolina: Weldon, Chapel Hill, and Monroe: 1946-1965," Duke University, 1977.

Oral Histories and firsthand accounts:

- HCRC Task Force interview with living members of Chapel Hill Nine, July 24, 2018.
- Un-digitized oral histories at Duke University, including Harold Foster (1974), William Cureton (1974) and other key participants in the Chapel Hill Civil Rights Movement
- Oral Histories & photographs from Marion Cheek Jackson Center Oral History Trust: <https://archives.jacksoncenter.info/>

Archival Papers from Southern Historical Collection

- John Ehle papers: <http://finding-aids.lib.unc.edu/04555/>
  - Photographs used in The Free Men (not digitized).
- John Kenyon Chapman papers: <http://finding-aids.lib.unc.edu/05441/>
  - Transcripts of interviews with Harold Foster, William Cureton, James Brittain.
- Roland Giduz Photographic Collection: <http://finding-aids.lib.unc.edu/P0033/>.
- Police Evidence photographs

Chapel Hill Historical Society and/or Chapel Hill Public Library

- Chapel Hill News (bound and on microfilm)

Commemorations Resources:

- Waldrop, M. (Oct 23 2017). Historical markers help civil rights activist make better memories. Columbia Business Report. Retrieved March 29, 2018: <https://columbiabusinessreport.com/news/uncategorized/73178/>.
- (May 27, 2017). Historical marker installation. Chapelboro.com. <http://chapelboro.com/calnedars/historic-marker-installation>.
- Town of Chapel Hill. (February 16, 2009). Historical civil rights marker to be unveiled Feb. 28. NewsList. [http://www.townofchapelhill.org/Home/Components/News/News/432/2539?npage=211&arc\\_h=1](http://www.townofchapelhill.org/Home/Components/News/News/432/2539?npage=211&arc_h=1).