The Long Hard Fight for Equal Rights: A History of Broward County's Colored Beach and the Fort Lauderdale Beach 'Wade-ins' of the Summer of 1961

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Introduction

Nearly nine years after Miami-Dade County had established a beach for African-American residents at Virginia Key, and after almost a decade of persistent requests by African-American residents, in 1954, Broward County founded its own Colored Beach , a mile-long stretch of beachfront property at the northern tip of what today is known as John U. Lloyd Beach State Recreation Area in Dania Beach. Lloyd had been Broward County's longest serving county attorney and the person most responsible for the county's acquisition of Colored Beach.[1]

Unfortunately, like the beach at Virginia Key, there existed at first no easy access to the beach. The lack of easy access forced most of Broward County's black residents to take a ferry from Port Everglades to reach it. While Broward County commissioners insisted that a road and bridge would be built to the beach, a road would not reach the beach until 1965.

By the summer of 1961, just months after the world premiere of the all-white Fort Lauderdale Beach "Spring Break" movie, *Where the Boys Are*, at Fort Lauderdale's Gateway Theater, black residents had grown weary of Broward County's promises to provide access to the Colored Beach. On July 4, 1961, black residents led by local NAACP President Eula Johnson and Dr. Von D. Mizell, a local black physician, began a

series of "wade-ins" at Fort Lauderdale's segregated white beaches. Weeks later, on August 12, 1961, the City of Fort Lauderdale sued Johnson, Mizell, the NAACP and others, including two alleged segregationists in Broward County Circuit Court to enjoin them from disturbing the peace on the public beach. Prominent black Miami attorney G. E. Graves, Jr., and the NAACP's Frank D. Reeves of Washington, D.C., represented the NAACP, Johnson, Mizell, and Robert W. Saunders, field secretary of the NAACP's Florida Chapter. Almost a year later, on July 11, 1962, Broward County Circuit Judge Ted Cabot, an elected white jurist who had previously served as Clerk of the Circuit Court and as state senator for Broward County, denied the City's request and refused to stop the four defendants from further wade-in activity.

This is the story of the struggle of Broward County's black community to enjoy the county's public beaches beginning in 1927, Broward County's reluctant acquisition of a "colored beach" in 1954 without road access, the beach wade-ins at Fort Lauderdale during the summer of 1961 garnering world-wide attention, and the 1962 state court decision declaring by its refusal to stop the wade-ins the right of African-Americans to use the beaches of Fort Lauderdale on an equal basis with other citizens. Four years later, Cabot would become Broward County's first resident U. S. District Court judge. In 1970, Cabot would preside in Fort Lauderdale over the desegregation of Broward County's public schools, sixteen years after the U. S. Supreme Court decision in *Brown v. Board of Education.*[2]

The Early Years

As early as 1927, Broward County's black residents had attempted to use the public beaches of Fort Lauderdale on an equal basis with white residents. On August 17, 1927, in an article entitled, "Use of Beach by Negroes Is to Be Stopped," the Fort Lauderdale Daily News reported that "[o]ne of Fort Lauderdale's major problems" concerned "the selecting of some site on the ocean front as a place for negroes to bathe." The article observed that "negroes have been shunted from one place to another on the beach at its northern [uninhabited] end." On Thursdays and Sundays, especially, hundreds of blacks visited the beach, many of whom traveled from as far away as West Palm Beach and Miami. Owners living on "exclusive and valuable" beachfront property, however, objected to "the negroes using the ocean sands in

front of their places for holiday frolics," the newspaper article reported. City officials worried over "cars crowded with negroes in bathing suits" using Las Olas Boulevard during "congested periods," as well as the "[p]ossibilities of traffic accidents because of speeding." For the preceding eighteen months, city commissioners reportedly felt that blacks were "entitled" to "a place" on the beach. Local black residents had been agreeable to having their "bathing place moved from one section or another." But visiting non-resident blacks had shown a greater tendency to spread out over "restricted territories." Accordingly, city officials ordered local police to insure that black residents used the beaches north of the city limits along today's exclusive Galt Ocean Mile, part of a massive tract of land owned for many years by Chicago lawyer Arthur T. Galt, in what is today the northeastern part of the City of Fort Lauderdale.[3]

In the ensuing decades, blacks throughout Broward County and perhaps throughout South Florida continued to use the nearly uninhabited beaches north of Fort Lauderdale owned by Galt, apparently with the Chicago lawyer's acquiescence, and apparently without incident.

Segregation had long been in practice and a part of Florida law. In fact, Florida's 1885 constitution explicitly prohibited the teaching of white and "colored" children in the same school, a restriction given even greater force when the United States Supreme Court announced in *Plessy v. Ferguson* the "separate but equal" doctrine eleven years later in 1896. As a result of these and other so-called Jim Crow laws, there existed throughout the state during the first half of the twentieth century a long-standing *de facto*, if not *de jure*, practice of segregating blacks and whites in the use of various public accommodations, including public restrooms and public transportation, as well as public recreational facilities, including parks, playgrounds, and public beaches.[4]

The Push for "A Colored Beach" in Broward County

Following the end of World War II, with the return of veterans both black and white to their homes in America, black residents began pressuring Broward County commissioners to establish a beach for black residents as early as 1946. On Tuesday, May 14, 1946, a delegation of members of the Negro Professional and Business Men's League, Inc., appeared before the Broward County Commission to present a petition seeking "a public bathing beach for colored people in Broward County."

Dr. Von Mizell, one of Broward County's earliest black physicians, petitioned the Broward County Commission in 1947 for a beach for the county's black population. Courtesy of Fort Lauderdale Historical Society, S-14726.

Commissioners authorized the chairman, F. L. Neville (Dania), to appoint a committee to study the problem, whereupon Neville appointed fellow commissioners Charlie Barnie Smith (Hollywood) and J. B. Wiles (Deerfield) to investigate the possibility of securing a beach for black residents. For a year, however, nothing happened. Almost a year later to the day, on Tuesday, May 13, 1947, Dr. Von D. Mizell, one of Broward County's most prominent black leaders, led a delegation of "colored persons" to request a beach area for the use by "the colored population." Commissioner Smith responded that a committee had been working on the matter for some time and "hoped to have something definite to offer in the near future." Mizell, an early black physician in Broward County and one of the founders of Provident Hospital in Fort Lauderdale for black patients, would become a leader in the fight for the county's purchase of the "colored beach" in 1954 and a prominent figure in the wade-ins at Fort Lauderdale's beaches in 1961.[5]

Two years later, the problem of establishing a county-owned colored beach still had not been solved. On August 23, 1949, County Commissioner William E. Groene (Fort Lauderdale) reported to his colleagues that a meeting had recently taken place with members of the Fort Lauderdale City Commission concerning "the colored recreation problem." The consensus of opinion was that the County Commission should appoint a committee and that each municipality within the county should appoint a two-member committee to work with the county in resolving the "problem." On the basis of Groene's recommendation, the Chairman appointed Commissioners Groene, Smith, and Tony Salvino (Davie) to the county committee. A week later, the County Commission instructed the clerk to notify various municipalities that "a meeting of the colored recreation committee would take place in the Broward County Courthouse on Wednesday, September 14, at eight o'clock in the evening. Despite the appointment of the committee, nothing tangible ever resulted from its meeting, either among the committee members themselves or with city committee members.[6]

By 1950, the post-World War II population of Broward County had skyrocketed to 83,933 from 39,794 in 1940. Five years later, the population would nearly double to 159,065, according to a special census taken that year. By 1952, joining the black community, certain local hotel and motel interests began lobbying the Broward County Commission for a "colored beach." On December 16, 1952, a delegation of members of the Fort Lauderdale Hotel Association appeared before the County Commission to lobby for the county's acquisition of a colored beach. Reviewing past efforts to secure such a beach, Commissioner Groene stated that the owner of ocean frontage south of Port Everglades, J. D. Kline, had refused an offer of $1.5 million for the property, that the county had no funds available to purchase the property, and that he doubted the courts would permit the county to take the property by eminent domain for such a purpose. County commissioners suggested that the hotel association delegation seek the participation of the various beachfront municipalities throughout the county for their help in designating portions of their beaches for black residents.[7]

Four months later, on April 7, 1953, a delegation of thirteen black and white residents, including H. Milton Link, Fort Lauderdale's city manager, appeared before the County Commission as "the Committee on Colored Recreation." Link's committee recommended the county's purchase of the Kline tract south of Port Everglades as the site for a "colored beach." Link estimated the cost of acquisition at $2.5 million and recommended financing it with a bond issue to be retired by an additional one mill property tax levy. The Chairman referred the matter for study and recommendation by the County Parks and Recreation Committee and the County Attorney John U. Lloyd.[8] While plans for acquisition appeared to be moving forward, members of both the white and black communities advocated a delay in the purchase. On June 9, 1953, representatives of the Fort Lauderdale Beach Hotel and Apartment Association appeared before the County Commission to state that it favored the purchase but requested that a proposed bond election to finance it be delayed until after the first of the next year, perhaps to gather additional information on financing and the terms of purchase. Others favoring postponement included various Fort Lauderdale neighborhood associations as well as the Fort Lauderdale Colored Chamber of Commerce. Commissioners voted to defer further action only until after October 1, 1953.[9]

Galt Beach Sold, October 1953

Meanwhile, the only beach available for use by black residents, beachfront property north of Fort Lauderdale's city limits owned by Arthur T. Galt, had been sold in October 1953 to two Fort Lauderdale investors, James S. Hunt and Stephen A. Calder, as part of a massive tract of land comprising 2,466 acres for $19,389,000. Hunt and Calder slated the mile-long stretch of vacant beachfront land for development of a strip of "luxury hotels," today's famed Galt Ocean Mile. The *Fort Lauderdale Daily News* reported that the development would result in blacks losing the only beach in Broward County "now available to them." As noted, Galt, who had owned the property for forty years, never objected to blacks using his beachfront land. On the other hand, county commissioners, knowing that eventually Galt's land would be sold and developed, "had been wrestling for years with the problem of providing the Negroes with a county-owned strip of ocean front." The Kline tract south of Port Everglades had been eyed for purchase, but no purchase price had been agreed upon and no bond amount set for the purchase.[10]

But the sale of the Galt tract and the elimination of Broward County's only beach for blacks did not appear to persuade county commissioners to speed up efforts to acquire a beach for black residents. In November 1953, county commissioners referred to the Parks and Recreation Committee the matter of recommending a date for a vote by county freeholders on a bond issue to purchase "a beach for Negroes." Two months later, the county's bond underwriters wrote county commissioners to advise that a representative would appear before the commission to discuss the proposed bond issue of $2.5 million to acquire and develop "a colored beach." Von Mizell wrote the county suggesting that two black residents be added to the Colored Beach Committee and offered himself as one of the two. But little of substance appeared to be moving county commissioners toward concrete action during the months leading up to the summer of 1954.[11]

U. S. Supreme Court Announces *Brown v. Board of Education* Decision

On May 17, 1954, however, the release of the U. S. Supreme Court's decision in *Brown v. Board of Education* ordering desegregation of America's public schools sent shock waves throughout the South, especially throughout Florida, where education of black and white students in the same schools had been banned by law since the

adoption of Florida's constitution in 1885. The *Fort Lauderdale Daily News* ably summarized the South's fears and its resentment of the decision in its front-page headline: "South Seethes Under Supreme Court Edict: Ruling Invalidating School Segregation Raises Grave Issues, Complete Overhaul of Social, Economic Systems Faces Southern and Border States." Two weeks later, on June 1, 1954, in a letter to county commissioners, Dr. Mizell requested that the county provide a temporary "negro beach" until the details of the purchase of the Kline tract could be worked out. Four days later, Mizell, leading a delegation of "colored citizens," appeared before county commissioners representing "the entire County," including various black chambers of commerce, the Ministerial Alliance, and the NAACP, to seek a temporary beach somewhere along the beaches of Broward County to use during the summer until a permanent beach could be purchased. But on June 22, 1954, county commissioners appeared somewhat stymied in their efforts to acquire a "colored beach." The Pompano Beach Junior Chamber of Commerce disapproved of the use of the so-called Bessemer property between Pompano Beach and Lauderdale-By-The-Sea for a "temporary colored beach" and approved the acquisition of the Kline tract to solve the problem. Still, a week later, on June 29, another delegation of six black leaders pushed for a temporary beach while a delegation comprised of white members representing the Hotel and Apartment Association endorsed commissioners' plans to acquire the Kline tract. Sometime in June, County Attorney John U. Lloyd and County Commissioner Henry J. Driggers (Fort Lauderdale) reportedly traveled to New York to negotiate the Kline tract's purchase, apparently under a "must" date of July 4 to acquire the beach set by county black leaders. Within a few days of their June 29 meeting, county commissioners arranged for the temporary use of the Kline tract every Sunday, beginning on Sunday, July 4, 1954. [12]

Broward County Acquires "Colored Beach"

While county commissioners struggled with the issues of acquiring and funding a "colored beach," in September 1954, a Broward County non-profit organization had been working behind the scenes to acquire the Kline tract for turnover to Broward County. Comprised of an all-white group of leading Broward County government and business leaders, including J. Milton Link (Fort Lauderdale city manager and chairman of the Colored Beach Committee), E. Thomas Wilburn (Fort Lauderdale), Joseph Steiert (Fort Lauderdale), H. D. Perry (Hollywood)

State Senator Ted Cabot (standing, center), flanked by Broward County Sheriff Amos Hall (left) and Broward State Representative A. J. Musselman, Jr. (right), witness Governor Leroy Collins sign the 1955 bill authorizing Broward County to purchase Colored Beach. Courtesy, Florida Photographic Collection, Tallahassee, Fla.

and H. Hardy Wright (Pompano Beach), the Broward Public Recreation Association closed on the purchase of the Kline tract, which had been listed for sale at $2.5 million, for the then staggering sum of $1.6 million. An initial payment of $160,000 was made immediately, with the balance of $1,440,000 secured by a mortgage and payable in installments, the second payment of $90,000 due by December 15, and subsequent annual payments of $250,000 to be made on December 15 of each succeeding year until the total purchase price had been paid in full. Working also behind the scenes, county officials arranged for temporary financing from three Fort Lauderdale banks and a Dania bank, with repayment of the down payment and mortgage to be made from a three-mill property tax levy. On September 21, 1954, the same day county commissioners approved the purchase, the Association deeded the one mile strip of beachfront property south of Port Everglades to the county, subject to the Kline mortgage.[13]

In an editorial appearing in the *Fort Lauderdale Daily News* the following day, the paper commended county commissioners for purchasing the beach, "primarily for our Negro residents." The paper warned, however, that the black community should not expect "a beach overnight," noting the overgrowth of brush, the need for cleanup and improvements, and the lack of adequate access until a road and bridge could be built to the area. A court case, the paper noted, had already been filed, challenging the power of the county commission to assess a special levy for the beach, alluding to the filing of a suit by Hollywood, Inc., a major landowner near the beach.[14]

A special act of the Legislature, which became law on May 28, 1955, cured a possible defect in the county's acquisition of the Kline tract subject to a mortgage. Broward County did not appear to possess the legal authority to acquire the property subject to the indebtedness. In approving the purchase, state legislators expressly found the purchase price of $1.6 million and the down payment of $160,000 subject to a

mortgage of $1,440,000 reasonable and fair and further ratified all of the county commission's acts in acquiring the Kline tract. One of the bill's sponsors was Broward County State Senator Ted Cabot, who eight years later would become the Broward County circuit judge responsible for presiding over the beach 'wade-in' suit brought by the City of Fort Lauderdale against the NAACP in 1961. The act devoted not a single word to a description of the beach as a beach for the black community.[35]

Throughout other parts of Florida, as a result of the *Brown* decision, blacks had become more active in challenging segregated public recreational facilities. During the summer of 1955, Horace Hill, a Daytona Beach attorney, led eight car loads of black residents in a swim-in at Daytona Beach. A year later, St. Petersburg blacks won an injunction permitting them to use the Municipal Spa beach and swimming pool, but the city appealed. Delray Beach had also been the subject of a race discrimination lawsuit. In Sarasota, blacks demonstrated for the use of the city-owned Lido Beach. Sarasota County gave black residents until May 1, 1956, to accept a segregated beach plan or risk a referendum calling for the sale of all public beaches. Miami Beach permitted its forty black residents to use the two city-owned golf courses, while Miami blacks petitioned for desegregated play at the municipal links they had played only on Mondays since 1949.[36]

Broward County's Colored Beach during early 1950s at today's John U. Lloyd Beach State Recreation Area, Dania Beach, Fla. Courtesy, Gene Hyde Collection, Fort Lauderdale Historical Society, H4859(4).

Yet in Broward County all seemed well. By 1956, the County had acquired a glass-bottom boat to ferry black residents to the Colored Beach. On March 6, 1956, Clarence Glasco, Jr., a black lifeguard employed at the beach, reported to county commissioners that attendance had been on the increase, with the greatest usage on Thursdays and Sundays "due primarily to the schedule of [black] working hours during the winter season." Still, there were no tables, no rest rooms, no shelter, no water, and no road access. There were, however, efforts among whites and blacks to improve race relations. In July 1956, the Greater Fort Lauderdale Ministerial Association formed a bi-racial organization

called the Fort Lauderdale Council on Human Relations. Co-presided over by Dr. George Foster, senior minister of the white Park Temple Methodist Church (now, the First United Methodist Church, the city's oldest congregation), and the Reverend J. W. Toomer, pastor of the black community's oldest congregation, now called First Baptist Church Piney Grove, the group won the praise of the Fort Lauderdale chapter of the NAACP. Leaders of the new group pointed to the city's construction of a pool at Sunland Park, a recreational facility built for blacks, and the county's acquisition of Colored Beach as "indicative of careful planning and a spirit of cooperation" that existed in Broward County. Toomer stated that the biggest problem facing the county's residents was '"a lack of understanding'" and that the purpose of the council was to work out race relations "[l]ike grown-ups." Although conceived by clergy, the association was to be operated by lay people with membership open to all persons.[17]

On November 5, 1956, Broward County Circuit Judge Lamar Warren ruled against Hollywood, Inc., in its two-year old suit against Broward County seeking invalidation of a referendum to be held on a proposed property tax increase for the purchase of the Colored Beach, thereby clearing the way for a vote the following day. While the vote count fell short of the required fifty percent of freeholders registered-to-vote plus one more vote, Hollywood, Inc., continued to press litigation in the Florida courts for another three years to stop the acquisition on various grounds. On June 25, 1957, however, a large majority of Broward County freeholders approved the purchase at a special referendum. Finally, on February 26, 1959, the Florida Supreme Court unanimously denied the company's last attempt to invalidate the purchase.[18]

African-American residents boarding ferry at Port Everglades bound for Colored Beach. Courtesy, Gene Hyde Collection, Fort Lauderdale Historical Society, H7672 (1).

City Sells Municipal Golf Course

Nevertheless, no road access yet existed to Colored Beach. And like the rest of the South, Broward County engaged in its own form of "massive resistance" to avoid the inevitable implications of the *Brown* decision in desegregating the public schools. On December 19, 1956, the United

States Court of Appeal, Fifth Circuit, ruled in *City of St. Petersburg v. Alsup* that the City of St. Petersburg's operation of a pool and beach on a segregated basis denied black residents equal protection of the law. It was only a matter of time before the courts would desegregate Fort Lauderdale's beaches. But like many cities throughout the South, the City of Fort Lauderdale would even sell one of its public recreational facilities rather than accept integration.[19]

By the summer of 1956, a group of black residents had pushed the issue of using the only golf course owned by the City of Fort Lauderdale. Led by Dr. Joseph Moorhead, a group of two hundred and fifty blacks, members of the Northwest Golf Association, sought to play the course just one day a week. On July 2, 1956, at a meeting at the Broward County Courthouse, City Attorney Julian Ross asked Broward County's three-man delegation comprised of State Senator Ted Cabot (Fort Lauderdale), House Speaker Ted David (Hollywood) and State Representative A. J. "Jack" Musselman, Jr. (Pompano Beach) for legislation authorizing the city to sell the golf course. Moorhead stated that since the course was tax-supported, blacks were entitled to use it. Moreover, the group said, they were not asking for integration but just some time on the course. Ross noted, however, that Miami Springs had permitted blacks to use its course one day a week, but now "they were shooting for the whole works."[20]

With no resolution in sight, Moorhead hired two black Miami attorneys, Grattan Ellesmere ("G. E.") Graves, Jr., a native of Virginia, and Edwin L. Davis, to bring suit in federal court against the City of Fort Lauderdale. On February 21, 1957, Miami-based U. S. District Judge Emett Clay Choate, a sixty-five-year-old Columbus, Ohio native, sided with Moorhead, ruling that not only did the City's resolution denying black residents the right to use the City's golf course on an equal basis with white residents run afoul of Brown's abolition of the 'separate but equal' doctrine, but the City of Fort Lauderdale had made no golfing facilities available to black residents at all, whether equal or not. To avoid the consequences of the ruling, in July 1957, city commissioners sold the 18-hole course that had been appraised at $1 million for $562,400 after a 3-2 vote, with Mayor John V. Russell in opposition. Time magazine quoted Russell as stating that the sale was "a step backwards in solving our problems." During a long career in the fight for civil rights, Graves would become prominent in the desegregation of

the Dade County Schools, the City of Miami Parks, beaches, railway stations, and bus terminals, and in defending the rights of several members of the NAACP, including his own and those of other Miami residents during the Johns Committee's investigation of alleged Communist activity within the organization. In Broward County, Graves would soon win acclaim for his representation of the NAACP in the City of Fort Lauderdale's attempts to stop the wade-ins at Fort Lauderdale's all-white beaches.[21]

Beach Wade-ins

By 1960, Broward County still had not constructed road access to Colored Beach. And little if any improvements had been made in the facilities there. Black residents still traveled to the beach by ferry. On December 21, 1960, the collegiate movie romp, *Where the Boys Are,* featuring an all-white cast including Paula Prentiss and Connie Francis, enjoyed its world premiere at Fort Lauderdale's Gateway Theater on Sunrise Boulevard, about a mile west of the Fort Lauderdale Beach. White college students had been invading the beaches of Fort Lauderdale during Spring Break for nearly three decades. So chaotic had become the invasion that, on February 7, 1956, the Fort Lauderdale City Commission enacted a little-noticed ordinance making it unlawful to disturb the peace on a public beach and deeming any person engaging in such conduct and refusing to leave upon order of the police "a rioter or disturber of the peace." The city would later employ the law in an attempt to defuse the beach wade-ins.[22]

By the summer of 1961, Broward County blacks had run out of patience over the county's promise to build road access to the Colored Beach. On July 4, 1961, exactly seven years to the day after the Fourth of July holiday when Broward County first secured temporary use of the Colored Beach for black residents, Eula Johnson, president of the local chapter of the NAACP, and Dr. Von Mizell instituted the first in a series of wade-ins at the Fort Lauderdale public beaches north and south of Las Olas Boulevard that lasted until August 8, 1961. The wade-ins attracted both the attention of the press world-wide and the hostility of many local whites.[23]

The first wade-in attracted the notice of the *New York Times,* which reported succinctly: "Seven Negroes staged a 'swim-in' at Fort Lauderdale's crowded public beach today. There were no incidents."

The group included Dr. Mizell, Eula Johnson, one other adult and four black college students. Only the students entered the water at the beach at the east end of Las Olas Boulevard. They arrived at nine o'clock in the morning and left an hour and forty-five minutes later. Mizell promised a repeat of the wade-in, which had been sponsored by the NAACP, and told the local press that the demonstration had been "brought on by failure of the county to build a road to the Negro beach." Johnson hoped the city's beach could be integrated without any disturbance.[24]

Other wade-ins took place on July 9, 19, and 20, with blacks using the beach "without incident or interference from anyone." Johnson, as head of the local branch of the NAACP, sent telegrams to the mayor and chief of police stating the intention of "negro citizens" to use the public beach "on Sunday, July 30 from 9 AM until." She further stated that "[t]hreats had been received from pro segregationists that a riot [was] to ensue upon the present [sic] of negroes at the beach" and requested "very efficient police protection and preservation of order at all time."[25]

Fort Lauderdale police officer confronts 'wade-iners' Alfred Brown, Mathew McCray, and Henry Bently in August 1961 wade-in. Courtesy, Gene Hyde Collection, Fort Lauderdale Historical Society, H28152.12.

On July 23, 1961, about "seventy-five Negroes," according to the *New York Times,* or approximately "100 Negro bathers," a local paper reported, staged still another wade-in at six different locations on the beach. Bathers assembled at Johnson's Fort Lauderdale residence located at 1100 Northwest Sixth Street before heading to the beach in separate automobiles. While no violence was reported, police arrested a black woman, Geneva Smith, on a charge of disorderly conduct for allegedly striking an "unidentified bather." The wade-ins began with small groups of bathers distributed over the length of the beach just south of Las Olas Boulevard and extending north about a mile to Sunrise Boulevard. Lifeguards estimated some twelve thousand bathers used the beach that day. Johnson insisted that if blacks attempting to use the beach were not left alone, two hundred would participate in wade-ins the next time, while at the same time insisting that the NAACP had "nothing to do" with blacks participating in the wade-ins, but would "fight diligently for our

right to do so." "We have every right to use that beach," Johnson stated. Police Sergeant John Miller admitted that "[a]t some places the whites sort of forced them off the beach by massing in numbers." At other places, blacks spread blankets on the beach and waded-in.[26]

A week later, the *New York Times* reported that "[a]bout forty Negroes" staged a wade-in at the south end of the Fort Lauderdale Beach on July 31 for the second straight day. No incidents were reported. Notably, the Times observed what no Florida newspaper had ever previously reported: "The beach was segregated until this summer."[27]

While the *New York Times* reported the desegregation of the Fort Lauderdale beaches as a *fait accompli,* neither Fort Lauderdale city officials nor the black community accepted it as fact. On Friday, August 4, city police attempted to halt the wade-ins, issuing arrest warnings using the five-year-old ordinance making it unlawful to disturb the peace at the beach. Police turned away "[e]ight carloads" of blacks, numbering perhaps as many as forty, heading toward Fort Lauderdale's beaches. Officials stopped them when they pulled their automobiles into beachfront parking spaces, ostensibly to prevent an '"explosive situation'." Lester Holt, the city's police chief, announced that he had cancelled 'days off' and called in off-duty officers. Plainclothes detectives had also been assigned to the beach. Mayor Edmund Burry issued a statement declaring: "We insist on the preservation of law and order and Chief (J. Lester) Holt has been so advised."[28]

In response to the City's tough actions, on August 5, the NAACP announced plans to file a suit in the U. S. District Court seeking integration of Fort Lauderdale's beaches and enjoining city officials from stopping the action. Motivating the action was the use by city police of the beach ordinance to turn away blacks attempting to use the beach on Friday. Robert W. Saunders, field secretary of the Florida chapter of the NAACP, issued a statement supporting the plan and stated that his group also intended to call upon United States Attorney General Robert Kennedy and the Civil Rights Commission to investigate Fort Lauderdale's actions.[29]

Since the July 4 wade-in, Fort Lauderdale police had been on-call twenty-four hours a day, seven days a week. By August 6, when not

working a regular or an overtime shift, every available officer had been placed on "standby," required to report for duty upon telephone notice. For three consecutive Sundays, most of the police force had been stationed at the beach, with no days off. On Sunday, July 30, alone, officers put in four hundred hours of overtime at a cost to the city estimated at $1,200.[30]

On a Sunday morning, August 6, city commissioners met with Saunders, Johnson, and Mizell as representatives of the NAACP in an attempt to resolve the wade-ins and the resulting hostility brewing among some members of the white community. Saunders informed the commissioners that it was their duty to enforce the Constitution and protect citizens who have the right to use the city's facilities; that those who start riots are those who do not want blacks using the beach; that the city should take a stand and arrest anyone who broke a law. He also stated that the city's beach ordinance was being used to promote racial segregation. Johnson told commissioners that the reason why blacks had gone to the beach in groups was for their own protection because the police would not protect them. Despite the meeting, tensions continued to mount, with city leaders contending that NAACP representatives had been distributing flyers advertising a mass meeting of the black community.[31]

Eula Johnson, president of the Fort Lauderdale chapter of the NAACP (1959-1967). Courtesy, Fort Lauderdale Historical Society.

While the filing of a NAACP lawsuit appeared imminent, on Monday, August 7, the wade-ins resumed with police reporting blacks in automobiles distributing "loads of wade-iners" at three different locations along a one-mile strip of beach. Using the 1956 ordinance, police ordered more than thirty black and white bathers to leave the beach. At one point, a crowd gathered around some of the black "wade-iners," but the police asked all persons not wearing bathing attire to leave, which resulted in the dispersal of the crowd. Police also permitted a group of thirty blacks using the beach about a mile north of Las Olas Boulevard to continue to do so. Approximately two

hundred blacks, including many youths, gathered at Eula Johnson's residence where Johnson reportedly instructed the youths and others in the crowd on how to act at the beach and to be "careful what we did." Johnson also divided the crowd into three groups, with two groups instructed to walk into the water and the third to "patrol" the beach.[32]

City of Fort Lauderdale Sues NAACP

A few days later, the City of Fort Lauderdale, as opposed to the NAACP, would fire the first and only shot in the legal battle over the beach wade-ins, filing a lawsuit, on Saturday, August 12, 1961, over the wade-in activity at Fort Lauderdale's beaches to enjoin not only the NAACP, Mizell, Saunders, Johnson, and a NAACP representative from New York, a black law student named Callas Brown, but also a white group called the States' Righters, represented by Roger F. Wolf of Tampa and J. H. Keathley of Miami, from further beach wade-in disruptions. Neither the States' Righters, nor Wolf or Keathley, would ever defend the action, ultimately resulting in the entry of a judgment against all three defendants almost a year later, on July 11, 1962, for failing to respond to the suit. City commissioners announced that they had authorized the suit to ease racial tensions, the *New York Times* reported. William J. Kelley, special counsel to the City, reportedly told the local newspaper that the suit was the first ever filed against the NAACP to stop "organized desegregation activities" and the first to name both blacks and whites as potential troublemakers.[33]

Saunders immediately responded to the suit, calling the injunction sought by the city "a waste of time" because "you can't enjoin a person from exercising his constitutional rights." At the same time, in an extensive report on the wade-in activities to the NAACP's national headquarters in New York City, Saunders wrote on August 12 that the wade-ins had been instigated by local black college students returning from colleges in Tennessee, North and South Carolina, as well as Florida A & M University, who had participated in efforts to end racial discrimination in their college towns and cities. Joined by their "local buddies," these students sought new avenues for recreation in Fort Lauderdale. After the police began "cracking down" on the black community, the Fort Lauderdale branch of the NAACP called upon the Attorney General of the United States and the U. S. Civil Rights Commission for assistance. The branch also enlisted the temporary aid of Callas Brown, Special Summer Field Secretary, a law student from Durham, North Carolina.[34]

Saunders also reported that in bringing the suit, the city commission may have been attempting to utilize "the idea behind the Pupil Placement Act," a state law that attempted to circumvent *Brown* by permitting school officials to assign students to schools on the basis of a set of ostensibly nonracial criteria which had the effect of keeping schools racially segregated. Saunders argued that the city commission may have wanted to limit the number of persons using the beach and assign "certain criteria to Negroes before they could use the facility."[35]

A week later on August 19, 1961, Saunders reported in writing to Robert L. Carter, the NAACP's general counsel in New York, enclosing a copy of the complaint against the NAACP. Saunders noted that the city had operated a ferry to Colored Beach at an annual cost of approximately $6,000 and that blacks had not used the public beaches in sizeable numbers until the wade-ins had begun. He also reported that a secret meeting had taken place in a downtown hotel to map out a strategy for keeping African-Americans off the public beaches and that it was common knowledge in the black community that "talk of economic reprisals" was "widespread" and that, according to Johnson, a plan had been discussed to hire "Cuban Refugees to replace Negro domestic workers." It was also reported that city officials had even contemplated selling the beaches, just as the city had sold its only publicly-owned golf course when a federal judge ordered desegregation.[36]

Broward County Circuit Judge Ted Cabot

By 1961, Broward County had four hundred lawyers and just five circuit judges. By blind rotation, the wade-in lawsuit had been assigned to Circuit Judge Ted Cabot, a jurist who had served on the court for only two years. Born on February 5, 1917, at Hobe Sound, Florida, Cabot attended and graduated from the University of Miami Law School while serving as Clerk of the Circuit Court of Broward County from 1945 until 1953. During his six years of private practice before becoming a circuit judge, Cabot also served in the Florida senate from 1954 until 1958, before and after the unsettling Brown decision. Cabot's uncle, John Harvey Grant (1862-1936), an Englishman, was one of the earliest white settlers at Jupiter, Hobe Sound, and Jupiter Island in the late 1800s. Grant also served as a Dade County Commissioner in the early 1890s and as County Treasurer when Dade County stretched from Juno to Miami and later as the first Harbormaster at Port Everglades in Broward County.[37]

Broward County Circuit Judge Ted Cabot (1917-1971), later a federal judge in Fort Lauderdale who presided over school desegregation in 1970. Courtesy, Florida Photographic Collection, Tallahassee, FL.

The lawsuit in Broward County pitted a powerful, well-connected and highly skilled Fort Lauderdale trial lawyer, William J. Kelley, representing the city, against a prominent black Miami civil rights attorney, G. E. Graves, Jr., and a nationally known black attorney from Washington, D.C., Frank D. Reeves, a NAACP lawyer who had played a key role in crafting the winning arguments in the *Brown v. Board of Education* decision.

Attorney for the City, William J. Kelley

Partner in the law firm of Kelley, Tompkins & Griffin, 55-year-old William Joseph Kelley had been practicing law in Broward County since 1941. Born on May 5, 1906, in St. Louis, Missouri, Kelley had graduated with a bachelor of arts degree in 1930 from the University of Colorado after taking courses in geology. He first embarked on a career as an engineer employed by the Richfield Oil Company and later served with the State Road Department of Florida (now the Florida Department of Transportation). In Florida, he also actively pursued a real estate brokerage business before graduating from the University of Miami Law School in 1951. He then joined and later became a partner of what would become McCune, Hiaasen and Kelley, a prestigious local firm which represented a number of large corporations such as Woolworth's, McCrory's, American Telephone & Telegraph Company, and Gulf Oil Corporation. In addition to his legal work, Kelley served on the Fort Lauderdale Hospital Commission, predecessor to the North Broward Hospital District, for thirteen years, and later was appointed by the Governor to serve as the first chairman of the District upon its formation in 1951. Kelley represented the City in the wade-in suit as special trial counsel under then City Attorney, John V. Russell, who had been mayor in 1957 when the city sold its own public golf course rather than desegregate the facility.[38]

Attorneys for the NAACP

Grattan Ellesmere Graves, Jr.

Born on February 11, 1919, in Lawrenceville, Virginia, 42-year-old Grattan Ellesmere Graves, Jr., known as G. E. Graves, Jr., came to

Miami in 1946 to practice law, after earning his law degree at Howard University, Washington, D.C. Graves became prominent as an attorney for the Miami chapter of the NAACP, working on dozens of civil rights cases. As early as 1950, Graves had begun to initiate suits to desegregate public facilities. Sometime during 1950, Graves teamed up with Daytona Beach attorney Horace Hill, who would lead wade-ins at Daytona Beach in 1956, to file suit in federal court to desegregate the City of Daytona Beach's Peabody Auditorium. In 1952, Judge Bryan Simpson in Jacksonville ruled in favor of Graves' client, ordering desegregation of the taxpayer-funded facility.[39]

From L to R: Garth Reeves, Editor of Miami Times, Thurgood Marshall, John D. Johnson, Grattan E. Graves confers with , ca. 1952. Courtesy, Florida Photographic Collection, Tallahassee, FL.

In 1956, Graves filed a federal lawsuit in *Gibson v. Board of Education,* which after a successful appeal ultimately led to the desegregation of Dade County Public Schools in 1959, and another in *Garmon v. Miami Transit Company,* which resulted in the desegregation of Dade County's public transportation system. That same year, Graves filed a third federal action in *Ward v. City of Miami,* resulting, in April 1957, in Miami-based Judge Choate finding unconstitutional the City of Miami's policy of restricting blacks using the city's golf courses to only one day a week.[40]

In 1957, Graves's successful actions and those of other black Florida attorneys, including Daytona Beach's Horace Hill, invited the scrutiny of the notorious Johns Committee, formally known as the Florida Legislative Investigation Committee (FLIC). The Florida Legislature had established FLIC in 1957 to investigate "all organizations whose principles or activities include a course of conduct on the part of any person or group which would constitute violence or a violation of the laws of the State, or would be inimical to the well-being and orderly pursuits of their personal and business activities by a majority of the citizens of this state." Under this law, FLIC conducted hearings during the period February 4, 1957 until March 13, 1957, on the professional conduct of five black Florida attorneys, including Graves and Hill, in representing the NAACP. Charges against these attorneys included

soliciting lawsuits and paying others to bring lawsuits. Although a report was made to the president of the Florida Bar, no formal action was ever taken against any of them.[41]

In 1957, FLIC also subpoenaed members of the Florida NAACP, including Robert W. Saunders and several members of the Miami chapter of the NAACP, including Graves and Father Theodore Gibson, president of the Miami chapter of the NAACP and one of the plaintiffs in the Dade County Schools desegregation suit, to testify and bring records concerning the organization. The struggle over the membership records of the Miami chapter would persist for the next six years, ending in a split 5-4 decision in the U. S. Supreme Court in 1963, reversing a judgment in a Dade County court holding Gibson in contempt and ordering him to jail. The lingering question over NAACP membership records would also come into play during the impending wade-in trial in Fort Lauderdale before Judge Cabot.[42]

A month before commencement of the trial at Fort Lauderdale, Graves would secure one more victory in federal court. In *Brooks v. City of Tallahassee,* along with NAACP lawyers Constance B. Motley and Derrick Bell of New York, Graves represented the plaintiffs in a suit against the City of Tallahassee to enjoin the city from maintaining signs at a municipal airport designating separate waiting rooms, lunchroom counters, and restroom facilities. In barring the city from the practice, Chief Judge G. Harrold Carswell noted that throughout the proceedings the city continued to maintain signs segregating the use of public facilities by race.[43]

Frank D. Reeves

Graves' colleague in the City of Fort Lauderdale litigation, Frank D. Reeves, had been equally accomplished in the practice of law. Born in Montreal, Canada, in 1916, the forty-five-year-old Reeves had become the first black to serve as a presidential administrative assistant when President John F. Kennedy appointed him Special Assistant to the President to advise him on minority affairs in January 1961, eleven months before the wade-in trial at Fort Lauderdale. Reeves had been educated in New York before his family moved to Washington, D. C., where he earned both his undergraduate and law degrees at Howard University. After receiving his law degree in 1939, Reeves began working for the NAACP in New York City on civil rights cases. In the

1940s and 1950s, Reeves served on the faculty at Howard University Law School. During the presidency of Franklin D. Roosevelt (1933-1945), Reeves had served on the Fair Employment Practices Commission, which Roosevelt created by executive order on June 25, 1941, prohibiting companies with government contracts from discriminating in employment on the basis of race or religion. During the late 1950s and 1960s, Reeves served as an advisor to presidential candidates Averell Harriman, Adlai Stevenson, Hubert Humphrey, and John F. Kennedy.[44]

Frank D. Reeves (1916-1973), NAACP lawyer and Howard University law professor. Courtesy, Frank D. Reeves Family Collection.

In the early 1950s, Reeves joined Thurgood Marshall and other NAACP lawyers in formulating the arguments for both the *Brown* decision in 1954 and the second Brown decision the next year, requiring desegregation of public schools "with all deliberate speed." In 1953, Reeves counseled acclaimed black author Langston Hughes before Senator Joseph McCarthy's infamous subcommittee investigating alleged subversive activities. In perhaps his most famous courtroom victory, Reeves represented four black fourth-grade students seeking entry to a white public school in Arlington, Virginia. On January 31, 1959, Chief Justice Earl Warren turned down the Arlington County School Board's request for a delay in integrating the school after more than three years of appeals following U. S. District Judge Albert Bryan's decision ordering desegregation in 1956.[45]

Just over a month before the start of trial in Fort Lauderdale, Saunders reported to NAACP national headquarters that Johnson had become the subject of intimidation and harassment. Apparently, Johnson had asked a male friend to look after her Pure Oil gas station while she attended a meeting to protest conditions at Broward General Hospital. After she returned to the station, she learned that her friend had been questioned about his employment, required to produce an employment identification card, and arrested when he couldn't produce one. She had not employed him; nevertheless, when she went to jail to post his bond of $25, she was also arrested and required to post another bond of $50. Saunders closed his report with the obvious conclusion:

"Apparently there are still efforts to intimidate and harass NAACP leaders in Ft. Lauderdale," a point backed by Graves, who had been representing Johnson.[46]

City of Fort Lauderdale v. Johnson

Two days before the start of the wade-in suit at Fort Lauderdale, on Monday, December 11, 1961, the U. S. Supreme Court vacated the convictions of six black college students for disturbing the peace while "sitting in" at white lunch counters at Sitman's Drug Store and the restaurant section of the Greyhound Bus Terminal in Baton Rouge, Louisiana. The next day, the *Miami Herald* reported the decision prominently in an article entitled, "High Court Voids Suit Against Negro Sit-Ins." Despite the high court's unanimous decision on Monday, on Wednesday, December 13, the showdown between the City of Fort Lauderdale and the NAACP over the wade-ins during July and August began at the Broward County Courthouse in downtown Fort Lauderdale. Judge Cabot expected the parties to call more than fifty witnesses, including all five city commissioners, and to introduce more than fifty exhibits, mostly photographs of the wade-ins. But at the very outset the city sought to impose sanctions against the NAACP for failing to answer certain written pre-trial questions. Cabot denied the city's motion seeking to sanction the NAACP, but granted sanctions as to a black North Carolina law student, Callas Brown, and entered a default against him. Graves argued that Brown was no longer a member of the NAACP, did not represent the organization, and therefore the NAACP could not be bound by his failure to answer. Cabot agreed and deemed the pre-trial statements of the other black defendants as the statements of the NAACP. In reporting on the trial, neither the *Fort Lauderdale News* nor the *Miami Herald* noted that Graves' co-counsel, Frank Reeves, had been the nation's first black presidential advisor.[47]

The city's first witnesses were J. Lester Holt, Chief of Police of the City of Fort Lauderdale, and Sergeant John E. Miller. Holt and Miller essentially related the events as they saw them. Reeves, however, severely limited the testimony of both witnesses by interposing dozens of legal objections to Kelley's questioning. Cabot sustained nearly all of Reeves' objections, often on hearsay grounds. On cross-examination by Reeves, Holt admitted extra police had been assigned to the beach area during the wade-ins because of Fort Lauderdale's custom that blacks never used the area of the beach at Las Olas Boulevard. He further stated that

he anticipated trouble from whites. Holt agreed with Reeves that blacks had the right to use the beach, but said that it was not "normal" for a group of thirty-five to forty blacks to use the beach, then leave the beach, only to be replaced by another group. When Reeves asked Holt why he applied a different standard toward blacks using the beach, Holt replied, "If you disturb a custom or practice, trouble results."[48]

During the second day of trial, Graves and Reeves asked Judge Cabot to dismiss the suit on the grounds that on the basis of Holt's testimony alone, there existed no "clear and present danger" of violence at the beach. Reeves argued further that Holt testified that there was an absence of either a present danger or a future threat of violence, there being no "incidents" at all at the beach since August 7, 1961. In denying the motion, Cabot ruled, and Kelley agreed, that the law imposed on the City of Fort Lauderdale a heavy burden of proving that a clear and present danger existed. The Court then permitted Kelley to call additional witnesses.[49]

On the third day of trial, for the second time, Cabot quashed the City of Fort Lauderdale's motion to require the NAACP, and specifically Eula Johnson as president, to produce its membership records, ruling the city had proven insufficient cause to require the organization to produce them. Reeves argued that the case before the court was simply a private one, with no overriding state interest in the names of the members of the Fort Lauderdale Chapter of the NAACP, and that disclosure would violate members' constitutional rights to privacy. Cabot agreed. Concluding the City's case on Friday, December 15, Kelley presented the testimony of thirteen witnesses, including Mayor Edmund Burry, Eula Johnson, and eight other black residents in a vain attempt to prove that blacks had never been excluded from Fort Lauderdale's beaches. One witness, Roy Cheverton, a newsreel cameraman, testified that he had been working as a freelance cameraman for various news organizations, including the National Broadcasting Company. He filmed the wade-in at Fort Lauderdale on August 3, 1961, observed a confrontation that occurred between blacks and whites on the beach, and then shipped the hundred feet of film he shot to New York for viewing in twenty-nine countries.[50]

The case of the *City of Fort Lauderdale v. Johnson* concluded without Reeves calling a single witness on behalf of any of the defendants. In

fact, the only NAACP official the City of Fort Lauderdale called to testify was Eula Johnson, the president of the Fort Lauderdale Chapter of the NAACP, in an unsuccessful attempt to prove that Johnson had orchestrated the wade-ins and thus encouraged disorderly conduct on the beach. Seven months later, on July 11, 1962, a year and seven days after the first wade-in, Judge Cabot issued his final decree finding in favor of the NAACP, Saunders, Johnson, and Mizell and against the City of Fort Lauderdale. Cabot found in favor of the city only against the segregationist organization Florida States Rights, Inc., and its members Roger F. Wolf and J. H. Keathley, none of whom had ever appeared in the suit, and Callas Brown, the black North Carolina law student who had left the ranks of the NAACP. Cabot held that the city had failed to prove that the acts of the defendants were such a threat to the peaceful and equal use of the public beach by all of the City's residents that an injunction should be issued.[51]

In the aftermath of the decision, the City of Fort Lauderdale inexplicably declared victory, contending that the court had taken jurisdiction of the suit and that the city could use the same kind of suit again in case of future beach disturbances. Kelley stated at the time that it was up to the city commission to decide whether or not to appeal the decision; however, in view of the fact that the beach disturbances had stopped after the suit was filed, an appeal appeared unlikely. In his memoir of his years as executive director of the Florida chapter of the NAACP, Saunders related that Frank Reeves told him after the state court victory that it was the first time he had desegregated a community without having to go into federal court.[52]

In a riveting twenty-nine minute speech made in Fort Lauderdale at the age of 73, twenty-seven years after the wade-ins, Eula Johnson described the fear she experienced when police arrived at the beach for the first time on July 4, 1961, following a report heard on her radio that blacks had been seen on the beach. She also recounted the threats made on her life during the wade-ins and the efforts of some city officials and others to persuade her to stop the wade-ins by promising her special privileges and treatment, even an offer made by the publisher of the *Fort Lauderdale News*, Robert H. Gore, to give her any amount of money she wanted, she recounted, if only she would stop the wade-ins. Johnson nonetheless refused all offers and stated that she would rather die than sell out her race for money or special treatment.[53]

John U. Lloyd Beach State Park

In 1965, the State of Florida completed a road-bridge project connecting the mainland with the Colored Beach, eleven years after the county commission first promised the access. Five years later, the State of Florida opened John U. Lloyd Beach State Recreation Area at the site of the Colored Beach, a barrier island now encompassing more than 251 acres, in memory of Broward County's longest serving county attorney.[54]

Conclusion

Today, the beaches of Broward County are fully integrated. Still, it is one of the great ironies of Florida history that the beach acquired by Broward County for $1.6 million in 1954 to maintain segregation is now named for John U. Lloyd, the person who probably did the most to acquire the land. It is also one of the great ironies that the impetus for the beach wade-ins at Fort Lauderdale was Broward County's failure to provide road access to the Colored Beach before July 4, 1961, seven long years after the county first promised the road. What would Broward County's history have been like had the county timely fulfilled its promise to its African-American community? Would the wade-ins have taken place in 1961? Would desegregation of its public beaches have taken longer? It is a third irony that Ted Cabot, who as a state senator helped sponsor legislation to authorize Broward County's purchase of Colored Beach in 1955, would seven years later as a Broward circuit judge effectively desegregate Broward's public beaches by denying the City of Fort Lauderdale's request to enjoin the wade-ins.

While the *Brown* decision in 1954 declared segregated schools inherently unequal and the second Brown decision in 1955 required public school districts to desegregate schools with "all deliberate speed," Broward County would only begin to desegregate its schools in earnest in 1970, fifteen years after the second decision, and then only after Broward County's Ted Cabot, now a federal judge, ruled against the Broward County school board in the case of *Allen v. Board of Public Instruction of Broward County, Fla.* During the trial, the board simply conceded that it operated a dual system of public instruction. With all deliberate speed, indeed. Cabot died a year later on December 4, 1971, at the age of 54.[55]

One of the NAACP's top lawyers, Frank Reeves, continued to fight for the rights of minorities long after the wade-in suit, representing Mizell in 1970 in a successful federal appeal during a long-running dispute with the North Broward Hospital District, which sought to suspend Mizell's privileges to practice surgery at the District's hospitals as early as July 19, 1961, fifteen days after the first wade-in. Mizell continued to practice surgery during the dispute. Three years after the appeal decision, Reeves died at Freedmen's Hospital (forerunner of Howard University Hospital) on April 8, 1973, at the age of 57. Three months later, Mizell died in Boston on July 16, 1973, at the age of 63. In 1986, a crowd of four hundred gathered for the dedication of the Frank D. Reeves Center for Municipal Affairs at 14th and U streets at the nation's capital in honor of the renowned advocate for civil rights and Howard University law professor.[56]

In Broward County, William J. Kelley continued in his distinguished practice of law in Fort Lauderdale until his death on July 17, 1977, at the age of 71. In Dade County, G. E. Graves, Jr., continued to practice law in Miami. Two years after the beach wade-in decision, Graves made headlines in 1964 when the U. S. Supreme Court invalidated a Florida anti-miscegenation statute making it criminal for a black man to cohabit with a white woman. Graves had defended both parties in the Criminal Court of Dade County and before the Florida Supreme Court. He died in Miami of complications of diabetes on January 17, 1992, at age 72. Eula Johnson, president of the Fort Lauderdale Chapter of the NAACP from 1959 until 1967, died on January 20, 2001, at the age of 86.[57]

The fight for human rights was and continues to be a long, hard struggle for many throughout South Florida and the rest of the nation. And it is important to remember that so much of the fight described here occurred well before Congress enacted the Civil Rights Act of 1964 and subsequent legislation, affording private citizens the right to redress civil rights grievances in federal court. While segregation in public education, housing, and the use of public facilities has been declared illegal for decades, *de facto* segregation still exists in many areas of social life throughout South Florida and much of the nation despite federal legislation.

At present, no plaque or other memorial exists at John U. Lloyd Beach State Recreation Area, designating that portion of the beach comprising Broward County's publicly-owned Colored Beach. It is hoped that someday a proper memorial will be placed there for the education and enlightenment of future generations. History should never be lost.

Endnotes

[1] The beach was known variously during the time period discussed as "the Colored Beach" or "the Negro beach" by both the white and black communities. Among many members of the black community during that time the beach was also known simply as "our beach."

[2] *Brown v. Board of Education,* 347 U.S. 483 (1954).

[3] "Use of Beach by Negroes Is To Be Stopped," *Fort Lauderdale Daily News,* August 17, 1927. See, Joe Knetsch, "Arthur T. Galt and the Purchase of the Galt Ocean Mile," *Broward Legacy* Vol. 18, Nos. 1-2 (Winter/Spring, 1995), pp. 37-44, for an interesting study and discussion of the Galt purchases in 1917.

[4] Art. XII, Sec. 12, *Florida Constitution* (1885); *Plessy v. Ferguson,* 163 U.S. 537 (1896).

[5] *Minutes,* Board of County Commissioners, Broward County, Florida, May 14, 1946. Hereinafter, these minutes will be cited as "*Minutes,*" followed by the relevant date. Minutes, May 13, 1947.

[6] *Minutes,* August 23, 1949. Minutes, August 30, 1949.

[7] *Laws of Florida,* chapter 30628, Special Acts (1955), Vol. 2, Part One, preamble. *Minutes,* December 16, 1952.

[8] *Minutes,* April 7, 1953.

[9] *Minutes,* June 9, 1953. Why the Fort Lauderdale Colored Chamber of Commerce would have wanted to delay the purchase is unknown. The minutes do not reflect the reason for supporting the delay.

[10] "Galt Property Sale Kills Plan of Negro Beach, *Fort Lauderdale Daily News,* October 27, 1953; "Galt Property Improvement to Start Soon," *Fort Lauderdale Daily News,* October 26, 1953.

[11] "Negro Beach Referendum Up for Study," *Fort Lauderdale Daily News,* November 11, 1953. Minutes, January 5, 14, and 19, 1954.

[12] *Brown v. Board of Education,* 347 U.S. 483 (1954). "South Seethes Under Supreme Court Edict: Ruling Invalidating School Segregation Raises Grave Issues," *Fort Lauderdale Daily News,* May 18, 1954. *Minutes,* June 1, 5, and 22, 1954. "Officials Fear New Delay on Negro Beach," *Miami Daily News,* June [26?], 1954]. "Negroes To Get 1-Day Use of East Coast Beach Site," *Tampa Tribune,* July 4, 1954.

[13] "County Closes Negotiations for Purchasing Negro Beach," *Fort Lauderdale Daily News,* September 21, 1954. *Minutes,* September 21, 1954. Warranty Deed executed by Broward Public Recreation Association in favor of Broward County, dated September 21, 1954,

and recorded in Official Records Book 211, at Pages 318-319, of the Public Records of Broward County, Florida. A sketch of survey of the original "Colored Beach" site acquired by the county is attached to the deed and found on page 319.

[14] "Two Events Come to a Head to Make For a Better Community," *Fort Lauderdale Daily News,* September 22, 1954.

[15] *Laws of Florida*, chapter 30628, Special Acts (1955), Vol. 2, Part One.

[16] "Florida," *New York Times*, March 13, 1956, p. 18.

[17] "Negro Beach Use Is Up, County Told," *Fort Lauderdale Daily News*, March 6, 1956; *Minutes*, March 6, 1956. "Racial Relations on 'Right Track'," *Miami Herald* (Broward ed.), June 21, 1956. Interview by author with James Bradley, Jr., on June 5, 2007.

[18] "Vote on Negro Beach Declared OK for Today," *Miami Herald*, November 6, 1956. *Hollywood, Inc. v. Broward County*, 107 So.2d 227 (Fla. 1958); *Hollywood, Inc. v. Broward County*, 108 So.2d 752 (Fla. 1959).

[19] *City of St. Petersburg v. Alsup*, 238 F. 2d 830 (5th Cir. 1956). See, Darryl Paulson, "Stay Out, the Water's Fine: Desegregating Municipal Swimming Facilities in St. Petersburg, Florida," *Tampa Bay History* Vol. 4, No. 2 (Fall/Winter 1982), pp. 6-19, for an excellent discussion of the *Alsup* decision, efforts to resist desegregation, and the eventual success of blacks in obtaining equal access to public recreational facilities.

[20] "Legislators Urge City To Solve Negro Golf Problem, *Fort Lauderdale Daily News*, July 3, 1956.

[21] *Moorhead v. City of Fort Lauderdale*, 152 F. Supp. 131 (S. D. Fla. February 21, 1957). "Races," *Time*, July 22, 1957. "Choate, Emett Clay," Judges of the United States Courts, Federal Judicial Centers (www.fjc.gov) for biographical information on Choate. "G. E. Graves, Jr., Lawyer Who Fought for Desegregation of Dade Schools," *Miami Herald*, January 21, 1992; *Gibson v. Florida Legislative Committee*, 108 So. 2d 729 (Fla. 1959).

[22] Susan Gillis, *Fort Lauderdale: The Venice of America* (Charleston, S.C.: Arcadia Publishing, 2004), p. 92 (Poster). *Fort Lauderdale (Fla.) Code of Ordinances*, Section 9-9, Ord. No. C-1197, § 1, 2-7-56.

[23] See, Deborah Work, *My Soul Is a Witness: A History of Black Fort Lauderdale*, (Virginia Beach, Va.: Donning Company Publishers, 2001), pp. 138-148, for a general discussion of the wade-ins and the leadership role played by Johnson.

[24] "Negroes Stage 'Swim-In'," *New York Times*, July 5, 1961. "Negroes Plan Beach Repeat," *Fort Lauderdale News*, July 5, 1961. See, also, Gary R. Mormino, *Land of Sunshine, State of Dreams: a Social History of Modern Florida* (Gainesville, Fla.: University Press of Florida, 2005), pp. 309-316, for a history of race and Florida's beaches. The Fort Lauderdale Historical Society collection of articles from newspapers and other periodicals pertaining to the wade-ins includes a collection of news articles donated by Mormino.

[25] Complaint for Injunctive Relief, *City of Fort Lauderdale vs. Eula Johnson et al.*, Chancery Case No. C61-3082, Broward County Circuit Court, Records of the Clerk of the Court (microfilm), hereinafter cited as "Complaint", p. 4.

[26] Complaint, p. 4. "Wade-Ins in Florida," *New York Times*, July 24, 1961; "100 Negroes Stage Wade-In; Lauderdale Police Arrest 1," *Miami Herald* (Broward ed.), July 24, 1961.

[27] "Florida Wade-In," *New York Times*, August 1, 1961.

[28] "City Halts Wade-In At Beach," *Fort Lauderdale News*, August 4, 1961.

[29] "NAACP To Sue For Beach Mix," *Fort Lauderdale News*, August 6, 1961. See, also, Robert W. Saunders, Sr., *Bridging the Gap: Continuing the Florida NAACP Legacy of Harry T. Moore*, 1952-1966, (University of Tampa Press, Tampa, Fla., 2000), pp. 220-222, for a personal account of the litigation brought against Saunders, the NAACP and others by the City of Fort Lauderdale to enjoin the wade-ins.

[30] "24-Hour Police Call Makes Hectic Routine," *Fort Lauderdale News*, August 6, 1961.

[31] Complaint, *op. cit.*, p. 7.

[32] "Wade-Ins Are Resumed At Beach, *Fort Lauderdale News*, August 7, 1961; "Police Order 30 Persons Off Beach," *Fort Lauderdale News*, August 8, 1961. "Fiery Speech Organizes Waders, Negro Boy Says," Fort Lauderdale News, August 11, 1961.

[33] Complaint, op. cit., p. 1, bearing a filing date of Saturday, August 12, 1961. "Injunction is Sought, New York Times, August 13, 1961. "City's Suit Sets Precedent," *Fort Lauderdale News*, August 12, 1961

[34] "'Waste of Time,' NAACP Calls Suit," Fort Lauderdale News, August 13, 1961. "Report of Activities for Month of August, 1961," R. W. Saunders to Gloster B. Current, Director of Branches, and Ruby Hurley, S. E. Regional Secretary, *Papers of the NAACP*, Library of

Congress, Part 23, Legal Department Case Files, 1956-1965, Series A: The South, Microfilm Reel 10, Group V, Series B, Case Files, cont'd, Box 40, "Florida," "City of Fort Lauderdale v. Johnson," 0059-213 (incomplete), ed. John H. Bracey, Jr. and August Meier, (Bethesda, Md.: University Publications of America). The author wishes to thank the staff of the African American Research Library and Cultural Center, Ft. Lauderdale, Fla., for locating this important body of material and making available to the author a digital copy of these papers. Hereinafter, this body of papers will be cited as "*Papers of the NAACP.*"

[35] *Ibid.*, "Report of Activities for Month of August, 1961."

[36] R. W. Saunders to Robert L. Carter, August 19, 1961, *Papers of the NAACP, op. cit.*

[37] "Cabot, Ted," Judges of the United States Courts, Federal Judicial Centers (www.fjc.gov) for biographical information on Cabot. See, also, Ola May Grant Oldham, "'Skipper' John Harvey Grant," *Broward Legacy*, Vol. 1, No. 1 (October 1976), pp. 29-30.

[38] "William Joseph Kelley," Junius E. Dovell, *Florida, Historic, Dramatic, Contemporary* (New York: Lewis Historical Publishing Company, Inc., 1952), Vol. IV, p. 742.

[39] "G. E. Graves, Jr.," *Miami Herald*, January 21, 1992. See, also, Marvin Dunn, Black *Miami in the Twentieth Century* (Gainesville, Fla.: University Press of Florida, 1997), pp. 182-183, for a biographical sketch of Graves. *Harris v. City of Daytona Beach*, 105 F. Supp. 572 (S.D. Fla. 1952).

[40] *Gibson v. Board of Education*, 170 F. Supp. 454 (S. D. Fla. 1958), reversed by *Gibson v. Board of Education*, 272 F. 2d 763 (5th Cir. 1959). *Garmon v. Miami Transit Company*, 151 F. Supp. 953 (S.D. Fla. 1957). *Ward v. City of Miami*, 151 F. Supp. 593 (S.D. Fla. 1957), affirmed *City of Miami v. Ward*, 252 F. 2d 787 (5th Cir. 1958). See, also, Judith D. Poucher, "Raising Her Voice: Ruth Perry, Activist and Journalist for the Miami NAACP," *Florida Historical Quarterly* Vol. 84, No. 4 (Spring 2006), p. 523, for a discussion of Graves's role in filing the early Dade County lawsuits and the dispute over disclosure of the Miami NAACP's membership records.

[41] *Laws of Florida*, chapter 31498 (1955). *Florida Bar, Florida Legislative Investigation Committee Records*, 1957-1960, M81-17, Florida State Archives, Tallahassee, Fla.

[42] *Gibson v. Florida Legislative Investigation Committee*, 108 So. 2d 729

(Fla. 1958). *Gibson v. Florida Legislative Investigation Committee*, 126 So. 2d 129 (1960), reversed by *Gibson v. Florida Legislative Investigation Committee*, 372 U.S. 539 (1963), and on remand, *Gibson v. Florida Legislative Investigation Committee*, 153 So. 2d 301 (1963). See, also, Saunders, *Bridging the Gap*, op. cit., chapter 8 (The Johns Committee: The NAACP Under Legislative Attack), for a general discussion of the Johns Committee's scrutiny of the NAACP for subversive activity in 1957.

[43] *Brooks v. City of Tallahassee*, 202 F. Supp. 56 (N. D. Fla. 1961). Carswell had practiced law in Tallahassee from 1948 until 1953. Nine years after the *Brooks* decision, the U. S. Senate refused to seat Carswell on the U. S. Supreme Court by a vote of 51-45. Many voiced concerns over his civil rights record, reminding senators that among other things Carswell had expressed segregationist views while running for a seat in the Georgia legislature in 1948.

[44] "Frank D. Reeves, 57, Kennedy Aide, Dead," *New York Times*, April 11, 1973. Reeves, Frank D. (1916-1973) RJB 489, Ralph J. Bunche Oral History Collection, Howard University, Washington, D.C. "Officials of the Kennedy Administration," John F. Kennedy Presidential Library, www.jfklibrary.org.

[45] *Brown v. Board of Education*, 347 U. S. 483 (1954) (Brown I); *Brown v. Board of Education*, 349 U. S. 294 (1955) (Brown II). Testimony of Langston Hughes, March 24, 1953, Executive Session of the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations, Eighty-third Congress, First Session, 1953 (Washington, DC: GPO, 2003). "Warren Rejects Arlington Plea," *New York Times*, February 1, 1959. [46] Complaint, op. cit., p. 7.

[46] R. W. Saunders to Wilkins, Current, Carter, Moon, and Hurley, November 1, 1961, *NAACP Papers, op. cit.*

[47] *Garner v. State of Louisiana*, 368 U.S. 157 (1961). "High Court Voids Suit Against Negro Sit-Ins," *Miami Herald*, December 12, 1961. "Court Hears Wade-In Pleadings," *Fort Lauderdale News*," December 13, 1961. "City Opens Court Fight in 'Wade-Ins'," *Fort Lauderdale News*, December 13, 1961. "City, NAACP Lock Horns As Legal Skirmish Begins," *Miami Herald*, December 13, 1961. Trial Transcript, *City of Fort Lauderdale vs. Eula Johnson et al.*, Chancery Case No. C61-3082, Broward County Circuit Court, Records of the Clerk of the Court (microfilm), hereinafter cited as "Transcript," followed by the

page number. The three-volume transcript consumes 563 pages. Transcript, pp. 2-7.

[48] "Injunction Necessity Is Argued," *Fort Lauderdale News*, December 14, 1961. Transcript, *op. cit.*, pp. 23-70 (Holt), pp. 73-143 (Miller).

[49] Transcript, *op. cit.*, pp. 186-209. "Wade-Ins Dismissal Is Denied," *Fort Lauderdale News*, December 14, 1961.

[50] NAACP List Secrecy Again Upheld," *Fort Lauderdale News*, December 15, 1961. Transcript, *op. cit.*, pp. 221-236. Transcript, *op. cit.*, pp. 425-439 (Cheverton).

[51] Final Decree, *City of Fort Lauderdale v. Eula Johnson et al.*, Chancery Case No. C61-3082, Broward County Circuit Court, Records of the Clerk of the Court (microfilm).

[52] "Beach Ruling Sets Precedent On Wade-Ins," *Fort Lauderdale News*, July 12, 1962. Saunders, *Bridging the Gap*, *op. cit.*, pp. 221-222.

[53] "Speech made by Eula Johnson on September 22, 1988," Voices of the Past (CD Collection), Oral History Collection, Fort Lauderdale Historical Society, Fort Lauderdale, Fla.

[54] "County Beach Due Road Link," Miami Herald, February 11, 1965. "New Role for Beach," *Miami Herald*, June 24, 1970.

[55] *Allen v. Board of Public Instruction of Broward County, Fla.*, 312 F. Supp. 1127 (S.D. Fla. 1970). "Cabot, Ted," Judges of the United States Courts, Federal Judicial Centers (www.fjc.gov).

[56] *Mizell v. North Broward Hospital District*, 427 F.2d 468 (5th Cir. 1970). "Frank D. Reeves, 57, Kennedy Aide, Dead," *New York Times*, April 11, 1973. Von D. Mizell," *Massachusetts Death Index*, 1970-2003. "Reeves Municipal Center Dedicated," *Washington Post*, September 28, 1986.

[57] "William J. Kelley," *Florida Death Index*, 1877-1998. *McLaughlin v. State of Florida*, 379 U.S. 184 (1964); "Strict Caution on Miscegenation," Time, December 18, 1964; McLaughlin v. State, 172 So. 2d 460 (Fla. 1965); *McLaughlin v. State*, 153 So. 2d 1 (Fla. 1963). "G. E. Graves, Jr.," *Miami Herald*, January 21, 1992. "Eula Johnson, Broward Civil Rights Icon," *Miami Herald*, January 28, 2001. It should be noted that other newspaper accounts state that Johnson died at the age of 94. The *Herald* account notes the discrepancy and states that while family members reported that she was 94, "records indicate she was 86."