

Making Opportunity: The Struggle Against Jim Crow

In Grand Rapids, Michigan 1890-1927¹

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On December 18, 1925 a short column appeared in the Grand Rapids Herald with the heading, "Colored Organization Hears Woman Lecturer." The article noted that a Miss Hallie Q. Brown of Wilberforce, Ohio had addressed the closing night of the local chapter of the National Association of Colored People (NAACP) membership drive at the Messiah Baptist Church. The newspaper quoted her as saying,

We are here to discuss not gifts but opportunity . . . Abraham Lincoln, John Bunyan and Booker T. Washington and great achievements because they grasped opportunity. If our race is to come into full freedom there must be a well-trained and educated leadership, who realize their obligation. We must sacrifice good times and frivolity. Would to God that every young man of my race would say, "I will make opportunity."²

Brown's words that evening were not merely the positive rhetoric of racial uplift. Veiled in her speech was the deliberate strategy of Grand Rapids African Americans to end the customary practice of segregation in public accommodations. These men and women believed by attacking racial discrimination they would thereby put an end to the racial/caste grouping which the hardening of "race relations" in the late nineteenth century had left them to burden. Ideologically, these individuals were committed to the full integration of African Americans into the mainstream of Anglo-American culture.³ Their specific goal was to be recognized as middle class American in status and lifestyle. Therefore their fight centered around the

attainment of higher education, employment opportunity and access to public accommodations.

The practices of racial segregation in Grand Rapids were not legally codified as in Southern cities.⁴ The state of Michigan had formalized into law by 1885, and amended in 1919, a civil rights statute forbidding discrimination on the basis of a person's race, creed or color in all public accommodations.⁵ However, the practice of forcing African Americans to sit in theater balconies, use separate restaurant entrances and endure various other kinds of public humiliation was practiced throughout the city and state without impunity.⁶

Brown's address to the NAACP served as a rallying point for a community whose leadership had come of age and was prepared to challenge Jim Crow. Her speech was commensurate with the actions of a civil rights lawsuit filed against one of Grand Rapids' premier theaters, the Keith.⁷ Three days before Brown's speech, court documents alleged that on Monday, December 14, 1925 a local dentist, a colored resident and native of Grand Rapids, Emmett Bolden, had been refused equal access to the theater. Bolden's attorney, Oliver M. Green, explained in his complaint that his client was offered seating in the theater's balcony while other patrons were permitted to buy main floor seating. Green's initial brief in Grand Rapids Superior Court noted:

The Civil Rights Act is violated where, after a person has bought a ticket entitling him to a particular seat in the theater, he is deprived of the right to occupy it on account of his race or color, although he [sic] is offered another seat.⁸

Green's appeal simply stated the obvious. Both he and Bolden knew that the use of exclusive seating in the balcony for African Americans,

pejoratively known then as "Nigger Heaven," was a violation of the state's civil rights statute. They further understood that their lawsuit, legally known as *Bolden v. Grand Rapids Operating Corporation*, was not the first effort by African Americans in Grand Rapids to end segregation or to gain civic justice. The legacy of African American in the city's history, like those in the nation's history, has been the continual struggle to gain equal protection under the law, end all forms of racial discrimination and achieve positive social recognition as an ethnic community.

An accurate summary of the status of African Americans in Grand Rapids, was made in 1913 by the Reverend Henri Browne, the pastor of the Messiah Baptist Church. Brown observed that African Americans in Grand Rapids possessed numerous strengths and faced many obstacles.⁹ He attributed the obstacles to the lack of affordable housing, underemployment, segregation, the small number and growth in the population, and the lack of political organization. Browne believed, however, that the community's strengths were found in its middle class aspirations and ethics--stable family life, home ownership, and the desire for education. He, therefore, pleaded with the Euro-Americans of Grand Rapids in the spirit of Christian charity to assist African Americans in the removing of the "Chinese Wall" that barred his people from equal access.¹⁰ Despite his eloquent plea, African Americans in Grand Rapids, with a few notable exceptions, did not receive much assistance in their struggle for civil rights. Their struggle against social isolation was one that the community, more often than not, fought alone. The burden of social change would lie in the sometimes feeble, sometimes ingenious and oft-time courageous self-initiative of African Americans.

Although, a numerically small percentage of the city's overall population near the turn of the century, African Americans in Grand Rapids were demonstrating their ability to organize their community for social change.¹¹ According to several newspaper accounts African Americans had established themselves as a politically active, if not powerful, part of the city's life.

On January 28, 1890 the Grand Rapids Evening Leader reported this unanimously-passed resolution by "Colored Citizens" in support of the Blair Educational Bill in the United States Congress;

Resolved, that we [e]ndorse the Blair educational bill and pray congress to pass it. Resolved, that it is the sense of this meeting that we, the colored citizens, are the most patient, belonging to no clan na gael, no nihilist, no klu klux, no dynamiters, no rebels, no white caps, and yet we are the most insulted and oppressed people in the United States. Resolved, that the earth is the Lord's and the fullness thereof. Resolved, that the Lord will give the earth to his saints. Resolved, that we want no separate legislation for colored people. We are willing to be taxed, but we want representation also. Resolved, that we stay and die by the graves of our fathers; we are Afro-Americans and will die so.¹²

Arduously the Grand Rapids African Americans protested, cajoled, complained, organized politically and in one instance allegedly rioted to achieve equity, but these actions failed in any significant way to change their standing with the city.¹³ Even judicial appeals in Grand Rapids failed to uphold the law that protected the civil rights of African Americans.

In the fall of 1908 two second-year students of the Grand Rapids Medical College, Felix D. Booker and Wesley McCoy, were refused re-admittance to the college, based on race. In circuit court the students' attorney, Martin Carmody, charged that the college was a quasi-public

institution and therefore could not discriminate solely on the basis of race. At issue were three things for Carmody. He reasoned that the college was a quasi-public institution because it was exempt from taxes, under the administration of the state board of education and its diplomas were accepted in lieu of examination by state board of veterinarians. The circuit court judge, Judge Perkins, upheld Carmody's claim and ruled in favor of the plaintiffs. The judge determined that although the Medical College was privately funded its favorable treatment by the state made it a quasi-public institution of learning and therefore could not discriminate. "All citizens according to the court's findings are entitled to the privilege of education in public institutions of learning and the drawing of the color line is unjust discrimination."¹⁴ However, reasonable, impartial, fair and legally correct this decision might have been, it did not fare well among the Medical College's students nor in appeal to the Michigan Supreme Court.

Four days after the circuit court ruling, junior students vehemently and violently protested Booker and McCoy's presence within the college. Thirty-four students walked out of their classes shouting, "This is a white man's school" and "lynch 'em if they don't keep out." In the college's lobby the white students created an effigy of a Negro and carried it out into the streets doing a "lively war dance around" it. The press reporter noted that "a large percentage of the students of the college [were] from the Mason and Dixon line" and were determined to prevent any attempts by "coloreds" from ever entering the college. Despite the intimidation Booker and McCoy were determined to remain at the college.¹⁵ Months later, however, they would be barred from the campus. This time permanently.

On January 12, 1909 the law firm of Hatch & Raymond entered an appeal on behalf of the Medical College to the state's supreme court. They contended that Judge Perkins' ruling in Grand Rapids Circuit Court against the college was unconstitutional. The college's attorneys asked the high court to overturn the ruling that the college was a quasi-public institution. They enjoined the court to note that;

Private institutions of learning though incorporated, may select those who they will receive as students, and may discriminate by sex, age proficiency in learning and otherwise; and the arbitrary refusal to receive any student, in the first instance, would not violate any privilege or immunity resting in positive law protected or guaranteed by the Federal or State Constitutions.

They concluded that the college's status as a private institution permitted it to discriminate as it pleased.¹⁶

The lawyers on behalf of the college also argued that the Medical College was not obliged to allow Booker and McCoy to remain as students since they had passed one term and there was no contractual stipulation that guaranteed they should be accepted for another term. They concluded that the presence of two African Americans irreparably disrupted the decorum of total campus life.¹⁷

The supreme court overturned Booker and McCoy's initial circuit court victory because the civil rights statute as they interpreted them could not compel a "private institution to perform its obligations resting in contract with an individual The apparent hardship of a particular situation is not a good reason for departing from the rule."¹⁸ Interestingly, the same defense used in the case of Booker and McCoy would be used a generation and a half later in the defense of the Keith Theater.

Grand Rapids waited eighteen years before another legal challenge to the practice of segregation by African Americans developed. Reflecting national trends in this effort was led by the generation of women and men born near the turn of the century and who matured during the First World War. This group's readiness for leadership was signaled by the establishment of two institutions controlled by the African-American community--the founding of Grand Rapids Chapter of the NAACP and a local newspaper, the Michigan State News.

On January 3, 1919 fifty people gathered with the Reverend Robert Bagnall, the Great Lakes district organizer of the NAACP to charter the Grand Rapids chapter.¹⁹ Each charter member paid one dollar and received a subscription to the Crisis magazine. Twenty-two days after their application, the branch was officially granted its charter by the national organization. The first officers of the branch were Thomas E. Benjamin, a railroad porter, who served as president; Basil Ray, a waiter, was vice president; George M. Smith, a printing superintendent, was secretary; and J. Ed Jones, a custodian, was treasurer.²⁰

The organization of the Grand Rapids chapter in 1919 was a part of the larger expansion of NAACP branches all over the country. Historian Charles Kellogg noted that at the time of the 1919 national conference of the NAACP in Cleveland that "there were 220 branches and 56,345 members, and the circulation of the Crisis stood at 100,000." The organization proclaimed in the Crisis magazine "that it was without peer, the greatest fighting force for Negro freedom in the world The Negro who is not a member of it finds himself on the defensive. The white man who does not believe in it does not believe in American democracy."²¹ At least fifty Negroes in Grand

Rapids in 1919 were not on the defensive, but through the auspices of the NAACP they had begun their offensive against Jim Crow.

The Grand Rapids branch of NAACP, within a month of its formation, began consulting the national organization concerning troublesome local issues. On February 24, 1919 George Smith, the treasurer of the branch, wrote to the national secretary, John R. Shillady, concerning the formation of separate youth, parenting and social clubs based on race. Smith expressed a wariness over the lack of participation by African Americans in organizations which the public schools sponsored for progressive uplift. Some individuals within the Grand Rapids branch felt that the separation of public school activities by race might enhance the participation of colored citizens by allowing them to feel more "at home." Smith thought that any effort by African Americans to "self-separate or segregate" would further exacerbate the "wedge for future separation or segregation on the part of white neighbors." He added any furthering of segregation by African Americans themselves would surely come to be regretted by the community.²² Clearly, from Smith's letter there were already two minds within the Grand Rapids, NAACP, on affirming complete integration, and the other voluntary segregation. As the most articulate spokesperson for the organization, Smith's views prevailed, the Grand Rapids branch would fight any attempt at segregation even among its own constituents.

In 1920 George Smith founded the Michigan State News, a newspaper dedicated to giving African Americans a statewide journalistic voice.²³ The paper's motto was "Michigan's Race Paper." Although short lived, the State News, articulated a viewpoint that helped to galvanize the fight against Jim Crow.²⁴ Smith's editorial policy stated;

The Michigan State News does not now, or never will, follow

the lines of sensational journalism. Such news of a national character as we give to our readers will always be the kind that shows progress and advancement. We believe in movements that are constructive and not destructive. No article will ever be printed to create more discontent or unrest. We will, however, attempt to print as much news of a helpful and progressive nature as we can hold of. Again--we are emphatically opposed to publishing of anything that will needlessly make conditions more unpleasant for any citizen of Michigan--black or white--Editor.²⁵

His editorial policy reflected two issues. first, his commitment to integration as reflected in his earlier letter to Shillady of the national office of NAACP. Second, Smith, like all African Americans of his generation, was concerned about the race riots that were taking place throughout the United States in the aftermath of World War I, especially the bloody one in Chicago in 1919.²⁶

In an editorial written against the Grand Rapids Herald Newspaper for "Red" journalism for sensationalizing a lynching Smith spoke his deepest conviction for civil rights;

I have the honor of being a branch secretary of the National Association for the Advancement of Colored People, an organization composed of the better element of both your race and mine, who believe in America being a haven for justice in fact, as well as in name. We are teaching our people the majesty and sovereignty of American laws and ideals so that they may more fully appreciate all it means to be a citizen of this great country. I respectfully urge you to join us in helping to make this truly the greatest county in the world--not however by flashing the lawlessness of her citizens to the world, but by moulding public sentiment in the channels of justice and not in the path of hate.²⁷

Smith's News served as a statewide promotional vehicle for the NAACP. In the third edition of the paper Smith covered extensively the visit of Walter White, the then assistant national secretary of the NAACP, in Kalamazoo and Lansing.²⁸ The newspaper reported that the national organization agenda was focused on tenant farmers in the South, the needs of

recently arrived Southern migrants in the North and accompanying racial tensions spurred by their influx and the organization's legal challenge to "Jim Crow" laws.²⁹ The Michigan State News bolstered the work of NAACP and kept the small African-American community in Grand Rapids informed concerning matters of civil rights nationwide. The paper and the work of the national NAACP provided the encouragement that some in the African-American community needed in its own battle with Jim Crow.

Coinciding with the organization of the Grand Rapids NAACP and the publishing of Smith's Michigan State News was the ascendancy of a new African-American leadership class in the city. Similar to Chicago, Detroit and Milwaukee, Grand Rapids witnessed the rise of a new professionally trained middle class.³⁰ The Grand Rapids Press reported on the sports page in 1923 that Emmett Bolden had completed his college education as dentist at Howard University in Washington, DC and had established a practice in the city where he had been a high school sports star.³¹ Bolden was not alone, he had at least five other peers receiving professional educations and who were preparing to return to Grand Rapids to establish their careers. Completing or attending the University of Michigan during this period was Oliver M. Green, Bolden's attorney;³² Floyd Skinner who became Grand Rapids' most well-known attorney of African descent;³³ Albert Keith, the pastor of the Messiah Baptist Church;³⁴ Cortez English, a dentist;³⁵ and Eugene E. Alston, a physician.³⁶ The college education and professional training of these men provided the Grand Rapids civil rights effort a vigorous era of leadership. For the first time in the city's history a professionally educated elite existed in Grand Rapids who enabled the African-American community to challenge segregation in the city.

Possibly Hallie Q. Brown knew who the opportunity makers were the night she addressed the NAACP at Messiah Baptist Church, chances are, these homegrown leaders were probably all seated in the audience.

On September 30, 1924 Oliver Meakins Green, a native of New York City and a veteran of the First World War, was sworn into the practice of law in Kent County as the third attorney of African descent to do so.³⁷ In the late nineteenth century two other men preceded Green as lawyers in Grand Rapids, John W. Robbins and Alexander Hamilton.³⁸ Although their respective legal practices were limited by racial exclusion, Robbins and Hamilton are recorded as having been attorneys in the city.³⁹

Robbins, despite the barriers attempted to sustain a serious legal practice. He was viewed by some in the city as one of the instigators in leading some in the African-American community to break with the Republican Party and formed the independent Colored Club in 1890. This break with the GOP led on of Robbins' political rivals, a Jack Adams, to accuse him of being self-serving because he contended that "he would make a good assistant prosecuting attorney."⁴⁰ Frustrated with the limitation to his legal career Robbins eventually left Grand Rapids for Detroit.⁴¹

Hamilton, on the other hand, never was able to establish any full-fledged legal practice. His practice was restricted to divorce court which forced him to earn much of his living being an entertainer. Hamilton eventually died bankrupt and in the poor house.⁴²

Like his predecessors, Green too was forced into a legal practice with racial limitations and suffered a degree of financial hardship. What made his practice different than his predecessors was the level of professional

education which he acquired and the willingness of the African-American leadership to use his expertise to fight Jim Crow.

On February 19, 1925 the Grand Rapids Bar Association elected Green as the first African American within their ranks. Ironically, the same evening the Bar accepted Green as a member, it also elected Julius Amberg, the chief legal counsel and agent of the Keith Theater, as a trustee.⁴³ Amberg, a native of Grand Rapids, had built a successful law practice in the city and nationally. He had served as the Felix Frankfurter's assistant in Woodrow Wilson's wartime administration. Frankfurter, of course, distinguished himself as a Harvard law professor, mentor to Charles Houston, the architect of the NAACP's legal strategy for overturning Plessy, and an associate supreme court justice. As a justice, Frankfurter concurred with the majority opinion in overturning Plessy v. Ferguson which upheld southern Jim Crow statutes in the case of Brown v. Board of Education.⁴⁴ Like Frankfurter, Amberg also distinguished himself as a lawyer serving as the president of the Michigan State Bar, assistant secretary of war in the wartime administration of Franklin Roosevelt, as well as other philanthropic organizations during the Great Depression.⁴⁵ Despite Amberg's progressive political credentials as an attorney, he heartily defended the right of the Keith Theater to continue its practice of discriminating against African Americans. In 1925, Green was elected as member of the Grand Rapids Bar Association and Amberg its trustee. The same year each opposed the other three times consecutively in court over the issue of racial discrimination.

The strategy that the Grand Rapids NAACP devised to challenge the Keith Theater was a tried and true one. Similar to NAACP branches all over the country, the local chapter attempted to establish a consistent pattern of discrimination by sending individuals to see whether or not they would be

excluded or segregated on the basis of race. The three suits Green filed in 1925 each alleged that the Keith Theater discriminated in seating on the basis of race. On April 10, 1925 the first two suits were filed by Green on behalf of William Glenn and Roger Grant.⁴⁶ Although these suits were filed separately, the court required that they be heard as one case, Glenn v. Grand Operating Corporation.⁴⁷

In this case both men were porters at the Pantlind Hotel (today the Amway Grand Plaza Hotel) and each charged that they were refused admittance to the main floor of the Keith solely on the basis of race. This discriminatory act, Green argued, was in violation of the Michigan Civil Rights Statute and caused his clients public humiliation. No doubt, Glenn and Grant were used as test cases because each of their families had been long-time residents in the city. In the 1908 case of Booker and McCoy both men were students and non-residents. Grant had been a one-time city tennis champion from South High School (later the Alma Mater of US President Gerald R. Ford).⁴⁸ Glenn, on the other hand, was the son of a well-established chauffeur who drove for one of the city's wealthier businessmen.⁴⁹ Green held his clients out as exemplars of the colored race. He noted that their high school education and their employment at the Pantlind as a means to save for a college education. He, therefore, asked the court to reward his clients, who were upstanding Grand Rapidsians, one thousand dollars each for the "great mental anguish and pain" which they suffered at the hands of a theater owned outside the state of Michigan.⁵⁰

In the same vein as Booker v. Grand Rapids Medical College, Amberg countered Green's complaint arguing that the Michigan Civil Rights Statute violated his client's right to due process by forcing a private corporation

to be non-discriminatory. He contended that the amended Civil Rights Statute of 1919 was to be used in criminal cases and the plaintiffs had "no right to recovery or damages in a civil suit." Additionally, Amberg asserted that both plaintiffs had willingly "accepted and occupied" seats in the balcony without complaint. They accepted the seating, Amberg stated, because the ground floor of [the] theater were all purchases or reserved for persons other than the plaintiff[s]."⁵¹

In July the two attorneys agreed to a stipulation that the case would be removed from district court to superior court. If it were necessary for appeal each party would have the right to appeal directly to the Michigan State Supreme Court. It is not clear from the records how Glenn v. Grand Rapids Operating Corporation was settled. In a letter regarding the Bolden case, Green claimed to have won these cases. However, it matters little, because the Bolden case would fully settle the issues of racial discrimination in the theater.

The newspaper advertisement for the B.F. Keith Theater December 14, 1925 showed that it was a full-scale entertainment center which included vaudeville acts and films. The child film star, Jackie Coogan was featured in the movie "Old Clothes." The other feature attractions were summed up in its newspaper ad as, "A Bill of Perfect Entertainment--Girls--Music Song and Fun Galore."⁵² Under the marquee of the theater the same scenario of an ongoing American drama was acted out--A man of African descent wished to be seated on the main floor of the theater and was excluded to the balcony because he was black. this time the plaintiff, Emmett Bolden was a college-educated professional, a dentist.⁵³

It seems evident that the leaders within the NAACP were not satisfied with the "win" in Glenn v. Grand Rapids Operating Corporation. They felt

that only a win in the state supreme court would halt the practices of Jim Crow. The difference between the Glenn and Grant case was Bolden's professional status and the attention that the leadership felt it would draw to one of the African-American community's best. Like Glenn and Grant, Bolden had also grown up much of his life in Grand Rapids and had been a well-known athlete. Green and the NAACP felt that Bolden's high level of achievement would elicit community support for the case. Ironically, none of the major dailies covered or mentioned the case in any reports, even when it was won in the supreme court! Despite the lack of coverage by local newspapers, Bolden gained attention by running as a candidate for the Grand Rapids School Board. The outcome of his candidacy was a foregone conclusion, he came in last; surprisingly though, he garnered 1,165 votes.⁵⁴ In the briefs Green wrote on behalf of Bolden that he used his school board candidacy to enhance his client's credibility in the eyes of the court.

Bolden's case was no different than Booker and McCoy's or Glenn and Grant's. The arguments were essentially the same, when could the state force a "private" corporation to end discrimination. Different than the 1908 case, the Keith cases centered around the US Supreme Court case of 1896, Plessy v. Ferguson--which formalized separate but equal public accommodations for whites and blacks. Amberg argued throughout, that access to the Keith Theater was equal and seating was selected randomly. This random pattern of African Americans' seating in the balcony was equal to the ground floor.

Amberg's law firm took a different tact against Bolden. This time they kept the case stalled by having Green respond to motions. By taking this tact the law firm placed considerable cost and expense on Green and the NAACP, a cost that Green could hardly afford to absorb. This burden caused

Green to waver and consider withdrawing from the case.⁵⁵ To add insult to injury, Green was beaten up by a police officer, a Lieutenant Van Koughnet, for entering the front door of the police station. Green sued the office but eventually dropped the case.⁵⁶

Despite the financial hardship and physical abuse, Green managed to keep the case open. Judge Leonard Verdier, however, ruled against Bolden in superior court.⁵⁷ The judge's opinion stated;

In view of the fact that a theater is not a public enterprise but is private property with the right to conduct business privately the same as any other private citizen transacts his own affairs, it is a serious question whether or not this act of legislature, [The Michigan Civil Rights Statute] does not contravene the "due process" clause of the Constitution.⁵⁸

A demoralized Green wrote to the national office of the NAACP. In a letter addressed to W.E.B. DuBois, he appealed to the national office for their support in bringing the case before the Michigan Supreme Court. Green explained that in the case of Glenn and Grant he had received seventeen dollars which was a pittance of his total cost, and in the Bolden case he noted that he had not received any compensation. He complained that his opposing counsel, Amberg, offered him a job with the Grand Rapids Operating Corporation. If the case was to proceed it would be done with the assistance of the national office. Green warned, "if the case is lost in the Supreme Court it would mean that theaters in this state may seat colored people where-so-ever they choose to seat them." Despairingly, he observed that the Grand Rapids chapter of the NAACP had grown indifferent to the suit's outcome.⁵⁹

What Green did not note in his letter was that the Grand Rapids chapter of the NAACP had struggled with maintaining a membership of no more than

fifty people. Alone these individuals could not obtain funding for the ongoing appeal of Bolden to the supreme court. The average wage-earner in Grand Rapids' small African-American community was a domestic or a menial laborer.⁶⁰ Additionally, with a small population, Grand Rapids did not have any community institutions of substantial size such as an African-American church to support the effort. It was then necessary for Green to appeal to a wider orbit simply because the African-American community in Grand Rapids was small and without money.

Green's letter also reflects the fissure among Grand Rapids' African Americans along class, culture, and ideological lines. The working class seemed more interested in their employment prospect than access to the main floor of the theater. Newly arrived southern migrants apparently were not concerned over the integration of the theater since they had lived with the pain of segregation all their lives. In relative terms, Grand Rapids was a great deal more congenial than the South. Whereas established African-American families in Grand Rapids, which many new professionals came from, cared deeply about the issue of public accommodations. It was injurious and insulting to be discriminated against since they had intermingled with white Grand Rapidsians all their lives.⁶¹ It is clear from the tone of Green's letter that the classes were at odds. Clearly, if one ties class divisions among African Americans in Grand Rapids to their ideological differences--civil protest versus an accommodating work ethic versus strains of nationalism--the fissure grows wider. It is obvious that those who brought the Bolden case amidst these fault lines had an overall weak hand.

Fortunately, the national office of the NAACP responded immediately by urging the Detroit branch to assist Green and Bolden. On October 2, 1926 the Chicago Defender, an Afro-American newspaper, noted that the case was

being taken to the Michigan Supreme Court.⁶² The national office's press release of October 8 stated that the Detroit branch "the most powerful in the state, [was urged to] take leadership in fighting this case."⁶³ In November the Detroit NAACP began raising funds for the Bolden appeal. By the end of November the national organization along with Green had secured additional counsel for the appeal from the Grand Rapids law firm of Jewell, Face and Messinger. The attorney assigned to the case with Green was William Messinger, a law classmate of Green's at the University of Michigan.⁶⁴

Green and Messinger based their appeal on an 1890 Michigan court case Ferguson v. Gies. In this case the court ruled against a restaurant for refusing to serve a black man where other people were served. The court stated that this was a blatant violation of Ferguson's civil rights, and that he could be awarded damages for this public humiliation.⁶⁵ Green and Messinger prepared the appeal and submitted it to the supreme court on April 15, 1927.⁶⁶

The Michigan Supreme Court deliberated and decided the case on June 6, 1927. They agreed with Green and Messinger's appeal and found that the Keith Theater had violated the Civil Rights Statute. The court stated;

The act in question is usually called the "Civil Rights Act." Its purpose is apparent. While it applies to "all persons within the jurisdiction of this State," it cannot be doubted that it was enacted with special reference to those of African descent. It clearly provides against discrimination on the part of those conducting theaters by withholding from or denying to colored people the accommodations, advantages, facilities or privileges accorded to others.⁶⁷

The court also ruled that Bolden was entitled to sue the theater for any damage he suffered.⁶⁸ Once again, all the Grand Rapids newspapers were strangely silent about the outcome. However, this victory was not lost on the Chicago Defender, its headline about the case on June 18, 1927 read, "Court Rules Against Jim Crow Tactics: Reverses Decision in Theater Case."⁶⁹

Of course, the victory was not lost on Green. In his final letter on the case written to Walter White at the national NAACP office he wrote;

Enclosed [sic] you will find a copy of the opinion rendered by the Michigan Supreme Court in the above entitled cause, which as you see, was a victory for the N.A.C.P. [sic] and greatly oblige.⁷⁰

The struggle against Jim Crow in Grand Rapids puts African Americans in this mid-sized midwestern city in the mainstream of the NAACP's work all over the North and its efforts to legally redress Plessy v. Ferguson. This small community's collective agency reflected the determination of the African Americans nationwide to be free from the corrosive effects of Jim Crow. No American city or hamlet escaped what Rayford Logan described as "the nadir of American negro status."⁷¹ The rigidity of racial segregation had set it in Grand Rapids just as it had in other American cities.

Bolden v. Grand Rapids Operating Corporation ended customary segregation in Grand Rapids. The Michigan Supreme Court ruling upheld the state's civil rights statute and assured African Americans throughout the state access to all public facilities. This victory combined with the 1925 decision on behalf of O.H. Sweet of Detroit gave the NAACP a singularly important voice for the Michigan's African Americans particularly its emerging middle and professional classes. Doctor Bolden and Attorney Green

were able to sit on the main floor of the Keith Theater. To them, and many other, the victory, though small, was sweet.

The taste of that victory lingers in the hearts of the African-American community of Grand Rapids. Through the Great Depression of the 1930s and the Second World War victories that dignified African Americans in the city were few. Not until the late 1960s and 1970s were African Americans fully able to assert themselves in the fight for opportunity through the legal struggle to integrate public schools and through the election of Grand Rapids' first mayor of African descent, Lyman Parks. During the years of silent struggle the victory won by Bolden and Green served as an inspiration to Grand Rapids civil rights activists. The lesson learned from the Bolden case, and many others, was that African-American civic freedoms could only be attained through unending struggle.

ENDNOTES

1. The author wishes to thank the two anonymous jurors for their invaluable criticism. He wishes to thank professor Darlene Clark Hine of Michigan State University, along with Gordon Olson, Grand Rapids city historian and richard Harms, Ph.d., Grand Rapids assistant city historian and archivist for their inspiration, helpfulness and encouragement in writing this article. And finally, the author wishes to thank Jane Haney, administrative aide to the Calvin College history department for job dutifulness in typing this manuscript.
2. "Colored Organization Hears Woman Lecturer," Grand Rapids Herald, 18 December 1925, 3.
3. August Meijer, Negro Thought in America, 1880-1915, (Ann Arbor, 1966), 165-66.
4. For discussions of Southern racial discrimination, see C. Van Woodward, The Strange Career of Jim Crow, 2nd ed., rev. (New York, 1966) and Pauli Murray, ed., States' Laws on Race and Color, (Lansing: The State of Michigan).
5. Public Acts, 1885, No. 130, The State of Michigan, pp. 131-32 and Public Acts, 1919, No. 375, (Lansing: The State of Michigan).
6. "Negro Church Man Ordered Out of Cafe," Grand Rapids Press, 27 October 1919, 1, col. 7.
7. Grand Rapids, public Library, Michigan Room (hereafter MR), Vertical File: "Grand Rapids Theaters."
8. "Emmett N. Bolden v. Grand Rapids Operating Corporation," Grand Rapids Superior Court Case No. 3043 (Western Michigan University Regional Archives: herein cited as WMRA).
9. "Reverend Henri Browne Portrait and Biographical File," (MR); State of Michigan, Michigan Manual of Freeman's Progress, (Lansing, 1915).
10. Reverend Henri S. Browne, The Negro of Grand Rapids, (MR).
11. Paul I Phillips, The Negro in Grand Rapids, 1840-1956, Grand Rapids Public Library, Michigan Room. Fifty years later, following Brown's assessment, Paul I. Phillips, the first executive director of the Grand Rapids Urban League, confirmed the small size and slow growth of African Americans in Grand Rapids. He observed:
 From 1840, the Negro population grew very slowly in Grand Rapids and did not accelerate in growth until the middle of the 1940s, the postwar era of World War II. The following statistics chart the growth of the Negro population: 9 in 1854; 48 in 1870; 292 in 1884; 720 in 1889; 681 in 1900; 665 in 1910;

1,000 in 1920; 2,956 in 1930; 2,725 in 1940; 6,912 in 1950; 11,156 in 1956.

12. "The Colored People Resolve," Grand Rapids Evening Leader, 29 January 1890, 4, col. 3.
13. "The Colored Independents," Grand Rapids Evening Leader, 31 October 1890, 1, col. 1; "The Colored Men," Grand Rapids Evening Press, 14 March 1894, 1, col. 6; "They Feel Sore," Grand Rapids Evening Press, 26 January 1898; "Race Riot," Grand Rapids Press, 7, col. 2.
14. "Negroes Win Out," Grand Rapids Press, 17 November 1908.
15. "Draw The Color Line," Grand Rapids Press, 21 November 1908; "Students Are Back," Grand Rapids Press, 25 November 1908.
16. Booker v. Grand Rapids Medical College, Michigan Reports 156, 95.
17. Ibid., 99; "Was No Agreement," Grand Rapids Press, 20 October 1908.
18. "Booker v. Grand Rapids Medical College," 100; "Barred From College," Grand Rapids Press, 30 March 1909.
19. Charles Flint Kellog, NAACP: A History of the National Association for the Advancement of Colored People, Volume 1, 1909-1920, (Baltimore, 1967), 202.
20. "Grand Rapids, Michigan 1913-1926," The NAACP Collection: Group I, Series G. Container 99, The Library of Congress (hereafter LC).
21. Kellog, NAACP, 134-35.
22. "George M. Smith to John R. Shillady, 24 February 1919," (LC).
23. "Pioneer in Black Struggle, George M. Smith, 86, Dies," Grand Rapids Press, 7 November 1970.
24. Winifred Gregory Gerould, American Newspapers, 1821-1936: A Union List of Files Available in the United States and Canada (New York: Kraus Reprint Corporation; 1967), 312; Gerould lists the Michigan State News as having been in business 1920-1925.
25. "Walter White Holds Big Meetings," Michigan State News, (Grand Rapids, MI) 1, no. 3, 26 April 1920, col. 4.
26. William M. Tuttle, Chicago in the Red Summer of 1919, (New York, 1970).
27. "Walter White Holds Big Meetings," Michigan State News, (Grand Rapids, MI) 1, no. 3, 26 April 1920, col. 4.
28. Walter White, A Man Called White, (New York, 1948; rep. 1969).

29. "Walter White Holds Big Meetings," Michigan News, (Grand Rapids, MI) 1, no. 3, 26 April 1920, 1, col. 4.
30. For examples of the expansion of the African-American middle class see the works of Allan H. Spear, Black Chicago: the Making of a Negro Ghetto, 1890-1920, (Chicago, 1967) and Joe William Trotter, Black Milwaukee: The Making of an Industrial Proletariat, 1915-1945, (Urbana, 1985).
31. "Local Negro Athlete To Open Dental Office," Grand Rapids Press, 18 August 1923, 19.
32. University of Michigan Alumni Relations, "Oliver M. Green, University of Michigan Law School LLB 1924;" University of Michigan Yearbook 1923, "Oliver Meakins Green, Law Graduate and Member of Alpha Phi Alpha Fraternity," (Ann Arbor, MI: University of Michigan, 1923), 134.
33. University of Michigan Yearbooks 1923, 1924 & 1926 "Floyd Skinner, Member of Omega Psi Phi;" "Death Takes Attorney, 62," Grand Rapids Press, 8 August 1962, 1; Tom LaBelle, "The Man Who Could Talk to the Man," Grand Rapids Press Sunday Magazine, 1 November 1970: 3; It was believed that Floyd Skinner was the attorney of record in the Bolden case as LaBelle's article shows. Even though Skinner was a fine attorney, a tremendous civil rights activist, former president of the Grand Rapids NAACP and deserving of the numerous posthumous accolades he has received in the city, the record should be corrected. Oliver Green was the attorney of record in the Bolden case. There is no doubt Skinner assisted Bolden since these men were friends at the University of Michigan Law School, however, Green now ought to get the credit he justly deserves for the Bolden case.
34. University of Michigan Yearbook 1923, "Omega Psi Phi & MA Philosophy;" "Baptist Pastor Emeritus," Grand Rapids Press, 10 March 1978, 9 (C); Keith served as the pastor of the Messiah Baptist Church from 1932 until 1968.
35. University of Michigan Yearbook 1923, "Omega Psi Phi Photograph," (MR).
36. University of Michigan Development Office Alumni Records, "Eugene Ellis Alston; A.B. Lincoln University 1920; M.D. University of Michigan;" "Death Takes Doctor Here," Grand Rapids Press, 25 February 1950; "GR Doctor 22 years Dies," Grand Rapids Herald, 25 February 1950; University of Michigan Yearbook 1923, "Medical Graduates and Omega Psi Phi Photograph;" Other biographical profiles of Alston Lincoln University Archival Records. Alston was born to John and Sarah Alston of Winston-Salem, NC in 1899. His father was a physician. He graduated from Lincoln "Magna Cum Laude" on June 8, 1920 (Correspondence Lincoln University Archivist Khali Mahmud to Randal Jelks dated July 14, 1992). His obituary observed that he continued to be an outstanding student while in the University of Michigan Medical College. Alston is the only person mentioned in court records in the Bolden case as having accompanied Emmett Bolden to the Keith Theater.

Sadly, he died in a sanitarium in Grand Rapids of tuberculosis and alcoholism. Names or picture of Skinner, Keith, English and several other figures who would achieve some prominence within the Grand Rapids African-American community are in the Omega Psi Phi photographs of 1923. For a small population of African Americans to achieve proportionately the number of professionals in this period is no small achievement.

37. Oliver M. Green was a native of New York, a graduate of Ithaca High School class of 1913, attended Cornell University for two years as a special student and served as musician 3rd class in WWI. Eventually, Green graduated from Michigan State College (now University) in 1920 and University of Michigan Law School 1924. Oliver M. Green died in an automobile accident at the age of thirty-six on March 20, 1932 in Pontiac, Michigan. For biographical information on Green, see; Michigan State College Alumni Catalogue, Class of 1920, 83; Michigan State College, The Wolverine, 1920, 76; Annual Class Book of the Ithaca High School, 1913, (Tompkins County Public Library, Ithaca, NY); Military Records of Cornell University in The World War, (Ithaca, NY; Cornell University, 1930), 300; University of Michigan Office of Development Alumni Records Office; Kent County Clerk, Roll of Attorneys: Recorded as Admitted on the roll of Attorneys in Kent County, September 30, 1924, 15; other African-American attorneys registered in this same book, Floyd H. Skinner, September 21, 1926, 134 and John G. Shackelford, October 7, 1931, 540. All three of these attorneys were graduates of the University of Michigan Law School.

For additional information on African-American attorneys in Michigan can be found in Edward J. Littlejohn and Donald L. Hobson's Black Lawyers, Law Practice, and Bar Association--1844 to 1970: A Michigan History (Detroit: The Wolverine Bar Association, 1972); this is a good overall history of African-American attorneys on the eastern side of the state, particularly Wayne County. It covers very little of the legal practices in the western half of the state such as in Grand Rapids.

38. "'If Your Honah Please' Two Colored Gentlemen Who Are Members of the Kent County Bar: A Brief Sketch of 'Senator' John Robbins and Alexander Hamilton," Grand Rapids Evening Leader, 4 September 1891, 1, col. 2. For more information on John W. Robbins see The Eighteenth Census of the United States, 1880, Muskegon, MI, Line 81.
39. Albert Baxter, History of Grand Rapids, Michigan, (Grand Rapids, 1974; orig. 1891), 757.
40. "The Colored Independents," Grand Rapids Evening Leader, 31 October 1890, 1, col. 1.
41. R.L. Polk, Grand Rapids and Kent County Directory, 1896, 919; Robbins is also found in Twentieth Census of the United States, Michigan, Wayne County, Detroit Third Ward 1900 Enumeration District 26, Sheet 8, Line 51.

42. "The 'Squire' Dead; An Ex-Slave Who Was a Well Known Figure in Grand Rapids," The Grand Rapids Press, 14 July 1898, 1.
43. "Minutes of the Grand Rapids Bar Association, February 19, 1925," courtesy of the Grand Rapids Bar Association.
44. Richard Kluger, Simple Justice: The History of Brown v. Board of Education and Black America's Struggle for Equality (New York, 1977), 115; Genna Rae McNeil, Groundwork Charles Hamilton Houston and the Struggle For Civil Rights (Philadelphia, 1983), 131-32.
45. "Julius H. Amberg Portrait & Biography File" (MR); "J.H. Amberg Gained Fame Serving City, State, Nation," Grand Rapids Press, 24 January 1951; "Julius H. Amberg Michigan Lawyer," Grand Rapids Herald 25 January 1951.
46. Grand Rapids Superior Court, Grant v. The Grand Rapids Operating Corporation, Case No. 2986 (WMRA).
47. Ibid., Grant stipulation of transference to Superior Court.
48. Grand Rapids Press, 23 July 1923.
49. William Glenn Papers, Collection no. 49, box 1, F. 14., "Autobiography of William M. Glenn," 3 (MR).
50. Grant v. The Grand Rapids Operating Corporation, Case No. 29282. Circuit Court for Kent County, Plaintiff's Declaration, 10 April 1925 (WMRA); Grant and Glenn complaints written by Green are verbatim transcripts except the names.
51. Glenn v. Grand Rapids Operating Corporation, Case No. 2986, Defendant Plea, 5 May 1925 (WMRA).
52. "B.F. Keith Theater Advertisement," Grand Rapids Herald, (Sunday) 13 December 1925.
53. A larger biographical portrait of Emmett Bolden can be found in Mildred Bolden v. Emmett Bolden, Circuit Court of Kent County, Case No. 26115, 12 June 1924 (Kent County Clerk's Office, Hall of Justice, Grand Rapids, MI).
54. "Election At a Glance," Grand Rapids Herald, 6 April 1926, 1.
55. "Order to Discontinue, Oliver Green, August 27, 1926," Bolden v. Grand Rapids Operating Corporation (WMRA).
56. Oliver M. Green v. Harvey Van Kaughnet, Superior Court Grand Rapids, Cal. 3, Case No. 3081, 8 October 1926 (WMRA).

57. "Leonard Verdier Portrait and Biographical File" (MR); "Negro Sent to Prison For Assault; Rum Law Violators Sentenced," Grand Rapids Herald, 31 July 1924; In an undated letter found in the NAACP Collection, the Grand Rapids NAACP elicited support to appeal Judge Verdier's ruling in the case of Herbert Pratt. In April of 1929 Pratt was accused of assault with an attempt to rape, the prosecution then changed his charges to armed robbery of two to eight dollars. Verdier sentenced Pratt to life imprisonment at the Jackson State Prison. At the final sentencing the judge stated in "a crowded court room, 'If you were in some other states, you would have been lynched.'" This same judge that introduced the Anti-Marriage Bill when in the state Senate; also the same judge who dismissed the Bolden case" (LC).
58. "State of Michigan, The Superior Court of Grand Rapids, Leonard D. Verdier's Opinion, Bolden v. Grand Rapids Operating Corporation" (LC).
59. "Oliver M. Green to W.E.B. DuBuis, September 14, 1926," NAACP Collection (LC).
60. For details of African-American wage-earners see Charles S. Johnson and R. Maurice Moss, The Negro Population of Grand Rapids, MI, 1928, National Urban League Collection (LC).
61. Ibid.; Johnson and Moss, Divisions in the African-American Community. Also see James Devries, Race and Kinship in a Midwestern Town: The Black Experience in Monroe, MI 1900-1915. (Urbana, 1984), for interaction of blacks and whites similar to the early Grand Rapids experience.
62. "Dentist Takes Jim Crow Fight to Supreme Court," Chicago Defender, (Chicago, IL) 2 October 1926 (LC).
63. "Walter White to Moses J. Walker, October 4, 1926," NAACP Collection (LC); "Walter White to Oliver M. Green, Esq., October 5, 1926 (LC); "N.A.A.C.P. To Fight Michigan Attack on Civil Rights War, Press Release October 8, 1926."
64. "William Messinger Portrait and Biographical File" (MR); University of Michigan Yearbook 1923, Law Class 23 "William Messinger."
65. Bolden v. Grand Rapids Operating Corporation, 239 Michigan Reports, June 1927, 323-24, 328.
66. "Letter William Messinger to NAACP Department, February 26, 1927"; "Walter White to William Messinger, February 28, 1927."
67. NAACP, Group I, Box G99, Grand Rapids 1927-1928, (LC).
68. Bolden v. Grand Rapids Operating Corporation, 328, (WMRA).

69. "Court Rules Against Jim Crow Tactics: Reverses Decision in Theater Case," Chicago Defender, (Chicago, IL) 18 June 1927; "NAACP Press Release," 29 July 1927 (LC).
70. "Oliver Green to Walter White, June 11, 1927," (LC).
71. Rayford W. Logan, The Negro in American Life and Thought: The Nadir 1877-1901, (New York, 1954).