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ESSAY

VICTORY: HOW A LAWYER, A MINISTER, AND TWENTY PROFESSIONAL FOOTBALL PLAYERS HELPED END SEGREGATION IN VIRGINIA AND PROFESSIONAL SPORTS

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INTRODUCTION

As Chapman Law Dean Matthew Parlow has noted, “[a]thletes in professional sports have long sought to use their platforms as celebrities to bring greater societal awareness to issues of social justice and racial inequality.”¹ One of the clearest examples is the 2020 NBA player boycott following the shooting death of Jacob Blake by police in Kenosha, Wisconsin, a boycott that spread to several other professional sports organizations.² Multiple media outlets covering the 2020 boycott referenced an event that garnered national attention in October 1961, when several members of the Boston Celtics and St. Louis Hawks refused to play in a preseason NBA game in response to discrimination in a hotel

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¹ Matthew J. Parlow, *Racial Protest and Racial Progress in Professional Sports*, 31 *S. Cal. Rev. L. & Soc. Just.* 239, 253 (2022).

² *Id.* at 242–43; Marc Stein, *Led by N.B.A., Boycotts Disrupt Pro Sports in Wake of Blake Shooting*, *N.Y. Times* (Sept. 4, 2020), <https://www.nytimes.com/2020/08/26/sports/basketball/nba-boycott-bucks-magic-blake-shooting.html>.

in Lexington, Kentucky.³ Some of the stories referred to this incident as the first professional athlete boycott related to a civil rights issue.⁴

Just two months earlier, however, another group of professional athletes—this time, a group of football players—had agreed to boycott a professional athletic event in protest of racial discrimination in Roanoke, Virginia. The athletes did so at the behest of a local minister, who was a prominent civil rights activist. At the same time, a local civil rights lawyer was pursuing litigation to challenge the discrimination at issue, specifically enforcement of a Virginia law that prohibited integrated seating at public events, including professional sporting events. But that summer, the lawyer, the minister, and twenty football players would use a preseason NFL game to bring attention to the injustice of Virginia’s law and challenge its constitutionality. In the process, they would play an important role in helping to end segregationist practices in the NFL, establishing precedent for future racial protests by professional athletes and helping to bring about an end to Virginia’s discriminatory law.

This Essay tells the story of this largely forgotten event from the summer of 1961. The event represents a success story in the history of the civil right movement and illustrates how both legal and extra-legal methods were necessary to achieve the goals of the movement.⁵ Much of the focus on how the civil rights movement brought about change in the law focuses on the role that lawyers played.⁶ But the history of civil rights advancement is a history not just of how lawyers helped change the law

³ See, e.g., Des Bieler, *Bill Russell Led an NBA Boycott in 1961. Now He’s Saluting Others for “Getting in Good Trouble,”* Wash. Post (Aug. 27, 2020), <https://www.washingtonpost.com/sports/2020/08/27/bill-russell-nba-boycott/>.

⁴ Dustin Jones, *As a Racial Justice Activist, NBA Great Bill Russell Was a Legend Off the Court*, NPR (Aug. 21, 2022, 5:00 AM), <https://www.npr.org/2022/08/01/1114795613/racial-justice-pioneer-nba-bill-russell> [<https://perma.cc/E3TX-99XE>]; Darren Hartwell, *Bill Russell’s Civil Rights Legacy Rivals His On-Court Accolades*, NBC Sports Bos. (Feb. 7, 2023, 8:51 AM), <https://www.nbcsportsboston.com/nba/boston-celtics/bill-russells-civil-rights-legacy-rivals-his-on-court-accolades/284760/> [<https://perma.cc/3KSD-V3CU>].

⁵ See William P. Quigley, *Ten Ways of Looking at Movement Lawyering*, 5 *How. Hum. & C.R.L. Rev.* 23, 34 (2020) (stating that social justice lawyers “are always part of a team that mostly includes non-lawyers” and rejecting the assertion “that lawyers led and shaped the civil rights movement”).

⁶ See generally Jack Greenberg, *Crusaders in the Courts: How a Dedicated Band of Lawyers Fought for the Civil Rights Revolution* (1994) (chronicling the history of the NAACP Legal Defense Fund during the civil rights movement).

and society, but how non-lawyer organizers and activists were equal partners in the undertaking.⁷

This Essay focuses on how the lawyer at the center of the boycott in Roanoke, along with those who came before and after him, used the legal process to help change the law as well as societal norms regarding racial segregation. At the same time, the Essay explores how the non-lawyers involved in this episode played a vital and complementary role in the desegregation effort. In short, the Essay explores how Virginia's segregation laws were toppled through a combination of legal action and activism. Most importantly, the Essay memorializes the forgotten role that these individuals played in helping to desegregate professional sports and in laying the foundation for future protests by professional athletes.

I. CIVIL RIGHTS AND PROFESSIONAL SPORTS IN THE SUMMER OF 1961

1961 was an active year in the Civil Rights movement. In March, a group of nine Black students (known as the Tougaloo Nine) were arrested after conducting a “read-in” at a segregated public library in Mississippi.⁸ That spring and summer, the Freedom Riders, a group of white and Black civil rights activists, traveled on interstate buses into the Deep South to challenge segregation on the buses and the facilities at bus terminals.⁹ The activists met with violent protests along the way, including a mob in Alabama that stormed a bus and set fire to it on Mother's Day.¹⁰ Racial tensions could also be felt in the world of professional sports.

⁷ See Tomiko Brown-Nagin, *Elites, Social Movements, and the Law: The Case of Affirmative Action*, 105 *Colum. L. Rev.* 1436, 1522–23 (2005) (“[T]he moral suasion of participatory democratic groups of nonlawyers, and typically nonelites, was integral to law’s movement from a Jim Crow regime to a constitutional order in which formal equality was the norm.”). See generally Jennifer Gordon, *The Lawyer Is Not the Protagonist: Community Campaigns, Law, and Social Change*, 95 *Calif. L. Rev.* 2133 (2007) (describing the role of lawyers in supporting community-led campaigns for justice); Ascanio Piomelli, *Appreciating Collaborative Lawyering*, 6 *Clinical L. Rev.* 427 (2000) (advocating for an approach of collaborative lawyering).

⁸ Sophie Gardner, Brie Thompson-Bristol & Kathy Roberts Forde, *How the Tougaloo Nine Transformed History*, *Wash. Post* (May 23, 2021), <https://www.washingtonpost.com/outlook/2021/05/23/how-tougaloo-nine-transformed-history/>.

⁹ Lisa M. Fairfax, *Social Activism Through Shareholder Activism*, 76 *Wash. & Lee L. Rev.* 1129, 1130–31, 1131 nn.12–13 (2019).

¹⁰ Anders Walker, *The Ghost of Jim Crow: How Southern Moderates Used *Brown v. Board of Education* to Stall Civil Rights* 128 (2009).

A. Civil Rights and Professional Sports in 1961

The world of professional sports had a long history of racial segregation. However, by 1961, there had been some significant advances in racial integration on the fields of competition. Some of these advances were attributable to legal actions that challenged laws that required segregated sporting events.

In 1953, a Texas statute prohibited “any fistic combat match boxing, sparring or wrestling contest or exhibition between any person of the Caucasian or ‘White’ race and one of the African or ‘Negro’ race.”¹¹ Texas’s justification for the law was the supposed need “to prevent situations which engendered racial feelings and tended toward racial riots.”¹² But by limiting a fighter’s pool of potential opponents, the law also limited the amount of money a fighter could make.¹³ So, boxer I.H. “Sporty” Harvey filed suit seeking to compel the Texas Commissioner of Labor Statistics to grant Harvey a boxing license to allow him to fight against a white opponent.

With the financial backing of the NAACP, Harvey’s lawyer, Maury Maverick, Jr., brought an action on behalf of Harvey in Texas state court.¹⁴ While skeptical of the state’s supposed fears over “racial riots,” the Texas Court of Appeals eventually ruled in 1954 that “[e]ven if riotous conditions did result from mixed boxing exhibitions,” the Supreme Court’s decision in *Brown v. Board of Education* just five months earlier established that the state’s racial classification was unconstitutional.¹⁵

Louisiana’s State Athletic Commission had a similar rule in place at the time.¹⁶ So, in 1955, light heavyweight boxer Joe Dorsey, unable to earn as much money plying his trade as he liked, challenged the

¹¹ *Harvey v. Morgan*, 272 S.W.2d 621, 622 (Tex. Civ. App. 1954) (citing Tex. Penal Code Ann. art. 614-11(f) (West 1948)).

¹² *Id.* at 623 (internal quotation marks omitted).

¹³ Ryann D. Garza, *One Man’s Fight Was a Fight for All: The Story of I.H. “Sporty” Harvey and His Battle Outside the Ring* 15–16 (Apr. 2021) (unpublished student essay), https://digitalcommons.tamusa.edu/cgi/viewcontent.cgi?article=1000&context=hist4301_spring2021 [<https://perma.cc/77TX-4DCD>].

¹⁴ Cary Clack, *The Bout, Truly Adventurous*, <https://www.trulyadventure.us/the-bout-story> [<https://perma.cc/4BEB-7LQC>] (last visited Jan. 30, 2025). As a member of the Texas state legislature, Maverick previously tried unsuccessfully to have the law repealed. Jan Jarboe Russell, *The Last Maverick*, *Tex. Monthly* (July 2003), <https://www.texasmonthly.com/article/s/the-last-maverick/>.

¹⁵ *Harvey*, 272 S.W.2d at 625–27 (emphasis added).

¹⁶ *Dorsey v. State Athletic Comm’n*, 168 F. Supp. 149, 150 (E.D. La. 1958), *aff’d*, 359 U.S. 533 (1959) (per curiam).

constitutionality of the rule.¹⁷ Israel Meyer Augustine, Jr., who would go on to become the first Black elected criminal district judge in Louisiana, and Louis Berry, a Black civil rights lawyer who would go on to serve as dean of Southern University Law Center, represented Dorsey.¹⁸ By this point, the Supreme Court's decision in *Brown v. Board of Education* had persuaded lower courts to extend the Court's desegregation decision in the public school setting to a host of other public settings, including race-based classifications at parks, beaches, swimming pools, buses, and streetcars.¹⁹ Thus, the U.S. District Court for the Eastern District of Louisiana ruled that Louisiana's rule violated the Equal Protection Clause of the Fourteenth Amendment.²⁰ The Supreme Court would go on to affirm the decision in 1959.²¹

As a result of these types of decisions and changing societal views regarding segregated sporting events, integrated athletic competitions were increasingly the norm by 1961. The NBA had been fully integrated for a number of years, and two years earlier, the Boston Red Sox had become the last Major League Baseball team to integrate.²² 1961 saw the Professional Golfers' Association (PGA) remove the "Caucasian-only" clause from its bylaws, which had prevented non-white golfers from competing on the PGA Tour.²³ In March, boxer Floyd Patterson, perhaps recognizing the economic clout he carried as a professional athlete and his box office draw as the world champion, required that seating for his bout against Ingemar Johansson be provided on a non-segregated basis

¹⁷ *Id.*; see *The Fighter Who KO'd Louisiana's Jim Crow Law*, *Jet*, Jan. 1, 1959, at 56.

¹⁸ Evelyn L. Wilson, *Louis Berry—A Man Among Men*, 20 *S.U. L. Rev.* 149, 173–74, 183 (1993); Blake Pontchartrain, *Blakeview: Remembering Pioneering Black Jurists Israel Augustine Jr. and Revius Ortique Jr.*, *Gambit* (Feb. 8, 2021), https://www.nola.com/gambit/news/blake_pontchartrain/blakeview-remembering-pioneering-black-jurists-israel-augustine-jr-and-revius-ortique-jr/article_02dffcea-64d5-11eb-b09a-4b67fdeb8a00.html [<https://perma.cc/M5PG-2Q4E>].

¹⁹ *Dorsey*, 168 F. Supp. at 151.

²⁰ *Id.* at 152–53.

²¹ *State Athletic Comm'n v. Dorsey*, 359 U.S. 533, 533 (1959) (*per curiam*).

²² Avery Yang, *Black History Month: Pumpsie Green Made History as the First Black Red Sox Player*, *Sports Illustrated* (Feb. 23, 2020), <https://www.si.com/mlb/2020/02/24/black-history-month-pumpsie-green> [<https://perma.cc/C4SR-TXKZ>].

²³ Rhonda Glenn, *Charlie Sifford: A Hard Road to Golf Glory*, *USGA* (Feb. 3, 2019), <https://www.usga.org/articles/2012/02/a-hard-road-to-golf-glory-21474845949.html> [<https://perma.cc/BS83-UW3F>].

and included a \$10,000 penalty clause (payable to the NAACP) in his contract should the promoter fail to comply.²⁴

But while the sports world was making some racial progress by 1961, problems remained. The PGA may have been open to players of color, but it would be another three years before Charlie Sifford became the first Black member to join the Tour. During his tenure, Sifford would sometimes be prohibited from eating in segregated clubhouses.²⁵ Jackie Robinson broke the color barrier and integrated professional baseball in 1947, but many Black players still faced segregated housing requirements during spring training in Florida in 1961.²⁶ In March 1961, Mississippi State University's men's basketball team declined an invitation to participate in the NCAA basketball tournament because of the possibility that they would have to play a racially integrated team.²⁷

The most glaring racial problem in the world of professional football centered around the Washington Redskins.²⁸ In 1961, the Redskins were the only team in the world of professional baseball, basketball, and football not to have a Black player on their roster.²⁹ The team's owner, George Preston Marshall, planned on moving the team to a new stadium in the District of Columbia in October, but the U.S. Department of the Interior had made it clear to Marshall that the federal government, as the owner of the land in question, would not permit the team to play at the new stadium until the team complied with federal regulations and ended its discriminatory hiring practices.³⁰

Segregation was also an issue for football players off the field, even outside the Deep South. For example, Baltimore was still a segregated town. So, Lenny Moore, a Black running back for the Baltimore Colts, was sometimes unable to enter certain restaurants and theaters around

²⁴ See Patterson's Integration Experiment Successful, Call (Kan. City, Mo.), Mar. 24, 1961, at 10.

²⁵ USGA, *supra* note 23.

²⁶ Will Grimsley, Widening Problem in Florida's Camps, *Indep. Press-Telegram* (Long Beach, Cal.), Feb. 19, 1961, at C3.

²⁷ Rebels Ban NCAA, S.F. Exam'r, Mar. 1, 1961, at 49; Will Grimsley, Cincinnati May Be Team to Knock Off Ohio State Buckeyes, *Sun Herald* (Biloxi, Miss.), Mar. 6, 1961, at 19.

²⁸ The team, facing longstanding criticism that its name was racially offensive, would later change its name to the Commanders. This Essay uses the team's original name for the sake of historical accuracy.

²⁹ Andrew O'Toole, Fight for Old DC: George Preston Marshall, the Integration of the Washington Redskins, and the Rise of a New NFL 61 (2016).

³⁰ *Id.* at 111–12; Thomas G. Smith, Showdown: JFK and the Integration of the Washington Redskins 151 (2011).

town, despite being a hero on the gridiron.³¹ And when the Colts went to their training camp in Westminster, Maryland, the options for Black players in their spare time were limited as many of the town's restaurants, as well as its movie theater and bowling alley, remained segregated.³²

B. Civil Rights in Virginia in 1961

The practice of segregation in Virginia was starting to show cracks by the summer of 1961, in part due to the sheer weight of judicial precedent lining up against Virginia's segregation laws. The Virginia Supreme Court and the U.S. Supreme Court both confronted Virginia's segregation laws on multiple occasions. In 1946, the U.S. Supreme Court held in *Morgan v. Virginia* that a Virginia statute requiring racial segregation on all passenger motor vehicles was, as applied to interstate passengers, an unconstitutional violation of the commerce clause.³³ In 1949, the Virginia Supreme Court relied upon *Morgan* to overturn the criminal conviction of a Black passenger who traveled across state lines and refused to move to the "colored section" of the train.³⁴

In 1960, the U.S. Supreme Court held in *Boynton v. Virginia* that the federal Interstate Commerce Act of 1887 provided a Black bus traveler with the right to sit in the "whites only" section of a restaurant at a bus terminal, despite the existence of a Virginia law that made it a misdemeanor to remain on property after having been forbidden to do so by the owner or lessor of the property.³⁵ This decision prompted the Freedom Riders to set out in the summer of 1961 to help ensure the guarantees afforded by the Court's decision.³⁶

Virginia's segregationist laws also contributed to the United States Supreme Court's decision desegregating public schools. *Davis v. County School Board*, a case involving a segregated school in Farmville, Virginia, was one of the cases consolidated into *Brown v. Board of Education*, in which the Supreme Court declared racial segregation in public schools unconstitutional.³⁷ Virginia lawmakers famously responded with a

³¹ Kevin Van Valkenburg, *Black & White*, *Balt. Sun*, Dec. 25, 2008, at D3.

³² C.O.R.E. Plea Sent to Colts, *Evening Sun* (Balt., Md.), Dec. 20, 1962, at B2.

³³ *Morgan v. Virginia*, 328 U.S. 373, 386 (1946).

³⁴ *Lee v. Commonwealth*, 54 S.E.2d 888, 891–93 (Va. 1949).

³⁵ *Boynton v. Virginia*, 364 U.S. 454, 455–56, 463 (1960).

³⁶ See Amber Baylor, *Boynton v. Virginia* and the Anxieties of the Modern African-American Customer, 49 *Stetson L. Rev.* 315, 316 (2020).

³⁷ *Brown v. Bd. of Educ.*, 347 U.S. 483, 483, 495 (1954).

program of “massive resistance” that resulted in the closing of public schools in the state.³⁸ But by 1961, there was a wave of lawsuits resulting in the desegregation of numerous school districts across the state.³⁹

Despite these advances, formal and informal segregation remained a fact of life in Virginia in 1961, including at public sporting events. In 1926, the Virginia legislature passed a statute that required any individual who sponsored public entertainment “to separate the white race and the colored race” and to provide separate seating for the attendees.⁴⁰ The law remained in effect in 1961.⁴¹ Minor league ballparks and other athletic facilities throughout the state felt the effects of this *de jure* segregation.⁴² It was this law that would be at the center of controversy in Roanoke during the summer of 1961.

C. Civil Rights and Professional Sports in Roanoke in 1961

In the summer of 1961, Roanoke’s 25,000-seat Victory Stadium was a hotbed of activity. During the last week of July, the stadium played host to a six-day evangelical gathering called the “Festival of Faith,” which was attended by several thousand.⁴³ The first day of August saw the beginning of the six-day-long Roanoke Fair, which featured games, rides, fireworks, and other attractions, such as a Wild West Show and “Rose

³⁸ Yuvraj Joshi, *Racial Transition*, 98 *Wash. U. L. Rev.* 1181, 1193 (2021) (internal quotation marks omitted); Janel A. George, *Deny, Defund, and Divert: The Law and American Miseducation*, 112 *Geo. L.J.* 509, 533–34 (2024).

³⁹ See *Summer School Admits Negroes*, *Rich. Times-Dispatch*, June 20, 1961, at 2 (detailing the first integration of summer school in Charlottesville); *Three Negroes Apply to Blacksburg High*, *Rich. Times-Dispatch*, July 8, 1961, at 2 (detailing desegregation efforts in Montgomery County, Virginia).

⁴⁰ Va. Code of 1924, tit. 15A, ch. 73A, § 1796a (Michie Co., Supp. 1926) (on file with author). The statute required that any individual:

[S]ponsoring or permitting any . . . place of public entertainment or public assemblage which is attended by both white and colored persons, to separate the white race and the colored race, and to set apart and designate in each . . . place of public entertainment or public assemblage, certain seats therein to be occupied by white persons, and a portion thereof, or certain seats therein, to be occupied by colored persons . . .

Id. The failure to separate the races in this manner was a misdemeanor punishable by a fine between \$100 and \$500. *Id.* The refusal to take the seat assigned to them by the operator of the place of public entertainment was also a misdemeanor, punishable by a fine of between \$10 and \$25. *Id.* § 1796b.

⁴¹ 1960 Va. Acts 477–78.

⁴² See *Savannah Club’s Official to Meet with Committee*, *Daily Advance* (Lynchburg, Va.), Aug. 21, 1962, at 17 (noting that Lynchburg’s City Stadium did not have integrated seating).

⁴³ Robert B. Sears, *Butt Says God Not Like Humans*, *Roanoke Times*, July 27, 1961, at 4.

Marie the Snake Girl.”⁴⁴ Professional wrestling events were also staged at the stadium that summer on a regular basis, featuring such performers as the Masked Medics and Terrible Ted the Wrestling Bear.⁴⁵

In the previous months, the Roanoke Chamber of Commerce had been actively promoting a first for Roanoke: an NFL preseason game between the Baltimore Colts and the Pittsburgh Steelers, scheduled for August 12 at Victory Stadium.⁴⁶ The stadium regularly hosted high school football and college games, but this would be the first professional game to be played there.⁴⁷ Tickets cost four dollars.⁴⁸ Proceeds would benefit Roanoke’s sandlot football program, which was sponsored by the Chamber.⁴⁹ The game was scheduled to feature severable notable players. The Steelers were led by quarterback Bobby Layne, a future Hall of Famer who was on the downside of his career by this point. In addition to famed quarterback Johnny Unitas, the Colts were led by running back Lenny Moore, who helped lead the Colts to the 1958 NFL Championship and who set a number of NFL records during his career.⁵⁰

The game was going to serve as something of a milestone in the history of integration in the city. Local sportswriters speculated that this was likely to be the first game to be played in Roanoke with racially diverse participants.⁵¹ But there was also an insidious racial aspect to the event. Virginia’s statute requiring segregation at public events was still in effect, and the Roanoke Chamber of Commerce had already reserved a number of less desirable seats for Black attendees in the end zone and up to the twenty-yard line.⁵²

⁴⁴ John Via, *Roanoke Fair Opens Six-Day Run*, *Roanoke Times*, Aug. 1, 1961, at 14.

⁴⁵ *Bear Makes Return Date on Mat Show*, *Roanoke Times*, July 6, 1961, at 23; *Masked Medics Top Thursday’s Wrestling Card*, *Roanoke Times*, July 9, 1961, at D-5.

⁴⁶ *Colt-Steeler Tickets Go on Sale Monday*, *Roanoke World-News*, Mar. 26, 1961, at D-1; *Colts-Steelers Tickets Going at Rapid Pace*, *Roanoke Times*, Mar. 28, 1961, at 12.

⁴⁷ *Ozzie Osborne, City to be Asked for Mixed Stadium*, *Roanoke World-News*, Mar. 31, 1961, at 1; *Pro Ball Coming*, *Roanoke World-News*, Feb. 20, 1961, at 6.

⁴⁸ *Colts-Steelers Tickets Going at Rapid Pace*, *supra* note 46.

⁴⁹ *Colt-Steeler Tickets Go on Sale Monday*, *supra* note 46.

⁵⁰ Joseph Person, *NFL 100: At No. 92, Lenny Moore Was the League’s Dual-Threat Running Back Before It Was Popular*, *N.Y. Times* (July 12, 2021), <https://www.nytimes.com/athletic/2690505/2021/07/12/nfl100-at-no-92-lenny-moore-was-the-leagues-dual-threat-running-back-before-it-was-popular/>.

⁵¹ *Osborne*, *supra* note 47.

⁵² *Integration at Stadium Up to State*, *Roanoke World-News*, Apr. 14, 1961, at 1; *Charles Cox, Stadium Integration Goes Smoothly*, *Roanoke World-News*, Aug. 14, 1961, at 1; *Negroes Get Go-Ahead to Play Here Saturday*, *Roanoke World-News*, Aug. 10, 1961, at 1.

II. REUBEN E. LAWSON: A LAWYER CHALLENGES VIRGINIA'S SEGREGATION LAW

The NAACP and its Legal Defense Fund were the driving legal forces in the desegregation movement, frequently leading the litigation of landmark civil rights suits. The NAACP also routinely partnered with solo practitioners and small law firms in pursuit of the cause of racial equality.⁵³ As legendary Virginia civil rights attorney Oliver Hill put it, “[a]fter people got in trouble, they called the NAACP[,] and the NAACP called us.”⁵⁴ Roanoke attorney Reuben E. Lawson was a part of this world.

After earning his law degree from Howard University, Lawson went to work for Hill’s firm—Hill, Martin & Robinson—in Richmond before leaving to establish his own firm in Roanoke.⁵⁵ Lawson was a prominent figure in the Black community in Roanoke at the time. Working out of the Lawson Law Building (which Lawson owned) in the Gainsboro section of Roanoke, Lawson handled a variety of legal matters for his clients, including criminal defense.⁵⁶ Lawson was active in a variety of local organizations and had served as a legal staff member and president of the Roanoke chapter of the NAACP.⁵⁷ Indeed, the executive board of the organization sometimes met in Lawson’s office to strategize.⁵⁸

Lawson was at the forefront of the legal battle over civil rights during this era. He devoted a significant part of his practice to the desegregation of public schools in the area and was responsible for filing the first school desegregation suit in Southwest Virginia.⁵⁹ He would go on to pursue successful litigation against multiple school boards in the area, including

⁵³ Ann Juergens & Diane Galatowitsch, *A Call to Cultivate the Public Interest: Beyond Pro Bono*, 51 *Wash. U. J.L. & Pol’y* 95, 113 (2016) (referencing the “community lawyers in the first half of the twentieth century—most of them solo and small firm practitioners—who worked closely with grassroots organizations such as the NAACP”).

⁵⁴ Oliver W. Hill, Sr., *The Big Bang: Brown vs Board of Education, and Beyond* 146 (Jonathan K. Stubbs ed., 2000).

⁵⁵ John P. Fishwick, Jr., *Reuben E. Lawson: A Forgotten Civil Rights Titan*, 31 *Senior Law News*, Summer 2023, at 5.

⁵⁶ See *Ingram v. Commonwealth*, 66 S.E.2d 846, 846 (Va. 1951) (involving Lawson’s representation of a criminal defendant).

⁵⁷ Fishwick, Jr., *supra* note 55, at 5.

⁵⁸ *Id.*

⁵⁹ *Id.* at 5–6.

Roanoke's.⁶⁰ He also represented community organizations in Roanoke seeking better employment opportunities and better city services for Black citizens.⁶¹

In 1961, Lawson would lead a legal challenge against a different form of segregation. Controversy surrounding segregated seating for the preseason game between the Colts and the Steelers at Victory Stadium in Roanoke began in the spring.⁶² In late March, Lawson announced that he was representing “a group of citizens who protest segregation of the Colts-Steelers game.”⁶³ Lawson approached Roanoke's city managers and other officials in an attempt to persuade them to permit desegregated seating for the game.⁶⁴ Lawson pointed out that when former Vice President Richard Nixon spoke at Victory Stadium during his presidential campaign the year before, there had been no segregated seating and several Black individuals sat on the platform with Nixon.⁶⁵ By this point, the publicly-owned restaurant at Roanoke's Woodrum Airport had already been desegregated.⁶⁶ But Lawson was informed that seating for the Colts-Steelers game would remain segregated. “State law says crowds can't be mixed; it's not up to us to change state law,” remarked Vice Mayor Vincent S. Wheeler.⁶⁷ A representative for the Chamber of Commerce voiced the same sentiment: the Chamber had “no choice but to sell tickets on a segregated basis” due to the Virginia statute.⁶⁸

An editorial in the *Roanoke Times* on April 1 voiced support for the general concept of allowing integrated seating at sporting events at public facilities: “If spectators are willing to pay to see white and [Black] professionals contesting on the playing field, they can hardly object with

⁶⁰ *Jackson v. Sch. Bd.*, 321 F.2d 230, 230–31, 233 (4th Cir. 1963); *Marsh v. Cnty. Sch. Bd.*, 305 F.2d 94, 95, 99–100 (4th Cir. 1962); *Green v. Sch. Bd.*, 304 F.2d 118, 119, 124 (4th Cir. 1962); *Goins v. Cnty. Sch. Bd.*, 282 F.2d 343, 344–45 (4th Cir. 1960).

⁶¹ *City Asked to Employ Negro Clerks*, *Roanoke Times*, Jan. 8, 1963, at 16.

⁶² See *Race Mixing at Stadium Being Sought*, *Roanoke Times*, Mar. 30, 1961, at 10 (discussing the possibility of a lawsuit being filed to force desegregation of Victory Stadium).

⁶³ See *id.*

⁶⁴ See *id.*

⁶⁵ *Osborne*, *supra* note 47; *Stadium Mixing OK Requested*, *Roanoke Times*, Apr. 1, 1961, at 3. However, Vice President Nixon did take the stage that day to the sound of a high school band performing “Dixie.” *Ben Beagle, Airport Welcome Caps Nixon's Political Day*, *Roanoke Times*, Sept. 16, 1960, at 1.

⁶⁶ *Whittle Will Give Opinion on Mixing Stadium Seating*, *Roanoke World-News*, Apr. 4, 1961, at 9.

⁶⁷ *Stadium Mixing OK Requested*, *supra* note 65.

⁶⁸ *Bill Brill, Negro Grid Stars Expected to Play*, *Roanoke Times*, Aug. 9, 1961, at 1.

any degree of consistency to removing the color line in the spectators' stands."⁶⁹

A few days later, Lawson formally addressed the Roanoke City Council and asked the Council to permit integrated seating at the game: "I realize that each of you, when you took your oath, you promised to uphold the Constitution of Virginia, but also promised, gentlemen, to uphold the Constitution of the United States of America. That is why I am here today, asking you, which is superior?"⁷⁰

City Attorney Ran G. Whittle advised the Council that permitting desegregated seating at the game would amount to a violation of state law, and—given that the City of Roanoke itself had no ordinance requiring segregation—he saw "no reason whatsoever why [the Council] should be expected to adopt an ordinance" desegregating the seating at Victory Stadium.⁷¹ The Council summarily rejected Lawson's request two weeks later.⁷² So, while Black football fans were welcome to attend the Steelers-Colts game at Victory Stadium, they would have to sit in the less desirable end zone seats or else potentially face criminal prosecution.⁷³

The controversy over seating for the game caught the management of the Steelers and Colts by surprise.⁷⁴ "We definitely discussed that very thing when negotiating the contract," said the Steelers' director of publicity.⁷⁵ "Roanoke isn't that type of a town," he continued, pointing out that Black and white players would be staying at the same hotel over the weekend.⁷⁶ Indeed, later that summer, the evangelical "Festival of Faith" was held at the stadium with integrated seating and no arrests ensued.⁷⁷ But for whatever reason, Virginia's law would be enforced for the scheduled football game.

Lawson had put the issue of segregation squarely in the public eye by bringing his concerns to the city council and threatening litigation.

⁶⁹ Editorial, *Desegregation at the Stadium?*, *Roanoke Times*, Apr. 1, 1961, at 6.

⁷⁰ Fishwick, Jr., *supra* note 55, at 5; Whittle Will Give Opinion on Mixing Stadium Seating, *supra* note 66.

⁷¹ *Integration at Stadium Up to State*, *supra* note 52.

⁷² Charles Cox, *Suit Is Dismissed on Stadium Mixing*, *Roanoke World-News*, July 13, 1961, at 1.

⁷³ See *Integration at Stadium Up to State*, *supra* note 52 (observing that seats in end zones were reserved for Black attendees).

⁷⁴ Brill, *supra* note 68.

⁷⁵ Pat Livingston, *Race Block Thrown at Steelers, Colts*, *Pitt. Press*, Aug. 9, 1961, at 38.

⁷⁶ *Id.*

⁷⁷ *Stadium Race Mixing Planned*, *Roanoke World-News*, July 13, 1961, at 1 (stating that the planned "Festival of Faith" would be integrated).

Matters came to a head in June when Lawson filed suit in Roanoke City Circuit Court on behalf of three Black citizens against various defendants, including the City of Roanoke, its city manager, and the Roanoke Chamber of Commerce.⁷⁸ Lawson sought an injunction, aimed at challenging Virginia's segregation law.⁷⁹ Judge Fred L. Hoback dismissed the claim on July 13, concluding that the harm alleged by Lawson's clients was merely speculative.⁸⁰ Unless criminal warrants were actually issued, Hoback ruled, any alleged harm in upholding Virginia's segregation law "raise[d] only a moot question."⁸¹

Interestingly (and perhaps not coincidentally), similar litigation took place in Richmond, Virginia, at almost exactly the same time. Lawson's former colleague, the civil rights lawyer Martin A. Martin, had filed his own lawsuit in June challenging the constitutionality of Virginia's segregated seating law as it applied to Richmond's Parker Field, home of Richmond's minor league baseball team.⁸² The *Richmond Times-Dispatch* linked Lawson's lawsuit with Martin's in its report on the Richmond suit.⁸³ Unlike in Lawson's case, the judge in the Richmond suit ruled that an actual controversy did exist in light of "the threat of enforcement of criminal law" if Black attendees sat in "whites only" seating.⁸⁴ But no other progress was made in the case during the baseball season, and the judge in the case eventually ruled against Martin's clients the following year.⁸⁵

With the game at Victory Stadium in Roanoke now less than a month away, the clock was ticking for Lawson. Following Hoback's ruling, Lawson's clients purchased tickets for the game in the "whites only" section of Victory Stadium.⁸⁶ Their purpose was self-evident: if these individuals sat in the "whites only" section, they would be opening themselves to criminal prosecution. Lawson then filed an amended action

⁷⁸ Suit Seeks Integration of Stadium, Roanoke World-News, June 12, 1961, at 13.

⁷⁹ Id.

⁸⁰ Cox, supra note 72; Judge Dismisses Stadium Suit, Roanoke Times, July 14, 1961, at 17.

⁸¹ Order at 390–91, *Wheaton v. City of Roanoke*, No. 871 (Va. Cir. Ct. July 19, 1961) (on file with author); Judge Dismisses Stadium Suit, supra note 80.

⁸² Suit Is Seeking Desegregation at Parker Field, Rich. Times-Dispatch, June 13, 1961, at 2.

⁸³ Desegregation Suit Is Filed, Rich. Times-Dispatch, June 13, 1961, at 2.

⁸⁴ City Loses Round in Court Attack on Mosque Seating, Rich. Times-Dispatch, July 1, 1961, at 3.

⁸⁵ Hugh Robertson, Negroes Pushing for Mixed Seats, Rich. News Leader, July 6, 1962, at 1.

⁸⁶ Charles Cox, Stadium Plaintiffs Buy "White" Tickets, Roanoke World-News, July 31, 1961, at 1; Negro Plaintiffs Buy "Whites Only" Tickets, Roanoke Times, Aug. 1, 1961, at 14.

in circuit court at the end of July, asserting that a genuine controversy existed since his clients' use of the tickets would subject them "to the pain and penalty of fine or imprisonment" under Virginia law.⁸⁷ Given the fact that the defendants had twenty-one days to file a reply, however, it increasingly looked like the law might not provide a remedy for Lawson and his clients before the kickoff on August 12.⁸⁸

III. A MINISTER AND TWENTY FOOTBALL PLAYERS PICK UP THE FIGHT IN ROANOKE

With less than two weeks before kickoff and with the defendants having twenty-one days to respond to Lawson's amended complaint, Lawson's legal options were limited. He was quickly running out of time to accomplish his goal. Enter Reverend Raymond R. Wilkinson, president of the Roanoke chapter of the NAACP.⁸⁹

A. Reverend R.R. Wilkinson Organizes a Boycott in Roanoke

Wilkinson was a civil rights pioneer in Roanoke who often partnered with Lawson. The year before, the two spoke together publicly about the use of non-violent protest and litigation to help bring an end to segregation.⁹⁰ In 1960, the two men appeared at a rally where they discussed school desegregation efforts in the region.⁹¹

In 1960, Wilkinson had been unable to convince the all-white Roanoke City Council to create a biracial commission to improve race relations in Roanoke.⁹² So, Wilkinson and others formed a secret biracial commission that worked behind the scenes with white store merchants to plan the peaceful desegregation of local lunch counters.⁹³ The group started with

⁸⁷ Cox, *supra* note 86 (internal quotation marks omitted).

⁸⁸ Cox, *supra* note 72 (stating that defendants would have twenty-one days to reply to any filing).

⁸⁹ See Henry Chenault, *Roanoke Lunch Counters Desegregated Quietly*, *Roanoke Times*, Aug. 28, 1960, at 1 (identifying Wilkinson as the president of the Roanoke chapter of the NAACP).

⁹⁰ Melville Carico, *Service Not Sitdowns, Held Aim of NAACP*, *Roanoke Times*, Apr. 1, 1960, at 11.

⁹¹ Lee Fox, *Effort to Mix City Schools Possible "In a Few Days," Says Negro Leader*, *Roanoke Times*, May 18, 1960, at 1.

⁹² *Roanoke Biracial Committee Integrates Woolworth*, *Rev. Dr. Raymond R. Wilkinson: Roanoke, Va.'s C.R. Pioneer*, <https://www.rwilkinson.org/integrate-woolworth-lunch-counters> [<https://perma.cc/A86S-KSVH>] (last visited Jan. 31, 2025).

⁹³ *Id.*

the small lunch counter at the Woolworth's and gradually integrated other area restaurants without incident.⁹⁴

Now, Wilkinson and Lawson set their sights on the 25,000 seats in Victory Stadium. Wilkinson sent a telegram to several of the Black players on the Colts and Steelers teams asking them to refuse to play in the game.⁹⁵ In an address to the Roanoke City Council, Lawson alluded to the possibility of a boycott when he mentioned that he knew several of the players on the teams and that “they would not appreciate playing before a segregated audience.”⁹⁶ Wilkinson then made good on Lawson's implied threat.

Wilkinson told the players that the Roanoke chapter of the NAACP was “engaged in a struggle for freedom and first class citizenship and that desegregated seating in the stadium is not compatible with that struggle.”⁹⁷ Colts star Lenny Moore publicly stated that his fellow Black teammates were “100 percent” against playing before a segregated crowd and were “trying to work out something.”⁹⁸ For his part, Colts coach Weeb Ewbank adopted a stance of calculated neutrality: “I just coach football.”⁹⁹ In Pittsburgh, the Black players reportedly informed Coach Buddy Parker that they would not “cross an NAACP picket line” to play in a segregated stadium.¹⁰⁰

The prospect of an organized protest of an NFL game was not new. Earlier protests focused on the failure of the Redskins to integrate their roster. For example, a group known as the Characters Social Club of D.C. picketed Redskins games outside the team's stadium.¹⁰¹ What Wilkinson was proposing, however, was something different. There would not simply be picketers outside of Victory Stadium. Wilkinson was seeking to convince a group of players on opposing teams to come together and withhold their services.

The fact that this was a preseason game with little on the line for either team potentially made the decision more palatable for the players. For

⁹⁴ Chenault, *supra* note 89.

⁹⁵ Negroes Requested to Refuse to Play, *Roanoke World-News*, Aug. 8, 1961, at 1.

⁹⁶ Fishwick & Assocs. PLC, Reuben E. Lawson—The Forgotten Civil Rights Titan, YouTube (Oct. 10, 2022), <https://www.youtube.com/watch?v=wEwRafaq7Vk> [<https://perma.cc/6W8K-8UDP>].

⁹⁷ Negroes Requested to Refuse to Play, *supra* note 95.

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ Grid Bias May Be on Way Out in NFL, *Pitt. Courier*, Aug. 19, 1961, at 27.

¹⁰¹ O'Toole, *supra* note 29, at 52.

example, later, during the 1961 regular season, representatives from the NAACP attempted a similar boycott. The Houston Oilers of the American Football League played their games at a stadium with segregated seating. Representatives from the NAACP asked Black players for the Oakland Raiders and San Diego Chargers to sit out their games against the Oilers. The players declined, with the Chargers players citing their obligations to the fans and other members of the Chargers organization.¹⁰² Black players for the San Francisco 49ers similarly took the field against the Redskins in the season opener, declining the NAACP's request that they refuse to play in order to protest the Redskins' failure to integrate their roster.¹⁰³

Eventually, the Black players for the Colts and the Steelers agreed not to play in the preseason game until they received the go-ahead from the NAACP.¹⁰⁴ This meant that the twenty Black players would be absent from the game (and in breach of their contracts with their teams).¹⁰⁵ The *Pittsburgh Post-Gazette* observed that several of the Steelers players in question were “key men” on the team and that it “might be very difficult” for the team to play without them.¹⁰⁶ Before the advent of the Internet and sports talk radio, newspapers across the country picked up the story of the planned boycott in Roanoke.¹⁰⁷

The situation was embarrassing not only for Roanoke, but also for the NFL. Players on the Steelers had previously complained about the discrimination they faced before a preseason game in New Orleans.¹⁰⁸ Several teams refused to schedule preseason games in the South due to segregation.¹⁰⁹ Indeed, the closest thing to a “southern” team in the NFL in 1961 was the Redskins, whose fight song had been changed just two years earlier to urge the team to “[f]ight for Old Dixie” (instead of “Old

¹⁰² Smith, *supra* note 30, at 161; Sepia Pro Grid Players Ignore Pickets, Cross Lines, Play in Game, Call (Kan. City, Mo.), Sept. 29, 1961, at 10; Chargers' Negroes May Boycott Game, Lubbock Avalanche-J., Nov. 29, 1961, at C3; NAACP Protest Is Turned Down, Baytown Sun (Tex.), Nov. 30, 1961, at 25.

¹⁰³ 49er Players Won't Boycott Sunday Game, Reno Evening Gazette, Sept. 13, 1961, at 16.

¹⁰⁴ Livingston, *supra* note 75.

¹⁰⁵ See Brill, *supra* note 68 (identifying 20 players); Negroes Requested to Refuse to Play, *supra* note 95 (speculating that players were contractually obligated to play the game).

¹⁰⁶ James C. Fetzer, Steeler Negro Players Asked to Boycott Game, Pitt. Post-Gazette, Aug. 9, 1961, at 1.

¹⁰⁷ See, e.g., Negro Grid Stars May Boycott Tilt, Gazette & Daily (York, Pa.), Aug. 9, 1961, at 21; NAACP Asks Negro Players to Boycott Colt-Steeler Game, Tampa Trib., Aug. 9, 1961, at 24.

¹⁰⁸ Grid Bias May Be on Way Out in NFL, *supra* note 100.

¹⁰⁹ *Id.*

DC”).¹¹⁰ With just a few days before kickoff, the outlook for the game was increasingly grim.

B. The End of the Standoff

Enter NFL Commissioner Pete Rozelle. By this point, Rozelle had been the league’s commissioner for only about eighteen months, having previously served as the general manager for the Los Angeles Rams. Rozelle had been attempting to distance the NFL from the Redskins’ failure to integrate their team and the ensuing battle with the Department of the Interior.¹¹¹ Professional football had long taken a back seat to the college game, but the NFL’s popularity was rising. Rozelle was attempting to secure a deal with CBS to broadcast NFL games on a national level, and the last thing he and the league needed was to have the viewing public link professional football to racial discrimination.¹¹²

The Redskins’ owner, George Preston Marshall, did not make it easy for Rozelle. As media attention surrounding the team’s refusal to integrate increased, Marshall repeatedly insisted that the government could not tell him what to do when it came to how he ran his team.¹¹³ Secretary of the Interior Stewart Udall was equally resolute and warned Marshall if he wanted the Redskins to play in their brand-new stadium, the team would need to comply with the government’s non-discrimination requirement by the start of the 1961 NFL season.¹¹⁴ The standoff between the federal government and the Redskins was reaching a breaking point. With the team’s first regular season game scheduled to take place in only a little over a month, time was running out.

So, on August 9, Rozelle made a trip to D.C. to talk to Marshall to try to figure a way out of the mess.¹¹⁵ Oddly enough, this also happened to be the same day that representatives from the Steelers, the Colts, the Chamber of Commerce, and the NAACP gathered together at the Patrick Henry Hotel in downtown Roanoke to try to find a solution to their own problem.¹¹⁶ The participants contacted Rozelle, according to one of the

¹¹⁰ O’Toole, *supra* note 29, at 4. In 1950, Marshall told a reporter, “I have nothing against Negroes, but I want an all-white team.” *Id.* at 1.

¹¹¹ *Id.* at 122.

¹¹² *Id.* at 121–22.

¹¹³ *Id.* at 131.

¹¹⁴ *Id.* at 112, 116.

¹¹⁵ *Id.* at 131.

¹¹⁶ Negroes Get Go-Ahead to Play Here Saturday, *supra* note 52.

participants, because “all disputes involving contractual developments are referred to the commissioner.”¹¹⁷ The details of what transpired during that five-hour meeting remain private, but the meeting produced several important results.

First, the Colts and Steelers players would play. Media accounts of how this came to pass varied. Some papers reported that Rozelle had *ordered* the players to play in the game.¹¹⁸ Others suggested that the players voluntarily agreed to play after the NAACP withdrew its objections and gave players the go-ahead to play. Some of these outlets attributed the NAACP’s change of heart to the charitable nature of the game.¹¹⁹ The *Roanoke Times*, for instance, quoted Roanoke’s then-director of the Parks and Recreation Department as saying that the Black sandlot football program would be resumed after a two-year layoff.¹²⁰ Rozelle’s statement itself was vague on what role he played in ending the stalemate and what, if anything, either side had promised. But his written statement referenced civil rights litigation and explained that “[t]he worthy cause and the hope of early court settlement of matters of this type permits the team to play.”¹²¹

Second, Rozelle publicly condemned segregation as being “repugnant to the American way of life” and advised that the controversy in Roanoke had “focused the attention of the National Football League on the unhealthy condition existing in cities of this type.”¹²² Rozelle went a step further and stated that he was “hopeful that in future seasons clubs of the National Football League will not play games to segregated audiences.”¹²³

Taken literally, Rozelle’s statement about his hope for a desegregated NFL was merely aspirational in nature. But it is also easy to read between the lines and conclude that Rozelle was sending a not-so-subtle message to NFL owners about scheduling pre-season games in segregated

¹¹⁷ Charity Angle Keeps Negroes in Pro Tilt, *Daily Progress* (Charlottesville, Va.), Aug. 10, 1961, at 16 (internal quotation marks omitted).

¹¹⁸ Attorneys Seek Boycott of Redskins-Colts Game, *Winston-Salem J.*, Aug. 15, 1961, at 13; Colt-Pitt Negroes Set to Play in Roanoke, *Wash. Daily News* (D.C.), Aug. 10, 1961, at 24; Pat Livingston, Steeler-Colt Game Skirts Racial Block, *Pitt. Press*, Aug. 10, 1961, at 34.

¹¹⁹ Way Cleared for Pro Game at Roanoke, *Virginian-Pilot* (Norfolk, Va.), Aug. 10, 1961, at 39; Charity Angle Keeps Negroes in Pro Tilt, *supra* note 117.

¹²⁰ Brill, *supra* note 68.

¹²¹ Livingston, *supra* note 118.

¹²² *Id.*

¹²³ *Id.*

stadiums in the future. The *Washington Afro-American* went a step further, writing that Rozelle had issued a “directive . . . ruling out any further games—pre-season or otherwise—in cities where racial discrimination is practiced.”¹²⁴ The paper quoted Colts owner Carroll Rosenbloom as saying that it was obvious that Rozelle’s statement meant that “there will be no further tolerance of race segregation” in the NFL.¹²⁵

Rozelle’s statement did not expressly declare that city officials had agreed to permit integrated seating at the game. And Rozelle acknowledged that Reverend Wilkinson “was ‘not completely satisfied’” with the outcome.¹²⁶ But it is hard to view the outcome as anything other than a win for the cause of civil rights. For one, there clearly seems to have been an unspoken agreement among the participants that desegregated seating would be permitted and no arrests would be made. Wilkinson cautioned that “[i]f another professional contest is played next year in a segregated stadium,” he would organize a boycott and public protest.¹²⁷ But, Wilkinson expressed his support for the game and wryly observed that he would “be there rootin’ on the 40-yard line” (in what would have otherwise been the “whites only” section of the stadium).¹²⁸ Apparently, law enforcement was going to look the other way at the violation of Virginia’s segregation law.

More importantly, not only had Wilkinson and Lawson brought national attention to racial discrimination in the South, they had also extracted a statement from the head of the NFL declaring segregation to be “repugnant” and a clear warning (if not an actual directive) to NFL owners against playing future games in segregated stadiums. They had successfully harnessed the power of collective action on the part of professional athletes to bring about positive change in the landscape of segregation.

¹²⁴ Roanoke Ban Lifted, Colts Face Issue Anew in Norfolk, Wash. Afro-Am. (D.C.), Aug. 12, 1961, at 16.

¹²⁵ Id. (internal quotation marks omitted). The NFL was contemplating expansion at the time, and several southern cities were rumored to be possible candidates. Jesse Outlar, AFL at AIR?, Atlanta Const., Aug. 19, 1961, at 10; NFL Studies Expansion, Orlando Evening Star, Jan. 20, 1960, at 14. Rozelle’s statement that he hoped there would be no segregated seating at future NFL games might also have been a suggestion to these cities that their chances of landing a new franchise would improve if they committed to ensuring that their stadiums would be integrated.

¹²⁶ Livingston, supra note 118.

¹²⁷ Negroes Get Go-Ahead to Play Here Saturday, supra note 52.

¹²⁸ Id.

C. The Game Goes On

While criminal prosecutions were apparently off the table for the game, city officials were not taking any chances regarding potential unrest. There was an additional police presence at Victory Stadium, firetrucks with hoses were present to disperse unruly crowds, and the National Guard moved its training up a day to be nearby.¹²⁹ But there turned out to be no need for any of it. While some Black attendees sat in the end zone, somewhere between 100 and 300 sat in the traditionally “whites only” seating without incident.¹³⁰ Over 13,000 people attended the game.¹³¹ “It was the most orderly, the most well-behaved bunch I ever saw at a game here,” remarked one attendee.¹³² While the local press focused on the lack of controversy during the actual playing of the game, four decades later Colts running back Lenny Moore painted a less rosy picture:

[W]hen I went onto the field in the pregame warmup, I looked around the stands and it was obvious that black fans were still sitting in predetermined blocks of seats. I walked down the field, to the end zone, to meet some of the black kids. They were fenced in, like pigs in a pen. I had to reach through the chain-link fence in order to shake their hands. No image had ever made me realize, with such force, just what blacks have been up against all through American history: we have always been on the outside looking in.¹³³

The outcome of the game was something of an afterthought, but the Steelers beat the Colts by a score of 24-20.¹³⁴

Two days after the game at Victory Stadium, Commissioner Pete Rozelle released a letter he received from George Preston Marshall, announcing that the Redskins planned to draft a Black player in the following year’s draft.¹³⁵ Although the team would have no Black players on its roster to enter the 1961 season, Marshall’s pledge satisfied Secretary of the Interior Udall. “We are willing to proceed on the

¹²⁹ Cox, *supra* note 52.

¹³⁰ *Id.*

¹³¹ *Id.*

¹³² *Id.* (internal quotation marks omitted).

¹³³ Lenny Moore & Jeffrey Jay Elish, *All Things Being Equal: The Autobiography of Lenny Moore* 113 (2005).

¹³⁴ Bill Brill, *Steelers Defeat Colts in 24-20 Thriller*, *Roanoke Times*, Aug. 13, 1961, at D-1.

¹³⁵ O’Toole, *supra* note 29, at 132. Perhaps mistrustful of Marshall’s intentions, NAACP leaders organized other boycotts against the Redskins during the 1961 season. *Id.* at 140.

assumption that this offer has been made in good faith,” Udall said. “If the Washington Redskin management follows through in implementing this new policy this should resolve the issue.”¹³⁶ The team would be able to play at their new stadium in a few weeks. (As was their tendency during this era, the Redskins lost this game.¹³⁷)

The day before the game at Victory Stadium, the Redskins lost to the Los Angeles Rams in a preseason game. Protesters carrying placards greeted the team.¹³⁸ There were rumblings about a possible player boycott of the Redskins’ next preseason game in Norfolk, Virginia, against the Colts.¹³⁹ However, the NAACP announced that it had no objection to players participating in the game and that it opposed picketing of the game.¹⁴⁰

With the specific controversy regarding Victory Stadium resolved, Reuben Lawson voluntarily dismissed his lawsuit.¹⁴¹

IV. THE AFTERMATH

The game at Victory Stadium did not immediately bring about an end to discrimination in public events, let alone athletic events, in Virginia. The following summer, for example, a new segregation controversy emerged about an hour east of Roanoke when the Savannah White Sox, Georgia’s minor league baseball team, relocated to Lynchburg. The team relocated after an NAACP boycott over the team’s segregated seating practices hobbled the team’s finances.¹⁴² But when the Black players arrived in Lynchburg, they found that they would be playing at a segregated stadium and have to stay in segregated housing.¹⁴³ And when Attorney General Robert F. Kennedy visited Roanoke to speak at a Law Day celebration that same year, a controversy ensued over whether

¹³⁶ Softened Redskin Policy Wins OK on Stadium Use, *Winston-Salem J.*, Aug. 15, 1961, at 13.

¹³⁷ O’Toole, *supra* note 29, at 140.

¹³⁸ Redskins, Rams Picketed; Boycott Urged in Norfolk, *Evening Star (D.C.)*, Aug. 12, 1961, at A-12.

¹³⁹ *Id.*; Negroes Urged to Boycott Colt Contest in Norfolk, *Balt. Sun*, Aug. 12, 1961, at 13.

¹⁴⁰ Understanding Reached, *Gazette & Daily (York, Pa.)*, Aug. 19, 1961, at 18.

¹⁴¹ Order at 452, *Wheaton v. City of Roanoke*, No. 871 (Va. Cir. Ct. Jan. 3, 1962) (on file with author).

¹⁴² Calvin Porter, *Savsox General Manager Due Tuesday*, *News (Lynchburg, Va.)*, Aug. 20, 1962, at 4.

¹⁴³ Savannah Club’s Official to Meet with Committee, *supra* note 42; James Murdock, *Hotel Owner Denies Negro Claim*, *Daily Advance (Lynchburg, Va.)*, Aug. 30, 1962, at 27.

Kennedy would attend a dinner sponsored by the all-white Roanoke Bar Association.¹⁴⁴

But the boycott at Victory Stadium remains a significant event in the history of civil rights and professional sports, albeit one often relegated to a footnote. The most immediate effect of the collaboration between Lawson, Wilkinson, and the players was the desegregation of Victory Stadium. While city officials had turned a blind eye to several integrated events at the Stadium in the past, the highly publicized nature of the integrated preseason game and the momentum of the civil rights movement more generally seem to have settled the issue once and for all—Virginia’s segregation statute notwithstanding. The following year, for example, Roanoke’s Patrick Henry High School defeated Arlington’s Washington & Lee High School in what the *Roanoke Times* described as “the first integrated scholastic football game ever played in Victory Stadium.”¹⁴⁵

The actions of Lawson, Wilkinson, and the players also brought publicity and resulting pressure to bear on the NFL and the Washington Redskins to integrate their roster at a time when that outcome was very much in doubt. True to his word given just two days after the Colts-Steelers game, George Preston Marshall did draft a Black player in the 1962 NFL draft: running back Ernie Davis from Syracuse. The Redskins then traded Davis for Bobby Mitchell, a Black running back/flanker for the Cleveland Browns. The Redskins were now integrated.¹⁴⁶

Importantly, the lawyer, the minister, and the athletes set the stage for other professional athletes to organize against segregation. Two months after the game at Victory Stadium, the NBA’s Boston Celtics played a preseason game in Lexington, Kentucky. Two Celtics, Sam Jones and Tom “Satch” Sanders, were denied service at a coffee shop in their hotel. After telling teammates Bill Russell and K.C. Jones about the incident, the four men, along with a fifth Celtic (Al Butler) and two members of the opposing St. Louis Hawks team (Cleo Hill and Woody Sauldsberry) refused to play that night’s game.¹⁴⁷ Following the game, the Celtics’ owner, Walter A. Brown, announced that his team would never play in

¹⁴⁴ Kennedy Has Busy Schedule for His Visit, *Roanoke Times*, Apr. 29, 1962, at B-1.

¹⁴⁵ Bob Adams, Patrick Henry Wins Over Arlington, 10-7, *Roanoke Times*, Sept. 23, 1962, at D-7.

¹⁴⁶ O’Toole, *supra* note 29, at 163.

¹⁴⁷ Bieler, *supra* note 3.

Lexington or any other town where a similar event might occur.¹⁴⁸ The event is often referred to as the first professional player boycott,¹⁴⁹ despite the incident at Victory Stadium two months earlier.

Protests involving professional sports increased over the coming years. There were numerous instances of economic boycotts of teams by fans and several instances of player boycotts of games.¹⁵⁰ Perhaps the most famous civil rights protest involving professional sports occurred in 1965. Prior to the 1965 American Football League (“AFL”) All-Star game in New Orleans, Black players faced blatant discrimination in the city.¹⁵¹ Taking a page from the Colts and Steelers saga from a few years earlier, over twenty Black players and several white players announced that they would not play in the game, setting off a national firestorm. The AFL quickly relocated the game to Houston to avoid further problems.¹⁵²

Virginia’s law requiring segregated seating finally fell in 1963. Lawson had been unsuccessful in his effort to get the courts to strike down Virginia’s law, but his former colleague, Martin A. Martin, had continued his lawsuit against the City of Richmond for permitting segregated seating at Richmond’s Parker Field. Shortly after oral arguments in the Richmond case, the U.S. Supreme Court overturned the contempt of court conviction of a Richmond man who refused to move from the “whites only” section of a courtroom in *Johnson v. Virginia*.¹⁵³ The Court declared that “it is no longer open to question that a State may not constitutionally require

¹⁴⁸ Brown Sizzles at Celtic Slur, *Bos. Globe*, Oct. 18, 1961, at 41.

¹⁴⁹ Jones, *supra* note 4; Hartwell, *supra* note 4. In 1959, Elgin Baylor of the Minneapolis Lakers refused to play in a preseason game in Charleston, West Virginia when he and several other Black players were denied service at a hotel. Matthew Impelli, A Black NBA Player Staged the First Boycott Over Racial Inequality 61 Years Ago—Here’s What Happened, *Newsweek* (Aug. 27, 2020, 2:55 PM), <https://www.newsweek.com/black-nba-player-staged-first-boycott-over-racial-inequality-61-years-ago-heres-what-happened-1528115> [<https://perma.cc/9VQN-R2K8>]. Baylor’s protest was likely the first refusal by an individual professional athlete to play in a game as a form of civil rights protest. *Id.*

¹⁵⁰ George Ross, *Mobile Seating Snafu—Six Raiders Out*, *Oakland Trib.*, Aug. 20, 1963, at 31 (detailing a pre-season boycott of an NFL exhibition game); *Race Issue Cancels AFL Game*, *Fort Worth Star-Telegram*, Aug. 21, 1963 (§ 3), at 1; *Players Ignore Pickets But Fans Boycott Game*, *St. Paul Recorder*, Sept. 29, 1961, at 7 (detailing fan boycott); *White Sox’ Future Unclear*, *Macon Tel.*, July 3, 1962, at 6 (discussing effect of economic boycott on attendance).

¹⁵¹ Olivia B. Waxman, *This Football Player Fought for Civil Rights in the ’60s. Here’s What He Thinks About National Anthem Protests*, *Time* (Sept. 8, 2017, 5:00 PM), <https://time.com/4933400/nfl-anthem-protests-boycott-history/> [<https://perma.cc/3YR2-3S8R>].

¹⁵² William Clayton, *New Orleans Loses All-Stars, AFL Shifts Classic to Houston*, *Mia. Herald*, Jan. 12, 1965, at 1-D.

¹⁵³ *Johnson v. Virginia*, 373 U.S. 61, 62 (1963) (per curiam).

segregation of public facilities.”¹⁵⁴ Just three weeks later, the Court declared a local ordinance requiring segregated seating at restaurants to be unconstitutional.¹⁵⁵ While the Virginia Supreme Court was still deliberating about the Parker Field case, a federal court in Alexandria, Virginia declared that Virginia’s statute was unconstitutional.¹⁵⁶ By this point, the Virginia Supreme Court’s ultimate decision in the stadium case was such a foregone conclusion that Richmond’s minor league baseball team had already desegregated the seating at its games in the stadium.¹⁵⁷ The Virginia Supreme Court eventually declared the statute unconstitutional after a series of desegregation decisions across the country left supporters with no tenable legal argument.¹⁵⁸

CONCLUSION

In 1968, Olympic athletes Tommie Smith and John Carlos were widely criticized for raising their fists in what Smith would later call a “human rights” salute (as opposed to a Black Power salute) while on the medal podium. The salute was the most visible display of civil rights protest in the history of sports up to that moment. Looking back on the event decades later, Carlos would explain that he and Smith were expressing concern about “the lack of black assistant coaches” as well as broader societal discrimination.¹⁵⁹ Originally, the two considered boycotting the Olympics altogether, but instead decided “to use [their] athleticism to be a voice for people who were voiceless.”¹⁶⁰ “People shouldn’t mix politics and sports” was the common criticism at the time. Yet in 2020, NBA players made a different choice when they boycotted playoff games in protest of the shooting of Jacob Blake by police in Kenosha, Wisconsin. While the players’ protest took a different form than that of Smith and

¹⁵⁴ *Id.*

¹⁵⁵ *Peterson v. City of Greenville*, 373 U.S. 244, 248 (1963).

¹⁵⁶ *Blackwell v. Harrison*, 221 F. Supp. 651, 652 (E.D. Va. 1963).

¹⁵⁷ *Parker Field Integrated Quietly Here*, *Rich. Times-Dispatch*, June 12, 1963, at 2.

¹⁵⁸ See *Brown v. City of Richmond*, 132 S.E.2d 495, 501 (Va. 1963); *End to Segregation Predicted at Mosque, Parker Field*, *Rich. Times-Dispatch*, May 1, 1963, at 2; *Shuttlesworth v. Gaylord*, 202 F. Supp. 59, 64 (N.D. Ala. 1961) (declaring a similar statute unconstitutional).

¹⁵⁹ Erika D. Smith, *Opinion, Smith: “They Tried to Make It a Moment, But It Was a Movement,”* *IndyStar* (Mar. 18, 2015, 5:47 PM), <https://www.indystar.com/story/opinion/columnists/erika-smith/2015/03/18/smith-tried-make-moment-movement/24983931/> [<https://perma.cc/4Q9B-ZGMF>].

¹⁶⁰ *Id.*

Carlos, they were met with similar criticism. The players needed to “shut up and dribble,” according to one critic.¹⁶¹

There remains strong disagreement about the extent to which the worlds of sports and civil rights should overlap. But in 1961, it was impossible to separate the two. Players might still encounter discrimination on the playing field, and fans might still encounter it while attending live events. It took the work of lawyers, activists, and athletes—sometimes working together—to help bring about change in these arenas. The planned boycott of the preseason game in 1961 between the Colts and the Steelers is a clear example of this type of collaboration. Lawson, Wilkinson, and the players for the Colts and the Steelers deserve credit for having played an important role in the civil rights movement by organizing the first successful professional athlete boycott of a game in support of the cause of civil rights.

The extra-legal measures employed by Wilkinson, the Colts and Steelers players, and those who came after them helped shine a light on racial injustices in sport and society more generally. In 2023, a street in the Gainsboro section of Roanoke was named in Wilkinson’s honor.¹⁶² The legal measures employed by Lawson and other lawyers gradually chipped away at the legal machinery supporting segregation, including in the world of athletics. On January 4, 2025, President Joe Biden signed a bill passed by Congress to rename the federal building in Roanoke after Lawson.¹⁶³ The legacies of Lawson and Wilkinson live on in the city they helped to change.

¹⁶¹ Political Protests by NBA Players Will “Destroy Basketball,” Says Trump, *The Guardian* (Aug. 28, 2020, 11:02 PM), <https://amp.theguardian.com/sport/2020/aug/29/political-protests-by-nba-players-will-destroy-basketball-says-trump> [<https://perma.cc/ZP98-YDKR>].

¹⁶² Leanna Scachetti, Roanoke Civil Rights Leader to Be Honored Friday in Sign Renaming, *WDBJ* (June 15, 2023, 5:45 PM), <https://www.wdbj7.com/2023/06/15/roanoke-civil-rights-leader-be-honored-friday-sign-renaming/> [<https://perma.cc/875G-4ULF>].

¹⁶³ Thomas R. Carper Water Resources Development Act of 2024, Pub. L. No. 118-272, § 2315 (2025); Roanoke’s Federal Building to be Renamed for Civil Rights Lawyer, *Cardinal News* (Dec. 19, 2024), <https://cardinalnews.org/2024/12/19/roanokes-federal-building-to-be-renamed-for-civil-rights-lawyer-lawson/> [<https://perma.cc/MRB6-WKK3>].