

Desegregating hospitals

COMMENTARY AND SIDEBAR NOTES BY L. MAREN WOOD

George Simkins interviewed by Karen Karen Kruse Thomas, April 6, 1997. Interview R-0018. Southern Oral History Program Collection (#4007), Southern Historical Collection, University of North Carolina at Chapel Hill.

As you read...

SIMKINS V. CONE

George Simkins was a dentist in Greensboro, North Carolina. In 1963, Simkins, along with several other African American doctors, dentists, and patients, sued the Moses H. Cone Memorial Hospital in Greensboro for refusing to accept African American patients or to hire African American doctors.

The Cone Hospital had received federal funding from the Hill-Burton fund, which was a federal government program that provided money for hospital construction. A 1961 executive order issued by President John F. Kennedy banned discrimination in the federal government or by any organization accepting funds from the federal government. But Cone Hospital administrators argued that because hospitals were private institutions, they did not have to comply with the President's order.

In *Simkins v. Cone*, the plaintiffs (the side bringing the lawsuit) argued that because Cone had been built in part by federal money, the hospital had to comply with federal policy and their practice of discrimination was therefore illegal.

The case was decided in favor of Simkins. The hospital appealed to the Supreme Court, but the court refused to hear the case. The lower court's decision stood, and as a result, any hospital receiving Hill-Burton funds was barred from discriminating against African Americans. This was a major victory for the civil rights movement.

In 1964, Congress passed the Civil Rights Act, which made it illegal for businesses and other public organizations to discriminate based on a person's race. After 1964, no hospital in the United States could refuse care to a patient on the basis of race.

In this interview, George Simkins discusses why he decided to challenge Cone Hospital in court. He also describes the processes of initiating a lawsuit.

QUESTIONS TO CONSIDER

1. Prior to filing a lawsuit against Moses Cone Hospital, how had Simkins tried to expand access to health care for African Americans living in North Carolina? What was the result of these attempts?
2. Why couldn't Donald Lives, an African American, be admitted to either Moses Cone or Wesley Long Hospitals? Under what circumstances could a black person receive treatment at these hospitals?
3. How many people were plaintiffs in the lawsuit against Moses Cone?

4. What problems did Simkins encounter when he initiated the lawsuit? How did he overcome these obstacles?

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Karen Kruse Thomas

By the time the [Simkins v. Cone] case arose in 1962, why do you think you and the other plaintiffs chose that route to try to open access for blacks to better health care. Were there other options that you thought about at the time, or was a lawsuit agreed on as the best way to go about it?

George Simkins

We first wrote letters to Moses Cone and Wesley Long Hospitals, asking them to admit black physicians and dentists on their staff. We just got the run-around on that. We wrote several letters, and they just denied us. After so many denials, it started like this. A patient came in my office, I think his name was Donald Lines, he was a student at A & T. He had a temperature of 103, and his jaw was swollen. I knew right then that this boy needed to be in the hospital, where he could get some attention. I called the black hospital, which was L. Richardson, and they told me they could not admit him because they had a waiting period of two and three weeks, and that they just didn't have any beds available. You would go over there, and there would be beds in the hallways. You'd have to walk down a narrow path through the hallways without running into the beds, because it was so crowded. Later that same day, I called up Cone and Wesley Long hospitals, and they had beds available, but they would not accept him because of his race.

Karen Kruse Thomas

So they didn't even have separate wards, they were both completely white hospitals?

George Simkins

Wesley Long wouldn't accept you at all. Cone had a policy where if it was something that L. Richardson did not have, they would accept the patient, but he would lose his doctor — he would have to get a white doctor who was on the staff there to work on him. This case was nothing that L. Richardson couldn't handle, if they had room. The boy needed to be on antibiotics and hospitalized, but Cone would not accept him. So at that point, I called Jack Greenberg, who was the head of the NAACP Legal Defense and Educational Fund out of New York. I told Jack, "We really need to do something about these hospitals. They will not accept any black patient, and if Cone accepts them, they lose their doctor." He said, "George, if you can organize the black physicians, I will see what I can do." At this point, I knew that some of the younger fellows wanted to open up these hospitals, and some of the older fellows didn't. One of the reasons some of the older fellows didn't want to was because everybody was operating at L. Richardson. Whether you were qualified or not, you could operate over there. These

fellows didn't want to lose their income from operating, and they knew if they had been admitting to Cone and Wesley Long, they would have to be board certified to do any operations, so they weren't too much for it. They also figured that if you opened up Cone and Wesley Long, it would hurt L. Richardson. Patients would stop going to L. Richardson. I went around with a petition, and got guys that I knew who would sign up — I put their names on there first. Then I would approach the older fellows, and those that were reluctant, when they saw all the younger fellows down there, some of them signed, and some of them wouldn't sign. So I got about 11 plaintiffs in all, some patients, the majority of dentists. Then Jack asked me to see if either of these hospitals had been built with federal Hill-Burton funds, because that was the way we had to go in court. If they had not been built with Hill-Burton funds, there was nothing we could do to open them up, because they were strictly private hospitals. I was elated to find that both hospitals had been built with Hill-Burton funds, and we proceeded to attack them at that point, on the grounds that they had been built with Hill-Burton funds. I went around and got 50 dollars from each [plaintiff], so they could pay for the expense of the suit. I sent that to the NAACP Legal Defense and Educational Fund, and we hired a local lawyer. He never would file suit after we had done all the work, so I called Jack, and said, "Jack, I think we've got a scared lawyer on our hands. We need to get this thing filed." Because it was months and months, and it never was filed. He understood, and said he'd take care of it. So he called Conrad Pearson, who was an NAACP attorney in Durham, and Conrad came over the next day and filed the case. So that's how we got started. Of course, we lost it in Middle District Court, Judge Stanley ruled that the hospitals were private, and they had a right to discriminate if they wanted to. Then we appealed it to the Fourth Circuit Court of Appeals, and we won a 3-2 decision. Then the hospitals appealed it to the United States Supreme Court, and they were denied. Bobby Kennedy was the Attorney General at the time, and he wrote a brief on our behalf to the Court to try to get the Court to open up these hospitals to everybody. That was about it.

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