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ALABAMA REACTION TO THE BROWN DECISION 1954-1956: A CASE STUDY IN EARLY MASSIVE RESISTANCE

by

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A dissertation presented to the
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ALABAMA REACTION TO THE BROWN DECISION

1954-1956: A CASE STUDY IN EARLY

MASSIVE RESISTANCE

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ABSTRACT

ALABAMA REACTION TO THE BROWN DECISION 1954-1956:

A CASE STUDY IN EARLY MASSIVE RESISTANCE

by J. Tyra Harris

The twentieth century has seen many revolutions, political transformations, and dramatic social upheavals. In the United States the foundations of institutionalized white supremacy and legal segregation in the public schools were shattered by the Supreme Court decision of Brown v. Board of Education of Topeka. In spite of the ban on separate educational facilities, Southerners sought to maintain segregation after 1954 by subscribing to a complicated mixture of legal subterfuge, public protests and occasional violence called massive resistance. The purposes of this study were to relate in a narrative form the early opposition to the Brown decision in Alabama and the similarity of this reaction to that which took place in the rest of the South.

The topics covered in this study included: (1) a review of the origins of the Brown decision and general

Southern reaction outside Alabama; (2) a survey of the status of race relations, politics, and education in Alabama on the eve of the Court ruling; (3) a detailed description of various aspects of Alabama public reaction between 1954 and 1956; (4) a summary of Alabama's legislative response through 1956; and, (5) an analysis of the climax of massive resistance in 1956 as revealed in the Autherine Lucy episode, the dramatic rise of the Citizens' Councils, and the curtailment of the Alabama operations of the National Association for the Advancement of Colored People. In the conclusion, the pattern of Alabama's reaction is compared to the nature of Southern resistance.

In collecting the data for this study numerous works were consulted including bibliographies of general works and unpublished studies related to the period and newspaper articles and editorials. Also, personal interviews were conducted with several people who played a role in Alabama's reaction. Finally, materials relating to the administrations of Governors Gordon Persons and James Folsom and the operations of the Southern Regional Council were examined in the

Birmingham Public Library and the Alabama State Department of Archives and History.

There were several major findings in this study. First, although an emerging black leadership demanded equal educational opportunity and political rights, white political leaders in Alabama began developing delay tactics even before the Brown decision. Second, based on an analysis of newspaper editorials, statements by legislators, letters to Governor Persons, and public response of various labor, civic, and religious leaders, Alabama reaction to the Brown decision was overwhelmingly hostile. Alabamians were ready to support the tactics of massive resistance. Third, a minority of whites, including members of the Alabama Council on Human Relations and Governor Folsom, and most blacks in Alabama favored better relations between the races either through the implementation of the Brown decision or the establishment of a biracial commission. Fourth, despite Governor Folsom's opposition, the Alabama legislature enacted numerous laws designed to delay the integration of Alabama schools. Fifth, the climax of massive resistance came in 1956 with the exclusion of Autherine Lucy from the University of Alabama, the rise of the Citizens' Councils, and the

banning of the NAACP in Alabama. Finally, the pattern of Alabama reaction to the Brown decision duplicated white reaction in the rest of the South.

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CHAPTER I

THE ORIGINS OF THE BROWN DECISION AND THE PATTERN OF SOUTHERN REACTION OUTSIDE ALABAMA

The twentieth century has seen many revolutions, political transformations, and dramatic social upheavals. In the United States the foundations of institutionalized white supremacy and legal segregation in the public schools were shattered by the Supreme Court decision of 17 May 1954. The Court maintained in Brown et al. v. Board of Education of Topeka et al. that separate educational facilities for Negroes which prevailed throughout the South were inherently unequal and unconstitutional. Since the legal structure of the Southern caste system was left without a constitutional foundation, a social revolution was in the making.[1]

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[1]Numan V. Bartley, The Rise of Massive Resistance (Baton Rouge: Louisiana State University Press, 1969), p. 58.

The rendering of the Brown decision was not the first time in American history that judges had influenced the course of race relations. The doctrine of "separate but equal" school facilities for Negroes and whites which the Brown decision overturned was established by a panel of judges. In 1846 Benjamin Roberts, a Negro, attempted to enroll his daughter, Sarah, in the all white public schools close to his home in Boston. When the school committee refused his petition, Roberts hired Charles Sumner as his lawyer and sued the school board.[2]

Sumner's arguments against the segregation policies of the Boston school board were carefully fashioned. He maintained that since the Massachusetts constitution guaranteed the equality of all men before the law, the segregation of Sarah Roberts was prohibited in civil and political institutions. According to Sumner, segregation was an unlawful form of discrimination. Also, since the state legislature had made no distinction on the basis of

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[2]Leonard W. Levy and Harlan B. Phillips, "The Roberts Case: Source of 'Separate but Equal Doctrine'," American Historical Review 56 (April 1951):510-12; and Cecil Sims, "A Lawyer's View," The Segregation Decision: Papers Read at a Session of the Twenty-First Annual Meeting of the Southern Historical Association (Atlanta: Southern Regional Council, 1956), pp. 20-21.

color in establishing the educational system, the Boston school board unlawfully established segregated schools. Further, Sumner asserted that the board fixed a stigma of caste inferiority upon the Negro children. Finally, Sumner claimed that white people themselves were injured by the segregation policies because they were taught "to deny the grand revelation of Christianity--the Brotherhood of Man."[3]

Although Sumner's arguments were logically stated, the Massachusetts court ruled that the school committee had the discretionary right in the execution of its duties to classify students by race. While the great principle of equality was mentioned in the state constitution, the application of that principle to the actual and various conditions of society did not always warrant the assertion. The court asserted that deep-rooted prejudice against Negroes was not created by the law and probably would not be changed by the law.[4]

When the Massachusetts legislature abolished race discrimination in the public schools in 1855, the Roberts

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[3]Levy and Phillips, "The Roberts Case," pp. 513-14.

[4]Ibid., p. 516; Sims, "A Lawyer's View," p. 21.

ruling had a continuing validity. The case was cited in a 1874 California school case and later utilized in courts in New York, Arkansas, Louisiana, and South Carolina. Finally, the principles set forth in the case formed the leading precedent for the Supreme Court decision of Plessy v. Ferguson in 1896.[5]

After the Civil War the Fourteenth Amendment was added to the Constitution. This amendment was adopted partially to prevent the states from discriminating against Negroes. Section I of the amendment defined citizenship and guaranteed private rights against state interference:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

While the equal protection clause was undoubtedly intended to provide Negroes with equal rights, its application to state laws providing for racial segregation in the public

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[5]Levy and Phillips, "The Roberts Case," pp. 517-18; and Robert A. Leflar, "Law of the Land," in With All Deliberate Speed: Segregation-Desegregation in Southern Schools, ed. Don Shoemaker (New York: Harper and Row, 1957), p. 1.

schools was uncertain.[6] Although the amendment banned discrimination, it had no practical effect on prohibiting Negroes from attending white public schools. Following the Roberts precedent, state supreme courts upheld segregation laws.[7]

In 1896 the federal Supreme Court gave formal approval to the "separate but equal" doctrine. The case originated in Louisiana in 1892 when a very light-skinned Negro named Homer Adolph Plessy bought a ticket in New Orleans for a wholly intrastate journey to Covington, Louisiana. Plessy sat in the coach for white passengers thus violating a Louisiana segregation statute. After he was ejected from the white section, he sued the state. Eventually, Plessy's lawyer, Albion Tourgée, brought the case on appeal to the Supreme Court. He argued that Plessy had been deprived of his property without due

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[6]Alfred H. Kelley and Winfred A. Harbison, The American Constitution: Its Origins and Development (New York: W. W. Norton and Company, 1963), pp. 461-63.

[7]Alfred H. Kelley, "The School Desegregation Case," in Quarrels That Have Shaped the Constitution, ed. John A. Garraty (New York: Harper and Row, 1962), p. 244. Kelley, a constitutional historian, was intimately involved in the preparation of the historical brief presented to the Supreme Court in the Brown case. His article, therefore, provides insight into the work of the NAACP and the background of the case.

process. The property in question was the reputation of being white. Secondly, he maintained that the segregation law was incompatible with the spirit and intent of both the Thirteenth and Fourteenth Amendments. Segregation perpetuated distinctions of a servile character specifically forbidden in the Thirteenth Amendment.[8]

The Supreme Court, however, decided against Plessy. Justice Henry Billings Brown in writing the Plessy v. Ferguson decision stated:

> A statute which implies merely a legal distinction between the white and colored races--a distinction which is founded in the color of the two races, and which must always exist so long as white men are distinguished from the other races, by color--has no tendency to destroy the legal equality of the two races, or reestablish a state of involuntary servitude. . . .[9]

Brown also declared that the Louisiana statute authorizing segregation on public carriers was not "unreasonable or more obnoxious to the 14th [sic] Amendment than the acts

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[8]C. Vann Woodward, "Plessy v. Ferguson," in Historical Viewpoints, ed. John A. Garraty (New York: American Heritage Publishing Co., 1970), pp. 339-41; and Arthur E. Sutherland, "The Supreme Court and the Public Schools," Harvard Educational Review 24 (1954):76-77.

[9]United States Supreme Court, U.S. Reports, vol. 163 (October term, 1895), pp. 537-64. Portions of the text of the Plessy v. Ferguson decision are reprinted in Desegregation and the Supreme Court, ed. Benjamin Munn Ziegler (Boston: D. C. Heath and Company, 1958), pp. 49-64.

of Congress requiring separate schools for colored children in the District of Columbia. . . ." Finally, he asserted that Tourgée's argument that "enforced separation of the two races stamps the colored race with a badge of inferiority" was invalid. Thus, the Supreme Court gave the stamp of approval to racial segregation and the doctrine of "separate but equal."[10]

Justice John Harlan dissented from the majority opinion in the Plessy ruling. In forceful language he stated that no public authority had a right to regard "the race of citizens when the civil rights of these citizens are involved." The Thirteenth Amendment "not only struck down the institution of slavery," but it also prevented "the imposition of any burdens or disabilities that constitute badges of slavery or servitude." Further, Harlan declared that the equal protection clause of the Fourteenth Amendment prohibited discrimination.

> Our Constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect to civil rights, all citizens are equal before the law.[11]

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[10] Sutherland, "The Supreme Court," pp. 77-78.

[11] U.S. Reports, 163:537-64.

Later, his dissenting views became the majority opinion in the Brown case.

The Supreme Court extended the "separate but equal" doctrine to public education in the Cumming v. Richmond County Georgia, Board of Education (1899) decision. The issue in this case was the right of a Georgia school board to provide a high school for white children without establishing a similar school for Negroes. Since the Negro plaintiff's lawyers appealed the case to the Supreme Court on the basis of the due process and not the equal protection clause, Justice John Harlan, despite his Plessy dissent, refused to find a violation of the law. He stated that the education of children in schools maintained by state taxation was a matter belonging to the states free from any interference by federal authority.[12]

In November 1927, the "separate but equal" principle was given added authority in another public education case. Gong Lum, a Chinese-American living in Mississippi, was refused the right to enroll his child,

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[12]Sam Duker, "Education and the Supreme Court," The Educational Forum 19 (January 1955):211-12; and Isidore Starr, "Recent Supreme Court Decisions," Social Education 80 (October 1954):251.

Martha, in an all white elementary school because Mississippi law provided for separate schools for Negro and white children. Chief Justice William Howard Taft upheld the Mississippi segregation statute, specifically citing the Plessy and Roberts cases as precedents. He maintained that equal protection of the laws was not denied the child by classifying her among the colored races and furnishing her with education equal to that offered to all.[13] Taft ruled that equal school facilities were supposed to be maintained where segregation was established by law. However, in applying the Plessy doctrine, "separate" was oftentimes taken far more seriously than "equal." The legal meaning of equality in the southern and border states was difficult to define and apply in practice. Negro children often attended schools in dilapidated buildings with crude desks, chairs, and libraries and no toilet facilities. Despite Taft's ruling,

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[13]Duker, "Education," p. 212; and Sutherland, "The Supreme Court," p. 79.

equality was more of an approximation rather than a mathematical equivalence in the Southern school systems.[14]

Despite the Cumming and Gong Lum decisions, some constitutional purists asserted that the Supreme Court never really decided whether separate public schools were per se constitutional. These critics pointed out that the Plessy case involved public transportation and that the remarks on segregated schools in the decision were obiter dicta--mere side remarks not essential to the settlement of a case and under the rule of stare decisis not legally binding upon subsequent cases. In the Cumming case the issue was not the legality of separate schools but whether the refusal of the state school superintendent to issue an injunction against the Richmond County school board for failing to provide Negro students with a high school was legal and proper. And, in the Gong Lum case the Chinese plaintiff did not object to segregation but merely to being assigned to a Negro school.[15]

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[14]Leflar, "Law of the Land," p. 3; and Daniel M. Berman, It Is So Ordered: The Supreme Court Rules on School Segregation (New York: W. W. Norton and Company, 1966), p. 7.

[15]George M. Johnson and Jane Marshall Lucas, "The Present Legal Status of the Negro Separate School," Journal of Negro Education 16 (Summer 1947):280-89;

Even though constitutional lawyers and historians may have disagreed about the technical aspects of the Plessy case and later rulings, these decisions were used as precedents in the South and other parts of the nation in establishing segregated schools. These separate schools would continue to exist until the Supreme Court squarely faced the issue of legal segregation. Thus, the "separate but equal" concept achieved de facto constitutionality in the field of public education.[16]

Segregated schools appeared to have a devastating effect on Negro educational opportunity and achievement in the Southern and Border states. The ratio of Negro illiteracy compared to white illiteracy illustrates the point. According to the 1940 census, 2.2 percent of the white population over twenty-five years of age was illiterate compared with 20.9 percent of the Negro. In South Carolina 62.5 percent of the Negro population over

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Thurgood Marshall, "An Evaluation of Recent Efforts to Achieve Racial Integration in Education Through Resort to the Courts," Journal of Negro Education 21 (Summer 1952): 317; and Kelley, "Desegregation Case," pp. 244-45.

[16]Albert P. Blaustein and Clarence Clyde Ferguson, Jr., Desegregation and the Law (New York: Random House, 1962), pp. 102-03.

twenty-five was illiterate. In the seventeen Southern and Border states the median years of schooling for whites was 8.4, for Negroes 5.1. Over 13 percent of the white population had completed high school in 1940 while only 2.9 percent of the Negro population had finished high school. Lack of educational opportunity led to a great shortage of Negro doctors, dentists, pharmacists, lawyers, and engineers in the South. For example, in 1940 there was one white doctor for every 843 white persons but only one Negro doctor for every 4,409 Negroes.[17]

In his extensive study, The Negro and the Schools, published on the eve of the Brown decision, Harry Ashmore isolated other significant differences in Negro and white education in the South. The current expenditures per pupil for white and Negro children varied widely. In Alabama, the yearly per pupil expenditure for whites was $41.38 in 1940 compared to $13.85 for Negroes. Salaries for Negro and white teachers were also unequal. In 1940, white teacher salaries in Alabama averaged $894 per year

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[17]Charles H. Thompson, "The Availability of Education in the Negro Separate School," Journal of Negro Education 16 (Summer 1947):264-65. According to Thompson, by 1940 Negroes on the whole had only one-fourth the educational opportunity afforded whites.

compared to $487 per year for Negro teachers. The Negro school year in 1940 averaged ten days less than the white school year in Alabama. The level of educational achievement for Negro teachers, like that of their students, was inadequate. No southern state in 1940 had college-trained Negro teachers whose average educational accomplishment was four years or more. In Alabama Negro teachers on the average had slightly over two years of college training.[18] Thus, equal opportunities and facilities were obviously not available in the Southern states.

Beginning in the 1930s Negro leaders began an assault on the institutions, customs and traditions which had relegated them to second-class citizenship. The National Association for the Advancement of Colored People (NAACP) hired Nathan Margold as a special counsel for a legal attack on segregation. Margold developed a strategy to narrow the disparity between Negro and white school expenditures. By demonstrating to the courts that the Southern states were not providing equal facilities,

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[18]Harry S. Ashmore, The Negro and the Schools (Chapel Hill: University of North Carolina Press, 1954), pp. 153-59. Additional statistics on the relative status of Negro and white education in the South may be found in the Southern School News, 3 September 1954.

he persuaded the courts to order equalization. By forcing equality in expenditures, Margold thought the Southern states might voluntarily abolish segregation on the college level because of the tremendous expenses involved in providing equal facilities. He was not proposing an attack on segregation but rather on the results of segregation.[19]

The first case in which the NAACP utilized the Margold strategy was a glaring success. In 1935 Donald Murry, a Negro graduate of Amherst College, applied for admission to the University of Maryland Law School. The president of the University, Raymond Pearson, denied Murry's admission and urged him to apply for a state grant to attend an out-of-state law school. The NAACP filed suit in state court. Thurgood Marshall, a young civil rights lawyer, and Charles H. Houston, the dean of the Howard University law school, argued that the out-of-state grants available to Murry were inadequate, that the state law school was the only place to receive a thorough

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[19]Marshall, "Recent Efforts in the Courts," p. 317; Kelley, "Desegregation Case," p. 253; and Richard Kluger, Simple Justice (New York: Alfred A. Knopf, 1976), pp. 135-36. Kluger's study of the Brown case is the most comprehensive yet published.

training in the Maryland code, and that anything less than admission to the Maryland law school would be unequal. Hearing these arguments, the Baltimore City Court and later the Maryland Court of Appeals ordered Raymond Pearson to admit Murry to the previously all white law school.[20]

The Murry case was a great victory for the NAACP, but since the decision was not appealed to the Supreme Court, the victory had only local application. Meanwhile, NAACP lawyers developed another case similar to the Murry case in Missouri. Lloyd Gaines, an honor graduate of Lincoln University of Missouri, applied for admission to the law school of the University of Missouri. After being denied admission, Gaines sued. The NAACP asserted that since Missouri had failed to provide Negroes with an adequate law school, Gaines should be admitted to the state law school. Missouri's provision of out-of-state grants for Negro students did not relieve the state of its obligation. When the state court ruled against Gaines, Charles H. Houston appealed the case to the

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[20]Kluger, Simple Justice, pp. 183-92; and Harry O. Levin, "The Legal Basis for Segregated Schools in Maryland," Journal of Negro Education 16 (Fall 1947):492.

Supreme Court. In the Missouri ex. rel. Gaines v. Canada, Registrar of the University of Missouri (1938) decision the Court declared the provision of out-of-state grants for a legal education did not provide for equality.[21] Chief Justice Charles Evans Hughes stated that a privilege created for white law students was denied Negroes and that sending a student out of state did not remove the discrimination which violated the Fourteenth Amendment.[22]

The Gaines decision was an important precedent. It was the first educational suit sponsored by the NAACP to reach the Supreme Court. The immediate impact of the decision, however, was limited because the Supreme Court left final implementation of the ruling to the Missouri Supreme Court. While the case was on appeal, the Missouri legislature hastily created a Negro law school at Lincoln University to accommodate Gaines. Just when the NAACP was about to appeal Gaines' assignment to the new law school, Gaines, apparently dejected by the continuing

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[21]Duker, "Education," p. 212; Kluger, Simple Justice, p. 204; and Daniel T. Kelleher, "The Case of Lloyd Lionel Gaines: The Demise of the Separate but Equal Doctrine," Journal of Negro History 56 (October 1971): 264-65.

[22]Kelley, "Desegregation Case," p. 254.

legal battles, disappeared suddenly. Although Gaines was never admitted to the University of Missouri law school, the legal precedent remained.[23]

After World War II the NAACP and other civil rights organizations brought increasing pressure on the federal government to combat racial discrimination. When Southern forces in the Congress blocked anti-lynching, poll tax, and fair employment legislation, President Harry S. Truman took matters in his own hands. He banned separate but equal training, facilities, and service in the armed forces. Then, he created the Commission on Civil Rights to investigate the need for legislation and other actions to protect civil rights.[24] The commission report entitled To Secure These Rights called the "separate but equal" doctrine one of the greatest myths in American history because while facilities for Negroes and whites were separate they were definitely not equal. Segregation laws created inequality by imposing caste

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[23]Kelleher, "Case of Gaines," pp. 267-68. Gaines disappeared so completely that the Selective Service was unable to find him during World War II.

[24]Henry J. Abraham, Freedom and the Court (New York: Oxford University Press, 1967), pp. 248-49.

status on the minority. The commission urged the end of segregation for moral, economic, and international reasons.[25]

Southern governors, apparently seeing the trend toward desegregation established in the Gaines decision and the Civil Rights Commission report, responded to the growing Negro demand for professional education in February 1948. In order to lessen the expense of establishing separate schools for Negroes, the Southern Governors' Conference passed a resolution urging the creation of professional and technical schools on a regional basis. Negro leaders, however, immediately attacked the plan. Benjamin Mays, the president of Morehouse College, believed segregation restricted education. He produced figures compiled by the Southern Conference Educational Fund which indicated that seven out of ten Southern college teachers favored the admission of Negroes to graduate and professional schools. Charles H. Thompson, the editor of the Journal of Negro Education, also condemned the regional school plan. Eventually,

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[25]Charles H. Thompson, "The Report of the President's Committee on Civil Rights," Journal of Negro Education 17 (Winter 1948):1-3.

the scheme was discarded due to opposition from various lobbying groups.[26]

The NAACP continued the fight against segregation and achieved some notable victories. The Supreme Court in Sipuel v. Oklahoma State Board of Regents (1948) ordered the state university to admit one Ada Sipuel to the law school or provide her with a separate one. The Oklahoma Board of Regents responded by creating a separate Negro law school. Although the new school was not equal to the university law school, the Court ruling upheld the principle established in the Gaines case that a state must provide educational opportunity for both races within its own boundaries.[27]

In the next legal preceedings pertaining to education the NAACP attempted to force the Supreme Court to determine what constituted equal but separate facilities. The Court ruled in McLaurin v. Oklahoma State Regents for

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[26]Benjamin Mays, "Segregation in Higher Education," Phylon 10 (1940):403-6; and Charles H. Thompson, "Extension of Segregation Through Regional Schools," Journal of Negro Education 17 (Spring 1948):102-5.

[27]Kluger, Simple Justice, p. 259; and Duker, "Education," p. 213. Sipuel was eventually admitted to the University of Oklahoma law school after the McLaurin decision.

Higher Education (1950) that in-school segregation of a student was a subterfuge denying the student true equality. McLaurin, a Negro graduate student, had been admitted to the University of Oklahoma to study for a doctorate in education. Once admitted, however, he was segregated from his white classmates in the classrooms, the library, and the school cafeteria. The Court held that McLaurin was handicapped in his pursuit of graduate education and, therefore, denied equal protection of the law.[28]

On the same day the Supreme Court handed down the McLaurin decision another equally important opinion was delivered in the case of Sweatt v. Painter (1950). In 1946 Herman Sweatt, a Negro mail carrier, applied for admission to the University of Texas law school but was turned down. In order to satisfy his demand for a legal education, the Texas legislature appropriated $100,000 to create a new law school at Texas State University for Negroes. Sweatt's lawyers, led by Thurgood Marshall, the new head of the NAACP legal staff, charged that the new law school was inadequate because the separate law school

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[28]Kluger, Simple Justice, p. 283; Duker, "Education," p. 213; and Sutherland, "The Supreme Court," p. 81.

did not have adequate library facilities, a class of well-rounded students with whom Sweatt could discuss legal questions, and the reputation of the state's all white law school. In no sense was the new Negro law school substantially equal to the well-established University of Texas law school.[29]

During the Sweatt trial Thurgood Marshall developed a technique which he would use later in attacking segregation on the elementary and high school level. He called before the court a parade of legal and academic experts all of whom offered supporting evidence that the new Negro law school was not equal. Professor Malcolm Sharp of the University of Chicago law school and Dean Charles Thompson of the Howard University law school both testified to the hopeless inadequacy of the Negro law school when measured by its white counterpart. But, Marshall's greatest achievement in the trial was the testimony of Robert Redfield, a University of Chicago anthropologist. He stated that on the basis of contemporary anthropology the inherent differences between Negroes and whites were negligible. And, the separation of students on the basis

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[29]Kluger, Simple Justice, pp. 261-66.

of race was unreasonable and harmful to the Negro psyche. Redfield believed segregation intensified suspicion and distrust between Negroes and whites. Thus, in the Sweatt trial Marshall opened his attack on the theory of Negro inferiority supporting the "separate but equal" doctrine.[30]

After the Texas Supreme Court ruled against Sweatt, Marshall appealed to the United States Supreme Court. In a unanimous decision the Court ordered his admission to the University of Texas law school. Chief Justice Fred M. Vinson ridiculed the Texas claim that the Negro law school had any substantial equality in faculty, library, or reputation with the University of Texas law school. The Court declared that mere equality of tangible facilities was insufficient; intangible factors also had to be considered. Despite the implications of the Sweatt decision, technically, the "separate but equal" dictim was still intact.[31]

Reading the trends inherent in the Sweatt and McLaurin decisions, many Southern state legislatures began

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[30]Kelley, "Desegregation Case," p. 255; and Marshall, "Recent Efforts in the Courts," pp. 319-20.

[31]Kelley, "Desegregation Case," pp. 256-57; and Duker, "Education," p. 214. Ironically, Sweatt flunked out of school within a year.

crash programs to bring Negro schools up to par with the white schools.[32] However, after the victories of 1950 the NAACP changed its strategy. Thurgood Marshall consulted with leading attorneys and constitutional law professors at the NAACP headquarters in New York City and decided to launch an all out assault on segregation. After 1950 the NAACP would argue that Negro public schools violated the Fourteenth Amendment because they were demonstratably unequal to and separate from white schools. Marshall scrapped the Margold strategy of demanding equal but separate facilities and sought a full curtailment of segregation.[33]

In April, 1952, Howard University and the NAACP hosted a conference on desegregation in the public schools. Various Negro and white leaders opposed to and in favor of segregation attended the meetings. It was pointed out at the conference that better educational opportunities were being extended to Negroes. Of the southern and border states twelve had already admitted Negroes to

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[32]Kelley, "Desegregation Case," p. 257; and Ashmore, The Negro and the Schools, pp. 34-39.

[33]Kluger, Simple Justice, pp. 291-94.

graduate and professional schools. The University of Louisville was completely integrated with the annexation of the all-Negro Municipal College in that city. In eight states private colleges had admitted Negroes. Progress toward integration was impressive. However, several problems associated with desegregation such as the fate of Negro teachers and colleges, the decline in Negro enrollment in integrated schools, and the high tuition costs caused concern to some of the conference participants.[34]

Harry Ashmore, the editor of the Arkansas Gazette and a leading Southern liberal, delivered some sobering remarks at the conference. He took issue with the idea that Southern conservatives would accept integration. The changed strategy of the NAACP had already led to a change in white attitudes in the South. He believed that in areas where Negro population was sparse or in graduate and professional schools integration could be achieved without much opposition. But, to abandon on a broad

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[34]Charles H. Thompson, "The Courts and Racial Integration in Education," Journal of Negro Education 21 (Winter 1952):3; and Virgil A. Clift, "The Attack on Segregated Education Continues," School and Society 75 (June 1952):359-61.

scale segregation in the public schools would involve "a social revolution." Ashmore frankly stated that deep-seated Southern customs and traditions, not just race prejudice, were involved in the desegregation process. Integration might be achieved by court action. But, a state of mind beyond the reach of court orders was likely to continue.[35]

Despite Ashmore's warnings, the net result of the conference was a stronger and more determined effort by the NAACP to have the Supreme Court strike down segregation.[36] Marshall and his staff had already commenced court action in five segregation suits which were eventually appealed to the Supreme Court. The first case originated in Clarendon County, South Carolina in 1951. Harry Briggs, a Negro mechanic, filed suit in federal District Court against R. W. Elliott, the Chairman of the Board of Trustees of School District No. 22. Briggs' lawyers contended that there were gross inequities in the administration of the Clarendon County schools.

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[35]Harry Ashmore, "Racial Integration with Special Reference to Education in the South," Journal of Negro Education 21 (Summer 1952):253-55.

[36]Kluger, Simple Justice, p. 537.

Although Negroes comprised 70 percent of the school population, in 1951 the county spent $282,000 to educate Negro children and $395,000 for white children. In addition to charging unequal educational opportunity, Marshall also attacked segregation itself. Using expert witnesses including psychologists Kenneth Clark, David Krech, Helen Trager, and others, he presented the position that segregated education had harmful emotional and physical effects upon Negro children.[37]

The District Court by a ratio of two to one refused to abolish school segregation in South Carolina, but the court did order the Board of Trustees to provide equal educational opportunity in Clarendon County. Although Marshall lost this case, Judge J. Waties Waring, a native of South Carolina, registered a stinging dissent denouncing the whole system of segregation as "unreasonable, unscientific and based upon unadulterated prejudice."[38]

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[37] Ibid., pp. 302-5 and 349-63.

[38] Ibid., p. 366; Berman, So Ordered, pp. 16-19; and J. W. Peltason, Fifty-Eight Lonely Men (New York: Harcourt, Brace and World, Inc., 1961), p. 10. According to Peltason, Judge Waring became the target of intense local abuse, his life was threatened, and his wife slandered. He retired shortly after delivering his dissent and moved to New York.

Waring's dissent was encourgaing to the NAACP lawyers, but the case had to be appealed to the Supreme Court.

In the second segregation suit the NAACP challenged the "separate but equal" policies of the Board of Education of Topeka, Kansas. Linda Brown, like Sarah Roberts before her, had to walk to school each day past white elementary schools. Oliver Brown sued the Board of Education of Topeka in order to place his daughter in a school closer to home. Robert Carter, one of Marshall's assistants, argued the Brown case before the District Court in much the same way Marshall had done in the Briggs case. Carter used expert witnesses to attack the policy of segregation. One witness maintained that "separate but equal" was a contradiction in terms because governmentally sanctioned segregation only heightened inequities. Unlike in South Carolina, the actual physical facilities of the Negro schools in Topeka were not substantially unequal to the white schools. The District Court opinion took note of this. Despite an obvious leaning in the direction of overruling the Plessy doctrine, the court denied the plaintiffs' relief. Just as in the Briggs case, there was one consolation in the opinion. The court attached a memo called "Finding of Facts" to the opinion in which

segregation was acknowledged as having a detrimental effect upon Negro children.[39] Thus, the psychological argument received judicial recognition.

The third segregation suit, Gebhard v. Belton, originated in Delaware and was argued before the state Chancery Court. The NAACP asked the court to issue an injunction against the enforcement of the state segregation laws. Chancellor Collins J. Seitz, after listening to testimony from experts about the adverse psychological effects of segregation, rendered a decision ordering school integration. In his opinion Seitz maintained that white schools in terms of criteria such as teacher training, pupil-teacher ratio, extracurricular activity, and physical plant were superior to Negro schools. Instead of ordering an equalization program, he commanded immediate integration. Although the NAACP won this case, the state of Delaware appealed the ruling to the Supreme Court.[40]

The fourth segregation case involved the schools of Prince Edward County, Virginia. Just as in South

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[39]Kluger, Simple Justice, pp. 412-24; and Berman, So Ordered, pp. 9-10.

[40]Ibid., pp. 21-22.

Carolina, the inequities in terms of physical plant alone were enormous. On 23 May 1951, Spotswood Robinson, an active civil rights attorney in Virginia, sued the county board of education on behalf of 117 Negro students. First on the list of students was Dorothy Davis; thus, the case is designated Davis el al. v. County School Board of Prince Edward County.[41]

Unlike the other segregation proceedings, the defendants adopted the strategy of presenting expert witnesses. Psychologist Henry Garrett of Columbia University was the star witness for the state. He testified that the mere act of segregation had no effect on the personality development of the Negro child. Even though Kenneth Clark was a former student of his, Garrett criticized the research techniques of Clark and the other psychologists testifying for the NAACP. To no one's surprise, the District Court ruled against the plaintiff. Racial separation in Virginia, according to the court, rested upon the customs and mores of the people, and neither race suffered harm from the practice. The

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[41]Kluger, Simple Justice, p. 478.

court, however, ordered the equalization of Negro and white schools.[42]

The fifth segregation case developed in Washington, D.C. Here the Fourteenth Amendment guarantee of equal protection could not be applied. However, the NAACP argued that the Fifth Amendment right of due process was violated by assigning Negroes and whites to separate schools. Also, the enabling acts creating the District of Columbia schools had not provided for segregation. Finally, the segregation policies of the school board were illegal bills of attainder because these policies inflicted punishment without a judicial trial. The District Court of Washington, D.C. refused to accept any of these propositions.[43]

All five of the segregation cases were appealed to the Supreme Court either by the NAACP or in the case of Gebhard v. Belton by the Delaware Attorney General. During the course of 1952 the Supreme Court granted reviews in all the cases and combined them under the heading Brown et al. v. Board of Education of Topeka

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[42] Ibid., pp. 502-6.

[43] Ibid., pp. 521-23; and Berman, So Ordered, pp. 22-24.

et al. When the cases were first argued before the Court in December, 1952, the NAACP lawyers contended that Plessy v. Ferguson was erroneously decided and was obsolete when modern psychology, anthropology, and social theory were considered. Philip Elman wrote the amicus curiae brief submitted by the Attorney General Edward T. McGranahan on behalf of the Negro plaintiffs. The government asserted that compulsory racial segregation was unconstitutional discrimination.[44] John W. Davis, a Wall Street lawyer and former presidential candidate in 1924, argued the cases for the state of South Carolina. He pointed out that the state of South Carolina was well on the way toward equalization, that the state had the right to classify students by race, and that the social science testimony of the plaintiffs should have little relevance in the final ruling.[45]

The Supreme Court refused to hand down a final ruling in 1953. In June the Court set the cases for reargument and asked the counsels to prepare answers to

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[44]Ibid., pp. 59-62; and Kelley, "Desegregation Case," pp. 358-59.

[45]Kluger, Simple Justice, p. 572.

five questions. The first three questions dealt with the historical origins of the Fourteenth Amendment and the original understanding which the state legislatures and the members of Congress had about the effects of the amendment. In short, was the Fourteenth Amendment intended to abolish segregation in the public schools? The last two questions concerned the problems of implementing desegregation:

> 4. Assuming it is decided that segregation in public schools violated the Fourteenth Amendment
>
> (a) would a degree necessarily follow providing that, within the limits set by normal geographic school districting, Negro children should forthwith be admitted to schools of their choice, or
> (b) may this Court, in the exercise of its equity powers, permit an effective gradual adjustment to be brought about from existing segregated systems to a system not based on color distinctions?
>
> 5. On the assumption on which questions 4(a) and (b) are based, and assuming further that this Court will exercise its equity powers to the end described in question 4(b),
>
> (a) should this Court formulate detailed decrees in these cases;
> (b) If so, what specific issues should the decrees reach;
> (c) should this Court appoint a special master to hear evidence with a view

> to recommending specific terms for such decrees;
> (d) should this Court remand to the courts of first instance with directions to frame decrees in these cases, and if so what general directions should the decrees of this Court include and what procedures should the courts of first instance follow in arriving at the specific terms of more detailed decrees?[46]

Compiling answers to these questions required an almost endless amount of historical and legal research. Basically, the Court wanted to know whether the Fourteenth Amendment empowered Congress to abolish segregation or whether the amendment empowered the courts in the light of future conditions to construe it as abolishing segregation.[47]

As the final briefs were filed with the Court in December 1953, the historical evidence concerning the original intent of the Fourteenth Amendment in banning school segregation was inconclusive. The NAACP brief argued that a broad interpretation of the amendment would necessarily rule out school segregation. This was

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[46]Blaustein and Ferguson, Desegregation, pp. 52-53.

[47]Berman, So Ordered, pp. 76-79.

understood at the time the amendment was ratified. However, the briefs filed by the school boards stated that the Reconstruction Congress which had passed the amendment had repeatedly appropriated funds for segregated schools in Washington, D.C.[48]

Before the Court delivered its final ruling on the Brown case in 1954, two events occurred which undoubtedly affected the decision. First, the Eisenhower administration took office, and the new Attorney General, Herbert Brownell, submitted a new brief to the Court on behalf of the government. This brief failed explicitly to urge the Court to invalidate public school segregation.[49] Secondly, Chief Justice Fred Vinson died, and he was replaced with California governor Earl Warren. After hearing the final arguments in December, Warren informed the other Justices in their weekly conference that he was

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[48]Kelley, "Desegregation Case," pp. 262-66. Portions of the briefs submitted to the Supreme Court are reprinted in Desegregation and the Supreme Court, ed. Ziegler, pp. 67-73.

[49]Berman, So Ordered, pp. 84-86; and Anthony Lewis, Portrait of a Decade: The Second American Revolution (New York: Random House, 1964), p. 27. Later, in oral arguments Assistant Attorney General J. Lee Rankin did call for an end to segregation

against segregation. He believed the Plessy doctrine which rested on the concept of the inferiority of the Negro race had to be eliminated.[50] Warren's appointment obviously offset the uncertain position of the Eisenhower administration.

After nearly two years of deliberation on the problems of segregation, the Supreme Court finally addressed the question head on in its decision of 17 May 1954. Chief Justice Earl Warren wrote and delivered the opinion. Two important features of the decision were that it was brief and it was unanimous.[51]

In the text of the opinion, Warren reviewed the background of the cases brought before the Court. In each state children of the Negro race had been "denied admission to schools attended by white children under

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[50]Liva Baker, "The School Desegregation Case," in Historical Viewpoints, 2nd ed., 2 vols., ed. John A. Garraty (New York: Harper and Row, 1974) 2:336-37; and Kluger, Simple Justice, pp. 678-83.

[51]Earl Warren, The Memoirs of Earl Warren (New York: Doubleday and Co., Inc., 1977), pp. 2-4 and 285-91. Warren emphasized that the judges were unanimous in their opposition to segregation without any pressure being exerted by him. He particularly praised the Southern justices Stanley Reed, Hugo Black, and Tom Clark for supporting a view contrary to the sentiments of the majority in the South.

laws requiring or permitting segregation according to race."[52] The plaintiffs alleged they had been denied equal protection of the laws under the Fourteenth Amendment, and the defendants claimed the Plessy rule of "separate but equal" denied the plaintiffs' relief. Warren agreed that the historical meaning and intent of the Fourteenth Amendment in banning school segregation was inconclusive. But, changes had occurred in education during the last one hundred years, and "compulsory school attendance laws and the great expenditures for education both demonstrated our recognition of the importance of education to our democratic society."[53]

Then, Warren proceeded to overrule segregation. Using the McLaurin and Sweatt decisions as precedents, he stated that segregation denied the Negro child of equal educational opportunity even when tangible factors were equal. Prestige of schools, group discussions, and other intangible factors applied "with added force to children

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[52]Berman, So Ordered, p. 114.

[53]United States Supreme Court, U.S. Reports, vol. 347 (October Term 1953), pp. 483-95. The text of the Brown decision may also be found in the appendix of the Ziegler and the Blaustein and Ferguson works already cited.

in grade and high schools." Secondly, Warren agreed with the psychological arguments set forth by the NAACP. Segregation generated a "feeling of inferiority" among Negro children. Thirdly, he asserted that separate but equal education was inherently unequal and denied the plaintiffs of equal protection of the laws.[54] Finally, in the Bolling v. Sharpe ruling he extended his arguments against segregation. The Fifth Amendment guarantee of due process prohibited unfair discrimination and arbitrary deprivation of liberty.[55]

The Supreme Court delayed the implementation of the desegregation decree because of "the wide applicability of the decision" and "the great variety of local conditions." The Court ordered reargument of Questions 4 and 5 propounded by the Court in June 1953. The Attorney Generals of the various states requiring segregation were invited to submit amicus curiae briefs in the final proceeding.[56]

In the year between the two Brown decisions, widespread resistance developed in the South. Deep South

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[54]Ibid. [55]Ibid., pp. 497-500.

[56]Ibid., pp. 495-96.

states like Alabama, Georgia, and Mississippi refused to file amicus curiae briefs on the implementation phase. Those states which were directly involved generally favored delay in the desegregation process. The Southern school boards wanted the Court to set no time limit and return the cases to the District Courts for continuing review. Delaware Attorney General J. D. Craven expressed the Southern view when he said, "We are a divided and a troubled people. . . . I think it would be presumptuous of me to name a date [for implementation]."[57]

The NAACP lawyers and supporters were divided also. Kenneth Clark and Spotswood Robinson urged immediate desegregation throughout the South. Clark argued that firm insistence on compliance by government leaders was the key to successful desegregation. The longer the process was drawn out desegregation would become more painful and opposition would gradually harden. Thurgood Marshall personally tended to favor a gradualist approach taking several years to complete. Ultimately, the NAACP requested the Court to set a time limit for compliance.[58]

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[57]Baker, "School Desegregation Case," p. 340; and Time 65(25 April 1955):18.

[58]Kluger, Simple Justice, pp. 721-22.

The second Brown decision was handed down on 31 May 1955. Chief Justice Earl Warren read the decision which essentially adopted the Southern position. "Because of their proximity to local conditions and the possible need for further hearings" the cases were remanded to the District Courts for review. These courts were to be guided by the principles of equity, practical flexibility, and public and private needs. Also, the courts should make a "prompt and reasonable start toward full compliance." Finally, the District Courts were urged to issue orders and decrees consistent with the ruling and to admit Negroes to the public schools "with all deliberate speed."[59] Despite being urged to act speedily, the Supreme Court elected to take the course of gradualism in the second Brown decision.

When judged by their impact on people's lives, the two Brown decisions were among the most historic judgments ever rendered by the Supreme Court. The principle of segregation affirmed unanimously by a Massachusetts Court in the Roberts case was overruled

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[59]United States Supreme Court, U.S. Reports, vol. 349 (October Term 1954), pp. 294-95; and Bartley, Massive Resistance, p. 59.

unanimously by the Supreme Court in 1954. Between these two decisions a gradual, evolutionary process in American jurisprudence had occurred. The battle for desegregation did not end in 1955, however.

Southern opposition to desegregation took the form of evasion, avoidance and delay--massive resistance. The movement to erect legal barriers against school integration began in Virginia where Senator Harry Byrd's political forces developed a legislative program to prevent immediate school desegregation. Byrd was also the chief architect of the Southern Manifesto subscribed to by most Southern Congressmen in March 1956. His goal was "to organize the Southern states for massive resistance." The manifesto attacked the Brown decision and urged the use of "all lawful means to bring about a reversal of the decision . . . and to prevent the use of force in its implementation. . . ."[60]

During the three years after the Court ruling, the legislative pattern of resistance in the various

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[60]Benjamin Muse, Ten Years of Prelude: The Story of Integration Since the Supreme Court's 1954 Decision (New York: The Viking Press, 1964), pp. 63-65.

Southern states was modeled in part after Virginia's Gray Plan. These proposals attacked the problem of integration along several fronts. First, pupil placement laws were devised to inject many criteria other than race in the enrollment of Negroes in white schools. Second, a system of tuition grants from public funds was implemented to aid children who might want to attend private schools as an escape from public school integration. Thirdly, state constitutions were amended in order to delete compulsory attendance laws and state responsibility for public education. Fourthly, the Southern state legislatures passed numerous resolutions of interposition, nullification, or other protests against the Brown decision. Finally, other miscellaneous statutes were considered including the abolition of teacher tenure laws, the outright closing of public schools in the event of integration orders, and the banning of the NAACP by limiting its recruitment activities and opening up its records for public examination.[61]

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[61]Patrick E. McCauley, "Be It Enacted," in With All Deliberate Speed, pp. 132-34 and 136-41; Frances M. Wilhoit, The Politics of Massive Resistance (New York: George Braziller, Inc., 1973), pp. 135-44; Benjamin Muse, Virginia's Massive Resistance (Bloomington: Indiana

Legislative attacks on the Brown decision were only one part of the South's massive resistance effort. Public opposition throughout the Southern and Border states was overwhelmingly hostile to desegregation of the public schools. Newspaper editorial opinion reflected the public mood to a large extent. In areas of the Upper South where the Negro population was less dense, newspapers urged compliance with the ruling. For example, the Louisville Courier-Journal in Kentucky and the Charlestown Gazette in West Virginia both called for public acceptance of the Negro's right to equality and freedom. However, in the Deep South where there was greater white sentiment against the Negro, most major newspapers endorsed continued segregation. The Richmond News Leader under the direction of James J. Kilpatrick started the campaign for the defiant interposition resolutions. Expressing the credo of many Southerners, Kilpatrick said:

University Press, 1961), pp. 15-20; and Robert L. Gates, The Making of Massive Resistance: Virginia's Politics of Public School Desegregation 1954-1956 (Chapel Hill: University of North Carolina Press, 1962), pp. 39-40.

> We will fight state by state, county by county, room by room. . . . The white South proposes to resist compulsory integration of its schools by every device of legislation and litigation that ingenious men can contrive--and we can yet contrive quite a few.[62]

In a similar vein, the Jackson, Mississippi, Daily News proclaimed:

> This is a fight for white supremacy. . . . The school integration order eventually means miscegenation, mixed marriage, and widespread mongrelization, followed by complete social equality in all its uglier forms. . . . If you are a member of the Caucasian race, a white man or woman, then you must stand up and be counted.[63]

There were a few newspapers in the Lower South that urged moderation in implementing the Brown decree and acceptance of the philosophy behind the ruling. These papers including the Nashville Tennessean, the Atlanta Constitution, and the Arkansas Gazette seemed to

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[62]Reed Sarratt, The Ordeal of Desegregation: The First Decade (New York: Harper and Row, 1966), pp. 251-53; and Weldon James, "The South's Own Civil War," in With All Deliberate Speed, p. 33.

[63]Sarratt, Ordeal, pp. 248-52; and James, "The South's Own Civil War," p. 34.

be the exception to the general climate of public opinion in the South.[64]

A milestone in the rise of public defiance to the integration decision occurred with the establishment of the first Citizens' Council in Indianola, Mississippi, in July 1954. Formed by a cadre of the town's civic and business leaders, the Council emerged in the cotton-rich, ideologically conservative Black Belt section of the state. Other segregationist organizations sprang up in other parts of the South. These included the Defenders of State Sovereignty and Individual Liberties of Virginia, the Patriots of North Carolina, and the States' Rights Council of Georgia. All of these organizations possessed certain common characteristics. First, they sought to gain a respectability which the old Ku Klux Klan had never obtained. Second, they appealed to business and professional men as well as Black Belt planters. Thirdly, the leaders voiced traditional conservative principles including anti-unionism, anti-Communism, states' rights, and a large measure of anti-Negro sentiment. Lastly, each group used social and economic pressure on Negroes

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[64]Sarratt, Ordeal, pp. 256-59.

in order to intimidate them into dropping attempts to integrate schools.[65]

Along with the Brown decision, there developed in the South increased racial estrangement leading to the reemergence of strong anti-Negro feelings. Fear of integration stimulated the partial abandonment of white support for Negro colleges, the long-respected Urban League, and various charitable agencies helping Negroes. Several avenues of ideological oppostion developed. For example, many whites believed the movement to end segregation was part of a Communist conspiracy. These whites suggested that Communists dominated the NAACP, the federal government, and the Supreme Court. In a typical anti-Negro book A. E. Michael in The Age of Error said:

> The Cominterm, the Cominform, or the international Communist party . . . for many years has sponsored and encouraged the spreading of propaganda for the purpose of building up Communism through racial strife, civil commotion, and ill feeling.[66]

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[65] Ibid., pp. 298-302; Wilhoit, The Politics of Massive Resistance, pp. 148-151; and Fred B. Routh and Paul Anthony, "Southern Resistance Forces," Phylon 18 (Spring 1957):50-58.

[66] A. E. Michael, The Age of Error (New York: Vantage Press, 1957), p. 34; and Muse, Ten Years of Prelude, pp. 38-41.

Negrophobia spread over the South with the publication of books such as Judge Tom Brady's Black Monday, A. E. Michael's The Age of Error, and Dr. W. C. George's The Race Problem from the Standpoint of One Who Is Concerned about the Evils of Miscegnation. In one illustrative passage Brady said:

> The Negro proposes to breed up his inferior intellect and whiten his skin and blow out the white man's brain and muddy his skin. . . . You can dress a Chimpanzee, housebreak him, and teach him to use a knife and fork, but it will take countless generations of evolutionary development, if ever, before you can convince him that a caterpillar or a cockroach is not a delicacy. Likewise, the social, political, economic, and religious preferences of the Negro remain close to the caterpillar and the cockroach. . . .[67]

Brady became a leading organizer of the Citizens' Council and his book was in part a handbook of the burgeoning movement.

More sophisticated segregationist thought was expressed in articles appearing in national publications such as Thomas B. Waring's "The Southern Case Against Desegregation," and James F. Byrnes' "The Supreme Court Must Be Curbed." One of the most erudite expressions of

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[67] Black Monday as quoted in Muse, Ten Years of Prelude, pp. 42-43.

Southern thought was written by James J. Kilpatrick in The Southern Case for School Segregation. In characterizing Southern reaction to the Brown decision, he said:

> Every latent instinct in the mind of the traditional South rose to the fore: states' rights, strict construction, resentment of central authority, deference to the past. The Southerner as conservative found his principles outraged; the Southerner as romantic saw his dream castles beseiged by barbarians; and, the Southerner as realist, with a sense of dreadful foreboding, turned to the coming storm.[68]

Almost all of these Southern propagandists endlessly repeated three basic propositions. First, they disputed the constitutionality of the Brown decision because it violated the states' rights guarantees of the Tenth Amendment and relied on sociological concepts for its justification. Second, they asserted that the Negro was biologically and sociologically inferior to the white man. These white supremists insisted that the Negro made great progress under the separate but equal system and

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[68]Thomas J. Waring, "The Southern Case Against Desegregation," Harpers' Magazine 212 (January 1956):39-45; James F. Byrnes, "The Supreme Court Must Be Curbed," U.S. News and World Report 60 (18 May 1956):50-58; and James J. Kilpatrick, The Southern Case for School Segregation (New York: Crowell-Collier Press, 1962), p. 37.

that Negroes themselves preferred segregation to the discord and racial tension accompanying integration. In short, the immense cultural and intellectual differences between whites and Negroes made the integration of the public schools an impossibility. Thirdly, Southern publicists blatantly claimed that the quest for social justice and human dignity was nothing more than a Communist-inspired plot. Communist-dominated labor unions, government officials, civil rights organizations, and churches were seeking to undermine the foundations of the white South.[69]

In the pattern of general Southern reaction to the Brown decision there were voices urging compliance and acceptance even in the Deep South. The leading white-dominated organization opposing segregation was the Southern Regional Council (SRC). Based in Atlanta since 1944, the SRC with a grant from the Fund for the Republic established human relations councils in the various Southern states after 1954. These state groups conducted research and information projects aimed at the elimination of racial discrimination. In addition, most Negro

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[69]Bartley, Massive Resistance, pp. 184-86.

newspapers including the Atlanta World, the Birmingham World, the Arkansas State Press, and the Baltimore Afro-American pushed for compliance with the decision. Naturally, the NAACP and its Legal Defense Fund upon victory in the courtroom tried to force implementation of the ruling. A few Parent-Teacher Associations took an active role in some cities, especially in Montgomery County, Maryland, in promoting a smooth transition to integrated education. Finally, some white people in the South were working for better interracial relations through national organizations like the Anti-Defamation League, the American Jewish Committee, and the American Friends Service Committee. However, according to Benjamin Muse, a historian of Southern resistance, in 1956 the number of white Southerners working actively for better race relations could be counted, not in terms of thousands, but only in the hundreds.[70]

A sharp dichotomy in reaction to the Brown decision developed in Southern churches. While the national organizations of the Baptist, Methodist, Presbyterian, and

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[70]Sarratt, Ordeal, pp. 250 and 310-11; and Muse, Ten Years of Prelude, pp. 48-49.

Episcopal churches adopted statements of position commending the decision, individual church ministers and state church assemblies in the South oftentimes opposed the desegregation decree. Although a few ministers spoke out against segregation in the face of threatened beatings and bombings, segregationist ministers held views which were more compatible with the opinions of their parishioners. By contrast, the Negro Protestant ministers presented a strong, almost united front and gave leadership to the school desegregation movement. Black ministers marched in step with their denominations and their congregations.[71]

In addition to the obstructive legislation and popular resistance, the pattern of Southern reaction also included some violence. For example, in Milford, Delaware, violent white demonstrators, led by a segregationist organizer of the National Association for the Advancement of White People, managed to intimidate the school board into reversing its decision to integrate public high school. Milford met the challenge of integrated schools,

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[71]Sarratt, Ordeal, pp. 269-83; and Bartley, Massive Resistance, pp. 293-99.

but white protestors successfully delayed desegregation. Later, incidents occurred in Baltimore, Maryland, and Washington, D.C. with similar demonstrations of white resistance.[72] These outbursts of violence were just a prelude to the white protests in Tuscaloosa, Alabama, Clinton, Tennessee, and Little Rock, Arkansas in later years.

In summary, the Brown decision was the product of a long series of legal maneuvers. When the Supreme Court invalidated laws that required racial segregation in the public schools, the forces of social change were unleashed on the South. The pattern of Southern resistance to these changes included evasive legislation and organized expressions of hostile public opinion. As explained in this narrative study, all of these aspects of Southern opposition to desegregation were expressed in Alabama between 1954 and 1956. Thus, the purposes of this study were to review Alabama's opposition to the Brown decision and to demonstrate how its reaction was part of the overall pattern of massive resistance.

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[72]Sarratt, Ordeal, pp. 251-55; and "Day of the Demagogues," Time 64 (25 October 1954):43.

CHAPTER II

RACE, POLITICS, AND EDUCATION 1950-1954: ALABAMA ON THE EVE OF THE BROWN DECISION

Beginning in the 1950s, a new era in race relations, black political participation, and educational development occurred in Alabama. Supreme Court decisions such as Sweatt v. Painter (1950), President Truman's civil rights program, and the growing demand of black people for full citizenship were destined to force a confrontation between blacks and whites in the North and South alike. Black leaders, particularly those involved in the NAACP, opposed institutionalized white supremacy, as centered in the public schools.[1] Alabama was on the eve of an era of dynamic social and political change.

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[1]Numan V. Bartley, The Rise of Massive Resistance (Baton Rouge: Louisiana State University Press, 1969), pp. 3-9.

The changes which were to occur in Alabama in the 1950s took place in the context of growing population, increased urbanization, and black migration. Alabama's population grew slowly from 2,832,961 in 1940 to 3,061,743 in 1950. Beginning the twentieth century when four-fifths of its people lived in rural areas, Alabama nudged past the 50 percent mark in urbanization by the 1960 census. The proportion of Negroes to the total population ebbed slightly. In 1940 blacks comprised 34.7 percent of the population, but this declined to 32.1 percent by 1950. Blacks were lured North and West by the promise of jobs, education for their children, and escape from the most obvious forms of segregation practiced in the South. They left the rural areas of Alabama in vast numbers. Macon, Wilcox, and Lowndes Counties all declined in population between 1940 and 1960.[2]

Educational development had not attained its full potential in Alabama by the 1950s. School enrollment reached an all time high of 690,158 students from

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[2]Center for Business and Research, School of Commerce and Business Administration, Economic Abstract of Alabama 1975 (University, Alabama: 1975), pp. 4-6. The total decline in Alabama's rural population was from 667,784 in 1940 to 427,221 in 1960.

elementary through college levels in 1950. However, the number of educated citizens was low. Of all the adult citizens twenty-five years of age and older only 177,090 whites and a meager 16,905 blacks had at least four years of high school education. College-educated citizens comprised an even smaller minority with 50,720 whites and only 6,120 blacks having completed four or more years of college. The median years of schooling completed by the average white in 1950 was 8.8, but the median education of blacks was 5.4 years. Both urban blacks and whites tended to stay in school about two years longer than their rural counterparts.[3]

Nevertheless, great progress had occurred in the education of Alabama Negroes since the 1930s. Total state expenditures per year for black students in elementary and secondary schools averaged $10.09 per student in 1929-30 but had increased to $68.77 by 1949-50. The average salary of Negro teachers in 1929-30 was $370 a year while in 1949-50 it had risen to $1,870. Expenditures

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[3]Bureau of Business Research, School of Commerce and Business Administration, Economic Abstract of Alabama 1966 (University, Alabama: 1966), pp. 20-22.

for Negro higher education increased from $201,250 in 1929-30 to $3,754,440 in 1944-45.[4]

Although vast changes had occurred in Negro education since the 1930s, black educational opportunity when viewed in relation to white education pointed up numerous deficiencies. In 1949-50 the yearly state expenditure was $100.35 for white students, compared to $68.77 for blacks. The unequal nature of the system is reflected in other categories. Although blacks comprised over one-third of the total students enrolled, total state expenditures for them was only $18 million as compared to over $50 million for whites. Local support for Negro education was even more lopsided than state support. In 1949-50 payments of local boards for education of white students was over $3 million, compared to $380,010 for Negroes. The quality of facilities offered to black students was grossly inferior. For example, in 1949-50 there were 1,181 one- and two-teacher black schools compared to 303 such schools for whites. Only in the

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[4]W. E. Anderson, "The Education of Negroes in Alabama," Journal of Negro Education 16 (Summer 1946): 311-13; and A. R. Meadows, Annual Report 1950 (Montgomery: State Department of Education, 1950), pp. 20, 23, and 29.

category of teacher salaries had blacks reached near parity with whites. White teachers averaged $2,157 per year in 1949-50 while blacks averaged $1,870. Most of the difference in salaries was due to the unequal level of local support and the tendency of whites to hold higher degrees.[5] According to Elsie Hill Wallace, a black educator, Negro education in Alabama was handicapped by inaccessible schools, lack of trained teachers, limited curricula, and inadequate materials, supplies, special services, and extra curricula activities.[6]

The Negro was not only limited in his educational opportunities, but he also faced numerous restrictions to his participation in Alabama politics. In addition to paying a cumulative poll tax, a potential Negro voter, according to an amendment to the state constitution adopted in 1946, had to display an adequate "understanding" of the United States Constitution, satisfy a local board of registrars that he was of "good character," and demonstrate a proper understanding of "the duties and

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[5]Ibid., pp. 13, 22, 23, 29, 32 and 34-35.

[6]Elsie Hill Wallace, "A Study of Negro Elementary Education in North Alabama," Journal of Negro Education 20 (Winter 1951):43-46.

obligations of good citizenship under a republican form of government." Obviously, under the terms of the state's fundamental law, local boards of registrars had a maximum amount of discretion in determining who could and who could not vote. Many whites thought as did Gessner McCorvey, the Chairman of the State Democratic Executive Committee, who felt that "the vast majority of Negroes have not yet fitted themselves to vote intelligently on important governmental matters."[7]

Racial segregation, limited educational opportunity, and restrictions on voting reduced the Negro to the status of "second class" citizenship. Yet, Negroes in Alabama experienced a great awakening in the 1950s. Blacks became aware of their history, the disadvantages of segregation, and the legal attacks of the NAACP on the numerous forms of discrimination. During this period Alabama blacks were inundated with lecturers, program chairmen, seminar, and conference guest speakers who

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[7]William D. Barnard, Dixiecrats and Democrats: Alabama Politics 1942-1950 (University, Al.: The University of Alabama Press, 1974), pp. 59-64.

reported that equality was closer.[8] Walter White, the able leader of the NAACP, told a Mobile audience that total integration in Southern society would be achieved "in a short time."[9] Emory O. Jackson, the outspoken editor of the Birmingham World, repeatedly urged his readers to register to vote. And, he rarely turned down an opportunity to level an attack on segregation. In a speech at a Birmingham church Jackson said:

> Segregation means cheap labor, lesser education, fewer benefits of government, dwindled dignity, and a cheapened personality. Segregation is an affliction of the American credo of equality of opportunity. It blocks one's opportunity to be educated along with his fellow citizens, to work with them, and to play with them.[10]

A new generation of black leadership also emerged in the 1950s. These men and women, many in their twenties and thirties, often employed in some capacity not dependent upon whites, united together in the NAACP or other

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[8]Thomas J. Gilliam, Sr., "The Second Folsom Administration: The Destruction of Alabama Liberalism, 1954-1958" (Ph.D. dissertation, Auburn University, 1975), pp. 20-22; and Interview with J. King Chandler, former Chairman of the Executive Committee of the Birmingham NAACP, Birmingham, Alabama, 4 April 1977.

[9]Alabama Tribune, 20 March 1953.

[10]Birmingham World, 26 May 1953.

organizations to attack the system of discrimination. They included black mortician and banker A. G. Gaston; newspaper editor Emory O. Jackson; lawyers Arthur Shores and Peter Hall; educators J. E. Pierce, C. G. Gomillion, and J. D. Thompson; social activists Ruby Hurley and W. C. Patton; and ministers like Robert L. Alford and Fred Shuttlesworth.[11]

A few whites assisted these people in their efforts to gain greater participation in Alabama politics. The Alabama Division of the Southern Regional Council, headed by Reverend Dan Whitsett, a Methodist minister in Sylacauga, promoted the economic, political, and educational betterment of Negroes. This statewide interracial group maintained that better understanding between the races would lead "to the lessening and elimination of violence, of injustice and of unwholesome humiliation." The council's achievements, however, were barely measurable in as much as it had only eighty-two members in

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[11]Gilliam, "The Second Folsom Administration," p. 23. A careful reading of the Birmingham World or any other black newspaper in Alabama in this period will acquaint the reader with more black leaders.

1952.[12] Aubrey Williams, the former director of the National Youth Administration and editor of the Montgomery-based Southern Farm and Home journal, spoke out for racial justice and an end to segregation on many occasions. However, his effectiveness was limited because many whites regarded him as a Communist sympathizer.[13]

By far the most prominent white champion of Negro rights before the Brown decision in Alabama was Governor James E. "Big Jim" Folsom. His administration from 1946 to 1950 represented a liberal interlude in Alabama's otherwise predominantly conservative political history. Unlike his predecessors, he advocated the repeal of the poll tax and the extension of voting rights to Negroes. In 1950 when black applicants faced wholesale rejection of their attempts to register to vote in Jefferson County, Folsom appointed a committee to investigate the allegations. Folsom was also a strong supporter of better

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[12]1952 Brochure of the Alabama Division of the Southern Regional Council, Alabama papers of the Southern Regional Council, Birmingham Public Library Archives Department.

[13]Alabama: The News Magazine of the Deep South (hereinafter cited as Alabama) 18 (16 January 1953):3; and Birmingham World, 22 September 1953.

schools for Negroes. In 1949 he appointed a bi-racial committee on Negro education which recommended the establishment of a new Negro university, a Negro law school, and an immediate increase in appropriations to the black colleges. Although the governor was unable to implement all the committee's recommendations, his interest in Negro education was genuine. Finally, he took a moderate position on the maintenance of segregation. During his first administration Alabama was the only Southern state which did not join Texas in fighting the Sweatt case before the Supreme Court. He repeatedly suggested that race had been used to blind whites to their common economic interests with the Negro. As a candidate and as governor, Folsom vowed never to use the race issue.[14]

The views of leaders of the Southern Regional Council, Aubrey Williams, and "Big Jim" Folsom on black education, voting rights, and segregation were not typical of those of most Alabama politicians before the Brown decision.

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[14]Barnard, Dixiecrats and Democrats, pp. 15, 33, and 135; Birmingham Age-Herald, 18 January 1949 and 21 April 1949; and Christian Science Monitor, 3 May 1949.

For example, when the Supreme Court in the Sweatt v. Painter decision ordered the integration of the University of Texas law school, the Alabama legislature adopted a resolution condemning the decision, the Supreme Court, the President of the United States, and the Congress for "their efforts . . . to destroy the principle of segregation upon which Southern civilization rests. . . ." The resolution, presented to the legislature by two Black Belt legislators, George P. Quarles of Selma and Walter C. Givhan of Safford, passed without a dissenting vote. Meanwhile, a protest rally of more than 150 Alabamiams, including former governor Frank Dixon and former Democratic National Committeeman, Marion Rushton, passed several resolutions condemning the integration policies of the Truman administration and the recent rulings of the Supreme Court.[15]

In the 1950 gubernatorial campaign the leading candidates reaffirmed their positions on segregation. Eugene "Bull" Conner, a States Rights delegate in 1948 and the Birmingham Police Commissioner, expressed

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[15] Alabama 15 (30 June 1950):6-7; Birmingham World, 23 June 1950 and 30 June 1950; and Birmingham News, 6 June 1950 and 21 June 1950. Emory O. Jackson condemned the legislature for their "pinch-mindedness and bigoted spirit."

opposition to President Truman's civil rights program. Conner stated that "rigid segregation is necessary in areas and places where the conflict of the races might result in violence." The winning candidate in the race, Gordon Persons, also criticized the President's civil rights campaign. Persons asserted that he was in favor of states rights and the present segregation laws and against the proposed Fair Employment Practices Commission.[16]

The maintenance of segregation was not just the exclusive concern of politicians. Other white citizens throughout Alabama favored the separation of the races. Birmingham in the 1950s was among the nation's largest and most rigid bastions of segregation. Theaters, restaurants, hotels, and even cemeteries were separated by race. Although Memphis, Nashville, Atlanta, and Mobile each had Negro policemen, none served on Birmingham's force.[17] When Negroes began to buy homes in the Smithfield area near the all-white College Hills section,

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[16] Alabama 15 (21 April 1950):8; and Birmingham Age-Herald, 7 March 1950.

[17] Virginia Van Der Veer Hamilton, Alabama (New York: W. W. Norton and Company, Inc., 1977), pp. 139-40.

the city's segregation zoning laws were challenged in the federal courts. On 13 December 1949, District Judge Clarence Mullins overruled the city's racial zoning laws. However, even before the decision was rendered, the home of a black minister in the disputed area was dynamited on 13 October. Mr. Olin Horton, the chairman of the public affairs committee of the Graymont-College Hills Civic Association, insisted that "the racial dividing line" would be maintained.[18]

Segregation extended into the hospitals and medical associations in Alabama. In June 1950, the all-Negro Alabama State Medical Association passed a resolution seeking membership in the all-white Alabama Medical Association. Negro doctors were barred from practicing in the hospitals because they were not members of the white association or its local societies. The black doctors also petitioned for integrated medical education programs at the University of Alabama medical college in Birmingham. Although Emory O. Jackson commended the doctors for their struggle for "hospital

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[18] Birmingham World, 2 May 1950, 9 May 1950, and 29 May 1951. The Supreme Court upheld Judge Mullins' ruling. Black attorneys Arthur Shores and David Hood handled the case.

democracy," the white association remained silent for three years. Eventually, the AMA admitted a black doctor, L. J. Hicks of Lauderdale County, into the association by a unanimous vote.[19]

The white churches also supported racial segregation. For example, in November 1950, the North Central Alabama Methodist Conference adopted a resolution supporting segregation in the church and in the state. Black editor Emory O. Jackson condemned the white Methodists for "failing to interpret Christ in race relations."[20] When the black Synod of Central Alabama was created in 1951 as a step toward eventual unity with the white synod, a large number of Presbyterian laymen opposed the change. The Presbyterian segregationist group met in Centreville in September to approve a resolution condemning the establishment of the black synod. The resolution flatly stated that segregation was Christian in principle, that joint meetings of black and white ministers and

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[19] Alabama Tribune, 20 June 1952 and 26 June 1953. Hicks was a graduate of Meharry College in Nashville and was one of only sixty-seven black doctors in Alabama.

[20] Birmingham World, 3 November 1950.

laymen would be a violation of Alabama law, and that the black churches would suffer a decline of white financial support if such a union were implemented.[21]

Segregation of public facilities, educational institutions, and churches was the prevailing custom in Alabama. To many white Alabamians opposition to segregation was considered subversive of Southern traditions, socialistic, and downright un-American. Indeed, as pointed out earlier, racial integration and Communism were twin evils to most white southerners. Few incidents illustrate this point of view better than the American history textbook controversy of 1952. When the state textbook committee selected The Challenge of Democracy by Theodore P. Blaich and Joseph C. Baumgartner as the new eleventh grade American history text, the Birmingham Real Estate Board executive vice president, J. L. Boswell, sent Governor Gordon Persons a long list of objections to the book. Boswell cited passages from the book which proclaimed the pitfalls of home ownership, the advantages of apartment dwelling, the full employment economic system of the Soviet Union, the calculated cruelty of

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[21] Alabama 16 (28 September 1951):5.

industrial managers, and the movement toward cooperative enterprise. Marvin Hawkins, a member of the textbook committee and a realtor in Birmingham, concurred in Boswell's objections and urged the state committee to develop a more exacting method of selection. Hawkins said: "I'm going to try to figure out a plan where those books already selected can be reviewed from the Communist point of view."[22]

After being alerted to the anti-capitalistic implications of some passages in the textbook, Governor Persons read the book. However, his most serious objections to the book were leveled against Chapter 28 which dealt with Negro history. In a press release, Persons claimed this chapter was "devoted almost entirely to pointing out why segregation should be abolished and praising the FEPC (Fair Employment Practices Commission)." He observed that such things as lynchings and friction between the races were so adequately covered in the daily press that there was no reason to place such information in a

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[22]J. L. Boswell to Persons, 10 April 1952, Persons papers, File Box 292, Civil Manuscripts Division (CMD), Alabama State Department of Archives and History (ASDAH), Montgomery; Birmingham News, 12 April 1952; and Birmingham Post-Herald, 15 April 1952.

textbook. Finally, he objected to passages which noted that Negroes had to pay poll taxes in some states, were often the last hired and the first fired, and regarded segregation as an affront to their dignity and pride.[23] Persons was so concerned about the unfavorable treatment of segregation in the textbook that he wrote a letter to his fellow Southern governors warning them about the use of the book in their school systems.[24] Eventually, after the publisher agreed to more than fifty revisions suggested by the Birmingham realtors and to the complete deletion of Chapter 28, the textbook was adopted for Alabama history students by the state textbook committee.[25]

The black press in Alabama expressed strong opposition to the censorship actions of Governor Persons and

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[23] Montgomery Advertiser, 23 May 1952; and Birmingham News, 23 May 1952.

[24] Persons to Governors Fuller Warren of Florida, Sid McMath of Arkansas, Herman Talmadge of Georgia, Robert F. Kennon of Louisiana, Hugh White of Mississippi, James F. Byrnes of South Carolina, Johnston Murry of Oklahoma, Kerr Scott of North Carolina, Gordon Browning of Tennessee and Allan Shivers of Texas, 30 May 1952, Persons papers, File Box 292, CMD, ASDAH. Persons included in his correspondence a copy of Mrs. Ruby Hurley's letter of protest cited below.

[25] Birmingham News, 23 May 1952.

the textbook committee. The Alabama Tribune, the major black paper in Montgomery, praised The Challenge of Democracy as an outstanding text. "The real issue is whether or not pressure groups shall be allowed to impress their opinion, bigotries, and prejudgments on school books, whether by partial deletions or banning."[26] Emory O. Jackson of the Birmingham World leveled criticism not only against Governor Persons but also against the publishers of the text for yielding "to the irrational ideologies and the rattle of dollars." Jackson further commented: "Deletions such as those suggested by Alabama are crude, clumsy, streamlined, piecemeal book burning. . . . Knowing the facts about the American melting pot seems to be a source of danger in Alabama."[27]

From throughout Alabama NAACP branches sent letters of protest to Governor Persons. Reverend William Prince Vaughn, chairman of the education committee of the Birmingham branch, wrote: "As I see it the state has gone into the business of discrimination and seeks to use our educational system . . . to foster and teach white

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[26] Alabama Tribune, 3 October 1952.

[27] Birmingham World, 30 May 1952.

supremacy."[28] The Tuskegee branch ironically pointed out that perhaps the deletion of Chapter 28 was directed against white as well as Negro children.

> We can but wonder if this act is directed against the Negro children of this great state or against the white children, and to what end this would operate. The majority of the Negro children of this state are told daily of the evils of segregation and discrimination, and in addition, they are shown this evil in operation on every hand, confronting them in every effort they make. By refusing to let the white chi ren learn that these are evils, you are making them intellectual inferiors to the Negro children.[29]

Finally, Mrs. Ruby Hurley, the Southeast Regional Secretary of the NAACP stationed in Birmingham, called Governor Persons' insistence on deleting Chapter 28 "deplorable." She maintained that segregation as a Southern tradition was "not American, not democratic, and not Christian."[30]

Other Negro organizations joined in the condemnation of textbook censorship. Black veterans in the

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[28]Reverend William Prince Vaughn to Persons, 6 June 1952, Persons papers, File Box 292, CMD, ASDAH.

[29]D. L. Beasley to Persons, 13 June 1952, Persons paper, File Box 292, CMD, ASDAH.

[30]Ruby Hurley to Persons, 27 May 1952, Persons papers, File Box 292, CMD, ASDAH. Other letters of protest, contained in the Persons file, were sent from the Anniston, Henry County, and Dothan branches of the NAACP.

American Legion James W. Holloway Post #326 charged that students should be allowed to seek the truth and that hiding facts from them was not "real Americanism." The Alabama Federation of Colored Women's Clubs passed a resolution urging Governor Persons to reconsider his position. Finally, R. E. Strickland, president of the Alabama State Colored Funeral Directors, asserted that "racial understanding in Alabama had reached the stage where such a chapter would be revealing and educational."[31] Despite the extensive protests of the black press, the NAACP, and other groups Persons and the textbook committee went ahead with their censorship activities.

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[31]Reverend George Rudolph to Persons, 13 June 1952; Mrs. Sadie Wright, President of the Alabama Federation of Colored Women's Clubs, to Persons, 12 June 1952; and R. E. Strickland to Persons 20 June 1952, Persons papers, File Box 292, CMD, ASDAH. Some white opposition to the censorship of the textbook was also raised. Aubrey Williams condemned the "silly and unrealistic" censorship of the Negro history material contained in the text. A Montgomery Advertiser editorial stated that "the Birmingham Real Estate Board has made an ass of itself in demanding that the state censor the high school text." However, the Advertiser did not criticize Persons. Montgomery Advertiser, 25 May 1952; and Aubrey Williams to Persons, Persons papers, File Box 292, CMD, ASDAH.

The Challenge of Democracy controversy demonstrated the extent to which the Alabama political leadership was unwilling to tolerate any criticism of capitalism, segregation, or "the Southern way of life." However, the strong opposition of the black community illustrated the new sense of racial consciousness developing among Alabama blacks. During this period the NAACP was quite active in the state promoting voter registration, organizing new branches even in the rural areas, pressing the legal battle for the admission of Negroes to the University of Alabama, working for better housing, and raising funds for various educational projects.[32]

The NAACP and other black organizations particularly attempted to increase black participation in the electoral process after 1945. Whites generally regarded the black voter registration drive as an assault on the institution of white supremacy. As already pointed out, in 1946 the Boswell amendment was adopted for the purpose of limiting black registration. However, in January 1949, the federal District Court in Mobile declared the

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[32]Birmingham World, 15 May 1953; and NAACP Annual Report 1953, pamphlet in the Persons papers, File Box 319, CMD, ASDAH.

amendment unconstitutional because it was "used for the purpose of discriminating against applicants for the franchise on the basis of race or color."[33]

After the court ruling, the NAACP and other groups urged blacks to register to vote. But, even after the Boswell amendment was overruled, blacks continued to face numerous delay tactics and downright discrimination at the offices of the board of registrars in their home counties. For example, when in January 1950, Emory O. Jackson led a large contingent of black veterans to the Jefferson County courthouse, the Birmingham Board of Registrars took four hours to register seventeen black voters, while six white applicants were processed in less than thirty minutes. In the four-day period from 10 January through 14 January, 416 blacks applied but only 133 were registered. In addition to time delays, blacks reported that they sometimes were asked ambiguous questions such as "Who is the highest office in the United States?" or "What does Alabama consist of?"[34]

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[33]Barnard, Dixiecrats and Democrats, p. 127. The Supreme Court later upheld the ruling in March 1949.

[34]Birmingham World, 3 January 1950 and 17 January 1950. Jackson repeatedly urged black teachers in Birmingham to register. According to his figures, there were 529

The editor of Alabama: The News Magazine of the Deep South probably expressed the prevailing white view of the dilatory tactics of the local boards of registrars when he condoned their efforts. The magazine expressed alarm at "the opening of the flood gates so that thousands of ballots could be controlled by political demagogues willing to pander to the negro [sic] vote." The journal defended the defunct Boswell amendment because it prevented "the bloc voting of Negroes" and "restricted voting privileges to those responsible enough to exercise personal, independent judgment."[35]

In order to restore the restrictions of the Boswell amendment, the state legislature initiated a new amendment in the 1951 legislative session. Sponsored by the dean of the state senate, J. Miller Bonner of Wilcox County, the new provision required an applicant to have good moral character, show an understanding of the duties and obligations of citizenship, take an anti-Communist loyalty oath, and pass a lengthy written test.[36] In

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Negro teachers in Birmingham in 1950 but only 233 were registered. Birmingham World, 27 June 1950.

[35]Alabama 15 (12 May 1950):6; and Alabama 15 (27 June 1950):8-9.

[36]Birmingham World, 1 June 1951.

short, the Bonner amendment, just as the Boswell amendment, armed the local registrars with considerable discretion in the processing of voter applications.

In addition to the Bonner amendment, the 1951 legislature placed another obstacle in the path of would-be Negro voters. Upon the recommendation of Representative Sam Engelhandt of Macon County, a voter re-identification act was passed. All voters, except those in Mobile, Montgomery, and Jefferson counties, were required to reestablish their identity and place of residence with the local registrars. Emory O. Jackson believed this was a calculated move to disfranchise the 40,000 black voters in Alabama's rural counties.[37]

In December 1951, when the proposed Bonner amendment was submitted to the voters for ratification, black leaders raised their opposition. Emory O. Jackson condemned the amendment as "a rewrite of the outlawed Boswell amendment with red scare decorations." The Alabama Tribune asserted that "it was unwise to give the three man board of registrars in each county such arbitrary power to

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[37] Birmingham World, 11 November 1951 and 5 June 1951.

adjudge whether a citizen is fit to vote." The problem of defining "good character" was open to much discussion.[38]

White leaders, on the other hand, like Gessner T. McCorvey called the Bonner amendment "the most important" issue before the voters. State Senator Walter Givhan believed the adoption of the amendment was imperative in order "to protect our state against communistic forces." A Pell City publisher, Edward Blair, stated that "the preservation of an intelligent electorate" and "the prevention of herd-voting" made the passage of the Bonner proposal extremely important. After a vigorous campaign the amendment was narrowly adopted.[39]

The Bonner amendment was more of a nuisance than an absolute barrier to black voter registration. Black leaders continued to urge voter registration. Dr. Arthur H. Gray, the president of Talladega College, in a speech to the NAACP state conference called for "the complete integration of the election process." And, W. C. Patton, the head of the Alabama NAACP branches, challenged blacks

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[38] Birmingham World, 4 December 1951; and Alabama Tribune, 21 January 1952.

[39] Alabama 16 (7 December 1951):7; and Birmingham World, 21 December 1951.

"to end the shameful record of low voter registration" and renew their fight for the ballot.[40]

Despite all the rhetoric, the speeches, and the voter registration drives, black voters in Alabama by 1954 were almost non-existent. According to a survey conducted by the Alabama State Coordinating Association for Registration and Voting, less than 10 percent of the Negro population of voting age was registered and only 6.3 percent of the total qualified voters were black. The reason for the lack of black voters, according to the survey, was "the discretionary and arbitrary powers" given to the registrars. In one Black Belt county a black applicant had to present a signed affidavit from three local merchants before he could register. Using tactics like this, Black Belt counties restricted registration so effectively that in Green County only twelve out of 6,628 blacks over twenty-one were registered, in Marengo County twenty-seven out of 10,266, and in Bullock County seven out of 5,425. No blacks were registered to vote in Sumter, Lowndes, and Wilcox counties. The survey

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[40]Gilliam, "The Second Folsom Administration," p. 29; Birmingham News, 8 November 1953; and Alabama Tribune, 13 November 1953.

concluded that while blacks were presenting themselves before the registrars in large numbers, discrimination discouraged and prevented the completion of the process.[41]

Black educators tried to lower the barriers to voter registration. In 1952 Henry J. Williams, the chairman of the voter commission of the Birmingham Negro Teachers Association, stated that 55.1 percent of the black teachers in Birmingham had paid their poll tax and qualified to vote. Later, in a report to the Alabama State Teachers Association (ASTA), Williams condemned those colleagues who had failed to register. He said: "A teacher unwilling to vote is unfit to teach."[42]

The struggle for the ballot was not unrelated to black educators' desires to improve educational opportunities. J. D. Thompson, the 36th president of ASTA, was elected on a platform which among other things called for

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[41]G. E. Pierce, "Registration of Negro Voters in Alabama in 1954," pamphlet in Southern Regional Council, Alabama papers, Birmingham Public Library Archives Department (BPLAD); and Alabama Tribune, 17 April 1954. According to an Associated Press survey, the number of black voters had indeed doubled since 1950, but there were still less than 50,000 registered to vote. In Jefferson County about two hundred black voters were deleted from the rolls between 1950 and 1954.

[42]Alabama Tribune, 15 April 1952; and Birmingham World, 27 March 1953.

Negro teachers to register to vote. Thompson, the Cottage Grove High School principal, was the first black voter in Coosa County in modern times. Under his leadership ASTA appropriated money for a black teachers' registration drive. He believed that obtaining the ballot was the prelude to applying political pressure for better schools and salaries for blacks.[43]

J. D. Thompson's leadership of the Alabama State Teachers' Association represented a real turning point in Negro education in Alabama. During his tenure from 1952 to 1954 the once conservative and social-oriented ASTA became more assertive of Negro rights. He was interested in the welfare of teachers as well as greater educational opportunity for black children. In his inaugural address Thompson urged his colleagues to launch a direct attack on the inequities of educational opportunity in Alabama from the primary to the college level. In the spirit of the new activism, he said: "If we have become satisfied, then woe unto us and the Negro boys and girls of Alabama."[44]

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[43] Birmingham World, 8 April 1952.

[44] Ibid. Thompson was a graduate of Fisk University and a doctoral candidate at Columbia Teachers' College in New York City.

In January 1953, Thompson outlined a six-point program for reforming the association. Among other things he wanted to revamp the election of officers so that non-establishment candidates would have an opportunity for election. Thompson also sought equal educational facilities, full political rights for Negroes, a teacher welfare and defense commission, enforcement of the compulsory attendance laws, and publication of an association bulletin.[45]

Thompson's program, however, met with resistance from whites as well as some blacks. His black colleagues opposed his attempt to raise $50,000 for a legislative lobby fund because annual dues would have to be increased by $7 a year. A few local school boards urged Negro teachers to disregard Thompson's proposals or lose their jobs. Thompson's recognition of the need for legislative lobbying apparently was regarded as unnecessary meddling by school boards and even the state education department. In his farewell address to the association in 1954, Thompson bitterly attacked those who had successfully

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[45] Birmingham World, 20 January 1953 and 24 March 1953.

opposed his lobby fund proposal. "When white people call us Uncle Toms and white man's nigger, you know our leadership has reached a new low."[46]

Many Negro teachers in the period before the Brown decision apparently felt some anxiety over their job security. Perhaps, this accounts for the apathy which some displayed in failing to respond to the ASTA voter registration drive and the opposition to Thompson's reform proposals. Also, some black teachers believed they would lose their jobs if the schools were integrated. The Alabama Citizen, a black newspaper in Tuscaloosa, expressed "repulsive indignation" for any teacher who preferred a job to full integration.[47] On the whole, black teachers before 1954 were becoming aware of the need for participation in politics and for higher professional standards.

While Alabama blacks were pressing for the right to vote and for better educational opportunities, some

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[46]Alabama Tribune, 2 April 1954; and Birmingham World, 3 April 1954. According to Emory O. Jackson, the opposition to Thompson's lobby fund centered in the Birmingham Negro Teachers' Association.

[47]Alabama Citizen, 8 May 1954.

white politicians, especially after observing the slow progress of the segregation suits through the federal courts, began to respond to these pressures with defiance. As early as the 1951 legislative session, Representative Sam Engelhardt, the sponsor of the voter re-identification bill, introduced a proposal to render null and void all state appropriations for Alabama schools in the event the U.S. Supreme Court outlawed segregation. Engelhardt's bill was similar to a Georgia law. Calling for the preservation of Alabama's segregation policies, Engelhardt stated that "he did not want to see a single brick removed from the wall of segregation." Probably, due to the lack of Persons' administration backing and the fact that Alabama was not a party to the segregation suits, the legislature failed to enact Engelhardt's bill in 1951.[48]

Later, as the 1953 legislative session convened, the urgent need to tackle the segregation problem preoccupied the discussions of the legislators. Rex Thomas, the Associated Press correspondent in Montgomery,

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[48]Alabama 16 (17 August 1951):5; and Alabama Legislature, Journal of the House, 1951 Regular Session, p. 709.

commented that "never since the hectic era following the War between the States, when Negroes held offices under protection of federal troops, has there been such a serious challenge to the tradition of white supremacy." Albert Boutwell, Governor Persons' floor leader in the state senate, stated that segregation was "the most overpowering question" in the 1953 session. Governor Persons, however, seemed more interested in poll tax reform, highway safety, and the financial problems of the state. He told the legislators that until the Supreme Court decision was "released and carefully studied" no definite plans could be made. In short, Persons adopted a "wait and see" policy.[49]

Despite Governor Persons' desire to take up the more immediate problems of state government, Representative Sam Engelhardt and Senator Herbert Byars prepared legislation to preserve segregation in the schools. Early in the 1953 session Engelhardt proposed a bill to lease, rent, or sell the public schools to privately operated corporations made up of parents from each

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[49] Montgomery Advertiser, 3 May 1953 and 4 April 1954; and Interview with Albert Boutwell, Birmingham, Alabama, 25 March 1977.

community. These corporations, financed with allotments from the state, county and city governments, would administer a system of "free private schools." Teachers in these schools would be paid at current state levels and would be eligible for participation in the state teachers' retirement system. Byars' bill was similar to Engelhardt's except that in order to prevent a federal suit against the corporation he proposed allocating the funds directly to the parents of children in the private school.[50] Neither of these bills passed both houses of the legislature due to the Persons' administration "wait and see" policy.

In September 1953, the legislature finally took action on the segregation issue. Senator J. Miller Bonner offered a joint resolution calling upon the legislature to create a committee of six for the purpose of drawing up recommendations to protect the principle of segregation in the public schools. Also, the resolution urged the

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[50] Montgomery Advertiser, 2 May 1953 and 23 January 1953. Engelhardt once suggested that Alabama could set up a statewide television network to replace the public schools if the Supreme Court ordered integration. Such a system he believed would reduce racial tension and lower education costs substantially.

attorney general to file an amicus curiae brief in one of the cases pending before the Supreme Court and requested Governor Persons to call a special session of the legislature "immediately upon the announcement of any decision threatening the validity of segregated public schools." Bonner predicted that an unfavorable court decision would "disorganize the operation of the public school system of Alabama," "throw into confusion the training and assignment of teachers," and "sterilize the police power" of the state. Governor Persons signed the resolution, but he attached a memorandum to it stating he would not call a special session of the legislature until meaningful legislation had been drawn up.[51] Thus, the Bonner resolution was the only official legislative response to the impending segregation decision.

During the 1953 legislative session Representative Sam Engelhardt emerged as the leading advocate of white supremacy. A native of Shorter in Macon County, he owned a cotton plantation cultivated by seventy-five Negro

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[51] Birmingham News, 9 September 1953; Birmingham Post-Herald, 22 September 1953; Alabama Legislature, Journal of the Senate, 1953 Regular Session, pp. 991-93; and "Memorandum on Joint Resolution No. 49," Persons papers, File Box 319, CMD, ASDAH.

families. For him the maintenance of segregation and restricted black suffrage were imperative. His Negro tenants worked for low wages. If Negroes in Macon County obtained the ballot and education, the low land taxes in the county could be repealed. In short, educated blacks voting in elections could have spelled economic disaster for him.[52]

After he was first elected to the legislature in 1950, Engelhardt lost no time leading the campaign for segregation. As already pointed out, in 1951 he proposed the withdrawal of state support if local schools were integrated. He also succeeded in requiring ballots in the Democratic primary to bear the heading "White Supremacy for the Right" in hopes of discouraging blacks from voting in these primaries. His father-in-law, J. Miller Bonner, was the sponsor of the Bonner amendment and the resolution creating an interim legislative committee on segregation. Engelhardt's influence extended beyond the legislative sessions because he was vice-chairman of the

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[52]Gilliam, "The Second Folsom Administration," pp. 104-6; and Paul Anthony, "Resistance Groups in Alabama," Southern Regional Council, Alabama Papers, Birmingham Public Library Archives Department.

Legislative Council which commissioned research studies from the Legislative Reference Service and suggested bills for consideration when the legislature reconvened.[53]

Besides Engelhardt, another strong supporter of segregation emerged in the 1953 legislative session in the person of Albert Boutwell, the senator from Jefferson County. Born in Montgomery and reared in Greenville, Boutwell moved to Birmingham after his graduation from the University of Alabama law school. Thus, he was a native of the predominantly rural and conservative South Alabama, but he represented the business and industrial interests of North Alabama. Elected to the state senate as Jefferson County's only senator in 1946, Boutwell rose to prominence in the anti-Folsom bloc. Later, in 1950 he became Governor Persons' floor leader and was responsible for the passage of major bills such as highway construction, poll tax reform, and creation of the first state educational television network. Boutwell admittedly was a thorough-going segregationist, and in compliance with the Bonner resolution, he served as Chairman of the Interim Committee on Segregation. Joining him on

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[53]Ibid.

the committee were fellow segregationist Senators J. Miller Bonner and Herbert B. Byars as well as state Representatives R. G. Kendall, Ira Pruitt, and Jack C. Gallalee.[54] Thus, both Boutwell and Engelhardt established themselves as leaders in opposition to desegregation during the 1953 legislative session.

While Boutwell's Interim Committee on Segregation studied the school integration problem, Governor Persons took the initiative in December 1953, and sent out six hundred letters to leaders in education, politics, and the news media. In this letter Persons stated that the United States Supreme Court might render one of three possible decisions in the education cases before it:

1. Rejection of the case on the assumption that the Federal Government's jurisdiction lies only in the District of Columbia. This seems highly unlikely.
2. Complete abolition of segregation. To me this is unthinkable in view of the fact that the present system of "separate but equal" was itself long ago established by the Supreme Court.
3. Continuation of the present system but with a definite time limit in which to completely comply with the "separate but equal" facilities.

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[54]Interview with Albert Boutwell, Birmingham, Alabama, 25 March 1977. Boutwell was quite proud of his achievements in the Persons' administration.

Persons then requested the recipient of his letter "to write me your views and suggestions covering the problems that confront us . . . based on the possibilities of No. 2 or No. 3." The apparent purposes of this letter were to generate thinking on the impending problem with a view toward "finding a workable and constructive plan" and to obtain "a good idea as to how" people would react to the situation.[55]

Hundreds of letters poured into the governor's office in answer to his request for ideas on meeting the school segregation problem. The reaction contained in these letters provided important insights into public opinion on segregation and the Negro in Alabama before the Brown decision. Generally speaking, the people who wrote Governor Persons expressed varying degrees of displeasure. Representative Walter Givhan's reply reflected the views of many legislators when he stated that people would not tolerate desegregated schools and would not tax themselves to fund such schools. He suggested that

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[55]Persons' letter on the segregation problem, 18 December 1953; and Proceedings of the Legislative Council, 8 January 1954, Persons papers, File Box 319, CMD, ASDAH.

Engelhardt's constitutional amendment establishing free private schools was the most logical alternative. Finally, Givhan was thoroughly convinced that "our Alabama colored citizens" wanted "separate but equal" facilities despite the demands coming from "radical agitators and political race-rousers in distant states."[56] Givhan apparently had never read Emory O. Jackson's Birmingham World.

A definite paternalistic attitude toward the Negro or a forthright anti-Negro sentiment was contained in several letters. Ira Pruitt, a member of the Interim Committee on Segregation, maintained that Negro school teachers would lose their jobs if segregation were overruled.[57] The Speaker of the House, Roberts H. Brown, expressed the typical paternalistic view:

> My feeling is that complete abolition of segregation would be just as objectionable to our Southern negroes [sic] as it would be to the white people. To express it as our janitor said to me in discussing the matter, "It just wouldn't be right, boss."[58]

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[56]Walter Givhan to Persons, 7 January 1954, Persons papers, File Box 319, CMD, ASDAH. All replies to Persons' letter hereinafter cited are contained in the Persons papers, File Box 319, CMD, ASDAH.

[57]Ira Pruitt to Persons, 22 December 1953.

[58]Roberts H. Brown to Persons, 23 December 1953.

Finally, Representative J. Emmett Wood of Washington County assured Persons that he would do everything in his power to prevent classroom association with "the unbleached Americans."[59]

Some substantive suggestions were made by the representatives who responded to Governor Persons' letter. First, several legislators wanted to push for equalization of school funding in order to prevent blacks from wanting to attend the white schools.[60] Second, as suggested by Givhan and others, Engelhardt's free private school plan seemed to be gaining in acceptance.[61] Thirdly, L. W. Brannon of Baldwin County favored zoning as a way to minimize integration, particularly in the urban areas.[62] Finally, William Henry Beatty of Birmingham, recognized by his fellow lawyers as a constitutional expert, recommended the adoption of a new amendment to

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[59]J. Emmett Wood to Persons, 23 December 1953.

[60]Pugh Haynes to Persons, 5 January 1954; W. F. Baker to Persons, 28 December 1953; and Charles Thompson to Persons, 19 December 1953.

[61]J. A. Crook to Persons, 5 January 1954; J. W. Springer to Persons, 5 January 1954; and W. E. Oden to Persons, 22 December 1953.

[62]L. W. Brannon to Persons, 2 January 1954.

the Federal Constitution establishing separate schools. Also, in the event the amendment should not be adopted, Beatty believed the state should impose the strictest regulations including physical examination, inspection for cleanliness, mental capacity, ability to keep up in classes, and redistricting of school districts in order to maintain the level of education and minimize integration.[63]

The responses of the state senators were very similar to those of the representatives. Lieutenant Governor James B. Allen wanted the governor to call a special session of the legislature immediately after a decision was handed down by the Supreme Court. Allen insisted he had an "open mind" on the question as long as segregation was maintained. Several legislators including Senator Herbert B. Byars, a member of the Interim Committee on Segregation, supported Allen's suggestion for an immediate special session.[64] Other senators called for a statewide equalization program, private

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[63]W. H. Beatty to Persons, 23 December 1953; and Interview with Albert Boutwell, Birmingham, Alabama, 25 March 1977.

[64]James B. Allen to Persons, 30 December 1953.

schools, and zoning as methods of evading integration.[65] Based on an examination of the letters of all the senators and representatives, none favored acceptance of an integration order. Clearly, the legislature was ready to mobilize only in an effort to resist a court order against segregation.

All of the superintendents of education in Alabama received a letter from Governor Persons. These men would be most immediately affected by a court decision. Generally, their suggestions for approaching the problems of equalization or integration were more specific than those of the legislators. Many of the educators were concerned about the high cost of building equal facilities. One estimate of the cost was set at $300,000,000 on a statewide basis. However, the rural counties simply did not possess the tax base with which to pay the large new capital outlays for equal schools. Faced with the problem of inadequate resources, Frank H. Echols, the

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[65] C. T. Reneau to Persons, 5 January 1954; J. B. Richardson to Persons, 23 December 1953; Herbert Byars to Persons, 22 December 1953; Ross Hollis to Persons, 23 December 1953; H. B. Larkins to Persons, 30 December 1953; Carl S. Farmer to Persons, 13 January 1954; E. W. Skidmore to Persons, 22 December 1953; and Arthur Gamble to Persons, 6 January 1954.

Superintendent of the Butler County schools, did not avoid his responsibility. He believed the education of the Negro race was not only the economically sound procedure but also the moral responsibility of the state.[66]

Most of the school superintendents were unalterably opposed to the abolition of the public schools. J. H. Boochholdt of Chilton County stated that the destruction of the public schools would lead "to the economic and social breakdown" of the state. W. W. Elliot of Shelby County believed "departing from the public schools would be a return to the dark ages." While none of the superintendents expressed overtly anti-Negro views, several took a paternalistic attitude toward "their Negro teachers" who, they felt, were really opposed to integration.[67] Only one superintendent, R. J. Lawrence of Bullock County, seemed totally unwilling to compromise. He assured Governor Persons that he would

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[66]Frank H. Echols to Persons, 19 December 1953; and Lester Wooten to Persons, 22 December 1953.

[67]Ray Gibson to Persons, 2 January 1953; J. Heflin Nolan to Persons, 21 December 1953; Delbert Hicks to Persons, 21 December 1953; R. E. Moore to Persons, 28 December 1953; W. W. Elliot to Persons, 14 January 1954; J. H. Boochholdt to Persons, 11 January 1954; and W. Chandler McGowan to Persons, 23 December 1953.

resign his job before he became superintendent of "any Black and Tan school system." Lawrence further asserted that he would open up a private school for white children if segregation were overruled.[68]

The college presidents in Alabama expressed views similar to those of other educators. President Ralph Draughon of Auburn University voiced the greatest degree of opposition to ending segregation. He was "opposed to the movement to end segregation" and believed integration would mean "the end of the Negro race." Draughon suggested zoning and redistricting as the means of "diminishing the impact" of integration. Draughon, E. B. Norton of Florence State Teachers' College, F. Edward Lund of Alabama College for Women, and C. B. Smith of Troy State Teachers' College each declared that the state should implement an equalization program, preferably with federal funds. Again, the motive for equalization was not to make up for past inequities but

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[68]R. J. Lawrence to Persons, 19 December 1953.

to discourage Negroes from bringing suits in federal courts.[69]

President Houston Cole of Jacksonville State Teachers' College appeared to be the most inventive as far as developing delay tactics. In the event of an integration order, he suggested the abolition of the teacher tenure laws (to keep black teachers from teaching white students), the use of compulsory health examinations, and the creation of free private schools.[70]

Only one college president counseled patience and understanding. Dr. Luther H. Foster of the all-black Tuskegee Institute urged Governor Persons to issue a statement in which the state pledged to honor both the spirit and the fact of a school integration order. Also, in order to promote mutual understanding he thought the establishment of an interracial committee would be appropriate. "Positive thinking and favorable expectations," to him, would lead to a successful solution of the

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[69]Ralph B. Draughon to Persons, 22 December 1953; C. B. Smith to Persons, 22 December 1953; E. B. Norton to Persons, 28 December 1953; and F. Edward Lund to Persons, 6 January 1954.

[70]Houston Cole to Persons, 23 December 1953.

problem.[71] Foster's views of accommodation and cooperation were not echoed by his fellow educators. The search for a constitutional delaying tactic was uppermost in the thinking of the other college presidents.

Newspaper editors and publishers who responded to Governor Persons' request made a broad range of suggestions. Buford Boone of the Tuscaloosa News wanted an interracial commission to formulate proposals to present to the legislature. In predicting probable public reaction, Boone unhesitatingly stated "a ruling requiring immediate integration would bring chaos and would destroy our public school system." Herve Charest, Jr. of the Tallassee Tribune, Gene Wortsman of the Birmingham Post-Herald, and Hubert Baughn of Alabama magazine all echoed Boone's interpretation of anticipated public reaction. Believing that Negroes preferred separate schools, Barrett C. Shelton of the Decatur Daily

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[71] L. H. Foster to Persons, 4 January 1954.

and Robert Burgess of the Opp News recommended an accelerated equalization program.[72]

Two editors and one publisher expressed very moderate views on the necessity of maintaining segregation. Louis A. Eckl, editor of the Florence Times, and J. L. Meeks, publisher of the Florence Times and the Tri-Cities Daily, opposed drastic actions such as the abolition of the public schools or some other legal subterfuge. To them, these methods must be avoided by men of good will and Christian tenets. "We do not think the whole state should be called upon to pull the Black Belt's chestnuts out of the fire in view of their past discrimination against the Negro. . . ." Eckl and Meeks suggested a step-by-step implementation of desegregation. First, churches should be opened to men and women of all races. Then, starting at the bottom of the elementary grades, Negro and white children, who are "born without

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[72]Hubert Baughn to Persons, 5 January 1954; Barrett C. Shelton to Persons, 6 January 1954; Robert D. Burgess to Persons, 24 December 1953; Gene Wortsman to Persons, 28 December 1953; Buford Boone to Persons, 23 December 1953; and Herve Charest to Persons, 23 December 1953.

prejudice and acquired mental attitudes," should be integrated.[73]

Another newspaper editor who voiced even more liberal sentiments was Eddie George, the editor of the Geneva County News in South Alabama. George stated flatly in his reply to Governor Persons that his paper "was unalterably opposed to segregation in any form." He believed the integration of the public schools was not as "unthinkable" as Governor Persons had suggested. However, since the predetermined attitude of the governor was against integration, George declared it was futile to express any further sentiment on the problem.[74]

Later, in December 1953, the newspapers throughout the state published Governor Persons' letter asking for advice on the approaching school crisis. Hundreds of letters from the general public flowed into the governor's

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[73]J. L. Meeks and Louis A. Eckle to Persons, 30 December 1953.

[74]Eddie George to Persons, 30 December 1953. George apparently was the victim of some harsh treatment for his outspoken views. Representative Roland P. Faulk informed advertisers of George's views, and E. C. "Bud" Boswell, the author of the Boswell amendment, published an advertisement featuring a photostatic copy of George's letter to Governor Persons. Eddie George to Persons, 12 May 1954.

office. Although most of the opinions were similar to those of the legislators, educators, and newspapermen, some of the respondents expressed lengthy and oftentimes novel suggestions which reflected the deep concern of the public over the issue. Raymond T. Wright of Bay Minette believed the establishment of two shifts in the schools was the solution--a morning shift for white children, and an afternoon shift for blacks. J. Miles Allgood, a former United States Congressman from Mentone, claimed that the establishment of two teacher societies in each county or city system was the answer. Negro teachers and white teachers would refuse to teach students of the opposite race or refuse to work together in the same schools. John F. Brittan, a member of the State Democratic Executive Committee, urged the establishment of an essay contest in the Negro schools on the topic, "Why I as a Negro should leave Alabama?" Such a contest, according to Brittan, would give further impetus to the exodus of Negroes to the West and North. Finally, the fear of sexual assault by blacks in integrated schools appeared in several letters. Mrs. W. T. Barnett of Pine Level wrote: "The mental picture of seeing young white girls forced to wedge themselves in amongst a school bus full

of negro [sic] youth is simply revolting." Miss Ira E. Maxwell believed the Negroes would "rape every white woman in the South, if segregation" were abolished.[75]

Some blacks wrote the governor expressing liberal views approximating those of L. H. Foster of Tuskegee Institute or Eddie George of the Geneva County News. J. E. Pierce, a black professor at Alabama State, advocated the creation of a statewide interracial committee. Criticizing the governor for his negative attitude, Reverend H. D. Anderson of Birmingham asserted that officials of this administration should refrain from the phrase "elimination of segregation in the public schools is unthinkable." Anderson also urged the creation of a bi-racial committee. A black teacher in Ariton, Almon Strain, declared that segregation laws were the "fruits of the flesh, fruits of envy, strife, hate, and selfishness."[76]

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[75]Raymond T. Wright to Persons, 1 February 1954; John F. Brittan to Persons, 23 December 1953; Miles C. Allgood to Persons, 8 January 1954; Mrs. W. T. Barnett to Persons, 4 January 1954; and John T. Maxwell to Persons, 26 December 1953. Many more letters from the general public are contained in these files.

[76]J. E. Pierce to Persons, 2 January 1954; Almon Strain to Persons, 23 January 1954; and H. D. Anderson, 12 January 1954.

J. D. Thompson, the president of the statewide Negro teachers' association, sent Persons a public letter which was published in several state newspapers. He denied the integration issue was a "problem" and predicted the tendency of whites to circumvent the law would inevitably fail. He chided the white leadership for adopting strategies for getting around the law instead of emphasizing ways of complying with the pending judicial ruling. Thompson maintained that the real issue was not mixing the races but human dignity, and, like other black leaders, suggested the establishment of a bi-racial committee to ease the transition to integrated education.[77]

Only three letters from whites, other than that written by Eddie George, urged acceptance of a court integration decree. Mrs. Martin Waldron, a housewife in Eden, told Governor Persons "to accept the decision and abolish segregation." She claimed that segregation was "costly, outdated, immoral, and downright silly." David P. Conrad, the Southern Education Secretary of the National Lutheran Council, stated: "In light of the

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[77]J. D. Thompson to Persons, 24 January 1954.

appeals of communists to Negroes . . . I think the greatest action as citizens of the South is to admit the truth that segregation is a farce." Conrad believed equal opportunities would awaken the Negro to a new sense of initiative and responsibility. James O. Ogle, Jr., a Jefferson County school teacher, declared that the hue and cry of too many of our more vocal elected officials was clouding the issue of segregation. To him, the only right solution was "to abolish segregation because it had been the Achilles heel in the armour of democracy too long."[78] These liberal racial sentiments were clearly in the minority of those expressed in letters to Governor Persons.

The Legislative Council and the Interim Committee on Segregation held a joint meeting on 8 January 1954. At this conference Governor Persons explained that no solution had been found in the letters received at that point in time. He urged the committee to continue their work. As to plans advanced in South Carolina and Virginia which would abolish the state public school systems, Persons

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[78]Mrs. Martin Waldron to Persons, 17 January 1954; David P. Conrad to Persons, 29 December 1953; and Birmingham Post-Herald, 9 January 1954.

believed such solutions would not stand up in the federal courts. Again, he expressed opposition to calling a special session of the legislature until after a decision had been announced by the Supreme Court and after legal experts in Alabama had studied it carefully.[79]

Attorney General Si Garrett, who had been criticized by both committees for failing to file an amicus curiae brief with other Southern states, defended his actions. Since the attorneys general of the various Southern states had been unable to formulate a joint plan, Garrett on the recommendation of the Virginia attorney general believed it was "neither advisable nor feasible to file such a brief alone." The two committees ended their meeting with a resolution proposed by Representative Larry Dumas of Birmingham stating: "We favor a complete segregation of the races in our school system."[80] Thus, on the eve of the Brown decision Alabama's legislative leadership asserted opposition to the concept of desegregation.

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[79]Proceedings of the Legislative Council, 8 January 1954, Persons papers, File Box 319, CMD, ASDAH; and Birmingham Post-Herald, 9 January 1954.

[80]Ibid.

This attitude was further buttressed on 23 January when the State Democratic Executive Committee passed a resolution proclaiming that the Democratic Party of Alabama was an association of people with similar political beliefs including "the supremacy of the white race." The party committee further resolved to continue "unremitting and total opposition" to any efforts to enact legislation contrary to segregation.[81]

More organized opposition to integration began to develop in Alabama even before the final decision was rendered by the Supreme Court. As indicated by the letters to Governor Persons, the public mood seemed right for such a movement. One of the first mass meetings in the South called to protest integration was convened in Russell County in mid-January 1954. E. W. Calhoun, the organizer of the rally, condemned the Supreme Court and called the Fourteenth Amendment unconstitutional. Calhoun maintained that "sending white and Negro children to the same schools would result in the mongrelization of the races." Violence erupted at the rally when a minister

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[81]Ben Ray to Persons, 18 February 1954.

E. B. Johnston attacked Glen Broughman, a news editor for WRBL-TV of Columbus, Georgia.[82]

Later, in February 1954, the American States Rights Association was formed in Birmingham. Led by two Birmingham insurance executives, Olin Horton and William Hoover, the association pledged itself to protect segregation and states rights, and to oppose those who wanted to indoctrinate school children in socialism, communism, and race integration. Hoover and his group primarily aimed to convert public schools into private institutions. Thus, segregationists were organizing on the eve of the Brown decision in order to block integration and preserve "the Southern way of life."[83]

From this survey of race, politics, and education in Alabama immediately before the Brown decision several conclusions may be derived. First, blacks in Alabama were denied equal educational opportunity and political rights.

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[82] Birmingham News, 19 January 1954. Calhoun had written Governor Persons about the planned protest rally. He told Persons the people of Russell County "absolutely refuse to send" their children to mixed schools. E. W. Calhoun to Persons, 7 January 1954, Persons papers, File Box 319, CMD, ASDAH.

[83] Gilliam, "The Second Folsom Administration," pp. 125-27.

Second, the emerging black leadership, conscious of these inequities, organized in the NAACP, ASTA and other groups to seek changes in the system of discrimination. Third, white leaders like Sam Engelhardt, Albert Boutwell, Walter Givhan and many others seemed determined to develop delay tactics and other methods of resistance to prevent public school integration. Fourth, based on the response of legislators, educators, and the general public to Governor Persons' letter of December, public opinion in Alabama overwhelmingly supported the movement toward massive resistance. Finally, the reaction to the governor's inquiry about segregation revealed only a small number of Alabamians favored outright racial integration or even a compromise position.

CHAPTER III

SOME ASPECTS OF PUBLIC REACTION IN ALABAMA TO THE BROWN DECISION 1954-1956

By the Spring of 1954 both white and black Alabamians awaited the final decision of the Supreme Court on the school integration issue. When the first Brown ruling was handed down on 17 May, newspapers, politicians, civic leaders, and ordinary citizens discussed and attacked or defended the decision depending upon their propensities. Alabamians expressed a broad spectrum of opinions. Most whites rallied to the defense of the Southern tradition of segregation, while blacks hailed the decision as a kind of deliverance from second-class citizenship. Some leaders of both races, however, urged acceptance of change in race relationships. In general, the year between the two Brown decisions witnessed delay and indecision on the part of Governor Gordon Persons; growing resistance from various legislative leaders,

churches, professional organizations and other groups; and unsuccessful attempts at immediate integration by the NAACP. The year confirmed trends and opinions already established. Alabama moved gradually toward massive resistance.

Segregationists expressed varying degrees of resistance and displeasure with the Brown decision. Reaction to the matter may be divided into four categories. First, those who were extremely opposed to desegregation were the "bitter-end segregationists." These dedicated individuals were desperate. The admission of a single Negro to the all-white schools was regarded as a calamity to be avoided to the point of using force. Strongest in the rural areas, the most vocal of these people included members of the White Citizens' Council. They renounced violence but openly used such non-violent pressures as economic intimidation to maintain segregation. Some of the leaders of this movement were substantial citizens well-educated and economically secure, who supplied moral encouragement and religious rhetoric to the cause.[1]

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[1]Bartley, Rise of Massive Resistance, p. 16; and Peltason, Fifty-Eight Lonely Men, pp. 34-38.

A second category of opponents to segregation may be referred to as the "gentlemen-segregationists," who tended to be less strident in their overt resistance than the bitter-end opponents. However, they were no less philosophically committed to the cause. They believed the Supreme Court decision was not the law of the land. The doctrine of states' rights, anti-communism, and the preservation of Southern traditions took precedence over any court action. Using legal and historical language, the gentlemen-segregationists insisted that the 1954 decision was based more on psychological and sociological assumptions than on legal precedents. Finally, the gentlemen-segregationists regarded the Negro either as a child who needed protection or as an animal who should be kept at a distance from white children.[2]

There was not much attitudinal difference between the "bitter-end segregationists" and the "gentlemen-segregationists." Indeed, as one person stated, the difference between the two was "only the difference between a call girl and a prostitute." Both were committed to unequivocal opposition to school integration.[3]

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[2]Ibid., pp. 38-41. [3]Ibid., p. 39.

Expressing a third point of view were the moderates. While they did not favor integration, they were unwilling to make a dogmatic commitment to segregation. Coming from the educated urban upper and middle classes, these moderates favored the preservation of the public schools even if it meant that a few Negroes might be forced to attend them. In short, the moderates were willing to accept some degree of integration in order to preserve the public schools, avoid anarchy, or maintain a good public image for the South.[4]

A fourth category of individuals called "the racial liberals" accepted integration or encouraged interracial communication. While their numbers were small compared to the segregationists and the moderates, these liberals included influential citizens such as most black newspaper editors and ministers and a few white ministers, educators, and businessmen. These various degrees of opinion--segregationist, moderate, and liberal--found expression in the period after the Brown decision.[5]

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[4]Ibid., pp. 33-35.

[5]Bartley, Rise of Massive Resistance, p. 16.

A few weeks before the Supreme Court ruling, a Democratic Party primary election had been held in Alabama. During the election campaign several candidates for governor committed themselves to the maintenance of segregation in the public schools. However, the most outspoken segregationist in the campaign, Bruce Henderson, stated that privately operated schools would take the place of integrated public schools. He declared that "non-segregated schools would be intolerable and unthinkable" and that the people would not tax themselves to support such schools. James B. Allen, the Lieutenant Governor, stated that he would fight to preserve segregation, but, unlike Henderson, he opposed private schools. Allen called the publicly funded private school plan "impractical and unrealistic." James Faulkner, a state senator from Bay Minette, took a moderate position on the school question. He expected the support of labor unions, educators, and Negroes in his campaign because he had supported them in the legislature. Faulkner tried to avoid the issue by insisting that the Supreme Court would not ban segregation, and that neither whites nor blacks favored integration. As a solution to the needs of the

Negro schools, Faulkner proposed a federal "Marshall Plan" for school equalization in the South.[6]

The private school plan discussed during the campaign aroused the opposition of the black newspaper, the Alabama Tribune.

> Surely experienced state administrators and those having to do with state supervision of private institutions are not without the knowledge that such a vast entity as a public school system can not be operated even on a private basis without the state entering somewhere in its regulations.

Other problems, the Tribune continued, involved in the private schools concerned the use of state money, enforcement of the truancy laws, teachers' pension plans, accreditation, graft on the part of private individuals handling public money, and the deterioration of quality. Insisting that the public schools be preserved, the Tribune labeled the private school plan as "fatalistic and impractical."[7]

Private schools and school integration were not the main issues in the primary election of 1954. James E. Folsom, former governor from 1946 to 1950, was the

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[6] Alabama 19 (1 January 1954):7; and Alabama 19 (19 February 1954):6.

[7] Alabama Tribune, 30 April 1954.

primary focus of discussion, debate, and attack. His various opponents charged that Folsom in his past administration had surrounded himself with "communist advisers" like Aubrey Williams, encouraged graft, taken an ambiguous stand on the liquor question, and angled for the black bloc vote. In the closing days of the campaign Folsom's opponents tried to pressure him into taking a stand on segregation and the pending Supreme Court cases, but he refused to take the traditional hard line position on race. Nor was he inclined to speculate from the rostrum on what the future might hold.[8]

Despite the charges of corruption and equivocation, Folsom won the primary election by carrying sixty-one of the state's sixty-nine counties. It was the largest victory in Alabama's political history. The electorate seemed to have endorsed his peculiar brand of liberalism. He championed a program of expanded state services, poll tax repeal, reapportionment, and constitutional revision without resorting to race prejudice appeals. The black editor of the Birmingham World, Emory O. Jackson, rejoiced

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[8]Montgomery Advertiser, 25 January 1954 and 25 April 1954; Gilliam, "The Second Folsom Administration," pp. 69-71.

over Folsom's victory. "Race issue politics is becoming losing politics in Alabama."[9]

Besides Folsom's victory, the primary of 1954 was unique for two reasons. Two Negroes, Alex Herman and Clarence Montgomery, both community leaders in Mobile, were elected to seats on the Mobile County Democratic Executive Committee. They were the first Negroes elected to political office in Alabama since 1901. Also, Arthur Shores, a lawyer for the NAACP, ran for a seat in the Alabama legislature and became the first Negro legislative candidate since Reconstruction.[10]

Folsom and his black supporters had little time for rejoicing. Nine days after the primary election, the United States Supreme Court delivered the Brown decision. At their moment of triumph the nagging issue of race, the ancient nemesis of Southern liberals, became the focus of Alabama politics. Segregationists would

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[9] Birmingham World, 7 May 1954; Gilliam, "The Second Folsom Administration," p. 72; and Barnard, Dixiecrats and Democrats, p. 144.

[10] Alabama Citizen, 15 May 1954; and Birmingham World, 7 May 1954.

tolerate no amount of equivocation in the fury of reaction.[11]

The immediate response to the Brown decision from Alabama's Washington spokesmen was overwhelmingly hostile. Senator John Sparkman, who had just defeated segregationist Congressman Laurie Battle, "deplored" the decision because, he believed, Alabama had made progress "without friction" in educational opportunity for Negroes. Representative Battle said: "I have felt, and still feel strongly, that states can handle such problems better than the federal government. . . . It will take cool heads to avoid bloodshed in some areas." Congressman George Andrews of Union Springs flatly stated that he would not send his children to non-segregated schools. Both Representatives Kenneth Roberts and Carl Elliot urged the maintenance of Southern traditions.[12]

This unfavorable response was also reflected on the state level. Lieutenant Governor James Allen did not "believe the people of Alabama will end segregation in our

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[11]Barnard, Dixiecrats and Democrats, p. 144; and Bartley, Rise of Massive Resistance, p. 67.

[12]Birmingham News, 18 May 1954.

schools," while former Governor Chauncey Sparks stated that "the South has been crucified on the matter of segregation for many years and this week we have come to the last crucification [sic]." More conservative sentiments were expressed by state representatives Edward Miller of Etowah County and Sam Engelhardt of Macon County. Finally, Albert Boutwell, the Chairman of the Interim Committee on Segregation, denounced the decision as "being more political than legal." "Since the court has gone outside the law to find a basis for its decision, we can do the same," according to Boutwell.[13] Boutwell's remarks may have represented a conscious effort to justify the legal and evasive tactics his committee was considering.

Educators throughout Alabama expressed varying sentiments. Dr. Austin Meadows, who was engaged in a bout for election as State Superintendent of Education, conferred with selected black leaders. After they assured him of their continued support, he issued a statement deploring the decision as being "highly detrimental to the

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[13] Birmingham News, 18 May 1954, and 24 May 1954; Montgomery Advertiser, 18 May 1954; and Alabama 19 (28 May 1954):10-11.

best interests of the state."[14] Expressing more conservative views, Dr. Houston Cole of Jacksonville State Teachers' College believed that no immediate advancement for the Negro socially, educationally, or economically would result from the ruling. Dr. Ernest Stone of the Jacksonville City Schools believed the decision would hinder all education in the South. When asked about the effect of the decision on American foreign policy, he stated that "the Russians deliberately misinterpreted the idea of segregation in this country." However, M. M. Smith, a Negro principal in Calhoun County, disagreed with Stone. He regarded the decision as a great blow to Russian propaganda tactics.[15] College presidents taking a more moderate approach included Dr. E. B. Norton of Florence State Teachers' College and Dr. O. C. Carmichael of the University of Alabama. Norton praised the Supreme Court for delaying the implementation decree in order that the decision not be "sudden and revolutionary."[16] Carmichael believed the ruling required "a

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[14] Mobile Register, 22 May 1954; and Gilliam, "The Second Folsom Administration," p. 82.

[15] Anniston Star, 18 May 1954.

[16] Florence Times, 18 May 1954.

policy of intelligence, wisdom and patience" which he thought the university was capable of supplying.[17]

One white college president in Alabama took the liberal position of endorsing the Brown decision. The Very Reverend Andrew C. Smith of Spring Hill College in Mobile called the ruling "a historic stand for equal justice and equal opportunities in the field of public education." He followed up his praise of the decision with action. Spring Hill, a four-year Catholic liberal arts college founded in 1830, was the first all-white college in Alabama to desegregate in September 1954. Later, Father William H. Ward in a letter to the Mobile Register defending the policy of integration said:

> Every human being has a God-given right to the proper development of his talents and to the training which will fit him for this life and the next. Segregation has been put to the test in education and has failed. It cannot give the Negro an education equal to that given in white schools. The very separation itself will always mean to the Negro that he is an outcast, a misfit who must be quarantined from the rest of society.

Ward further stated that segregation was economically a waste leading to the purchase of extra buildings,

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[17] Montgomery Advertiser, 30 May 1954.

libraries, buses, and equipment. Few white educators in Alabama openly supported the Brown decision as Reverend Andrew Smith.[18]

The statements of opposition to the Supreme Court decision by political and educational leaders reflected the views of Southern society in general. In 1956 the American Institute of Public Opinion surveyed the feelings of Southern whites toward the Brown ruling--and found only 16 percent who approved the decision and 80 percent who disapproved. The five states of the Deep South were almost united in opposition to desegregation, with nine out of ten white people disapproving and one out of seventeen favoring.[19] In light of these statistics, little wonder that Rev. Andrew Smith and Professor William Ward's statements were part of a small handful. Racial liberals were in the minority in Alabama.

Most Alabama newspapers, reflecting the views of society in general, opposed the Brown decision. However, there were different degrees of disapproval expressed.

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[18]Southern School News, January 1955; Mobile Register, 1 October 1954; and Alabama 19 (4 June 1954):13.

[19]Bartley, Rise of Massive Resistance, pp. 13-14.

Most of the large urban daily papers in Alabama took a moderate position. That is, while they did not favor integration, they were willing to promote peaceful compromise. Also, although some papers lashed out against the Supreme Court as an institution, others such as the Birmingham News recognized the authority of the Supreme Court.

The Birmingham News best expounded the moderate point of view in Alabama. On 18 May the editor expressed "deep regrets" over the decision, opposed the disregard for the Plessy v. Ferguson precedent, and proclaimed that "evolutionary progress under state control" could be achieved. However, he also cautioned against the extremist appeals for "abandoning the public school systems." Later, in October 1954, the News in a highly reasoned editorial suggested that "both races unite community by community in striving to achieve as much common ground of agreement as possible." While recognizing the "sincere, widespread community convictions" against integration, the News, nevertheless, called for "respect for the law and its interpretation by the Supreme Court." The paper consistently opposed the private school plan of evasion and recommended a fairly administered

school districting plan "to meet the genuine desire of colored children to choose and attend schools regardless of race."[20]

Another large urban paper expressing a moderate view was the Montgomery Advertiser. This paper explained that the decision was the inevitable conclusion of a long series of historical developments. The report of the Civil Rights Commission, President Truman's integration of the armed services, the attack on segregation by various church denominations all weakened the foundations of segregation. Recalling the natural delay in the processes of the law, the paper assured people integration would be "undramatic and merely evolutionary." Finally, the editors at the Advertiser, echoing the Birmingham News, hoped that the state would be spared "the impotent wheezing and hoarse croaking of its wind bags and racial demagogues."[21]

Both the Mobile Press and the Mobile Register took less moderate positions on the decision than the Birmingham News or the Montgomery Advertiser. The Press,

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[20] Birmingham News, 18 May 1954 and 13 October 1954.

[21] Montgomery Advertiser, 18 May 1954.

like many papers in Alabama, assured people the decision would not be implemented immediately.

> The customs and laws of an era are not easily changed. . . . For nine justices in Washington to say that the tradition of an era is to be junked is one thing. It is quite another to change abruptly the laws and customs under which two races in nearly equal numbers have prospered and progressed in friendship and good will.

The Press insisted that the times called "for cool heads, sound reason, good will, and leadership of uncommon wisdom and ability." Regarding the decision as the death blow to the Republican Party in the South, the Mobile Register said:

> Whatever hope the Republicans have had of becoming a party of influence in this region of the United States has gone on the rocks, perhaps beyond the possibility of revival at any time in the foreseeable future. Although organized racial agitation got its start as an ugly political brain child of New Dealism . . . the anti-segregation ruling came with a Republican administration in power and with an Eisenhower appointed Republican in the chief justiceship.

The Register also attributed the decision to a "noisy minority of agitators, propagandists, and professional hirelings" promoting unhappiness and discontent. Ending on a note of optimism, however, the Register believed "the fundamental understanding and good will between the races" would survive the "uninvited and unwanted

decision." Contrary to other moderate papers, neither the Press nor the Register urged respect for the law, the Supreme Court, or the possibility of compromise.[22]

Some of the rural papers echoed the moderate to conservative sentiments of the urban papers. The Sylacauga News, the Florence Times, the Brewton Standard, and the Florala News all insisted that there was no need for wild hysteria, undue alarm or panic because integration would not begin overnight. The Sylacauga News stated that although the decision was legally binding, it nevertheless was "more or less a theory" which would require years to put into practice. Later, the News was critical of extremists who reeked of lavender and old lace in the tradition of the Old South. The moderate toned Brewton Standard said: "There is no reason for undue alarm. . . . No one should go home, and start cutting slits in bedsheets, or get in any bitter barber shop arguments over the situation." Finally, the Florence Times reminded its readers that the affirmation of a great right does not mean the automatic invalidation of other rights. While

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[22]Mobile Press, 18 May 1954; and Mobile Register, 19 May 1954.

the Supreme Court ruled that a minority may not be set apart by law in public education, the Court never stated human associations were not voluntary. In general, these papers called for cool heads and reasoned thinking to prevail. The Supreme Court was not scornfully attacked and no anti-Negro sentiments were expressed.[23]

Although no Alabama paper edited by whites took a liberal position favoring the Brown decision, several papers not only viewed the decision as inevitable but also endorsed the philosophy or logic of the decision. For example, the Tuscaloosa News stated:

> This development is another in the chain of inevitable rulings which hold that if a man is a citizen he has all of the rights and privileges of every other citizen. We can expect more such decisions for the single reason that the basic principle upon which they are founded is consistent with our federal Constitution and any other theory just isn't.[24]

While the Lee County Bulletin favored a gradual end to segregation, the editor insisted the decision came about

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[23] Sylacauga News, 20 May 1954 and 27 May 1954; Florence Times, 22 May 1954; Florala News, 20 May 1954; and Brewton Standard quoted by Montgomery Advertiser, 23 May 1954.

[24] Tuscaloosa News, 19 May 1954.

because the South had failed to provide equal facilities. The Bulletin particularly cautioned against fire-eaters and demagogues seeking "to make hay out of the fears and anxieties raised by the Court's action." The Lanet Valley Daily Times-News also warned against "the bombast and demagoguery" of those opponents of integration. Then, the Times-News stated: "No race with human dignity likes to have legal discrimination enacted against it. So let the legal discrimination be revoked."[25] Finally, the Anniston Star in the same moderate spirit remarked that the Supreme Court had taken a step toward removing the mark of inferior citizenship. "Its aim is commendable, but there are many practical problems to be solved."[26] Thus, these papers all cautiously defended the Supreme Court's reasoning and expressed opposition to the fire-eaters and demagogues who might arouse racial hatreds. Also, each of these papers believed segregation might prevail through a system of individual choice, not legal mandate.

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[25]Lee County Bulletin, 20 May 1954; and Lanet Valley Daily Times-News, 18 May 1954 and 20 May 1954.

[26]Anniston Star, 18 May 1954.

While most of the rural and urban newspapers surveyed in this study defended segregation, a few papers strongly condemned the Supreme Court, the philosophy behind the Brown decision, the Negro, and the Washington establishment. In short, these papers nurtured strong segregationist notions. The Alabama Journal called the Brown ruling

> the most flagrant example in national history of court-made law. . . . Not only is there no congressional law on the books making such pronouncements, but able men and students of the Constitution find nothing in this great document to justify overturning all previous decisions on the subject.

The Marion Times-Standard also failed to understand how a ruling in 1896 by an eight to one verdict could be overturned just fifty-eight years later by a unanimous decision.[27]

Other segregationist papers included the Decatur Daily, the Huntsville Times, the Tallassee Tribune, and the Dothan Eagle. "Staggered" by the Supreme Court ruling, the Tallassee Tribune maintained that it was "unalterably opposed to the breakdown of segregation in the public schools." The Huntsville Times saw the decision as a

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[27] Alabama Journal, June 1954; and Marion Times-Standard, 17 June 1954.

precedent to be extended to all tax supported agencies including recreation facilities, swimming pools, and golf courses. The Dothan Eagle was also surprised the Supreme Court ruled against segregation on the elementary and high school level.

> If it [the segregationist opposition] is determined and intelligent enough, it doubtless will find an answer or at least stall compulsory integration until it won't become effective on a wholesale pattern in this generation.

Finally, the Decatur Daily stated that the ruling may be legally correct, but it was "morally wrong."[28]

No three publications in Alabama attacked the Brown decision more bitterly than did the Talladega Daily Home, the Selma Times-Journal, and the Alabama magazine. Edited by Tom Abernathy, a former states' rights Democrat, the Talladega Daily Home regarded the Brown decision as a revolutionary judgment issued by "the politically tainted Supreme Court." With "calculated and vicious disregard" for the customs and social order of the South, the Supreme Court had ordered a revolution which would result in social intermingling and interracial marriage. The South,

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[28] Decatur Daily, 19 May 1954; Dothan Eagle, 18 May 1954; Huntsville Times, 18 May 1954; and Tallassee Tribune, 27 May 1954.

according to Abernathy, suffered the fate of the ruling because the "minority bloc vote" in the North was more valuable to the Democratic party than the Southern vote. He suggested four methods for blocking the ruling: (1) abolish the public schools, (2) apply "the best and calmest brains to the channels of nullification and evasion," (3) redraw the school district lines, and (4) proclaim the "higher law" written in the hearts of men supreme over the recent interpretations of the Constitution. According to Abernathy:

> We have seen the Constitution raped by men sworn to uphold it, but we still venerate it despite the shame smeared upon it.[29]

The Selma Times-Journal, edited by Edward B. Field, was no less determined in its attack on the Court. Field viewed the high tribunal as "an instrument of a radical minority of Americans seeking to subvert the Constitution." He further stated that "legal inadequates on the Court used nebulous social theories to render the directive" which the rank and file of Southern people would not adhere. Finally, he insisted that the new

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[29] Talladega Daily Home, 18 May 1954.

found status for Negroes would lead to the decline of American civilization.

> It is the contention of human history which always has recorded the decline and fall [of] every civilization that has permitted the emergence of a mongrel race.[30]

Alabama: The News Magazine of the South, edited by Hubert Baughn, called the Brown ruling "a political decision of a political court." According to Baughn, the Supreme Court withheld the decision until after the Alabama primary election because liberal Senator John Sparkman was in a hotly contested struggle with segregationist-conservative Laurie Battle. The unanimous nature of the decision was a further argument for its political nature.

> A political court rendering political decisions is as great a scourge as could be inflicted on any people. This decision which tramples on states' rights and seeks to pave the way for a police state has been coming on for years. . . . It was the "New" and "Fair" Deals which packed the Court with social theorists and put America on the road toward hybridism.

Alabama magazine particularly criticized Justice Hugo Black, a native Alabamian, for ruling against the doctrine of white supremacy and his Ku Klux Klan oath.[31]

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[30] Selma Times-Journal, 18 May 1954.

[31] Alabama 19 (28 May 1954):3.

A common theme alluded to in several Alabama newspapers, both segregationist or moderate, was the unwillingness of Alabama Negroes to support integration. The Mobile Register stated that "majority sentiment, including majority sentiment among Negroes, has always favored segregation as a practice that best serves the interests of all concerned." The Lanet Valley Daily Times-News, the Tallassee Tribune, and the Florala News all believed Alabama blacks personally preferred separate facilities. These papers also stated that Negro leaders such as Thurgood Marshall and Walter White had artificially stimulated black concern over the question of integration.[32]

The major black newspapers in Alabama gave unequivocal endorsement to the Brown decision. This overwhelming support for the ruling tended to contradict the assumption that blacks really did not want integration. Emory O. Jackson of the Birmingham World believed the decision "put to rest those who have persisted through

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[32]Mobile Register, 19 May 1954; Tallassee Tribune, 27 May 1954; Florala News, 20 May 1954; and Lanet Valley Daily Times-News, 18 May 1954.

the years . . . to effect regulating barriers, restricting the movements and opportunities of individuals purely on the basis of color." Frank Thomas of the Alabama Citizen maintained that the Supreme Court "injected a complete moral significance into the United States Constitution." The decision also rendered Russian criticism of American foreign policy less vulnerable to attack. The Alabama Tribune was especially delighted by the unanimity of the decision. "When a jury votes in a solid body, it is conclusive proof that the other side had no merit." The Tribune then criticized those who favored publicly supported private schools. "The people will realize the futility" of tying their schools to private interests.[33] In conclusion, black editors in Alabama supported the Supreme Court's integration ruling. Their liberal point of view contrasted with that of the moderate and segregationist papers edited by whites.

The opinions of newspaper editors, educators, and politicians on controversial public issues were not necessarily the same as those held by the general public.

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[33]Alabama Tribune, 21 May 1954; Birmingham World, 21 May 1954; and Alabama Citizen, 29 May 1954.

Measuring public response to any issue may be undertaken through the use of scientific polls or through the less scientific review of letters to public officials and newspapers. As already pointed out, polls taken in the South after the Brown decision indicated that white Southerners overwhelmingly opposed integration. Was this response also reflected in letters to newspapers and public officials? An examination of letters sent to Governor Persons and to Alabama newspapers in the weeks after the decision revealed further public opposition to integration.

Several letters sent to Governor Persons indicated some strong anti-Negro sentiments not generally found in the newspaper letters. Arthur D. Dukes wrote Governor Persons that "the Brown decision sentenced millions of children in their formative years to live daily with primitive people." Both Mrs. V. O. Warren and James N. Harris believed a mongrel race would develop within five hundred years due to racial intermingling in the schools. D. P. Moore, a lawyer in Mobile, said:

> I was reared among them [Negroes] on a cotton plantation, and I know their trends of thinking and their ambitions. It is the nature of the negro [sic] to be under you or above you. He

> is not satisfied with being your equal. . . . When he knows he is inferior, he is content, but if he thinks he has attained superiority, he glories in asserting it.

Moore believed violence and friction would erupt in the schools. In order to avoid this, he suggested the enactment of a publically supported private school plan. These letters expressing anti-Negro sentiments were just a few of hundreds received by Governor Persons.[34]

Other letters suggested some kind of plan for avoiding integration. C. A. Hull of Arab wanted the schools divided into three operating shifts--all white, all Negro, and integrated. In his estimation such a plan would comply with the Court decision. Dr. W. E. Gibson urged Governor Persons and the school boards to simply adopt "passive resistance as Gandhi did in India" in order to avoid desegregation. Since the decision banned segregation by law, C. G. Thomason of Ensley suggested that all state laws establishing segregation in the state be abolished. Then, local school boards

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[34]James N. Harris to Persons, 14 September 1954; Arthur D. Dukes to Persons, 6 June 1954; D. P. Moore to Persons, 8 September 1954; and Mrs. V. O. Warren to Persons, 26 June 1954, Persons papers, File Box 319, CMD, ASDAH.

should formulate "rules, regulations, qualifications, and zoning" as methods of preventing integration.[35] These plans and others were considered by the Interim Committee on Segregation.

Moderate and liberal positions on the race question were also revealed in some of the letters sent to Governor Persons. Loren B. Gallagly, an automobile dealership owner in Eutaw, wrote the Governor to urge the upgrading of substandard black schools in Alabama by increasing local property taxes. While he believed "a small percent of Negroes in a white school will cause no harm," the "only way to prevent a mass migration to the white schools" was to offer Negroes truly equal educational facilities. Gallagly said:

> We deceive ourselves if we think our Negroes will be content to stay in their own schools as those schools now exist. In Greene County the white high school has a gymnasium; the Negroes do not. The white high school has a football stadium; the Negroes do not. The white high school has a well-equipped band; the Negroes do not. The white students do not pay laboratory fees; the Negroes do.

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[35] C. G. Thomason to Persons, 30 June 1954; C. A. Hull to Persons, 19 June 1954; and Dr. W. E. Gibson to Persons, 7 June 1954, Persons papers, File Box 319, CMD, ASDAH.

Mary C. DeBardeleben, a resident of Shorter and a member of the Alabama Division of the Southern Regional Council, believed that cooperation between the races was the solution to the problem. She urged Persons to establish an interracial conference to find answers to the questions of the fate of Negro teachers and the problems of Negro children plunged into a white world. Finally, James R. Wood of Russellville asked the governor to adopt a plan which would provide for integration as soon as possible in those communities where groups from both races desired it. He also wanted the state "to educate the people as to the advantages of an integrated system in producing well adjusted citizens, higher standards of living and better government."[36] Views such as these in the governor's correspondence were quite uncommon.

Most of the letters sent to the Birmingham News and other papers throughout Alabama also opposed the Brown decision. Presenting a novel plan, Dr. Clarence Poe,

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[36]Loren B. Gallagly to Persons, 18 May 1954; Mary C. DeBardeleben to Persons, 24 September 1954; J. R. Wood to Persons, 25 June 1954, Persons papers, File Box 319, CMD, ASDAH.

the editor and chairman of the board of the Progressive Farmer, favored a constitutional amendment allowing segregation on the basis of sex in the schools.[37] J. L. Moore of Winfield argued that if segregation implied inferiority of black children, then why did it not also imply inferiority of the white race? Moore believed the "legal creatures" on the Supreme Court had made a "hateful and foolish decision."[38] C. L. Johnson of Pinson called for a general Southern protest of the decision with "the Stars and Bars flying over every public school south of the Mason-Dixon line."[39] Of course, other letters of protest appeared in the paper as the months passed by.

However, two correspondents to the Birmingham News approved the decision. Charles M. Kidd of Mountain Brook wrote: "I think the decision on segregation is a sound one and not a whim of a few men."[40] Later, Richard Bruhn stated that he could not "see how allowing American citizens to enjoy the benefits of their citizenship"

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[37] Birmingham News, 23 June 1954.

[38] Ibid.

[39] Birmingham News, 21 May 1954.

[40] Birmingham News, 22 June 1954.

could be called tyrannical.[41] Again, as in the case of letters sent to Governor Persons in response to his letter in December 1953, and in response to the Brown decision itself, the majority of the people of Alabama adamantly opposed school integration. Letters like those of Mary C. DeBardeleben, Charles Kidd, James Wood and others which either supported integration or interracial cooperation appeared infrequently.

One of the best indications of general public hostility to integration was the Birmingham sports referendum in June 1954. The Birmingham City Commission in January 1954, voted to modify the city's segregation ordinances in order to allow integrated professional baseball, football, and other sports to be played in the city. However, many whites including Judge Hugh Locke circulated a petition urging the Commission to restore the ordinance. After Judge Locke and his followers obtained the ten thousand signatures required to force a referendum on the new ordinances, a campaign led by Locke and E. E. Oldham to prevent integrated sports began. The Citizens' Segregation Committee faced practically no

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[41] Birmingham News, 26 June 1954.

open, organized opposition. As a result, the vote for restoration of the segregation ordinances was three to one.[42]

According to the Birmingham News, the Supreme Court decision rendered in May which was obviously uppermost in the public mind was the main reason for restoration of the ordinances. The News commented after the referendum:

> We still find it something of which Birmingham should be ashamed to think that such a fine athlete [Willie Mays] could not . . . be seen playing in his own home town.[43]

Viewing the Birmingham referendum as "the first vote test in the Deep South of the United States Supreme Court rules on segregation in the schools," the Montgomery Advertiser stated that human nature has not been revised by the decision."[44] Convinced that the Brown decision banned all forms of racial separation, the Birmingham World called the segregation ordinances "unconstitutional

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[42]Birmingham News, 26 January 1954, 30 January 1954, 16 March 1954, and 5 June 1954; and Birmingham World, 4 June 1954.

[43]Birmingham News, 5 June 1954.

[44]Montgomery Advertiser, 2 June 1954 and 4 June 1954.

along with the whole body of kindred laws." Now the World looked forward to the challenge of these ordinances in the federal courts where they would surely be thrown out.[45] Despite the optimism of the World, the Birmingham vote clearly demonstrated public opposition to integration.

Not only did people in Alabama express individual hostility to the court ruling, they also hotly debated and condemned the decision in their clubs, professional associations, churches and other groups. For example, the Alabama Bar Association between 1954 and 1956 passed three resolutions condemning the United States Supreme Court for its racial decision. Alabama lawyers pledged themselves repeatedly to use all legal and reasonable measures to contest such decisions. In a 1956 speech to the association, Joseph Johnston, one of the authors of Alabama's massive resistance legislation, charged the Supreme Court had failed to take into consideration "the social tension, ill will and disorganization" school

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[45] Birmingham World, 4 June 1954.

integration caused.[46] Even the Alabama Cattlemen's Association unanimously adopted a strong resolution against mixing the Negro and white races in schools, athletics, television programs, public transportation and bus terminals.[47]

The Brown decision stimulated a response in the churches of Alabama, but this response was not necessarily consistent with the positions taken by the national church organizations. For example, two distinctly Southern religious groups--the Presbyterian Church of the United States and the Southern Baptist Convention--approved the Brown ruling in their national conventions. The Presbyterians (U.S.), representing 740,000 members in the South, adopted a resolution stating:

> Having in mind the recent decision by the Supreme Court of the United States concerning segregation, this Assembly commends the principle of the decision and urges all members of our churches to consider thoughtfully and prayerfully the complete solution of the problem involved. It also urges all of our people to lend their assistance to those charged with the duty of implementing the

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[46] Birmingham News, 22 July 1954; and Montgomery Advertiser, 22 July 1954.

[47] Birmingham News, 29 January 1956.

> decision, and to remember that appeals to racial prejudice will not help but hinder the accomplishment of this aim.

However, when the Synod of Alabama Presbyterians (U.S.) met in Birmingham in June 1954, the ministers and laymen failed to take a stand on the issue. Indeed, after the Permanent Committee on Christian Relations recommended the adoption of a resolution opposing discrimination with regard to race, the Synod voted down the proposal leaving all pronouncements to the highest court of the church.[48]

Most Baptist Churches in Alabama also disagreed with statements made by the Southern Baptist Convention. In June 1954, the Southern Baptist Convention applauded the Brown decision. J. W. Stoner, a Tulsa, Oklahoma minister and president of the Convention, said:

> As Christians we are to love all men regardless of color, even as God does. . . . Since

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[48] T. B. Maston, Segregation and Desegregation: A Christian Approach (New York: MacMillan Co., 1959), p. 21; Birmingham Post-Herald, 25 June 1954; Birmingham News, 25 June 1954; and Christian Science Monitor, 24 July 1954. The presbyters of the nine-county Tuscaloosa Presbytery announced that they wanted no part of high level recommendations to end segregation. "Modern agitators for desegregation have no Biblical grounds for their pious conclusions. . . ." Alabama 19 (30 July 1954):14.

> the Supreme Court has made its ruling, it is the duty of all Christians to respect that ruling and pray that God shall guide its implementing within the framework of mutual understanding and consideration.[49]

However, Dr. John H. Buchanan, pastor of Southside Baptist Church in Birmingham, stated that the Brown decision complicated and made more dangerous relations between the races. To him, the Court "from its cloistered chambers have [sic] over looked the reality of the situation." Henry W. Fancher, a Baptist minister in Dallas County, wrote a pamphlet on segregation called "Right or Wrong?" In his study, Fancher emphasized the three-fold motivating evil behind desegregation--the devil, Communism, and some Negroes' desire for lighter skin. To him, segregation was ordered by Noah's curse upon his son Ham and by the language barrier itself. Later, the Baptist Laymen of Alabama, led by L. S. "Snag" Andrews, was formed to oppose philosophies foreign to the beliefs of Christian white men.[50] Thus, while the general assemblies of the Southern

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[49]"Southern Baptists Disapprove Decision," Christian Century 71 (9 June 1954):691-92.

[50]Alabama Baptist, 21 May 1954; Alabama 19 (27 August 1954):12; and Gillian, "The Second Folsom Administration," p. 415.

Baptist and Presbyterian churches supported integration, the state church and individual ministers obviously opposed the Brown decision.

No religious group in Alabama underwent a more torturous struggle over the issue of integration than did the Methodists. Again, there was the disagreement between the resolutions of the national church and the feelings of local leaders. For example, when the Methodist Council of Bishops approved the Brown decision and urged its leadership to support the principles involved, Bishop Clare Purcell, presiding bishop of the North Alabama Methodist Conference, and seven other Methodist bishops issued statements opposing the declaration of the Council.[51]

At the annual meeting of the North Alabama Conference in Birmingham in September 1954, sharp divisions of opinion surfaced. On 8 September the conference approved a resolution presented by the Reverend G. M. Davenport of Tuscaloosa favoring segregation in the public schools. One outspoken critic of the resolution was the Reverend Dan Whitsett, a leader in the Alabama Council

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[51] Birmingham News, 28 November 1954.

on Human Relations. He pleaded with the delegates not to adopt such a resolution because it would "bring disrespect on our Conference." The Reverend Paul Clem of Birmingham's McCoy Memorial Church agreed. He insisted that Alabama should be ashamed of the poor schools and equipment supplied to the Negro students. But Davenport replied that "we have not arrived at the day when we are ready for mixed schools" which inevitably "would bring calamity on both races." He also blasted Whitsett, Clem and other reformers who insinuated his views were un-Christian. Because a voice vote was taken, Davenport's resolution passed by an estimated three-to-two margin.[52]

Later, on the last day of the conference, a second resolution significantly modifying the earlier one was passed. This new resolution supported by Dr. Harry Denman, an opponent of the earlier declaration, called upon people "to obey the laws of our nation, state, county, and municipalities, in order that our democracy may live. . . ." Taking the position of a moderate,

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[52]Birmingham News, 9 September 1954; and Alabama 19 (17 September 1954):12.

Denman believed the Supreme Court had outlawed segregation and members of the church should obey the law. He said: "I want this great body to be loyal to the Supreme Court of the United States the same as they would be loyal to any other governmental agency."[53]

The problem of segregation, however, was not just limited to secular affairs for Alabama Methodists. The state churches were under considerable pressure from the National Conference to begin planning the ultimate integration of the white North Alabama Conference with the all-black Central Jurisdiction. Dr. G. Stanley Frazer of Montgomery and lay leader Sidney Smyer of Birmingham called a meeting at Highland Methodist Church in Birmingham to make recommendations opposing "any change respecting the separate racial jurisdiction of the church." More than two hundred Methodist laymen and ministers from six Southern states attended the meeting on 14 December 1954, which resulted in the formation of the Association of Methodist Ministers and Laymen (AMML). Dr. Frazer believed that the principles of social integration

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[53] Birmingham News, 12 September 1954; and Dothan Eagle, 12 September 1954.

appeared with "increasing persistence" in church literature threatening the very heart of the Methodist program. This principle, Frazer added:

> . . . has been used to color the teachings in our Sunday School literature. It has invaded our organized youth's work. . . . It has its influence on our teachings in our Methodist colleges and seminaries. It has directed the tone of editorial pages and even the news columns of many of our church publications. . . .[54]

At the urging of Smyer, the new association resolved to set up a system for informing Methodists of the efforts being made to promote full racial integration in the Methodist church. Also, the AMML requested Methodist leaders "to present frank and factual statements to the Methodist people on the effects of abolishing the all-Negro Central Jurisdiction."[55]

Later, another Methodist group, led by Dr. R. L. Dill, Methodist District Superintendent in Birmingham,

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[54] Southern School News, January 1955; Birmingham News, 12 December 1954 and 14 December 1954; Montgomery Advertiser, 15 December 1954; and Alabama Journal, 15 December 1954. One of the leaders in the AMML was Olin Horton, a founding member of the conservative American States' Rights Association. Birmingham World, 17 December 1954.

[55] Birmingham News, 14 December 1954.

and Clarence Pinson, a lay leader, issued a statement opposing the AMML. Dill and Pinson's group maintained that the dissident association was injecting "secular politics within the church." They also insisted that working outside the regular channels of church government would be unproductive and divisive. But, this new group was not integrationist in its point of view because Dill reaffirmed his commitment to retain the Central Jurisdiction.[56]

The AMML was not easily silenced by official censure. In June 1955, eight members of the association, including Dr. Frazer, were elected as delegates to the 1956 General Conference of the Methodist Church. The group also sponsored a petition to the General Conference calling for no interference with established racial customs in the Methodist church, colleges, assemblies, and state conferences. The petition also stated that the passage of resolutions affirming time-honored racial customs was not un-Christian. Later, in 1956 the General Conference, facing opposition from delegates from several

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[56] Birmingham News, 21 December 1954; Birmingham Post-Herald, 17 December 1954 and 21 December 1954.

Southern states, refused to implement the proposed integration of the Central Jurisdiction. Frazer returned to Alabama in triumph.[57]

While most white churches in Alabama generally opposed integration either in the schools or in their local congregations, the black churches unhesitatedly applauded the Brown decision. The Alabama State Baptist Convention passed a resolution praising the Supreme Court for "taking another step in the emancipation process." The Reverend Ralph David Abernathy of the First Baptist Church of Montgomery stated that Negroes had been miseducated for years. He said: "Segregation was an evil that separates men and hampers true brotherhood. Jesus is against it and He wants us to fight it." Members of the Central Alabama Methodist Conference, in sharp contrast to their white counterparts, also endorsed the decision. Their resolution stated:

> We know from painful experience segregation in education or any other area of human life is a complete evil. It prevents men from seeing themselves as brothers. . . . It brings humiliation and handicap to those

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[57] Alabama 20 (10 June 1955):1; Alabama Journal, 20 May 1956; and Gillian, "The Second Folsom Administration," p. 421.

> who are separated. It breeds conceit and guilt in the hearts of the perpetuators and it breeds sorrow and resentment in the hearts of its victims.[58]

A few white ministers supported interracial cooperation or integration. As already pointed out, one of the most outspoken advocates of cooperation was the Reverend Dan Whitsett, a former president of the Alabama Division of the Southern Regional Council. Beginning in the 1940s Whitsett labored to end discrimination in voting and to have newspapers refer to blacks in a respectful manner. Duncan Hunter of Alexander City, another liberal Methodist minister, became the first president of the Alabama Council on Human Relations (ACHR) in 1954. Finally, the Reverend Robert Hughes, a Methodist minister and native of Gadsden, was appointed the first executive secretary of the ACHR. Hughes worked actively to promote membership in the Council and to become an effective vehicle of interracial cooperation. By the end of June 1955, he had contacted key figures in the Folsom administration urging the creation of a Human Relations

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[58] Birmingham World, 24 August 1954 and 24 September 1954.

Commission. Also, as a result of his efforts membership in the ACHR increased from 108 in October 1954, to three hundred by June 1955.[59]

The Reverend Alfred Hobart of the Birmingham Unitarian Church delivered a widely publicized sermon on "Segregation and Religious Ideals" in June 1954. Refuting the ideas that God ordained segregation, Hobart maintained that "segregation came into being out of fear and hatred," not out of religious motives. The parable of the Good Samaritan, the Golden Rule, and "the stinging satire that Jesus directed at the Pharisee who thanked God that he was not as other men," according to Hobart, supported the idea that Jesus opposed the superiority of any man or race of men. Finally, in contrast to Fancher's belief that segregation originated with the curse of Ham, Hobart

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[59]Membership list of the Alabama Council on Human Relations, Southern Regional Council, Alabama papers, Birmingham Public Library Archives Department (hereinafter cited as SRC, Alabama papers, BPLAD). Memorandum No. 3, 13 June 1954 of the Alabama Council on Human Relations, SRC, Alabama papers, BPLAD; and Alabama 20 (18 February 1955):7. Reverend Dan Whitsett's church fell victim to a cross burning in 1957. Montgomery Advertiser, 10 June 1957 and Interview with Dan Whitsett, Huntington College, Montgomery, Alabama, 13 April 1977.

pointed out that the Bible made no mention that Ham was a Negro.[60] Thus, some white members of the Alabama clergy opposed not only the philosophy of segregation but also its practice.

The reaction of the labor unions in Alabama to the integration issue failed to manifest itself immediately in 1954. However, when the labor forces responded, their reaction was similar to that of the churches. That is, although the national AFL-CIO supported integration, the membership in the local unions in Alabama opposed it.

In the Spring of 1955 George Meany called a meeting of representatives of over one hundred unions to urge them to promote black interests. Later in February 1956, during the abortive attempt to integrate the University of Alabama, Meany criticized the rioters at the University, demanded President Eisenhower protect Autherine Lucy, and blasted the Citizens' Councils for perpetuating violence. Meany called the Citizens' Councils "a new

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[60] Birmingham News, 21 June 1954; and Birmingham World, 30 July 1954.

Ku Klux Klan designed to preserve segregation and fight labor unions."[61]

Rank and file labor people in Alabama angrily responded to Meany's charges. Over 95 percent of the United States Steel Tin Mill workers signed a petition charging Meany with directly insulting every Southern man and woman.

> If we have to choose between staying in the union and see our way of life being destroyed, we will pull out and form our own union. Your policy to interfere with personal and state affairs shows your ignorance and incompetence to head a labor union.[62]

Members of other union locals at the United States Steel plant signed similar petitions. In Montgomery, a group of Communications' Workers of America led by J. O. Bradshaw voted to withdraw from the AFL-CIO. But, this movement was never successful.[63]

Discontent within the rank and file of the labor movement in Alabama emerged as a direct result of the race

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[61] James A. Gross, "The NAACP and the AFL-CIO," Negro History Bulletin (December 1960):111-12; and Birmingham News, 10 February 1956.

[62] Birmingham News, 23 February 1956.

[63] Montgomery Advertiser, 19 February 1956; Birmingham Post-Herald, 23 February 1956; and Birmingham News, 24 March 1956.

issue. In January 1956, members of the Birmingham Federation of Teachers voted to disassociate themselves from the American Federation of Teachers because they opposed admitting Negroes in their union. In April 1956, a large group of United Auto Workers (UAW) members at the Hayes Aircraft Company voted to form a new union--the Southern Aircraft Workers (SAW). One of the principal causes for this move was the UAW's policies against segregation. Later, Elmer Brock, one of the organizers of the SAW, helped the employees of Butler Manufacturing Company to form the new Southern Fabricating and Steel Workers union. Under the sponsorship of the SAW in July 1956, the Southern Federation of Labor (SFL) was established. Elmer Brock founded the SFL because he believed "the AFL-CIO was plotting the complete regimentation of its members and aiding and abetting the complete integration of the white and colored races."[64]

Another dissenting union group was established in the Birmingham area in August 1956. The Southern Crafts, Inc., led by James Price, was particularly strong

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[64] Alabama Journal, 13 April 1956; Birmingham Post-Herald, 21 May 1956 and 4 August 1956; and Birmingham News, 28 July 1956 and 1 July 1956.

among the Atlantic Coastline Railroad employees who opposed the closed shop agreement the AFL had with the company. In its incorporation charter Southern Crafts was authorized to operate schools. Price stated that this provision allowed the union to establish a private school if the legislature should abolish the public schools in order to avoid integration.[65] In conclusion, the rank and file of the labor movement in Alabama opposed racial integration. Some workers were so angry over the racial policies of the national union that they were willing to disassociate themselves from the AFL-CIO and form new segregated locals. The race issue weakened the union movement in Alabama.[66]

The issue of integration also threatened the unity of the Parent-Teachers' Association (PTA). In 1954 the National Congress of the PTA adopted a resolution which called upon PTA leaders to cooperate with school and government authorities in pursuing "effective means in working toward integrated education for all children."

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[65] Birmingham News, 4 August 1956 and 20 August 1956; and Birmingham Post-Herald, 7 August 1956.

[66] Birmingham News, 4 April 1956.

When Mrs. William McLaurine of Montgomery began a movement to disassociate the state organization from the national PTA, Mrs. J. H. Rutledge, the president of the state PTA, went to Chicago to appeal to the board of managers of the National Congress to revise its integrationist position. The national group amended its statement of policy to urge members to work toward "a just solution to the complex problem of segregation in the public schools." Despite Mrs. Rutledge's assurance that the Alabama PTA supported segregation, Mrs. McLaurine charged the new statement was ambiguous and could "still be interpreted to mean the Congress was in favor of integration in the long run." In a final attempt to maintain unity, Mrs. Rollin Brown, president of the National PTA, published an open letter in the Montgomery Advertiser affirming Alabama's right of segregation and denying the charge that PTA money was sent to the NAACP. But, by 1956 only six schools in Montgomery County continued their affiliation with the National PTA although the PTA organization continued to grow in the rest of the state.[67] As in the

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[67] Birmingham News, 30 September 1956; and Montgomery Advertiser, 1 September 1956, 2 September 1956, and 14 October 1956.

case of Alabama churches and labor unions, the Alabama PTA in contrast to the National PTA supported school segregation.

The Alabama Education Association (AEA) became embroiled in controversy over the race question even before the decision was rendered. In an executive committee meeting on 29 January, the AEA leadership refused by a fourteen to six vote to approve a resolution opposing the abolition of segregation in the public schools. This refusal to take a tough segregationist stand was also reflected in the September 1954, editorial in the Alabama School Journal. Although the Journal editors called the decision "unfortunate," they regarded integration as an evolving concept which would be accepted in a generation. Thus, in 1954 the AEA neither endorsed nor opposed the Brown decision. Despite the requests of Senator Walter Givhan and other state senators to adopt a strong segregationist resolution, the AEA convention in March 1955, refused to comply. Alabama teachers, therefore, assumed a moderate position on the race question. Certainly, as

in the case of most moderates, they opposed the adoption of private schools as an evasive tactic.[68]

One organization in Alabama wholeheartedly endorsed the Brown decision--the Alabama Chapters of the NAACP. After the ruling was handed down, Arthur Shores, an NAACP lawyer in Alabama, stated that the ruling would "prove a great boost to democracy, not only in the matter of propaganda value against Communism, but also from a practical standpoint." Shores also commented that "the white people of the South were not as opposed to the decision as the politicians." Ruby Hurley, Southeastern director of the NAACP, claimed that dire threats that blood would flow in the streets if Negroes integrated schools were baseless. She did, however, predict the emergence of a new Ku Klux Klan. Dr. L. H. Foster of Tuskegee Institute said: "The unanimous decision confirmed the immorality of segregation and the vitality of

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[68] Alabama 19 (February 1954):8 and 20 (25 March 1955):7; Alabama School Journal 71 (May 1954):26 and 72 (September 1954):9; and Montgomery Examiner, 23 September 1954.

the democracy upon which the country was built."[69] Thus, Alabama NAACP leaders were elated by the decision.

Although the NAACP welcomed the court victory, some Alabama blacks became more cautious in their approach to desegregation. For example, Dr. Charles G. Gomillion, the dean of Tuskegee Institute, asserted that Negroes would be willing to keep their children in segregated schools as long as facilities were "substantially equal." Where blacks lived a long distance from school or where curriculums were not equal, they might seek integration. But, according to Gomillion, many Negroes were frankly more reluctant than others to integrate. This cautious attitude toward integration manifested itself in 1955 when Harvey Johnson, the president of the Tuscaloosa Chapter of the NAACP, refused to file an integration petition with the Tuscaloosa County schools because "the most opportune time" had not arrived.[70]

The militant Emory O. Jackson of the Birmingham World condemned the black community and the NAACP for

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[69] Birmingham News, 17 May 1954; 18 May 1954; and 24 May 1954.

[70] Decatur Daily, 18 May 1954; and Alabama Citizen, 30 August 1955.

lagging in the struggle for equality. In June 1954, he revealed that the NAACP education committees in several parts of the Birmingham area "do not seem to be functioning" due to the lack of active membership and interest. Later, Jackson reported that over 129 Negroes received money to study at out-of-state institutions when the NAACP had the legal keys to attack segregation if only it would take action.[71]

While the state NAACP might have briefly hesitated in its drive for integration, the Alabama branches rarely exercised caution in passing resolutions. In the wake of a fiery speech by Constance B. Motley, an NAACP New York attorney, who called for the full integration of the University of Alabama, the delegates resolved: (1) to oppose separate but equal facilities, (2) to refrain from patronizing the Jim Crow state parks, (3) to push for black voter registration, and (4) to obtain removal of the white supremacy label from the Democratic party ballot.[72]

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[71] Birmingham World, 29 June 1954 and 20 July 1954. Coretta Scott King received state aid to attend the New England Conservatory of Music.

[72] Southern School News, December 1954; and Birmingham World, 23 November 1954.

Passing resolutions was easy, but integrating schools in Alabama in 1954 proved to be a difficult task. On 3 September twenty-three Negro children attempted to integrate the all-white William R. Harrison school in Montgomery. Although the children were assigned to an all-Negro school, Abraham's Vineyard, less than three hundred yards away from the Harrison school, and played on the same playground at recess, they were told they lived in another school district. One NAACP official and Aubrey Williams, Jr., son of the liberal publisher of the Southern Farm and Home magazine, led the students to the white school. However, within three days the black parents backed down. Their leaders claimed the integration attempt was merely a protest for the failure of the Montgomery County school board to make adequate improvements in the black school.[73] Thus, the first attempt to desegregate a white school in Alabama after the Brown decision ended in failure.

Soon after the Harrison school incident five local NAACP chapters in Montgomery, Anniston, Fairfield,

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[73] Southern School News, October 1954; Time 64 (13 September 1954):71; Birmingham World, 7 September 1954; and Montgomery Advertiser, 4 September 1954.

Brewton, and Roanoke filed petitions for immediate integration. These petitions, prepared by the NAACP legal staff in New York, were distributed to the local branches in June. Each petition charged that separate education facilities were "inherently unequal." The boards of education in each community were requested to take "immediate steps to reorganize the public schools" under their jurisdiction in accordance with the 17 May decision. Finally, the NAACP chapters pledged their assistance in working out an acceptable desegregation plan.[74]

One of the NAACP petitions, however, was accompanied with considerable confusion. Three days after the NAACP petition was filed in Brewton twelve of the nineteen black petitioners either withdrew their names or stated that they had not signed the document. Samson Cheatham, the president of the local NAACP chapter, admitted that he signed other people's names to the petition only after they had instructed him to do so.

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[74] Southern School News, October 1954; Montgomery Advertiser, 23 September 1954 and 17 September 1954; Alabama Journal, 22 September 1954; and Birmingham World, 18 June 1954.

After the publication of names on the petitions in the Brewton Standard, Emory O. Jackson charged some economic and physical pressure was placed on the signers.[75] Nevertheless, the board of education refused to answer the requests made of it.

Other petitions were filed in Anniston, Fairfield, and Montgomery. The Fairfield petition filed by the Reverend E. R. Rochelle complained that Negro children had to pass white schools in order to reach inferior black schools. The Montgomery petition was presented two weeks after the Harrison School incident. Among the twenty-two parents signing the petition seventeen had children attending the Abraham's Vineyard school adjacent to the Harrison school. A petition similar to the one filed in Montgomery was filed by Dr. Gordon A. Rogers in Anniston and 43 other signers. However, none of the petitions received an affirmative answer from the boards of education.[76]

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[75] Southern School News, October 1954; Montgomery Advertiser, 12 September 1954 and 23 September 1954; Alabama Journal, 22 September 1954; and Birmingham Post-Herald, 26 September 1954.

[76] Southern School News, October 1954; and Birmingham World, October 1954.

The filing of the NAACP petitions was at best a half-hearted effort largely dependent on the initiative of the local chapters. According to Ruby Hurley of the thirty-eight petitions sent out only four were actually filed in Alabama. Thus, the NAACP's failure to achieve integration resulted as much from the timidity of Negroes to follow their leadership as from the threat of economic retaliation. Rochelle agreed. He asserted that the average black citizen was "obsessed with a feeling of inferiority and expected little to actually come" from the Brown decision.[77]

The Southern Regional Council (SRC) was no more successful in building interracial cooperation than the NAACP was in achieving school integration. In the early 1950s, partly in anticipation of the Supreme Court ruling, the SRC at the urging of its executive director George Mitchell devised a plan whereby the SRC would cease general membership and turn its membership over to newly created Councils of Human Relations in each of the

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[77]George R. Stewart, "Birmingham's Reaction to the 1954 Desegregation Decision," (M.A. Thesis, Samford University, 1967), p. 70; and Montgomery Advertiser, 26 September 1954.

Southeastern states. Each group would be more autonomous. In Alabama, as already pointed out, Robert Hughes was made executive director of the Alabama Council on Human Relations and membership increased from 108 to three hundred by the end of June 1955. Despite the financial backing of such large contributors as Donald Comer of Avondale Mills and Mervyn Sterne, a Birmingham investment banker, the Alabama group was small when compared to the total Alabama population. According to Paul Anthony, the executive director of the SRC in 1968, the dream of a truly interracial movement was largely unrealized due to the near violent reaction to the Brown decision.[78]

Despite the obstacles placed in his path, Robert Hughes worked vigorously for the ACHR. In February 1955, he organized a bi-racial conference at Alabama State College in Montgomery. Also, he attended meetings of the newly organized White Citizens' Council in order to gain insight into their strategy for opposing integration. Later, Hughes spoke to a meeting of three hundred

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[78]Anthony Report on the Councils on Human Relations 1968; Program Reports of the Alabama Council on Human Relations, 1 October 1954 to 1 April 1955 and 1 April 1955 to 15 August 1955, SRC, Alabama papers, BPLAD.

Methodist college students who unanimously commended the desegregation decree. He also lobbied for the creation of a governor's bi-racial commission and developed a promotional pamphlet for distribution in the state.

One of Hughes' most significant achievements was the establishment of a local council on human relations in Wadley, Alabama, in June 1955. Southern Union College, affiliated with the bi-racial Congregational Christian Church, held a parley on international relations. When the college ran out of dormitory space assigned to Negro delegates, some of the Negro guests were placed on the second floor of a white-occupied dwelling. Four white citizens in the community ordered President Clyde C. Flannery to remove the blacks, and a crowd gathered to back up their demands. Flannery yielded to the mob pressure. However, four days after the incident Mayor W. B. Fackler organized a bi-racial human relations council to ease racial tensions. Hughes attended the organizing session of the council where he called upon the members to work for orderly mediation of problems and to build understanding between the races.[79]

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[79]Ibid. and Montgomery Advertiser, 24 June 1955; and Alabama 20 (1 July 1955):12-13.

Formed as a direct result of the Brown decision, the White Citizens' Council (WCC) was much more successful in achieving its goals than was the NAACP or the ACHR. This organization originated in July 1954, in Indianola, Mississippi, under the leadership of Robert Patterson, an Indianola planter. The original council consisted of Patterson; David H. Hawkins, a cotton compress manager; Arthur B. Clark, a Harvard-educated lawyer; and Herman Moor, a prominent banker. The four major purposes of the WCC were: (1) Political--Screen all candidates in local and state elections for their positions on Negro voting rights and school integration; (2) Membership--Seek the allegiance of patriotic white men; (3) Public Relations--Distribute information about the advantages of segregation and the dangers of integration with the Negro race; and (4) Legal--Anticipate the moves of the NAACP and other agitators in order to give legal counsel to members and apply economic pressure on troublemakers. In short, the WCC started with a group of educated, successful men who developed a definite program of resistance to desegregation. To the WCC leaders, the legal advisory committees with their implementation

of economic intimidation were the most important committees for the local WCC units to develop.[80]

The first WCC gathering in Alabama was held at Selma in Dallas County on 29 November 1954, with about twelve hundred people in attendance. Three speakers from Mississippi including state legislators J. S. Williams and T. M. Williams, and the Reverend M. H. Clark addressed the crowd. T. M. Williams emphasized that the WCC was not a violence-oriented, Ku Klux Klan type of organization. The object of the WCC was to preserve segregation. Clark charged in his address that the segregation issue was "catapulted upon us by nine obscure men on the Supreme Court" who abrogated the responsibilities of the court to interpret the law. After the speeches more than six hundred men ranging from sharecroppers to bankers paid the $3 membership fee and elected Alston Keith, a Selma attorney, the chairman of the Dallas County WCC. Denying the organization was

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[80]Neil R. McMillen, The Citizens' Council: Organized Resistance to the Second Reconstruction 1954-1964 (Urbana: University of Illinois Press, 1971), pp. 18-30; Montgomery Advertiser, 5 December 1954.

anti-Negro, Keith claimed the WCC opposed only integration and violence.[81]

A week later some four hundred Marengo County citizens formed a second council at Linden. State Senator Walter Givhan charged that the NAACP was determined "to open the bedroom doors of our white women to Negro men." He said: "This is a white man's country, it always has been and always will be. It is our duty to train our boys and girls to fight the same battle as we are now fighting." Givhan attacked the fair-skinned Walter White, the head of the NAACP, as being neither a Negro nor a white man who favored integration and intermarriage only because it would raise his own standing. Finally, at the close of his fiery speech Givhan warned the Board of Registrars of Marengo County to oppose Negro registration. Dr. Lawrence Crawford, another WCC leader, said:

> Only through organizations such as this can we keep Negroes out of our schools, out of our churches, and out of the bedrooms of our white women.[82]

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[81] Montgomery Advertiser, 28 November 1954 and 5 December 1954; and Birmingham News, 30 November 1954.

[82] Montgomery Advertiser, 7 December 1954; and McMillen, The Citizens' Council, p. 43.

Certainly, the speeches at the Linden meeting tended to contradict Keith's assertion that the WCC was not anti-Negro.

Within a month three more councils were formed in Hale, Macon, and Perry Counties. Attendance at these rallies was not as impressive as that at the Dallas and Marengo County meetings. All of these Black Belt counties had Negro populations in excess of 65 percent. Meanwhile no council organization developed in the less densely black populated counties in North Alabama. After the organization of these five councils, the movement, unlike in Mississippi, briefly subsided in Alabama probably as a result of no immediate threat of integration.[83]

Perhaps another reason for the slow growth of the WCC was the hostile reception given to it in the Alabama press. The Montgomery Advertiser led the assault by charging the WCC's use of economic intimidation amounted to "economic thuggery" which might backfire on white merchants. The Advertiser added that the WCC immorally

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[83] Southern School News, January 1955; and McMillen, The Citizens' Council, pp. 43-45.

sought to withhold rights from men, whereas the NAACP sought to compel obedience to those rights.[84] In a similar vein, the Montgomery Examiner commented:

> Men of good will everywhere in the South oppose economic reprisals, threats and flaunting of the law as answers to the situation created by the Supreme Court. The only solution lies in a spirit of calm reasoning between leaders of both the white and Negro races and in providing decent school facilities for colored children.[85]

Other papers like the Sylacauga News and the Andalusia Star-News also criticized the WCC. Even the Selma Times-Journal which had been very hostile to the Brown decision objected to the WCC economic retaliation tactics as being detrimental to the economic progress of the South.[86]

The black press and various black leaders predictably lashed out against the WCC. The Alabama Citizen stated that "the efforts of the Klan-like WCC would only serve to hurt white businessmen who depended on the Negro

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[84] Montgomery Advertiser, 30 November 1954, and 2 February 1955.

[85] Montgomery Examiner, 12 December 1954.

[86] Andalusia Star News quoted by Montgomery Advertiser, 4 December 1954; Sylacauga News quoted by Montgomery Advertiser, 12 December 1954; Selma Times-Journal quoted by Montgomery Advertiser, 4 December 1954.

for economic support." Emory O. Jackson humorously commented that Walter Givhan's opposition to the Negro ballot was unfounded because no Negro had voted in Wilcox County in fifty-one years, and over two thousand applications for the ballot had been rejected in Givhan's home county. Ruby Hurley said: "We plan to combat this [economic retaliation] by pulling the Negro market together and traveling with those who recognize us as American citizens." Finally, J. D. Thompson, the past president of the Alabama State Teachers' Association, believed the "economic thuggery" of the WCC was not altogether new. Negroes had known for years that in order to advance, they had to be regarded as "all right" by the white community. As a result of this many Negroes practiced deceit, while others detested being labeled "all right."[87]

Tom Abernathy's Talladega Daily-Home was one of the few papers in Alabama to support the WCC. Abernathy warned Alabama whites to stand as firmly now

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[87] Birmingham World, 7 December 1954; Alabama Citizen, 30 July 1955; Montgomery Advertiser, 2 December 1954; and Mobile Press-Register, 9 January 1954.

as their forefathers had stood during the First Reconstruction. If whites failed to unite, then "they faced social mingling of the races, political domination by Negroes, and racial intermarriage." He also defended economic coercion against blacks because the NAACP had used the boycott in its campaigns.[88]

Seeing lawyers like Alston Keith participating in the WCC, Vincent F. Kilborn, a former state senator from Mobile, requested Montgomery Circuit Judge Walter B. Jones, president of the Alabama Bar Association, to "denounce in the name of the bar" the WCC movement. Kilborn asserted that "such movements which deny work, credit, and basic human needs simply because a man thinks a certain way are alien to the American system." Kilborn wanted the bar association to take the lead in crushing such a movement. Judge Jones, an ardent segregationist, replied that advocates of segregation had the right to use all legal means within their power to preserve

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[88] Talladega Daily Home quoted by Montgomery Advertiser, 4 December 1954.

segregation. He refused to denounce or censor any lawyer involved in the movement.[89]

At least two other anti-integration organizations emerged in Alabama in response to the Brown decision. Albert Elmore, a Mobile tax consultant, founded the Southerners whose membership was limited to all white persons "not affiliated with subversive organizations."[90] Although this organization failed to develop, another more viable organization established in Birmingham was the American States' Rights Association (ASRA). This group sought: (1) to maintain segregation; (2) to keep communistic propaganda out of the schools; (3) to aid the fight against the Fair Employment Practices Commission; and (4) to preserve states' rights.[91]

ASRA was the first statewide white supremacy group established in Alabama in 1954. Its existence represented a close union between the Black Belt agricultural interests and the business-industrial interests of Birmingham. Included on its board of directors were

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[89] Birmingham News, 29 November 1954; and Montgomery Advertiser, 2 December 1954.

[90] Birmingham News, 30 May 1954.

[91] Alabama 19 (2 April 1954):8-9.

R. Hugh Daniel, president of a large construction company; Sam Engelhardt and Walter Givhan, planter-politicians; Mrs. Marie Bankhead Owen, former state archivist; F. B. Yielding, Jr., a merchant-banker; and several Birmingham lawyers like William J. Mims and Fred Blanton. ASRA published some tracts opposing integration and racial intermarriage such as "The Race Problem From the Standpoint of One Who Is Concerned About the Evils of Miscegnation" by W. C. George, a professor of medicine at the University of North Carolina. Also, the association sponsored a radio program broadcast by Asa Carter who later became a leading organizer of the WCC. Indeed, Givhan, Engelhardt and Olin Horton, the president of ASRA, were frequent speakers at WCC gatherings.[92] Later, the WCC superseded the ASRA as the chief vehicle for organized opposition to school integration.

The official actions of the state government after the Brown decision were guided in part by Governor Persons. In July the State Board of Education passed a

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[92]Ibid.; Bartley, Rise of Massive Resistance, pp. 87-89. This tract by W. C. George is available in vertical subject files, Southern Room, Birmingham Public Library.

resolution at the request of Governor Persons which declared that Alabama would, in compliance with its own Constitution, maintain separate schools for white and Negro children during the academic year 1954-1955. At the board meeting some opposition to this resolution was raised by a Negro minister S. S. Seay of Montgomery. Seay asked the board to integrate all schools above the high school level and to integrate teaching staffs. He reminded the board that "a day of judgment" was coming and Alabama was not prepared to meet it.[93] Nevertheless, the Board of Education reaffirmed the existence of segregated schools.

Meanwhile, a number of state legislators presented plans for evasive legislation. Representative William Henry Beatty wrote Governor Persons a letter on 24 May outlining his proposed legislation. He maintained that the Court outlawed forced integration but had not called for "forced commingling of the races in our public schools." Therefore, to meet the Court's directives,

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[93]Resolution of the State Board of Education on Segregation, 19 July 1954, Persons papers, File Box 319, CMD, ASDAH; and Southern School News, September 1954; and Birmingham World, 13 July 1954.

Beatty suggested the creation of three types of schools--mixed free schools for Negroes and whites, all-Negro, and all-white private schools. The private schools would be operated by private organizations supported by state appropriations and nominal tuition charges. Beatty assumed that few Negroes would elect to attend the private schools, and that few whites would go to the free schools. Thus, the free schools would be essentially segregated. Any commingling of the races in the schools would be on a purely voluntary basis. Governor Persons sent a copy of Beatty's plan to Governor James F. Byrnes of South Carolina who turned it over to the South Carolina attorney general for study. Persons meanwhile had Boutwell's Interim Committee on Segregation review the proposals.[94]

Boutwell's committee had the main task of reviewing proposals, studying legislation enacted in other states, and writing Alabama's evasive legislation. The Alabama Bar Association appointed another committee headed by Joseph F. Johnston of Birmingham to assist the Boutwell

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[94]William Beatty to Persons, 24 May 1954; Persons to Governor James Byrnes, 29 June 1954; Governor James Byrnes to Persons, 7 July 1954; and William Beatty to Persons, 28 June 1954, Persons papers, File Box 319, CMD, ASDAH.

committee. Johnston submitted the outlines of two proposals to Governor Persons on 3 June. He recommended the enactment of a pupil placement law and a private school plan with a state pupil subsidy used as a means of operating the private schools. Johnston said:

> It is vitally necessary that the principle of subsidies for private education be established on the broadest and most flexible basis, in order to enable school authorities to meet unforeseen situations as they arise. The authority should be broad enough to permit abandonment of public schools in entire counties or areas, or even in the entire state, and substitution of aid to pupils attending private schools.[95]

In short, Johnston's committee proposed that the state be ready for any contingency which might arise in order to avoid integration.

Incorporating some of Johnston's ideas, on 9 September after ten months of study, Boutwell's committee came up with its tentative recommendations. Boutwell urged the repeal by amendment of the section of the Alabama Constitution which required public schools for white and Negro students. The committee called for deletion of all

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[95]Memorandum as to Public School and Educational Policies in Alabama submitted by Joseph F. Johnston, 3 June 1954, Persons papers, File Box 319, CMD, ASDAH.

constitutional references to "public" education and the elimination of all compulsory attendance laws. The Boutwell plan paved the way for the creation of state subsidized private schools, enabled parents to decide on a voluntary basis whether they wanted segregated classrooms, and granted judicial immunity to school officials so they could not be sued. Boutwell stressed repeatedly that his plan was not intended to abolish schools on a wholesale basis.[96]

During the next six weeks Governor Persons was under intense pressure by the segregationists in the legislature to call a special session of the legislature to enact Boutwell's proposals. On 2 October the Legislative Council passed a resolution presented by Sam Engelhardt urging the governor to take action. Later, Representative Wallace Malone of Houston County told the governor he had contacted 138 members of the legislature and the overwhelming majority favored a special session. Adding his voice to the chorus, Olin Horton of the American States' Rights Association urged Persons to

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[96] Birmingham News, 9 September 1954, and 22 September 1954; and Southern School News, November 1954.

call the special session "before it is too late to accomplish the safety measures suggested by so competent a group as the combined committees of the Legislature and the Alabama Bar Association." Persons, however, refused all these requests because the current legislature ended on 2 November and would not have time to act. Also, he was skeptical about the constitutionality of some of the proposals and submitted the plan to his lawyers for analysis. Finally, he probably believed he could avoid the controversial issue by passing it on to his successor.[97]

Persons' failure to call the legislature aroused some anger in the press. The Alabama Journal stated that "people expecting an H-Bomb to hit don't sit and wait for it. . . . Alabama can at least assemble some legal weapons." The Mobile Press was also critical of the "slowness of our state leaders to develop a positive course." Finally, the Alabama magazine claimed Persons had "pigeon-holed" the committee report because he was

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[97]Montgomery Advertiser, 2 October 1954; Mobile Press-Register, 10 October 1954; Persons to Wallace Malone, 12 October 1954, Olin Horton to Persons, 28 September 1954, Persons papers, File Box 319, CMD, ASDAH; and Alabama 19 (8 October 1954):5.

"not alert to the dangers of integration." Other papers like the Montgomery Advertiser praised Persons for making as little noise as possible to attract the attention of the Supreme Court.[98]

Between November 1954, and May 1955, when the Supreme Court issued its final decree, Alabama lawmakers remained relatively silent while they prepared legislation to preserve segregation. The new governor, James E. Folsom, a racial moderate, was no more anxious than former Governor Persons to take action. Folsom said: "We'd love to be included out of the school segregation controversy. . . . I feel that if we deed our schools to private individuals, they could make apartment houses out of them; and if strings are attached, the maneuver won't hold up in the courts." Folsom favored a "wait and hope" policy risking nothing that might invite immediate extension of the Supreme Court ruling. In November at the Southern Governor's Conference in Boca Raton, Florida, Folsom

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[98]Alabama Journal, 21 October 1954; Mobile Press, 23 September 1954; Alabama 19 (5 November 1954):2; and Montgomery Advertiser, 10 October 1954.

refused to sign a petition protesting forced integration.[99] Thus, given Folsom's moderate views as the new administration began, the governor and the state legislature seemed to be on a collision course.

Public reaction in Alabama to the Brown decision took many forms. As pointed out in this chapter, most Alabamians, including state legislators, newspaper editors, and the general public opposed integration and adopted strong segregationist views. The voices of moderation coming from members of the Alabama Council on Human Relations and other groups were almost inaudible. The Brown decision certainly polarized sentiment among members of various Alabama churches and associations. Finally, the decision led to the establishment of organized resistance from the White Citizens' Council and other groups.

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[99] Southern School News, December 1954 and 1 October 1954; Alabama 19 (24 September 1954):5; and Reed Sarratt, The Ordeal of Desegregation: The First Decade (New York: Harper and Row, 1966), p. 2.

CHAPTER IV

ALABAMA LEGISLATIVE RESPONSE TO DESEGREGATION 1955-1956

After the Brown decision of 1954 the Alabama legislature failed to take any immediate action in response to the threat of integrated schools because Governor Persons refused to convene a special session in the closing days of his administration. Throughout 1954 the Boutwell Interim Committee on Segregation studied the problems involved and prepared a final report to be submitted to the legislature when it convened in January 1955. Meanwhile, popular opposition to school integration increased in intensity especially after the NAACP filed petitions with various local school boards at the beginning of the school year in September 1954.

Segregationist sentiment, both inside and outside the legislature, was gaining increasing support. Membership and organizing activities of the White Citizens' Councils stepped up. In the legislature segregationists

capitalized on the growing white reaction to social change. They advanced a broad program of massive resistance which included evasive legislation, interposition resolutions, anti-NAACP acts, and extended court battles. Historian Numan Bartley has stated that segregationists merely sought to put society back together in its accustomed pattern, rejecting and suppressing the social and ideological aspects of change.[1]

Unlike most of the other Deep South states, segregationist legislators in Alabama had to deal with a governor who was not entirely sympathetic to their point of view. As already pointed out, even in his first administration from 1946 to 1950, Governor James E. Folsom refused to make the traditional racist appeals for white voter support. In his campaign for governor in 1954 he made no reference to the race issue. In spite of his moderate views on race, he still won the election without a run-off, amassing the biggest vote ever given a gubernatorial candidate in Alabama history.[2]

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[1]Bartley, The Rise of Massive Resistance, p. 237.

[2]Southern School News, February 1955.

Folsom was an outspoken moderate in a state where the segregationist majority increasingly came to denounce moderation as a kind of betrayal of Southern traditions. He faced the issue squarely and staked his political future on racial moderation. He insisted that the Supreme Court decision was the law and that the whole problem could be resolved on the local level in the way local people wanted to work it out. Folsom told Homer Bigart, a syndicated columnist, that "when politicians start hollering 'Whip the Nigger' then you know damn well they are trying to cover dirty tracks."[3]

The governor seemed shocked by the extremes to which the segregationist anti-Negro hysteria had developed in the state. When legislators demanded a private school plan to stop integration, Folsom stated that "if we deed our schools to private individuals, they could make apartment houses out of them, if strings are attached, the maneuver won't hold up in the courts." To Black Belt lawmakers who espoused anti-integration legislation, he said: "If they [Negroes] had been making a living for

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[3]St. Petersburg Times, 21 September 1956.

me like they have for the Black Belt, I'd be proud of them instead of cussing and kicking them all the time."[4]

Although Folsom was a racial moderate, he was not an integrationist. He repeatedly stated that "all I can say is what I told the good colored people of this state during my campaign that they wouldn't have to go to school with us white folks."[5] Basically, he believed the Negro schools should be upgraded and in doing so the demand of blacks for integration would diminish. To an Alabama Education Association audience in March 1955, Folsom said: "I want to get them [Negro children] out of the shotgun shacks and put them in adequate buildings." He reminded the educators that some counties had not met the needs of Negro children. Thus, the state had to aid these counties in achieving equalization as rapidly as possible.[6]

In many respects Folsom was essentially a spoils politician, a rough and tumble campaigner who used favoritism in granting state contracts but who appealed for reason in the face of racial fanatacism. On one

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[4]Southern School News, October 1954; and Birmingham World, 1 June 1955.

[5]Southern School News, September 1955.

[6]Southern School News, April 1955.

occasion he commented:

> I would like to remind you that we always hear more noise from those who are guided by blind prejudice and bigotry, than is ever the case with those who try to think through and be fair in their approach.

He openly courted the black vote. At the Southern Governor's Conference in October 1955, Folsom stated that Negroes had come to the South as slaves, but "now they're voters and I'm doing all I can to get the vote for them."[7]

Despite his moderation on the race issue, Folsom failed to please either whites or blacks. For example, when plans were made for his inauguration in January 1955, for the first time in recent state history a separate ball was planned for blacks at Alabama State College. Folsom attended and spoke at both balls. While some whites were shocked at this unprecedented gesture, black newspaperman Emory O. Jackson maintained that a "separate but equal" ball had "serious and damaging implications." He chastised black leaders who attended the

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[7]Bartley, The Rise of Massive Resistance, pp. 280-81; Southern School News, April 1955 and November 1955; and Montgomery Advertiser, 20 October 1955.

separate ball because their attendance gave "cultural endorsement to a galvanized, starchy, and glittering redress of the invalidated" segregationist doctrine overruled by the Supreme Court. Jackson concluded: "Jim Crow in tuxedoes is no different from Jim Crow in overalls."[8]

After the inauguration ceremonies the Folsom administration began in earnest to attack the various problems facing Alabama. Between January and September 1955, the legislature was called for three special sessions and held one regular session. In short, the law-making body met almost continuously for nearly nine months. During this period extended political squabbles occurred over road bonds, higher pensions for the elderly, increased taxes and expenditures for education, new taxes on corporations, and legislative reapportionment. Gradually, a conservative block of senators came to oppose Folsom's spending programs. These anti-Folsomites depicted themselves as an economy bloc while actually protecting the special financial interests in the state.

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[8] Birmingham World, 7 January 1955; and Alabama Journal, 11 January 1955.

Many of these same legislators also proposed obstructionist, anti-integration bills throughout the legislative year.[9]

Two of the leading segregationists in the legislature, Senators Sam Engelhardt and Albert Boutwell, joined the economy bloc. They, along with Senator E. O. Eddins of Marengo County, opposed the Folsom administration request for a one hundred million dollar bond issue for highways to be financed by a two-cent per gallon increase in gasoline taxes. During the heated road bond controversy, Folsom sent a messenger to Engelhardt who represented black-dominated Macon County. The messenger reportedly told Engelhardt that if he did not support the administration's road bond program, Folsom would appoint a Registrar who would "register every damn nigger in Macon County." Folsom did not deny the threat was made. Engelhardt, meanwhile, replied that Folsom's tactics would "jeopardize the good feelings that now exist between the people of both races." Eventually, Folsom succumbed to conservative pressure and accepted a

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[9]Gilliam, "The Second Folsom Administration," pp. 138-40; and Interview with Albert Boutwell, Birmingham, Alabama, 25 March 1977.

fifty-million dollar bond issue with a one-cent per gallon tax increase. This incident was significant, however, because Folsom lost ground in the first major legislative battle of 1955 and because his crude threat exploded in his face.[10]

Although education-related issues were not the subject of the first three special sessions in 1955, the school integration controversy obviously was on the minds of the lawmakers. During February two resolutions aimed at outlawing integration were presented in the State Senate. A leading organizer of the White Citizens' Council, Senator Walter Givhan, introduced a resolution attacking the United States Supreme Court for invading states rights. His resolution urged Congress "to enact legislation limiting the appellate jurisdiction" of the Supreme Court so that the states might retain separate and distinct authority in some aspects of government. Givhan's resolution unanimously passed both houses of

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[10]Gilliam, "The Second Folsom Administration," pp. 144-46; Montgomery Advertiser, 13 February 1955; and Alabama 20 (18 February 1955):8.

of the legislature, but Folsom, true to his moderate sentiments, refused to sign it.[11]

A second anti-integration resolution was introduced by Senator Engelhardt on 15 February. His resolution called upon the people of Alabama "to resist by every means within their power short of war and violation of law" school integration. He warned that any deviation from the dual school system "would bring about violence, disorder, breaches of the peace, bloodshed, and ill feelings to such an extent" that civil authority would be unable to prevent some regrettable action. Engelhardt's resolution failed passage in the Senate because Folsomite leader Richmond Flowers requested that it be assigned to the administration-dominated Rules Committee. The governor's supporters were particularly opposed to the Engelhardt resolution because it contained wording which was regarded as a slap at Folsom. Under the terms of the resolution, Folsom was required "to make known in a most appropriate manner a fixed determination to uphold,

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[11] Southern School News, March 1955; and Alabama Acts of Alabama 1955, Vol. I, pp. 82-83.

support, and defend" segregated schools.[12] While Engelhardt and his allies succeeded in altering the road bond bill, Folsom forces prevented passage of another prosegregation resolution.

By the end of February, Boutwell's Interim Committee on Segregation published its final report to the legislature. In order to achieve greater flexibility in approaching the school integration problem, the committee recommended new amendments to the State Constitution. These provisions were designed to eliminate Section 256 requiring segregated schools, to designate school officials judicial officers so that they would be immune from personal liability suits, and to allow the legislature to appropriate money for the support of education in other ways than by the operation of public schools. In the event of an attempt at massive integration, the committee suggested that greater legislative control of education would permit the discontinuance of public schools and the substitution of tuition grants to students attending private schools.

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[12] Birmingham News, 15 February 1955 and 16 February 1955; Alabama Journal, 15 February 1955; Montgomery Advertiser, 16 February 1955; and Alabama 20 (25 February 1955):9.

In addition to its legislative recommendations, the general introductory comments of the segregation committee report rejected many of the basic assumptions upon which the Brown decision was based. The committee asserted that a basic sympathy and understanding existed between the races in Alabama, that friction would result from forced racial integration, that no adverse psychological effects on Negro children resulted from segregation, and that the assignment of Negro and white teachers to mixed schools posed almost unsolvable difficulties. The report concluded:

> Separation of the races at the social and marriage level is not merely an empty tradition or a prejudice. It is a necessity in the preservation of civil order and good will, and it is a part of the fundamental fabric of our society. . . . A procedure based upon the principle of freedom of choice, that is freedom not to attend a mixed school firmly administered is essential not only to sustain personal and social freedom in Alabama. It is necessary in order to avoid imposing on educational personnel the unprecedented problems of punitive discipline to suppress disorder at school . . . or subordinate the function of education in the mixed school to a police or correctional program.[13]

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[13]Alabama, Senate Legislative Document No. 1, Report of the Interim Committee on Segregation, Regular Session, 1955.

The Boutwell report was significant for two reasons. First, the recommendations for additional legislation provided the game-plan for legislative resistance. Second, the pessimistic view of the consequences of integration and the attack on the Brown decision reflected the frame of mind with which legislators approached the problem.

The recommendations of the Boutwell Committee had been the topic of conversation among legal experts in Alabama for several months. Essentially, the committee claimed that parents should be given freedom of choice in choosing to send their children to schools without compulsory mixing. By threatening to divest itself of the responsibility for public education, the state was warning Negro parents that if they sought integration all publically-supported education would be suspended.[14]

One of the outstanding critics of the Boutwell report was Professor Jay Murphy of the University of Alabama School of Law. In a widely publicized article in the Alabama Law Review, Murphy dissected the committee's proposals piece by piece in light of recent trends in

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[14]Ibid.; and Southern School News, April 1955.

Supreme Court rulings. He belittled the efforts of the Interim Committee by asserting that a small group of lawyers could not possibly solve one of the most profound problems of our times or invent a stratagem to keep the state in the business of segregated education. Murphy charged that changing the names of schools from "public" to "private" would no more work as far as maintaining segregated education as had attempts to remove political party primaries from the realm of state activity in order to prevent Negroes from voting. Also, since the Boutwell recommendations plainly stated that the purpose of the proposed legislation was to avoid integration, the Supreme Court could not be deceived by the subterfuge. Citing several judicial precedents, Murphy also claimed that making school authorities "judicial officers" would not grant them immunity. He said: "It has never been suggested that state court action is immunized from the operation of those provisions [Fourteenth Amendment] simply because the act is that of the judicial branch of the state government." Finally, Murphy suggested that just because the State feared it could not maintain law and order in the event of integration did not justify the failure to try to integrate the schools. He further

maintained that the federal government had the power to enforce school integration decisions if the states could not comply.[15]

Murphy leveled his greatest criticism against the "general comments" that served as a preamble to the Boutwell report. He downgraded the predictions of widespread violence if the schools were desegregated. Also, he viewed the conclusions of the report as totally unscientific in nature. Since the committee failed to interview any Negro citizens, how could it justify the statements that blacks also opposed compulsory integration or that race relations in Alabama were essentially nonhostile? He further criticized the assumption in the report that Negroes were inherently inferior to whites. Besides, he stated that constitutional rights had never depended upon cultural uniformity. Finally, he remarked:

> The governor or legislature should use the money which it would take to adopt these unconstitutional constitutional amendments and set up a continuing study group to explore all aspects of this problem. . . . This group should be composed of members of both races. This is an unprecedented problem, and it calls for unprecedented action. . . . Democracy should be

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[15]Jay Murphy, "Can Public Schools Be Private?," Alabama Law Review 7 (Fall 1954):50-51 and 55-58.

> able to solve this problem by the democratic process of free discussion and inquiry.[16]

In the few months between publication of the Boutwell report to the legislature and the final implementation decrees of the Supreme Court, the legislature failed to take any action protesting or blocking school integration. Lawmakers generally assumed a "wait and see" attitude. The Interim Committee report provided plenty of material for discussion.

Meanwhile, the Supreme Court issued its implementation order for the Brown decision in June 1955. While the order reaffirmed the principle of the unconstitutionality of racial discrimination in public education, the Court, acknowledging the complexities of the problems involved, reassigned the school desegregation cases to the federal district courts for the fashioning of integration decrees in light of local conditions. Also, this second Brown decision set no specific time for complete desegregation.[17]

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[16] Ibid., pp. 59-63; and Birmingham News, 27 February 1955.

[17] Southern School News, June 1955.

Moderates in Alabama praised the Supreme Court for its second decree because it gave the state more time to work out the problems involved. Representative George Hawkins believed the flexibility of the ruling ensured the death of Boutwell's freedom of choice proposals. Austin Meadows, the State Superintendent of Education, rejoiced because the decision almost ensured the passage of a pending school bond bill. Believing that most Negroes would be satisfied with truly equal segregated facilities, Meadows, Folsom, and other moderates thought the second decision relieved the pressure for immediate desegregation. One moderate, however, wanted further improvement in race relations to evolve in the grace period the Court seemed to have allowed. Robert Hughes of the Alabama Council on Human Relations suggested the creation of an interracial commission appointed by the governor to resolve differences between the races and "demonstrate to the South a new approach to race relations."[18]

Conservative segregationists welcomed the second Brown decision for entirely different reasons than those

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[18]Ibid.; Alabama Journal, 31 May 1955; Mobile Register, 1 June 1955; and Montgomery Advertiser, 1 June 1955.

that Hughes or Hawkins had in mind. Since the Court has stated that the feasibility of desegregation would be based on local conditions, Senator Walter Givhan believed the decision was a victory for the South because, to him, conditions in Alabama would never make integration feasible. Expressing the same views, Senator Roland Cooper of Wilcox County said: "I can not foresee where desegregation would be feasible or local conditions would warrant it [desegregation] within a hundred years. . . ." Other segregationists used the guidelines of the decision to propose new evasive legislation. For example, Representative Gregory Oakley of Wilcox County suggested a constitutional amendment to prohibit compulsory attendance in any school where the races commingle. Also, Sam Engelhardt renewed his proposals to abolish the public school system or to create placement boards in each school district with virtually unlimited power to assign pupils.[19] Thus, in the wake of the second Brown decision Alabama moderates renewed demands for interracial cooperation and improved educational facilities, while segregationists began

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[19] Alabama Journal, 3 May 1955 and 25 May 1955; and Montgomery Advertiser, 1 June 1955.

preparing evasive legislation and rejoicing at the apparent unlimited delay in integration.

State press reaction to the second Brown decision was similar to that of the politicians. The moderate Lee County Bulletin, echoing the views of the Folsom administration, commended the Supreme Court for recognizing the evolutionary approach to racial integration. Then, the editor urged that "no precipitate and hot-headed action" such as abolition of the public schools should be undertaken but that the legislature bring Negro schools "up to standard" without delay. The Tuscaloosa News called for quiet acceptance of "the gradual change-over in the school system regardless of how one feels about the matter of segregation."[20]

But, these moderate journals were in the minority. The segregationist newspapers viewed the second decree as a Southern victory in the same way that senator Walter Givhan had. For example, the Selma Times-Journal stated the implementation order was "a complete reversal" of the Supreme Court's earlier verdict, indicating that

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[20]Lee County Bulletin, 9 June 1955; and Tuscaloosa News, 1 JUne 1955.

"practicality has penetrated the ivory tower of the higher tribunal. . . ." Also rejoicing over the decision, the Alabama Journal said:

> Our social minded Supreme Court has learned much about the facts of life during the past year. . . . Thank God, the Court has now seen some light and learned that it can not create a sociological revolution overnight. Therefore, the Court has backtracked, passed the buck, and formally decreed that its illegal and unconstitutional dictum shall be put into effect by local authorities when feasible.

Other conservative papers insisted that segregation would not be abolished overnight nor within the foreseeable future. However, one paper warned that the Court had not relinquished on principle. The Talladega Daily Home urged state officials to adopt immediately a private school plan, financed entirely or in part with public money.[21]

On the heels of the second Brown decision, the legislature turned to the race issue and public education. Despite the seeming retreat by the Supreme Court, there was a prevalent mood of defiance on the part of the segregationists. Setting the tone of the deliberations,

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[21]Selma Times-Journal, 2 June 1955; Alabama Journal, 1 June 1955; Dothan Eagle, 2 June 1955; Huntsville Times, 1 June 1955; and Talladega Daily Home, 4 June 1955.

on 24 June Senator Albert Davis of Pickens County introduced a resolution calling for impeachment of the members of the Supreme Court. Davis charged that the Brown decision was based "solely and alone on psychological, sociological, and anthropological considerations" whose psuedo-scientific authority was used to sustain a legal decision. He compared the Court to the high tribunals in Nazi Germany and asked Alabama's Congressmen to unseat the Supreme Court. Mississippi Senator James Eastland, speaking at a Citizens' Council rally in Alabama, apparently inspired Davis' resolution. Governor Folsom, however, reacted with characteristic vigor. He stated that he "would veto the hell out of it." Indeed, Senator Richmond Flowers, a Folsom supporter in the Senate forced the resolution to a committee where it was severely modified. Flowers insisted that there was no need to make the Supreme Court justices unduly angry at Alabama.[22]

Ultimately, the Alabama Senate passed a modified version of the Davis resolution which failed to mention

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[22]Alabama 20 (28 July 1955):7; and Southern School News, 6 July 1955.

impeachment. As finally passed, the resolution called for a congressional investigation to determine what part, if any, Communist-front organizations, individuals, and groups played in the Supreme Court decision. Criticizing Gunnar Myrdal's An American Dilemma and the continued federal judicial usurpation of states' rights, the substituted Davis resolution was adopted after two hours of debate. In discounting the seriousness of the resolution, Folsom said: "I could never get excited about our colored brothers. They've been here 300 years and I estimate they'll be here another 300 years or more."[23] Folsom, however, misread the mood of the legislators who were excited about integration.

The Davis resolution was only the beginning of a whole barrage of anti-integration resolutions and bills introduced in the Alabama legislature during the regular session. Senator Roland Cooper presented four bills intended to give city, county, and state education authorities the right to have separate schools by providing that parents may not be compelled to have their children attend

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[23]Ibid.; Montgomery Advertiser, 29 June 1955 and 2 July 1955; and Alabama, Journal of the Senate, Regular Session 1955, Vol. I, pp. 448-50.

classes where the races commingle. Representative Gregory Oakley submitted a resolution calling on the presidents of all institutions of higher education "to apply with all vigor our laws requiring segregation in the public schools."[24] Neither elementary, secondary, nor higher education in Alabama were to be integrated without legal obstacles being constructed.

Two bills with long range, damaging consequences to teacher security were introduced in the legislature. In late July Senator Albert Davis sponsored a local bill for Wilcox County which would have given boards of education the authority to discharge any teacher "with or without notice of a hearing." Meanwhile, Senator Sam Engelhardt presented a similar bill for Macon County. While not mentioning the segregation question, the bills were admittedly designed to intimidate any black teacher who advocated or encouraged compliance with the Supreme Court decision or who belonged to an association which advocated integration of the public schools. Engelhardt said: "We've got 190 colored teachers in Macon County and the [school] board tells me they'll fire every one of

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[24] Southern School News, July 1955.

them that takes part in this agitation." Because these were bills with only local application, the rules of legislative courtesy dictated that they would pass without opposition.

On 2 September Folsom vetoed Engelhardt's local bill for Macon County just a few minutes before the midnight adjournment of the legislature, thus denying Engelhardt a chance to override the veto. Later, he pocket-vetoed the Wilcox County bill. Engelhardt angrily charged that Folsom was "merely trying to garner the Negro vote instead of the branchhead vote and he is doing this right here in the branchhead of the Confederacy." Folsom later replied that these "wild-eyed bills" were counterproductive.[25]

While Folsom's veto maintained the integrity of the teacher tenure law of Alabama, another bill under the guise of local legislation was introduced for the purpose of immobilizing the NAACP. Representatives Sam

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[25]Montgomery Advertiser, 26 July 1955 and 4 September 1955; Birmingham Post-Herald, 14 September 1955; Birmingham News, 14 September 1955; and Huntsville Times, 4 October 1955. The Birmingham World called these bills "a threat to professional freedom and undermined liberty." Birmingham World, 29 July 1955.

Nettles and Gregory Oakley of Wilcox County presented a bill requiring recruiters of all organizations except charitable institutions to pay a hundred dollar license fee plus five dollars for each member of the organization recruited by him from among the citizens of Wilcox County. Also, according to the bill, each application for solicitation was to be approved by the Wilcox County court. Although the bill did not mention the NAACP, Nettles said: "Without such a proposal it would be very easy for the NAACP to slip into Wilcox County and teach Negroes undesirable ideas."[26]

Folsom floor leaders in both houses of the legislature attempted to block passage of the Wilcox anti-NAACP bill. Senator E. W. Skidmore, an outspoken supporter of organized labor, sought a reconsideration motion on the bill when he realized this "harmless local bill passed the senate without debate or without opposition" could be utilized against organized labor in that county. Representative George Hawkins moved to reconsider the bill in the House, but his motion was defeated. Finally, Folsom

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[26] Alabama Journal, 29 July 1955; and Southern School News, September 1955.

vetoed the bill saying:

> Local legislation as operative in the Alabama Legislature is not intended to be an instrument to undermine broad rights and privileges as granted by our basic laws of freedom and pursuit of opportunity. . . . It is unjust, unfair, and undemocratic to levy a fantastic solicitation fee upon pronouncement of organizational membership as outlined in said bill. . . .

Ultimately, the legislature overrode Folsom's veto and the segregationists obtained yet another victory.[27]

The black-owned Alabama Tribune heaped praise on Folsom for his stand in defense of "liberty and dignity." According to the Tribune, the legislators from Wilcox County were determined to keep Wilcox Negroes "dumb and disfranchised" by promoting anti-NAACP laws and forming anti-progress factions in the legislature. The Tribune urged the NAACP "to move into Wilcox and try to liberate the masses from political bondage, economic servitude, and social brutality."[28]

During the 1955 legislative sessions the most significant piece of massive resistance legislation

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[27] Southern School News, September 1955; Alabama Journal of the House, Regular Session 1955, Vol. II, p. 1286; Birmingham News, 10 August 1955; and Montgomery Advertiser, 10 August 1955.

[28] Alabama Tribune, 3 August 1955 and 19 August 1955.

enacted was the pupil placement bill originally introduced by Sam Engelhardt in January. This bill provided for the creation of placement boards to be appointed in each school district and vested with judicial powers. In assigning all students to a school, the boards would consider a number of factors including: (1) the talents and abilities of students as determined by intelligence and aptitude tests; (2) the distance of the school from a student's home; (3) a student's home environment, his morals, health and personal standards; (4) the student's desire to attend the school to which he was assigned; (5) the pupil's established ties of friendship; and (6) the probability that the assignment of a pupil to a school might cause a breach of peace, riot, or some type of affray.[29]

If a student sought to appeal the ruling of a placement board, the issue, according to Engelhardt's bill, would be taken to a Circuit Court because the placement boards were made up of judicial officers. In order to prevent excessive appeals, the bill also provided that all of the costs of judicial hearings had to be borne by

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[29] Southern School News, February 1955.

the student or his parents. The placement boards were given office space, clerical help, and equipment by the county boards of education. Engelhardt insisted that the purpose of his bill was "to establish a practical system whereby the states' school program could be adapted to each pupil's ability to learn." Also, the placement bill would be a substitute for the more drastic tactic of creating a statewide private school plan.[30]

The Folsom administration, including State Superintendent of Education Austin Meadows, was quite unenthusiastic about Engelhardt's placement bill. Folsom and Meadows stressed the need for more school buildings, better facilities for Negroes, and greater local financial support for education. Meadows wanted increases in the sales and corporation taxes in order to finance the issuance of a 150 million dollar school bond program.[31] During the summer of 1955 a bitter education battle developed in the legislature in which the conservative-segregationist interest groups opposed the tax increase partly on the grounds that higher expenditures for

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[30] Ibid.

[31] Birmingham News, 6 May 1955 and 15 May 1955; and Southern School News, May 1955.

education would not guarantee the continuation of segregated schools. Eventually a compromise plan, devised by Representative Joe Goodwyn, providing for voter approval of a series of constitutional amendments to increase taxes and to authorize the sale of school bonds, obtained legislative approval.[32]

While the funding of the schools was being debated, segregationists never lost sight of the pupil placement bill. Engelhardt's bill was referred to a Senate sub-committee headed by Albert Boutwell. The committee along with Austin Meadows, Joseph Johnston, and Assistant Attorney General Gordon Madison worked out the final version of the bill. Meadows eventually agreed to support the pupil placement bill if city and county boards of education were endowed with the responsibility of placing students instead of separate placement boards. Other changes included revisions in the attendance laws and the removal of the "judicial officer" title from the board members. Apparently, Jay Murphy's suggestion that school officials designated as judicial officers were

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[32] Southern School News, January 1956; and Birmingham News, 28 August 1955.

not immune from lawsuits carried some weight. With these changes in the bill the Senate approved the pupil placement bill on 24 June.[33]

Folsom forces in the House moved to delay passage of the pupil placement bill. Speaker Rankin Fite first assigned the bill to the Rules Committee, then he shifted it to the House Constitution and Elections Committee headed by Folsomite Representative James Branyan of Fayette. Folsom himself was not in favor of the bill. After the Senate action on the bill was completed, he said: "I wouldn't want to sign a bill that would let the rich folks send their kids to one school and the poor folks to another school." Also, the governor wanted to use the bill in order to force conservatives to accept part of his school tax proposals or to tie administration approval to conservative consent to his pet issue reapportionment.[34] In short, the segregationists were under pressure to make compromises with Folsom.

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[33] Birmingham News, 9 June 1955; Montgomery Advertiser, 10 June 1955 and 25 June 1955; Birmingham News, 17 June 1955; and Southern School News, July 1955.

[34] Birmingham News, 26 June 1955 and 7 July 1955; Mobile Register, 22 June 1955; and Montgomery Advertiser, 7 July 1955.

Pressure mounted for passage of some kind of anti-integration bill. Many rural school systems opened their doors in early August in order to allow a six-week recess for autumn harvest. Just as in 1954, the NAACP began to file petitions for the integration of school facilities. In July petitions had been filed in Macon, Butler, Mobile, Etowah, and several other counties. The Macon County petition signed by thirty-two Negro parents demanded the board of education "take immediate steps to reorganize the public schools on a non-discriminatory basis." Reminding the board of the Supreme Court order requiring "good faith compliance at the earliest practicable date," the NAACP petitioners asked for concrete steps leading to the elimination of segregated public schools. Sam Engelhardt warned that the Macon County petition was just the "first of many such actions by the National Association for the Agitation of Colored People." When Engelhardt threatened to have black teachers who supported desegregation fired, Dr. Gordon Rogers, an Anniston dentist and president of the state NAACP, replied that the teachers were duty bound to respect law and order and to see the full implementation of constitutional

principles.[35] The effect of all their activity was to motivate the legislature into taking final action on the pupil placement bill.

Seeing the potential for a massive NAACP drive for immediate desegregation, the House passed the pupil placement bill by a ninety-seven to three vote on 12 July. Three members of the House refused to vote for the bill including Charles Nice of Birmingham, George Hawkins of Etowah County, and James Dement of Limestone County. Hawkins, a strong Folsom supporter and moderate on the race issue, insisted that the Pupil Placement Act would "result in nothing but a lot of lawsuits." In defense of his actions, Charles Nice said: "Our open defiance of this Supreme Court ruling can only bring judicial retaliation and the ultimate victims will be the school children of Alabama." Nice further stated that the bill would bring on more lawsuits and give too much power to the boards of education. Despite the delay tactics of of the Folsomite legislators and the refusal of Folsom

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[35] Montgomery Advertiser, 17 July 1955 and 20 July 1955; Alabama Journal, 29 July 1955 and 3 August 1955; Birmingham Post-Herald, 18 July 1955; and Southern School News, August 1955.

to sign the bill, the pupil placement measure became a part of Alabama law on 3 August 1955.[36]

Alabama white press reaction to the new Pupil Placement Act was generally favorable. Although it admitted the law was a fraud to evade integration, the Montgomery Advertiser found great irony in the fact that the Brown decision, based on sociological and psychological data, was undermined by a "polite, cunning, and assured law that turns the Court's pretentious sociological foolishness back upon itself." The Birmingham News endorsed the law because if parents were given a free choice and if the law was fairly administered, then the guidelines of the Supreme Court decisions would be met constructively. The Mobile Press rejoiced because Alabama had finally joined the resistance movement that had developed in other parts of the South. Finally, the more conservative Alabama Journal also praised the legislature for finally taking action, but the Journal lashed out at Governor Folsom saying:

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[36]Birmingham News, 13 July 1955; Montgomery Advertiser, 13 July and 3 August 1955; and Alabama, Acts of Alabama 1955, Vol. I, pp. 492-96.

> Governor Folsom is the only prominent figure we can recall in the whole United States who has little girls of school age and has failed to express himself in opposition to race mixing in the schools. . . . We have said before that we regard James E. Folsom as a disgrace to the state in which he was born. . . . He is an alien element among his own people.[37]

The Lee County Bulletin was one of the few white-owned papers to oppose the pupil placement law. The Bulletin asserted that since the Supreme Court had ruled segregation unconstitutional, not even the leading legal minds of Alabama could frame a law to meet the test of legality.[38]

The black press obviously opposed the new placement law. The Alabama Tribune condemned the law as a "legal still birth" which was bound to be contrary to the Brown decision. "It is our guess that courts will look behind the high faluting language of the bill and kick it out into the same limbo" to which the Boswell amendment had been consigned. The Birmingham World congratulated Charles Nice, George Hawkins, and James Dement

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[37] Birmingham News, 25 July 1955; Montgomery Advertiser, 8 September 1955; Mobile Press, 28 July 1955; and Alabama Journal, 3 August 1955.

[38] Lee County Bulletin, 14 July 1955.

for not joining the wave of "emotion, hysteria and spite" in voting for the pupil placement law. Like Folsom, the World's editor believed the law would potentially introduce into Alabama public education social caste and snobbish enrollment selection processes. To him, "segregation by placement, or any other slick or crude form, is obviously unconstitutional segregation."[39]

Probably because of the lack of enthusiasm for the abolition of the mandatory clause for public education in the state constitution, Albert Boutwell's proposed Freedom of Choice amendments failed to gain lawmakers' approval in the waning days of the 1955 regular session of the legislature. The Senate passed the Boutwell proposals which removed from the state's organic law all references to public education and racially separate classrooms, but in the Folsom-dominated House the amendments were buried in committee. Generally, legislators

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[39] Alabama Tribune, 12 August 1955; and Birmingham World, 18 July 1955 and 26 July 1955. One of the greatest ironies of the Pupil Placement act was the the law was first used by the Covington County board of education to prevent a very dark-skinned child, Troy Ammons, of a white mother from attending the all-white schools in that county. Montgomery Advertiser, 18 September 1955; and Southern School News, October 1955.

believed the pupil placement law should be allowed to function before a more drastic approach was adopted. Also, Jay Murphy's scholarly criticism of the measures in addition to conservative reluctance to create a triune system of schools--all white, all black, and mixed--served to dampen support for the Freedom of Choice plan in 1955.[40]

To summarize the progress of Alabama's legal resistance in 1955, the legislature passed a resolution calling upon Congress to curtail the power of the federal judiciary, an anti-NAACP law for Wilcox County, and the Pupil Placement Act. Governor Folsom who seemed more interested in funding public education than in supporting defiant legislation managed to veto several bills including legislation threatening black teachers in Wilcox and Macon Counties with the loss of tenure if they supported integration. The Governor's forces in the House managed to kill the controversial Freedom of Choice amendments. In general, Folsom vetoed some segregationist

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[40] Montgomery Advertiser, 1 September 1955; Alabama Journal, 20 July 1955; and Southern School News, October 1955.

bills and refused to sign others when he knew a veto would be unsuccessfully maintained.

Folsom became the object of tremendous scorn for his failure to join the segregationist assault. His moderate views contrasted clearly with those of some other Deep South governors. Indeed, on the day before the Pupil Placement act became law without his signature, Governor Marvin Griffin of Georgia delivered a rousing address to the Alabama legislature in which he denounced unreasonable regulations and red tape undermining individual liberties.[41] No such language was voiced by Folsom.

The tide of public opinion clearly opposed the course of moderation pursued by Folsom. In December when the Goodwyn plan for authorizing corporate and personal income tax increases for education was submitted to the electorate, Alabama voters turned down the amendments. Segregationists mounted a drive against the tax increases and school bond proposals. Former Senator J. Miller Bonner warned that it would be a "supreme folly" to vote for the taxes since it might be more necessary to abolish

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[41] Birmingham News, 2 August 1955.

the public schools. Miller asked: "Can the smartest man in Alabama give any sound reason for believing that any public school will operate four years from now?" The Goodwyn plan failed to gain public endorsement even in strong Folsom counties in North Alabama. By rejecting the Goodwyn amendments, the voters dealt a blow to Folsom's political prestige.[42]

No incident, however, undermined Folsom's credibility with the Alabama electroate more than his meeting with Negro Congressman Adam Clayton Powell in November 1955. The New York Congressman visited Montgomery for a fund raising rally. Before the meeting Folsom invited Powell to the executive mansion. After a long chat over drinks Powell left the mansion. Later, he quoted Folsom as saying: "Integration is not only inevitable in Alabama, but it is already here." In a speech in Birmingham Powell praised Folsom for realizing that this nation was on trial before the world due to its racial practices. Despite Folsom's insistence that Powell had

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[42]Huntsville Times, 1 November 1955; and Gilliam, "The Second Folsom Administration," pp. 215-17.

misquoted him, he was wounded politically for his hospitable treatment and impolitic invitation to the Negro Representative.[43] Segregationists used this incident on numerous occasions in later years to subvert Folsom's brand of racial moderation and liberal reform.

In January 1956, the governor called the legislature into special session in order to take up the problem of reapportionment. He appealed for a constitutional convention to effect reapportionment, but he found conservative opposition particularly from the Black Belt senators who feared the loss of political power to the urban areas.[44]

Black Belters, on the other hand, were more concerned about school integration. On the first day of the special session, legislators from Pickens, Macon, and Marengo Counties introduced identical bills which would have permitted local boards of education to dismiss

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[43] Ibid.; Southern School News, December 1955; and South 1 (11 November 1955):10. One of Folsom's staunchest political allies, George Wallace, broke with Folsom soon after the Powell episode. Wallace, a racial liberal in the 1940s, knew his future in Alabama politics would be in jeopardy if he remained tied to Folsom. Marshall Frady, Wallace (New York: Meridian Books, 1968), pp. 106-110.

[44] Birmingham News, 3 January 1956; and Montgomery Advertiser, 5 January 1956.

without notice any teacher who advocated racial integration or who belonged to an organization which promoted such a goal. Six members of the House, including Charles Nice, opposed the bills because the school boards were given powers found only in the Soviet Union. Eventually, under the local courtesy rule, two of these bills passed, but Representative Ralph Windle of Pickens County raised objections to the bill affecting his county. To the delight of arch-segregationist Sam Engelhardt, Folsom did not veto these bills at the end of the legislative session.[45]

Engelhardt seemed determined to increase the consciousness of his colleagues on the race question. Despite an attempt to stop the maneuver by Senator Richmond Flowers, Engelhardt interrupted the proceedings of the State Senate on 10 January in order to play a tape recording of a purported NAACP meeting in Jackson,

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[45] Alabama Journal, 4 January 1956; Birmingham Post-Herald, 9 January 1956; Birmingham News, 18 January 1956; and Alabama, Acts of Alabama 1956, Vol. I, pp. 58-59. Charles Nice, now a Circuit Court Judge in Jefferson County, was a consistent opponent of all race related legislation between 1954 and 1958. Educated out of state in a different racial climate, he was always disappointed that some legislators did not follow him. Telephone interview with Charles Nice, 14 April 1978.

Mississippi. This recording which was widely circulated by the White Citizens' Council contained statements alleging the NAACP's determination to support school integration and social mingling of the races. Roy Wilkins, the Executive Secretary of the NAACP, wrote a letter to the Alabama Senate denying the validity of the recording. Nevertheless, Engelhardt achieved his purpose. On the heels of the recording, Representative Reginald Richardson of Hale County introduced a bill abolishing teacher tenure throughout the state.[46] Even Negro teachers outside the Black Belt would not be immune from intimidation.

Seeing the inevitable defeat of Folsom's plan for reapportionment by constitutional convention, Speaker Rankin Fite, supported by other administration leaders in the House, gaveled the legislative session into adjournment sine die despite a loud chorus of "no" votes. Folsom and his supporters apparently hoped to stop the flood of anti-segregation bills. Two days later the Attorney General, John Patterson, ruled that Fite had acted improperly and the House reconvened. By this time

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[46] Mobile Register, 11 January 1956; and Montgomery Advertiser, 20 January 1956.

a majority of members of the House were ready to consider Boutwell's Freedom of Choice amendments and other segregationist proposals.[47] The high-handed tactics of Fite and other Folsom supporters resulted in the further undermining the governor's prestige and in the renewed determination of the segregationists to pass more anti-integration and anti-Negro bills.

Even before the House rebellion the lawmakers moved toward consideration of several pieces of massive resistance legislation. Representative Charles McKay of Talladega County introduced a joint resolution calling for the nullification of the Brown decision. Using the classic arguments set forth by John C. Calhoun and others, McKay stated that the Constitution was a compact among the states in which the state retained as a last resort the power to interpose itself between its citizens and the federal government. Until the issue between the state of Alabama and the federal government over the maintenance of segregated public schools was decided by a constitutional amendment, McKay's resolution stated:

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[47] Alabama Journal, 23 January 1956; Montgomery Advertiser, 22 January 1956; and Birmingham News, 23 January 1956.

> . . . the Legislature of Alabama declares the decision and orders of the Supreme Court of the United States relating to separation of the races in the public schools are, as a matter of right, null, void, and of no effect; and the Legislature of Alabama declares to all men that as a matter of right, the State is not bound to abide thereby; we declare, further, our firm intention to take all appropriate measures honorably and constitutionally available to us, to avoid this illegal encroachment upon our rights and to urge upon our sister states their prompt and deliberate efforts to check further encroachment by the General Government, through judicial legislation, upon the reserved powers of all states.[48]

By a vote of eighty-seven to four the House approved the McKay nullification resolution on 17 January. The four opponents of the measure--Representatives Nick Hare, T. K. Selman, Joe Goodwyn, and Charles Nice--were all attorneys who doubted the constitutionality of the provision. Also, Goodwyn declared that "such a resolution will only prompt the forces who oppose . . . to begin litigation against us." In a press conference on 25 January, Governor Folsom called the interposition resolution "just a bunch of hogwash." To him, the legislative action was "like a hound dog baying at the moon."

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[48]Alabama, Acts of Alabama 1956, Vol. 1, pp. 70-71.

Nullification represented the "last resort on the part of the descendents of landed gentry who are trying to maintain the antebellum way of life" to dominate Alabama politics.[49] Since the resolution passed both legislative houses by an overwhelming majority, a veto by Folsom was useless. Thus, the interposition resolution became a part of Alabama law on 2 February without the governor's signature. Folsom declared he was "washing his hands of the whole matter."[50]

Newspaper reaction to the interposition resolution demonstrated the usual division of press opinion in Alabama. The Birmingham News, Alabama's leading moderate newspaper, denounced the McKay resolution as "extreme in its terms" and in "conflict with due respect for law and the highest court in the land." However, the Clayton Record in Barbour County hailed the passage of the measure "if for no other reason than as evidence that the state of Alabama has passed the lip-service stage in the matter

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[49] Montgomery Advertiser, 26 January 1956 and 18 January 1956; and Alabama Journal, 18 January 1956.

[50] Montgomery Advertiser, 2 February 1956.

of school integration."[51] Obviously, segregationists regarded the nullification effort with extreme seriousness, while moderates viewed it as an outworn, inappropriate, and unconstitutional doctrine.

The most important evasive legislation emerging from the first special session of 1956 was Boutwell's Freedom of Choice constitutional amendments. As already pointed out, these provisions were drawn up by the Interim Committee on Segregation in 1954 and passed the Senate in 1955 only to be buried in a House committee. During the series of riots in February 1956, that accompanied Autherine Lucy's attempt to integrate the University of Alabama, the legislature gave final approval to the amendments to be submitted to the Alabama electorate in August 1956.[52]

In the House, Representative Charles Nice staged a brief effort to modify the intent of at least one of the proposed amendments which removed the legislature from responsibility for public education in Alabama. He

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[51] Birmingham News, 30 January 1956; and Clayton Record quoted in Montgomery Advertiser, 31 January 1956.

[52] Montgomery Advertiser, 8 February 1956; and Birmingham News, 8 February 1956.

attempted to substitute a change whereby the legislature would be bound "to establish, organize and maintain a liberal system of public schools for the benefit of the children of the state." His substitute motion failed by a eighty-nine to three vote. Nice then offered another change which required the approval of the electorate in any affected school district before the legislature could abolish the public schools in any county or city. This motion was tabled by an overwhelming majority. Ultimately, Nice became the only legislator to vote against the Freedom of Choice amendments. While he did not disapprove of a student, white or black, choosing the school he wanted to attend, Nice utterly opposed the abolition of the public schools which the amendments allowed under certain conditions.[53]

With the end of the first special session of the legislature in February 1956, Folsom had suffered a number of defeats. The segregationists had succeeded in passing a nullification resolution, local bills threatening black teachers with the loss of tenure if they supported

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[53]Ibid.; and Alabama, Journal of the House, First Special Session 1956, pp. 583-85.

integration, and the Freedom of Choice amendments. Under attack from the White Citizens' Councils and the anti-Folsom press, the governor faced a rebellious legislature seemingly intent upon overthrowing executive leadership and abolishing the public schools in order to preserve segregated education.[54]

Before the next special session of the legislature, Folsom initiated a counterattack in an attempt to regain control of the Alabama political situation and stymie the segregationist stampede. Several groups and individuals in Alabama had called upon the governor to act positively on the race issue. The Reverend Robert Hughes of the Alabama Council on Human Relations had counseled with key figures in the Folsom administration for the creation of a Human Relations Commission composed of a cross-section of the leadership of both races. Hughes maintained that the biracial approach would promote mediation at the local and state levels and that genuine good will gestures might avert violence and halt anti-Negro legislation. In a speech at the annual statewide meeting of the ACHR, the Reverend Dan Whitsett

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[54]Bartley, The Rise of Massive Resistance, pp. 283-84.

called for patience, a responsible press, and mutual understanding as means for solving the race problem, not the bombing of homes or the burning of crosses. Supporting the ACHR strategy of interracial conciliation, the Board of Trustees of the Birmingham Unitarian Church passed a resolution urging Folsom to create a biracial commission to study means of complying with the spirit and intent of the Brown decision. The resolution stated: "We believe the Engelhardt segregation implements are legally worthless and morally defective. . . . Segregation by assignment is still segregation no matter how administered." Finally, Professor Jay Murphy renewed his plea for the creation of a biracial commission. In response to these requests Folsom decided to pursue the creation of a commission in mid-February.[55]

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[55]Memorandum No. 3, 3 June 1955, SRC, Alabama papers, BPLAD; Tuscaloosa News, 10 February 1956; and Birmingham World, 14 June 1955. Numerous other individuals urged the creation of a biracial commission. Methodist ministers including Dan Whitsett, Charles R. Britt, Powers McLeod, Robert Hagood, and Joe Neal Blair sent letters supporting the commission idea. W. C. Patton of the Alabama State Coordinating Association for Registration and Voting volunteered support in selecting Negro members for the Commission. In a personal letter Whitsett praised Folsom for his "very liberal attitude." Letters of Methodist Ministers' Support to Folsom, Folsom papers,

At a meeting of representatives of the press from throughout Alabama, Folsom outlined the need for some agency through which citizens of good will from both races might work together on mutual problems. To comfort the segregationists Folsom observed that "anybody with any horse sense knows that Negro children and white children are not going to school together in Alabama anytime in the near future." "The world," according to Folsom, "looked to Alabama and the South to bring about peace between the races in the wake of the Lucy riots." Most of the newspaper editors responded favorably to Folsom's suggestion. Emory O. Jackson said: "Your suggestion for a biracial commission is the kind of thing the Negro press has advocated for a long time." Buford Boone of the Tuscaloosa News urged white people to be "big enough to accept some change, some compromises." James Mills, the editor of the Birmingham Post-Herald, was named chairman of the nominating committee to make recommendations for commission membership to Folsom. Although the idea received enthusiastic press approval, the legislature failed to establish the commission

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21 April 1956; W. C. Patton to Folsom, Folsom papers, 28 February 1956; Dan C. Whitsett to Folsom, Folsom papers, 10 November 1955. All these letters available in Folsom papers, File Box 341, CMD, ASDAH.

or to provide adequate funding. Segregationists argued that nothing short of complete separation of the races was acceptable, and Folsom himself dropped the proposal due to mounting opposition.[56]

Folsom called a second special session of the legislature on 1 March 1956 to consider methods of financing public education. However, on the first day of the new session the legislators again began consideration of numerous segregation measures. On the opening day the House approved a resolution, presented by T. K. Selman, calling for an investigation committee to determine if the Alabama chapter of the NAACP had been "substantially directed, dominated, and controlled" by Communists. Among the first witnesses to be summoned by the commission, Selman suggested Autherine Lucy. Although the Selman resolution passed the House without a dissenting vote, the proposal died in a Senate committee.[57]

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[56] Montgomery Advertiser, 25 February 1956; Birmingham Post-Herald, 25 February 1956 and 17 March 1956; and Birmingham News, 28 February 1956.

[57] Alabama, Journal of the House, Second Special Session 1956, pp. 5-6; Birmingham News, 2 March 1956; and Southern School News, April 1956.

While the Senate gave the "cooling off" treatment to the Selman resolution, the senators approved another resolution relating to the race problem. Senator E. O. Eddins of Marengo County sponsored a measure requesting the Congress of the United States "to finance an apportionment of Negroes among the several Northern and Western states, the areas where Negroes are wanted and can be assimilated." Eddins stated that the race problem grew out of the fact that Alabama's industrial and economic development was retarded by the presence of large numbers of "untrained, unskilled, and uneducated" Negro workers. Congress, therefore, should redistribute Negroes on a more equitable basis throughout the United States. Representative Charles McKay guided Eddins' resolution through the House with an amendment making it a felony for any Negro removed from the state to return. After striking out McKay's amendment, the Speaker of the House referred the resolution to the Rules Committee where it died. Later, apparently ashamed of the ridiculous nature of the measure, the Senate, on a motion by Senator

Ben Reeves of Pike County, voted to rescind the Eddins' resolution.[58]

During the next month the legislature spent considerable time on other anti-Negro, segregation bills and resolutions. Representative Charles Ramey of Hale County called upon Dr. O. C. Carmichael, president of the University of Alabama, to give the lawmakers a list of the names of students who petitioned the University urging the return of Autherine Lucy as a student. Folsom's floor leader George Hawkins declared:

> I've observed a lot of questionable proposals coming before the House. But, the more I think of this proposal, the more dastardly it appears. . . . I say the right of petition is as sacred as the right of free speech. When the Legislature tries to take on a bunch of school boys, I insist they are making a bad mistake.[59]

Other segregationist measures also affected the University of Alabama. Charles McKay suggested a bill to require new students at tax-supported colleges to submit written endorsements from three graduates of that school.

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[58]Alabama, Journal of the House, Second Special Session 1956, pp. 36-37; Montgomery Advertiser, 2 March 1956 and 25 March 1956; Alabama Journal, 24 March 1956; and Birmingham Post-Herald, 9 April 1956.

[59]Birmingham News, 2 March 1956.

Presumably, no blacks would be endorsed by the white alumni. In a bill sponsored by Representative Pat Boyd of Pike County, a college would have been required to investigate the background of all prospective students and refuse to admit students whose presence endangered the lives, health and welfare of others.[60] While neither of these proposals passed, the fact that they were presented illustrates the preoccupation of some of the legislators with the race issue.

In the aftermath of the Lucy riots and the Montgomery bus boycott, more segregationist bills were proposed. Representative Gregory Oakley submitted a bill to remove any state employee from the merit system if he belonged to, or cooperated with, the NAACP. This bill was obviously aimed at black state employees who joined the bus boycott. Later, Charles McKay drafted a bill to prohibit race mixing at baseball, football, and basketball games. This proposal would have ended professional baseball in Montgomery because several Class A South Atlantic League teams had black players. Angry legislators even threatened to withdraw $350,000 in

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[60] Tuscaloosa News, 11 March 1956.

state appropriations from Tuskegee Institute and to abolish the out-of-state scholarship program for blacks.[61] By the final days of the special session these bills failed passage, but the staunch segregationists who offered them were obviously outraged at the prospect of social integration.

During the second special session of 1956 the legislature managed to approve only two major segregationist bills. Both houses of the lawmaking body passed a resolution calling on the Supreme Court to modify the integration ruling. Presented by Representative Karl Harrison of Shelby County, the resolution pointed out the "deep determination of the South" to resist any change in the social pattern of relations between the races. Reminding the Court of the "tumult, strike and civil disorder" resulting from the attempted integration of the University of Alabama, the legislature "respectfully requested" a modification of its decrees. Folsom forces approved the Harrison resolution because it was less

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[61] Birmingham Post-Herald, 7 March 1956 and 9 April 1956; Montgomery Advertiser, 7 March 1956; and Southern School News, April 1956.

strident in tone and more reasonable in approach than the nullification resolution passed in January.[62]

Representative Nick Hare sponsored the other major segregationist bill to win adoption during the second special session. Designed as an implementing bill in the event the Freedom of Choice amendments were approved by the electorate in August, Hare's measure provided that no child could be compelled to attend mixed schools. Also, school boards were authorized to submit questionnaires to parents of children prior to each school term so that parents could "voluntarily elect" whether their children would attend segregated or mixed schools. In an apparent conflict with the amendments which allowed the legislature to abolish public schools, the Hare bill specifically mandated the continuation of public schools. Hare explained that his bill permitted freedom of choice by allowing a parent to decide the type of public school his children would attend.[63]

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[62]Alabama, Acts of Alabama 1956, Vol. I, pp. 356-57; Birmingham Post-Herald, 7 March 1956; and Southern School News, April 1956.

[63]Alabama, Acts of Alabama 1956, Vol. I, pp. 446-47; Southern School News, May 1956; and Birmingham Post-Herald, 9 April 1956.

Governor Folsom, hard-pressed by his segregationist opponents for his relatively moderate stand on racial matters, signed the Hare bill in April. This was the first race-related bill Folsom signed since he took office in January 1955. In departing from his sixteen month precedent, Folsom explained that the Hare bill represented a "common sensical" approach to the complex problem of school integration. He further acknowledged that other bills which he either vetoed or refused to sign were force bills, while the Hare act provided for voluntary choice for parents.[64] Folsom's reversal in his policy of moderation indicated the growing strength of the public support for massive resistance.

While the legislature was considering all of the previously discussed segregation legislation, an electoral struggle between moderates and segregationists proceeded outside the chambers of the lawmaking body in Montgomery. The state Democratic Party held a primary election in May for the selection of various delegates to the National Democratic Convention. Folsom announced

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[64] Alabama Journal, 30 May 1956; and Southern School News, May 1956.

his intention to run for Democratic Committeeman and went on a statewide speaking tour to "report to the people." His chief opponent for the committeeman post was Charles McKay, the sponsor of the nullification resolution and other segregationist proposals. The governor hoped a victory in the race would restore his influence in the legislature and halt the massive resistance movement.[65]

During the campaign Folsom made bitter attacks on McKay's record. He repeated his charge that the nullification resolution represented a lot of "hogwash." He also proposed that his conservative opponents approve his constitutional convention scheme to reapportion the legislature and revamp the state constitution because segregation might be preserved in the process. Folsom said:

> In such a convention they [segregationists] can even secede from the nation, they can authorize me to call out the National Guard to go against Federal troops. . . . A convention could nullify, interpose, or secede; it could do anything. If you're going to

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[65]Bartley, The Rise of Massive Resistance, p. 285.

> defy the Supreme Court, you will have to do it this way.[66]

Folsom's conservative opponents, however, were not deceived. They feared legislative reapportionment more than integration.

Folsom assured his audiences throughout the state that he had counseled with black leaders not to press integration too soon in Alabama through federal court action. The Supreme Court ruling had given "the South a long time" to adjust. Later, he charged his critics with being Dixiecrats in nullifiers' clothing. In an obvious reference to McKay's membership in the White Citizens' Council, Folsom denounced the organization for promoting utter chaos, and he refused to answer a questionnaire sent out by the council's leadership. Finally, the governor reminded his audiences: "We are Christians, the Negroes are Christians, and the Christian religion teaches you to love your Christian brother. Let's forget our differences."[67]

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[66] Montgomery Advertiser, 10 March 1956, 18 March 1956, 15 April 1956, and 25 April 1956.

[67] Ibid.

McKay focused his campaign on white supremacy and attacked Folsom's administration for waste and extravagance. He hammered away at Folsom's moderate stand on the race question accusing the governor of being "one of the foremost supporters of the NAACP and the things it stands for." His advertisements branded Folsom as "the host of Adam Clayton Powell whiskey-drinking Negro Congressman from Harlem." In failing to take action against the Montgomery bus boycott and the Lucy riots, McKay believed Folsom had fiddled while Rome burned.[68]

The result of the election was a crushing defeat for Folsom and the supporters of racial moderation. McKay, a heretofore unknown statewide candidate, won by a three to one majority against a candidate who two years earlier had compiled the largest electoral victory of any gubernatorial candidate in the state's history. Folsom carried only five counties to McKay's sixty-two. In just sixteen months Folsom had dropped from almost complete political dominance to one in which even his old friends appeared ready to abandon him. He carried his

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[68]Bartley, The Rise of Massive Resistance, p. 285; Southern School News, June 1956; and Montgomery Advertiser, 25 April 1956.

home county by a narrow margin. Sam Engelhardt, leader of the segregationist legislative forces and the Central Alabama Citizens' Council, rejoiced at Folsom's defeat. By 1957 few Alabama politicians were willing to endorse anything less than massive resistance.[69]

Alabama voters had the further opportunity to approve of legislative resistance to integration when the Freedom of Choice amendments were submitted to them in August. The debate over the amendments was extremely lively. Opposition to the amendments was led by State School Superintendent Austin Meadows, various Protestant church leaders, and Asa Carter's North Alabama White Citizens' Council. Each group had its own peculiar reasons for opposing the amendments. Meadows condemned the amendments because they would abolish public schools as a mandatory provision by deleting all legislative requirements as to the maintenance of public education. Meadows warned:

> If the lay people of Alabama vote to ratify this amendment, they will vote to abolish the mandatory constitutional requirement

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[69]Bartley, The Rise of Massive Resistance, p. 285; Birmingham News, 2 May 1956 and 3 May 1956; Birmingham World, 2 May 1956; and Montgomery Advertiser, 6 May 1956.

> that we have (1) public schools, (2) segregated schools, and (3) equal school terms insofar as practicable. . .[70]

Another educator, Dr. E. B. Norton of Florence State Teacher's College, also opposed the amendments. He favored some kind of parental choice in sending children to integrated schools but adamantly contested giving the legislature the authority to abolish public schools in any district or system. He contended that legislative control of the schools would destroy the traditional balance of power concept of government by taking administrative authority away from school boards and placing it in the hands of the legislature. Norton concluded: "We shouldn't let the excitement over the Negro situation destroy our public schools."[71]

Asa Carter, the leader of the militant North Alabama White Citizens' Councils, publically denounced the Freedom of Choice amendments because one provision specifically abolished Section 256 of the state constitution which mandated segregated schools. Carter viewed

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[70] Montgomery Advertiser, 25 July 1956 and 11 August 1956; and Birmingham News, 11 August 1956 and 22 August 1956.

[71] Ibid.

the amendments as a plot to promote integration by allowing the establishment of three types of schools--all white, all Negro, and mixed.[72]

A third group entered the debate as the election neared. Various Protestant leaders charged that a possible effect of the amendments would be to break down the traditional separation of church and state and permit the state to allocate money to church-controlled schools. Dr. Leon Macon, editor of the Alabama Baptist, stated that the Freedom of Choice amendments opened the door for sectarian schools to obtain state funds and property. Macon said: "We might be trying to solve one problem and create a bigger problem in doing it. . . ." Other Protestant ministers and groups led the attack which by implication was directed against the possibility of state-supported Catholic schools.[73]

The movement for the ratification of the Freedom of Choice amendments was led by Albert Boutwell, their

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[72] Southern School News, September 1956; and Birmingham News, 25 August 1956.

[73] Southern School News, September 1956; Birmingham News, 17 August 1956. Macon said: "I am not attacking the Catholic Church as a religion but as a hierarchy of priests who aim at political domination."

chief legislative sponsor. Speaking before a variety of groups from throughout the state including Chambers of Commerce and Citizens' Council rallies, Boutwell argued that the amendments would allow the legislature: (1) to defend any school board against an integration suit, (2) to make school personnel free from lawsuits, (3) to avoid violence, tension and disorder if integration were forced upon a school district, and (4) to renounce mandatory segregated schools while permitting parents to choose the type of school their children attended. Boutwell sharply criticized such opponents as Asa Carter who "knew little and couldn't care less about the educational opportunities now provided both white and colored children in Alabama."[74]

Two lawyers who helped draft the amendments, Joseph Johnston and Kirkman Jackson, attacked Dr. Meadows for his complete misunderstanding of the intent and meaning of the legislation. Lawmakers including Herman Vann, Sim A. Thomas, and McDowell Lee contended that Meadows' fear of the abolition of the public schools was

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[74] Birmingham News, 22 August 1956 and 25 August 1956; and Birmingham Post-Herald, 6 July 1956.

negligible. Indeed, they believed the amendments would save the schools from being destroyed by agitators. Educators such as F. E. Lund, president of Alabama College, and W. J. Terry, former State Superintendent of Schools, also endorsed the amendments. Lund, unlike his counterpart at Florence State Teachers' College, called the Freedom of Choice amendments "a protective measure designed to preserve and not destroy, the existing public school." Lund further stated:

> What the North sees only as the issue of integration or of civil rights, the South recognizes as the issue of compulsion, of centralized power imposing a judicial morality, and the tyranny of an ideal conception being imposed from without.[75]

Citizens' Council leader Sam Engelhardt, unlike Asa Carter, endorsed the Freedom of Choice amendments. In several newspaper advertisements published on the eve of the referendum, Engelhardt's Committee for Segregated Schools claimed the amendments allowed the legislature "to meet emergencies that may arise from suits against school authorities." No radical changes would be made in the schools with the passage of the amendments, but

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[75]Ibid.; Montgomery Advertiser, 25 August 1956; and Birmingham Post-Herald, 28 July 1956.

"racial strife and discord" would be prevented. Ironically, during the debate over ratification, Carter attacked Engelhardt for his "moderate" views even though Engelhardt had been the author or co-author of almost every piece of pro-segregation legislation since 1951. Eugene "Bull" Conner, the Birmingham Police Commissioner, summarized the feelings of many supporters of the amendments by saying: "About the only ones I know against it are Arthur Shores, "Ace" Carter, Austin Meadows, and the NAACP. Anytime you find a combination like that against something the only safe position to take is to be for it."[76]

Both sides in the debate over ratification failed to be entirely truthful in their arguments. For example, while the Freedom of Choice amendments did not actually abolish the public schools, they did remove the state from any obligation to maintain public schools. Indeed, one amendment clearly stated that "nothing in this constitution shall be construed as creating or recognizing any right to education or training at public expense. . . ." Also, the fears of opponents that the schools

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[76] Southern School News, August 1956; and Birmingham News, 27 August 1956.

might be turned over to the churches was not unfounded. The amendments authorized the sale or lease of state and local school properties for the benefit of citizens for educational purposes.[77]

Generally, most of the state's newspapers, both conservative and moderate, also favored the amendments. The Selma Times-Journal bluntly stated: "Beat the NAACP! Keep our schools segregated." The Huntsville Times believed the additional safeguard of the amendments was necessary even though the Pupil Placement act was proving to be effective. The Times said: "Only the possibility that the NAACP zealots might seek Federal intervention to integrate schools in this area can, to us, justify the extreme action of passing the amendments." The Anniston Star, the Mobile Press-Register, and the Birmingham News all endorsed the amendments. The News asserted that the amendments should be used by the legislature only in grave emergencies and should allow for the discontinuance of specific schools.[78]

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[77]Alabama, Acts of Alabama 1956, Vol. I, pp. 120-23.

[78]Selma Times-Journal, 27 August 1956; Huntsville Times, 26 August 1956; Mobile Press-Register, 26 August 1956; Birmingham News, 19 August 1956; and Anniston Star, 26 August 1956.

Some papers, however, opposed the amendments. The Florence Times claimed the Supreme Court would not allow the discontinuance of the public schools in order to avoid integration. Also, the Times viewed the amendments as leading to the establishment of a triune school system when the state could not really afford a biracial system. The Tuscaloosa News, edited by Buford Boone, a moderate newspaper especially after the Lucy riots, also opposed the abolition of public education and the possibility of supporting sectarian schools. The black-owned Alabama Citizen labeled the amendments as "the politicians' plan for side stepping, circumventing, and dodging the Supreme Court." Another black paper, the Birmingham World, commented:

> It is queer doctrine which seeks to preserve segregated schools by abolishing them. It appears to be sheer folly to scrap the public schools in a spiteful slap at the United States Supreme Court.[79]

Despite all the debate, the Freedom of Choice amendments were handily ratified by a vote of 128,545

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[79] Florence Times, 27 August 1956; Alabama Citizen, 25 August 1956; Tuscaloosa News, 24 August 1956; and Birmingham World, 22 August 1956.

to 80,777.[80] Passage of the amendments unquestioningly reflected the anti-integration sentiment in the state and the public support for legislative resistance. Racial accommodation, personified by Folsom and his supporters, had been defeated at the polls twice in 1956 while the state legislature became increasingly controlled by the segregationists. Alabama voters had clearly endorsed the philosophy of massive resistance.

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[80] Mobile Press, 29 August 1956; Birmingham News, 29 August 1956; and Southern School News, September 1956.

CHAPTER V

THE CLIMAX OF MASSIVE RESISTANCE: THE LUCY EPISODE, THE RISE OF THE CITIZENS' COUNCILS, AND THE BANNING OF THE NAACP

The forces of massive resistance which prevailed in the Alabama legislature during 1955-1956 also gained momentum outside the legislative halls in Montgomery. In this crucial period the attempted integration of the University of Alabama by Autherine Lucy failed in the wake of several student riots and the expulsion order issued by the Board of Trustees. Also, the White Citizens' Councils, employing economic pressure and propaganda tactics, mushroomed in various Alabama counties. Finally, Attorney General John Patterson launched a legal assault on the NAACP which eventually put the organization out of business in the state for several years. These events along with the enactment of the segregationist legislative program outlined in the last

chapter resulted in the climax of early massive resistance in Alabama.

The Lucy episode was probably the central event which mobilized the segregationist forces into full scale resistance. As pointed out previously, the legislature passed numerous anti-integration bills and resolutions after the Lucy riots. Also, moderate Governor James E. Folsom suffered a marked loss of prestige when he was defeated in a race for Democratic Committeeman by state representative Charles McKay, an outspoken white supremacist and a supporter of the Citizens' Councils. Race politics began to dominate events in Alabama as the year unfolded.

Speculation about the entry of Negroes into the University of Alabama preceded the legal battle. As early as 1948 Student Government Association president Morrison B. Williams, the son of Aubrey Williams, advocated the admission of Negroes to the University, but he was vigorously opposed by his fellow students for his position. Two years later, when student newspaper editor Tom Harvey predicted that blacks would be eventually admitted to the school, he was condemned for being a "damned nigger loving Yankee" by an irate reader.

Despite student opposition, the Sweatt decision of 1950 integrating the University of Texas foreshadowed the end of segregation on the college level in Alabama and other states.[1]

The attempted integration of the University of Alabama in 1956 came after a long series of legal maneuvers beginning in 1952. Autherine Lucy and Polly Ann Myers, two recent graduates of Miles College in Birmingham, wrote the Dean of Admissions, William F. Adams, in September 1952, stating their interest in attending the University and requesting application forms. Within a few days the girls returned their application forms and room deposits and soon received letters welcoming them to the University. On the morning of 20 September 1952, however, when they appeared at the Dean's office, both girls were immediately advised that the courses in journalism and library science which they

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[1] Birmingham News, 8 April 1948; and Montgomery Advertiser, 6 October 1950. In 1951 the Air Force inadvertantly integrated the University of Alabama when it assigned a Negro soldier to the campus for clerk-typist training. The recruit was hurriedly transferred within a matter of hours. Montgomery Advertiser, 19 June 1951.

planned to study were available at the all-Negro Alabama State College in Montgomery. Dean Adams hastily declined their applications and returned their room deposits. Later, Dr. John Gallalee, the president of the University, again rejected the applications and tried through a third party to persuade the girls not to attend the school. Finally, after the Board of Trustees formally denied them admission in June 1953, Arthur Shores, an NAACP affiliated lawyer in Alabama, filed suit in federal court on behalf of the two girls.[2]

Legal action by Alabama blacks to gain admission to the University of Alabama received the enthusiastic support of black leaders. Emory O. Jackson employed Polly Ann Myers as a reporter on his staff and led the local Birmingham fundraising drive. Autherine Lucy taught school and worked for A. G. Gaston's Booker T. Washington Insurance Company. In January 1953, the Reverend R. L. Alford of the Sardis Baptist Church in Birmingham sponsored a "Freedom Day in Education in

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[2]Birmingham World, 5 July 1955; Alabama Tribune, 10 July 1953; Birmingham Post-Herald, 8 June 1953; Birmingham News, 21 September 1952; and Montgomery Advertiser, 20 September 1952 and 3 July 1953.

Alabama" rally. Alford proclaimed his church would "lend a hand in helping to open the doors of the University of Alabama to Negro students."[3]

After Shores filed suit in the federal District Court the University's lawyers, led by Andrew Thomas, filed a motion to dismiss the suit because such action against the state without its permission was prohibited by the Alabama Constitution. Later, District Judge Hobart Grooms issued a ruling upholding the University's position, but he allowed the NAACP lawyers thirty days to amend their suit. Shores soon amended his suit to make the members of the Board of Trustees personally parties to the suit. He further maintained that Lucy and Myers were accepted by Dean Adams, but when the University officials learned they were Negroes, they were denied full admission.[4]

Legal action on the case was delayed in 1954 pending the outcome of the Brown v. Topeka deliberations.

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[3]Birmingham News, 21 December 1952; Birmingham World, 2 January 1953; and Montgomery Advertiser, 3 June 1955.

[4]Birmingham News, 12 September 1953 and 10 October 1953; Birmingham World, 3 November 1953; and Alabama Journal, 10 October 1953.

Meanwhile, the University employed a new president, Dr. Oliver Cromwell Carmichael, a native of Goodwater and the former president of the Carnegie Foundation for the Advancement of Teaching. Carmichael returned to Alabama after a distinguished career as a foreign language expert, college president at Vanderbilt University, and Chancellor of the State University of New York. Believing a solution to the integration question would require intelligence, wisdom, and patience, Carmichael urged the Board to assume a moderate position on the segregation problem. However, legal action continued to proceed on the Lucy case.[5]

Eventually, the trial was held in Judge Grooms' court on 29 June 1955. Dean W. F. Adams' lawyers filed an affidavit claiming that both Negro women had not met the requirements for admission since neither had maintained a B average at their undergraduate school. Hill Ferguson, a long standing member of the board, testified that the University had no policy prohibiting Negroes although none were in attendance at the school in 1955. Attorney Andrew Thomas tried to demonstrate that Lucy and

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[5]Birmingham News, 30 May 1954 and 10 February 1956.

Myers had conspired together to present their applications to the University and gain admittance. Also, he tried to shed doubt on the sincerity of their applications by questioning Myers' desire to study journalism even though she had a two year old son. Also, he doubted Lucy's real enthusiasm for library science. He insisted that neither girl planned to attend even if admitted. However, under further questioning, both girls renewed their pleas to become fullfledged students. Arthur Shores and Constance Motley, a skilled NAACP lawyer from New York, asserted that the real issue in the case was the exclusion of the Negro girls on the basis of race. They claimed that Adams had granted them admission, then upon learning of their race Adams offered to return their money and recommended Tuskegee or Alabama State as the proper schools for the girls to attend.[6]

Judge Grooms wasted no time in rendering his decision. On 1 July 1955 he enjoined Dean Adams from denying admission to both Lucy and Myers on the basis of race. Although the University had no written policy

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[6]Birmingham Post-Herald, 30 June 1955 and 2 July 1955; and Alabama 20 (8 July 1955):9.

or rule excluding prospective Negro students, there was a tacit segregationist policy in effect. In conformity with the equal protection clause of the Fourteenth Amendment and the previous rulings of the Supreme Court including Missouri ex rel. Gaines v. Canada, Sipuel v. Board of Regents of the University of Oklahoma, and Sweatt v. Painter, Grooms ruled that the plaintiffs were entitled to a decree enjoining Adams. Later, upon the request of Attorney Shores, Grooms extended his ruling by making it a class action. Thus, all Negroes, not just the two women involved in the suit, were not to be denied admission on the basis of race.[7]

University attorneys set out immediately to appeal Judge Grooms' ruling. They asserted that the evidence did not support Grooms' finding that the University made no effort to deny the application on any grounds other than race. Grooms refused to grant a new trial, thus throwing open the doors of the University to all qualified Negroes. Later, in October 1955, the U.S. Circuit Court of Appeals found no grounds for overruling Grooms and

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[7] Birmingham World, 5 July 1955; Birmingham News, 2 July 1955; and Southern School News, July 1955.

sent the case to the Supreme Court. Meanwhile, Judge Grooms granted the University a four month delay while the appeals process was being pursued. Finally, the Supreme Court ordered the immediate admission of both girls, but since the date for late registration had elapsed, Grooms ordered their registration to take place in the Spring of 1956. Arthur Shores demanded immediate entry but was overruled.[8]

A high degree of tension filled the air as the anticipated entrance of the Negro girls to the University approached. Speaking at a rally in East Birmingham, Asa Carter, the head of the North Alabama Citizens' Council, called upon the state to replace Dean Adams with an "expendable" dean who would defy the court order and go to jail if necessary. Several crosses were burned on the University campus while the students were home for semester break. And, Governor Folsom who had been unusually quiet throughout the whole legal dispute met with the Board of Trustees on the eve of the beginning of registration. At a secret meeting in January, the Board

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[8] Southern School News, September 1955 and October 1955; and Birmingham Post-Herald, 2 January 1956.

of Trustees voted to admit Autherine Lucy by a vote of eighteen to one with Hill Ferguson casting the only nay vote. However, the Board decided to refuse admission to Polly Ann Myers. Since the beginning of the legal controversy in 1952, Miss Myers had married and divorced Edward Hudson, a man convicted of burglary charges in 1948. Ferguson maintained that her illegitimate pregnancy and reports of Autherine Lucy's "undesirable" conduct would have automatically disqualified the girls if they had been white. Thus, with plans set to deny admission to Myers and in an atmosphere of tension, the University of Alabama prepared for the dismantling of the color bar.[9]

On 1 February 1956 Autherine Lucy and Polly Ann Myers appeared on the campus of the University for registration. They were accompanied by several friends including Emory O. Jackson. Their reception was rather hostile. As soon as they entered the school, University officials announced that Polly Myers was refused

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[9] Birmingham Post-Herald, 27 January 1956; Birmingham News, 30 January 1956; and Hill Ferguson Historical Collection, Vol. 93, BPLAD. Ferguson revealed that both girls' conduct had been investigated by private detectives.

admission on the grounds that evidence before the Board of Trustees showed her conduct and marital record were below University standards. Lucy, meanwhile, was hurried through the registration lines ahead of many white students who became resentful of her special treatment. Dean of Women Sarah Healy informed her that she would not be given a room in the girls' dormitory and could not dine in the school cafeteria.[10]

On the next day Arthur Shores went back to court demanding dormitory space for Lucy and the right of registration for Myers. Meanwhile, Autherine Lucy began attending classes accompanied by campus police. In class she sat on the front row and felt particularly encouraged because "everyone was so relaxed" including the professor. However, on Friday night, 3 February, a student demonstration developed. A group of about twelve hundred exploded firecrackers, sang "Dixie," and shouted "Keep Bama White" outside the president's mansion. No physical damage was done and the mob proved to be less boisterous than a typical panty raid. A young pre-law student from Selma,

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[10] Birmingham Post-Herald, 1 February 1956; and Tuscaloosa News, 1 February 1956.

Leonard Wilson, went downtown and spoke to a small crowd. He told his audience that the demonstration was "in accord with the state of Mississippi and Herman Talmadge of Georgia."[11]

The relatively mild display of student hostility on Friday night gave way to more violent actions on Saturday. A crowd composed of "a few inebriated fraternity men," and a number of outsiders including high school students, Tuscaloosa townspeople, and members of a pro-segregation group from Birmingham called the "Nomads" gathered at the Student Union building and marched downtown. Calling for a "protest without violence," Leonard Wilson again addressed the mob from the base of the flagpole in mid-town Tuscaloosa. While returning to the campus the demonstrators attacked a Greyhound bus, beat their fists on a Negro-driven car, and dented the roof of another black-owned vehicle. Outside the president's home Dr. Carmichael attempted to calm the mob but was shouted down while firecrackers and

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[11] Birmingham News, 3 February 1956; Birmingham Post-Herald, 4 February 1956; Southern School News, March 1956; and Howell Raines, My Soul Is Rested: Movement Days in the Deep South Remembered (New York: G. P. Putnam's Sons, 1977), p. 325.

rocks were thrown at him. Student Government Association president, Walter Flowers, also demanded that the mob disperse, but he too was drowned out by catcalls and insults.[12] This second demonstration was significant because it foreshadowed the violent nature of the mounting protests, it witnessed the emergence of mob leader Leonard Wilson, and it clearly revealed the participation of outside groups in the campus disorder.

Little student rioting occurred on the next day although Dr. Carmichael announced that disciplinary action was being considered against those responsible for the demonstrations on the two previous nights. Student president Walter Flowers claimed that many people other than students had participated in the Saturday night riot. He later asserted that only 5 percent of the rioters were students with a large portion of the protestors being employees from a nearby Goodyear Tire Company factory and Holt High School students. Nelson Cole, the editor

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[12] Birmingham Post-Herald, 5 February 1956; Birmingham News, 5 February 1956; and Southern School News, March 1956. The "Nomads" was a group of racists from Birmingham who distributed literature inciting the mob. In addition to anti-integration materials, the literature also claimed Communists supported the NAACP.

of the Crimson and White student newspaper, echoed Flowers' charges.[13]

On the following Monday morning after the riots by outsiders and student sympathizers had disrupted the weekend, Autherine Lucy returned to the campus. From 8:00 A.M. to 4:00 P.M. bedlam reigned on the University of Alabama campus. A crowd gather-d outside Smith Hall, the site of her first class, but Lucy walked through a side entrance accompanied by a police escort. Meanwhile, plans were made for her safe transportation to her next class by Dean Healy and Jeff Bennett, an assistant to Dr. Carmichael. As she left Smith Hall, the car she was driven in was pelted with eggs and rocks. Dean Healy's car windshield was broken by the time Lucy arrived at her next class. When the second class was over, the crowd had swelled to over one thousand, and Lucy was rushed away by the Highway Patrol after waiting in the hall for nearly three hours.[14]

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[13] Southern School News, March 1956; and Birmingham News, 7 February 1956.

[14] Birmingham News, 7 February 1956; and Raines, My Soul Is Rested, pp. 326-27.

As the day progressed the demonstrators shouted anti-Negro slogans all over the campus. The Board of Trustees convened a meeting and voted to exclude Lucy from classes. The Student Government Association, the International Relations Club, the Faculty Senate, and the Women's Student Government Association all expressed support for the Board's action.[15]

Segregationists jumped at the opportunity to support the exclusion order. The Alabama Senate adopted a resolution without a dissenting vote commending the Board's decision. Sponsored by Sam Engelhardt, the resolution stated:

> The social structure of the state traditionally has been built on separation of the races and the Court order had resulted in riot, tumult, disorder, and other demonstrations against the presence of a Negro student at the University.

Leonard Wilson, the student riot leader and emerging segregationist spokesman, praised the University for its "wise and considered action." He believed the admission of one Negro would have led to the decline of the University as it had done at Harvard and Yale.[16]

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[15] Southern School News, March 1956; and Birmingham News, 8 February 1956 and 9 February 1956.

[16] South 21 (10 February 1956):11; and Birmingham News, 8 February 1956.

There were some moderates who opposed the exclusion order. Several faculty members were appalled at the failure of the University officials to prepare for the possible student unrest. Others attacked the Tuscaloosa police force for failing to control the rioters. In a Faculty Senate meeting, Dr. Charles D. Farris, a political science professor, asked for civil and military protection for all students and faculty members. He firmly stated that University officials should have suspended operations rather than submit to mob rule and exclude one student. Farris' resolution was handily tabled by Dr. Carmichael. Others also opposed the exclusion order. Eleven campus ministers called upon the University community "to act in accordance with tolerance, with respect for fellow humans, and with regard for law, order, peace, and decency." And, from New York City, Roy Wilkins of the NAACP telegraphed Governor Folsom charging that the student riots disgraced the University, state, and nation and urged Folsom to maintain order.[17]

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[17] Montgomery Advertiser, 7 February 1956; Birmingham World, 7 February 1956; and Birmingham Post-Herald, 7 February 1956.

To his great discredit in the eyes of contemporaries and historians, Folsom refused to take decisive action during the riots. Instead of calling out the National Guard, he issued a remarkably obtuse statement saying:

> As a young man I traveled all over the world and observed that it is perfectly normal for all races not to be overly fond of each other. . . . We are not excited, we're not alarmist, but we do stand ready at all times to meet with any situation properly.[18]

After several days of waiting Shores grew impatient and filed suit for Lucy's readmission. He asked the University to show cause: (1) why Lucy had been barred from classes, and (2) why she had been denied dormitory and dining room privileges while she was there. Shores further stated that the University had "intentionally permitted" the recent riots at the University. He demanded $3 thousand in damages and contempt of court citations against several officials including Dean Healy whose car had been damaged in the riot. Finally, he maintained that Lucy had not been given adequate police

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[18] Montgomery Advertiser, 7 February 1956; and Gilliam, "The Second Folsom Administration," pp. 297-98.

protection and that her exclusion was designed "to appease persons having no connection with the University."[19]

Dr. Carmichael called a news conference to refute Shores' charges. He asserted that Autherine Lucy was a student at the University, but her return was a matter for the discretion of the federal courts. He denied that the University had designed a cunning stratagem to keep her out of the school by allowing the riots. In fact, University officials were in constant meetings and conferences trying to devise plans to meet the violent situation.[20]

During the period before Judge Grooms was scheduled to conduct a public hearing on the merits of Shores' charges, on 29 February, public comment, revealed in the state press, ranged from praise of the University administration to continued segregationist defiance. For example, Alabama church leaders led by Bishop Clare Purcell of the Methodist Church congratulated

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[19] Birmingham News, 10 February 1956; Birmingham Post-Herald, 10 February 1956; and Southern School News, March 1956.

[20] Birmingham News, 11 February 1956.

Dr. Carmichael for seeking to preserve law and order on the campus. Former Senator J. M. Bonner, on the other hand, urged the barring of all Negro students from the school in order for it to continue "as a white man's university." Hill Ferguson, vice-chairman of the Board of Trustees, stated that the school would "fight the admission of Negroes as long as possible. . . . It's purely a legal matter." Meanwhile, a small group of students led by Jerry Griffin, president of the Student Religious Association, submitted a petition with over two hundred names calling for the reinstatement of Autherine Lucy as a step toward reestablishing the University of Alabama as a law abiding institution. As the small number of names on the petition indicated, student support for Lucy was not overwhelming. Many students also refused to sign the petition because it was interpreted as a show of disrespect for Dr. Carmichael and the Board of Trustees.[21]

Most criticism of the Board emanated from outside the state. Dr. George Mitchell, the head of the Southern

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[21] Tuscaloosa News, 15 February 1956; Birmingham Post-Herald, 14 February 1956 and 22 February 1956; and Birmingham News, 13 February 1956.

Regional Council, asserted that the University officials mismanaged the Lucy case. He told the Texas Commission on Race Relations that the University should have closed rather than closing out Autherine Lucy. Faced with overwhelming out-of-state criticism, Governor Folsom remarked:

> If the NAACP and professional outside agitators, with local professional help, would leave our problems alone in Alabama, we'd be better able to cope with them.[22]

While opinions varied on the merits of the actions of the University, the ultimate decision rested with Judge Hobart Grooms. At the opening of the hearing, Arthur Shores, aided by NAACP attorney Constance Motley, admitted he was unable to prove the charge that University officials had conspired with the mob. Autherine Lucy admitted under cross-examination that she was genuinely afraid she could have been killed during the riot on 6 February. Also, she stated that she probably would not have used a dormitory room on campus even if one had been given to her. Since Shores could not

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[22] Dallas Morning News, 11 February 1956; and Montgomery Advertiser, 14 February 1956. Governor Folsom's papers in File Box 341, CMD, ASDAH, are filled with letters from outside Alabama protesting the state's treatment of Autherine Lucy.

substantiate his charges and Lucy herself admitted she had great personal fear, Judge Grooms ruled the Board of Trustees had not been derelict in its duty and that Lucy's suspension was justified in order to protect her from "great bodily harm or even death." The University, to Grooms, had honestly underestimated the extent of the fury of the protest. Although Grooms had been urged to defy the Supreme Court order, he refused to "man the battlements." Indeed, he ordered the University to reinstate Lucy by 5 March.[23]

After the hearing was concluded, the Board of Trustees met in a special session. By a unanimous vote, with Folsom and Austin Meadows abstaining, the Board permanently expelled Autherine Lucy for her "outrageous, false, and baseless accusations" against the Board. John Caddell, a Decatur lawyer and member of the Board, stated after the meeting that the Lucy case was calculated to incite riots, "to cause publicity and difficulty." He believed Lucy deliberately "drove up in a Cadillac with

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[23] Tuscaloosa News, 29 February 1956; Birmingham News, 29 February 1956 and 1 March 1956; Montgomery Advertiser, 1 March 1956; and Southern School News, March 1956.

chauffeurs and walked about campus in such a way as to be obnoxious and disagreeable." The Board stated:

> No educational institution could maintain necessary disciplinary action if any student regardless of race, guilty of the conduct of Autherine Lucy, be permitted to remain.[24]

Dr. Carmichael later told the student leaders that Lucy was expelled for "false, defamatory, impertinent, and scandalous charges of misconduct on the part of the University officials and trustees." Student president Walter Flowers and editor Nelson Cole agreed with the Board's action. Cole said: "If all people would look thoroughly into the facts, and not just automatically classify the action in their minds as racial discrimination. I believe they too will agree with the trustees." Even the student protest leader, Leonard Wilson, also endorsed the Board's action. Thus, Dr. Carmichael received welcome support from both responsible and irresponsible student leaders.[25]

Leonard Wilson, meanwhile, told a Selma White Citizens' Council rally that there should be "a thorough

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[24] Montgomery Advertiser, 1 March 1956; and Southern School News, April 1956.

[25] Tuscaloosa News, 2 March 1956.

house cleaning from top to bottom" at the University. Taking issue with Dr. Carmichael, Wilson claimed the University president had actually advocated the admission of qualified Negro applicants. Wilson also demanded an investigation of the few students who supported Lucy's integration efforts in order to determine the extent of Communistic influences at the school. In reaction to Wilson's charges and his participation in the student protests, the Board of Trustees also expelled the Selma student on 12 March. Asa Carter, the Citizen's Council leader in North Alabama, immediately began a campaign calling for Dr. Carmichael's resignation. But, Alston Keith, a Citizens' Council organizer in Dallas County, defended Dr. Carmichael and critized Wilson for his ridiculous statements. Nevertheless, one result of the Lucy episode was the dismissal of a white student protest leader.[26]

Autherine Lucy's efforts to attend the University of Alabama did not end in March 1956. Her lawyers appealed to Judge Grooms in August 1956, to revoke the

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[26] Tuscaloosa News, 7 March 1956; Montgomery Advertiser, 7 March 1956; and Southern School News, April 1956.

Board's expulsion order on the grounds that it violated the original integration decree. However, in a preliminary ruling Grooms stated that the Board of Trustees had an unquestioned right to expel any student. He declined to substitute himself for the Dean of Admissions of the University. Also, he maintained that the only interest that the court had in the admission and dismissal process was to see that constitutional rights were honored. When Grooms again upheld his original ruling in January 1957, Arthur Shores dropped all appeals for Lucy's entry the following March. By this time Autherine Lucy had married and moved to Texas. Dr. Carmichael resigned as president because of a widely rumored disagreement over the Board's actions. Meanwhile, Leonard Wilson became the founder of the West Alabama Citizens' Council based in Tuscaloosa.[27]

The Lucy episode demonstrated the extent to which massive resistance efforts were pursued in Alabama. The combination of violence and extensive legal maneuvering prevented the immediate implementation of federal court

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[27]Gessner T. McCorvey to Andrew Thomas, 1 September 1956, Folsom papers, File Box 329, CMD, ASDAH; Tuscaloosa News, 15 August 1956; Birmingham Post-Herald, 15 August 1956; Montgomery Advertiser, 30 August 1956; and Birmingham News, 6 November 1956 and 26 March 1957.

orders. As historian Numan Bartley has said: "Federal court orders could be forcibly nullified provided that sufficient elements of the white power structure countenanced or encouraged it." Secondly, the Lucy riots witnessed the collapse of moderate support for limited integration. For example, Governor Folsom refused to utilize force to bring about compliance with the court orders. Also, he criticized the NAACP and "professional outside agitators" for provoking the trouble in Tuscaloosa. Finally, the most immediate effect of the Lucy incident was the boom in membership and increased attendance at meetings of the White Citizens' Council all over Alabama. The pattern of massive resistance took the form of public displays of support for segregation.[28]

The Citizens' Councils developed in Alabama in the Black Belt counties in late 1954. After a huge rally in Dallas County, other Councils were formed in Marengo, Hale, Macon and Perry Counties. For a short period the Councils remained inactive. But in August 1955, when

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[28]Bartley, Massive Resistance, p. 146; and Montgomery Advertiser, 14 February 1956.

Negroes petitioned the boards of education in seven counties to begin immediate steps toward desegregation, the Councils reacted to the petitions vigorously. First, in Dallas County the Council utilized economic intimidation against blacks who signed the petition. Of the twenty-nine Negroes who signed about sixteen lost their jobs within a few days. Second, the Council movement began another growth period which developed into a boom in 1956. The combination of the school petitions, the Montgomery bus boycott, and the Lucy episode stimulated Council leaders to organize white resistance.[29]

Selma was initially the center of the Council movement in Alabama. Large rallies were held there on an irregular basis. For example, in June 1955, about five thousand people gathered to hear Former Governor Herman Talmadge denounce the Brown decision. He suggested that integration be prevented by abolishing the public schools, cutting off funds to integrated schools, voting out of office any official who betrayed the South, and

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[29]McMillen, The Citizens' Council, pp. 43-44; and Montgomery Advertiser, 17 August 1955 and 8 September 1955. Alston Keith, the Selma attorney who led the Dallas County Council, refused to admit openly Council involvement in the economic retaliation against the Negro petitioners.

using economic and social pressure on all "scalawags, carpetbaggers, and Negroes" who refused to support segregation. At the same meeting, Mississippi Judge Tom Brady called for impeachment of members of the Supreme Court. In a typical attack Brady said:

> The Supreme Court refuses to recognize that it cannot by a mandate shrink the size of a Negro skull which is one-eighth of an inch thicker than a white man's. . . . The Court refuses to recognize that it cannot straighten the Negro's hair or uplift the Negroes' nose--only God can do that.

To Brady the Citizens' Councils were the only organizations in the South equipped to prevent integration and "the mongrelization of the races." Another speaker Sidney Smyer, a Birmingham real estate developer and Methodist lay leader, urged church leaders not to support un-Christian integration.[30]

This Selma rally was important for several reasons. First, the large attendance at the rally demonstrated the growing solidarity of white opposition to integration. Second, at the rally some leading Alabama businessmen and politicians gave their support to the new

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[30] Southern School News, July 1955; Montgomery Advertiser, 23 June 1955; Birmingham News, 28 June 1955; and Alabama Journal, 23 June 1955.

grass roots segregation movement. In addition to Sidney Smyer and Alston Keith, state senators E. O. Eddins, Walter Givhan, Albert Boutwell, Albert Davis, Roland Cooper, and Sam Engelhardt appeared on the speaker's platform. This assemblage of businessmen and politicians demonstrated the broad-based support of the Citizens' Council movement. In short, South Alabama planters allied with representatives of the industrial and financial center of Birmingham to weld together white resistance. Thirdly, the Selma rally infused new life in the movement, preparing the way for the successful economic intimidation of Selma blacks in September.[31]

Several other Citizens' Council units were formed in 1955. In September the Butler County Citizens' Council organized at a large public meeting in Greenville. Jeff P. Beeland was elected chairman after he delivered a fiery speech in which he proposed that the white men of the county who failed to graduate from high school reenroll when blacks attempted to enter the school. "If Negro children get into our schools, you might have to enroll and convince them that they should not be

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[31]McMillen, The Citizens' Council, p. 45.

there." Beeland's novel suggestion was only surpassed by that of an unidentified elderly farmer who believed the greatest peril was not Negro pupils in white schools but Negro teachers. He said: "I'd rather have my children go to school with niggers than to niggers."[32]

In October, 1955, the Council movement spread into Montgomery County. Given his early opposition to integration, it was not surprising that Sam Engelhardt spearheaded the Montgomery organization. At the organizing rally he was elected chairman. Meanwhile, Olin Horton, one of the founders of the American States Rights Association (ASRA) in Birmingham, delivered an address in which Governor Folsom, Senators John Sparkman and Lister Hill were attacked for their failure to become enthusiastic opponents of integration. Although Engelhardt intemperately urged the complete exposure and eradication of the NAACP in his address, the Montgomery Advertiser called him a "kindly man" who never mistreated a colored man in his life. The Advertiser dismissed his radicalism as

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[32]Mobile Register, 9 September 1955; Montgomery Advertiser, 10 September 1955; and Southern School News, October 1955.

an expression of the frustrations and "anxieties of surrounded white minorities."[33]

From Montgomery the Councils developed further northward into the Birmingham suburbs in Jefferson County. In early November 1955, a soft-spoken druggist in Tarrant City, John Whitley, formed the tenth new chapter of the organization in a rally at the Tarrant City Hall. Whitley later explained that the purpose of the Council was "to put pressure on politicians who are not upholding segregation." Olin Horton offered Whitley the wholehearted support of the ASRA and Hugh Locke, the leader of the successful effort to prevent integrated sports events in Birmingham, charged that continued racial peace depended on segregation.[34]

By December 1955, two statewide Citizens' Council organizations had been established in Alabama. Sam Engelhardt's Montgomery County Council merged with the similar groups in Dallas and seven other adjacent counties to form the Central Alabama Citizens' Council

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[33] Montgomery Advertiser, 4 October 1955 and 5 October 1955; Alabama Journal, 4 October 1955; and Southern School News, November 1955.

[34] Birmingham News, 9 November 1955; and Southern School News, December 1955.

(CACC). This organization was strategically located and ably led by Engelhardt, Alston Keith, and Walter Givhan. Meanwhile, in the Birmingham suburbs Asa Earl Carter formed the North Alabama Citizens' Council (NACC). Unlike the membership of the CACC, Carter's organization appealed mainly to laboring people, not South Alabama planters. Also, Carter tended to support more violent forms of protest rather than the dominantly political and economic approach of the CACC.[35]

Both Engelhardt and Carter appealed to the Tarrant Council for affiliation. However, after consultation with Engelhardt, Whitley elected to join the CACC. Engelhardt, Horton, and others in the CACC were not only fighting for white supremacy, but also for anti-Communism. This broader approach apparently appealed to Whitley.[36]

As the Lucy riots progressed in Tuscaloosa, new Councils emerged all over Alabama. In February, the first Council organized in extreme South Alabama developed in Flomaton with over eight hundred attending an

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[35]Anthony Report, "Resistance Groups in Alabama," Southern Regional Council (SRC), Alabama papers, BPLAD.

[36]Birmingham World, 10 January 1956; and Birmingham News, 10 January 1956.

organizational rally. Senator Walter Givhan enthusiastically proclaimed:

> Our goal is 200,000 members in Alabama by 1956. When we get them I promise that our next governor won't have a New York Congressman riding in a state car and drinking in the governor's mansion.[37]

J. Robin Swift, a former United States Senator from Alabama, was elected chairman of the new Escambia County Citizens' Council. In accordance with the moderate principles of the CACC, Swift said:

> We will have no violence, no night riding, no arson, no intimidation, but a solid stand that the people back up our state law which says that each child can go to the school of his choice.[38]

Another Council developed in South Alabama at Mobile led by John A. Dupont. These two groups united to form the South Alabama Citizens' Council, but the organization faded out within a few months.[39]

In March new Councils were formed in Lee, Barbour, Crenshaw and Elmore Counties. Various outspoken

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[37] Alabama Journal, 7 February 1956; and Birmingham News, 7 February 1956.

[38] Ibid.

[39] McMillen, The Citizens' Council, p. 49; and Mobile Press, 5 February 1956.

segregationist leaders from throughout the South including Roy Harris, a Georgia newspaper editor, Georgia Governor Marvin Griffin, and Jim Johnson, an Arkansas state senator, spoke at rallies held in these counties. Although the Councils were originally billed as non-political, bitter attacks were oftentimes leveled against Governor Folsom and his moderate allies. For example, Zebulon Judd, the retired Dean of Education at Auburn University, was openly critical of Folsom at the Lee County Citizens' Council rally in which he was elected chairman. At the Crenshaw County rally Alton Turner stated that the Citizens' Council needed to determine where all candidates stood on the race questions. He said:

> There is no in-between position for the politicians. They are either for us or against us. Mr. Folsom can keep the Negro vote in his pocket, but our group can keep him and his kind from selling us down the river for a few hundred Negro votes.[40]

A new Council was organized in Tuscaloosa during February 1956, by Leonard Wilson, the expelled pre-law student. Although he had a reputation as a rabble-rouser

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[40] Montgomery Advertiser, 2 March 1956, 8 March 1956, 10 March 1956 and 20 March 1956; and Birmingham News, 4 April 1956.

because of his role in the Lucy riots, he proved to be an able organizer. His West Alabama Citizens' Council claimed over three thousand members and was a formidable rival to Engelhardt's CACC.[41] Thus, there were four major Council organizations in Alabama by the Spring of 1956. The two most bitter rivals for power were the CACC and the NACC.

Engelhardt strove to develop a well-coordinated program of expansion by the beginning of 1956. He established an office in Montgomery and began a propaganda campaign to mobilize white resistance. Later, in February 1956 the CACC was abolished, and a new statewide organization called the Association of Alabama Citizens' Councils (AACC) was formed with Engelhardt designated as the executive director. John Whitley, the Tarrant City druggist, was named its first president. Dedicated to the maintenance of peace, good order, domestic tranquility, and states' rights, the AACC was modeled after the Association of Citizens' Councils of Mississippi, the birthplace of the movement.[42]

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[41]McMillen, The Citizens' Council, pp. 48-49; and Southern School News, April 1956.

[42]McMillen, The Citizens' Council, pp. 49-50; and Montgomery Advertiser, 18 February 1956.

Soon after the AACC was formed, the largest Citizens' Council rally held in the South with over fifteen thousand attending packed Montgomery's Coliseum. At the meeting Senator James O. Eastland called the Brown decision "illegal, immoral, dishonest, and disgraceful" and served notice that the campaign of stern resistance would utilize every legal weapon to oppose integration. He suggested the establishment of a commission to answer attacks on the South and denounced the NAACP for playing racial politics with Southern children. Engelhardt at the same meeting asserted that he was surprised and sickened to see so many white people refuse to take either side on the race question. He resolutely said:

> It is time to take a stand and be counted on one side or the other. . . . Segregation is an institution of the South that we do not intend to see disturbed. We shall use peaceful and legal means, but we shall be firm in our position.[43]

While this Montgomery rally represented a momentous development in the Citizens' Council movement, it was just one aspect of Council activity in 1956.

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[43] South 20 (20 February 1956):13-14.

Engelhardt immediately moved the AACC into political involvement. Before the primary election for statewide offices in May, he sent out questionnaires to over one hundred candidates. Answers to the questions were designed to inform the people of Alabama of the candidates' attitudes toward segregation. Some of the questions included:

1. Will you give your wholehearted support to actions which have already been taken by the Legislature of Alabama toward maintaining segregation? . . .
3. Has the NAACP or any other organization dedicated to the breakdown of Alabama policies on segregation made any financial contribution directly to your campaign?
4. Do you here and now deny the Negro vote? . . .
7. Do you believe in the Citizens' Councils of Alabama movement?[44]

Later, Engelhardt reported that about one-half of the candidates replied to the inquiries. In some cases opposing candidates endorsed an equally strong segregation stand. However, in the race for delegates to the Democratic convention only twenty-seven of the seventy-nine candidates seeking the thirty-nine delegate positions replied. A candidate for Democratic state committeeman,

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[44] Montgomery Advertiser, 21 March 1956; and Birmingham Post-Herald, 21 March 1956.

Governor Folsom, the target of numerous Citizens' Council attacks, refused to respond although his two opponents Charles McKay and Roy D. McCord stated their views on the Council questionnaire.[45]

Based on their replies to the questions the AACC endorsed candidates in the various state races. Folsom lost his bid for election by a shocking three to one margin to his segregationist rival McKay, the leader of the Talladega Citizens' Council. Other Council-backed candidates met with almost equal success. The Citizens' Council contested the Folsom moderates in every race and enjoyed almost total victory. Liberal Senator John Sparkman lost to former Representative Laurie Battle in the race for at-large delegate. In an astonishingly short time the Councils became a powerful force in Alabama politics and an almost alternative government for the state.[46]

Perhaps the most important aspect of Council activity was their efforts to create a uniform, cohesive

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[45] Ibid.; and Birmingham Post-Herald, 20 April 1956; and Montgomery Advertiser, 28 March 1956.

[46] Southern School News, June 1956; Birmingham News, 20 May 1956; and Gilliam, "The Second Folsom Administration," pp. 359-60.

climate of opinion in the state utterly opposed to any dissent and dedicated to the defense of segregation and "the Southern way of life." For example, at the same time Engelhardt sent out questionnaires to political candidates, he sent similar forms to all officials and faculty members of the white colleges in Alabama in order to determine their views on race matters. According to him, these documents were designed to inform the people of "the attitude of those to whom they send their sons and daughters for an education." Meanwhile, the Montgomery Citizens' Council passed a resolution calling on the legislature to investigate all "state-supported institutions of higher learning for possible subversive activities."[47] Obviously, the Councils sought to intimidate college professors opposed to segregation.

But, the Councils went further than questionnaires and resolutions in stamping out dissent. In June 1956, Engelhardt tried to pressure State Education Superintendent Austin R. Meadows into refusing to allow

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[47] Montgomery Advertiser, 18 March 1956 and 21 March 1956; Southern School News, April 1956; and Resolution of the Montgomery County Citizens' Council, 13 March 1956, Folsom papers, File Box 341, CMD, ASDAH.

Dr. Ralph Bunche, an American Negro official of the United Nations, to speak at Alabama State College in Montgomery. He contended that Bunche was a racial fanatic and should not be allowed to use state facilities for teaching his integrationist views. Meadows, however, allowed Bunche to make his speech. He informed Engelhardt that prohibiting the speech before it was delivered represented a blow against the principle of democracy and encouraged the opposition. True to form Bunche did attack segregation. He told his predominantly Negro audience that "no more convincing blow could be struck against the enemies of democracy and liberty than the acceptance of all Americans as equal without regard to race, creed, or nationality."[48]

Although unsuccessful in preventing Bunche from speaking, further efforts at prohibiting dissent were launched by Engelhardt. When Dr. Clarence M. Dannelly, the superintendent of the Montgomery County schools, attended a national Methodist conference, he was elected the vice-president of the Church's Judicial Council,

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[48] Southern School News, July 1956; and Anthony Report, "Resistance Groups in Alabama," SRC, Alabama papers, BPLAD.

serving under a Negro who was elected president. Dannelly returned to Montgomery and was immediately pressured into resigning his new church position because he served under a Negro. The Citizens' Council of Montgomery called for Dannelly's resignation as superintendent because he allowed himself to be elected to the church office knowing that he would be a subordinate of the Negro chairman. The Council officials charged that Dannelly committed himself to the cause of integration at the church conference. After a special meeting of the board of education Dannelly was exonerated.[49] Again, however, the Citizens' Council tried to force uniformity of belief, thought, and action on responsible leaders.

The most violent example of the Councils' quest for conformity occurred when Negro singer Nat "King" Cole was attacked by white councilers in April 1956. Asa Carter, the leader of the NACC, had continuously condemned "Rock and Roll" as sensuous Negro music which eroded "the entire moral structure of man, of Christianity, of spirituality in Holy marriage, of all the white man has built through his devotion to God." Several members of

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[49] Southern School News, August 1956.

the NACC including Jesse W. Mabry and Kenneth Adams assaulted the Negro singer on stage during a concert in Birmingham's Municipal Auditorium. Carter called Cole "a vicious agitator for integration" and refused to repudiate the attackers. Meanwhile, the Birmingham News and various civic leaders expressed shock and shame over the attack and commended the police for their prompt action in subduing the offenders. Nevertheless, the Cole attack reflected the extent to which some Council members were determined to enforce segregationist sentiments.[50]

While the Citizens' Councils sought public conformity in maintaining segregation, the rival organizations in Alabama feuded among themselves throughout 1956. One issue that divided the AACC and the NACC was the question of qualifications for membership. Engelhardt's AACC opposed religious bias and prejudice and opened its ranks to Jews and Catholics. He said: "Our rolls are open to white people of all religious beliefs who hold with us that our segregation policies must be maintained

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[50] Birmingham News, 11 April 1956; Southern School News, May 1956; and McMillen, The Citizens' Councils, pp. 54-55.

in the best interests of both races." Asa Carter's NACC, however, barred Jews from membership because they refused "to believe in the divinity of Jesus Christ." Engelhardt insisted that Carter's restrictive membership policy injected an unnecessary issue into the anti-integration struggle. This tended, he believed, to multiply the problems of the movement and weaken its position in the public mind. Walter Givhan warned against the excesses of lugging irrelevant issues into the movement.[51]

Another issue dividing the two leaders was the reaction to the Lucy riots. When the University officials expelled Leonard Wilson, Carter demanded president Carmichael's resignation and attacked the Board of Trustees of the University for surrendering to the courts. He insisted that Dr. Carmichael and Folsom were guilty of "backstage planning for integration." On the other hand, Engelhardt's AACC rushed to the defense of the University officials and condemned Wilson's extremist tactics. Alston Keith of the Selma Citizens' Council charged Wilson's intemperate statements had been regrettable and actually caused more trouble and disorder.

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[51] South 21 (19 March 1956):14.

While Wilson's dedication to the cause of segregation was not questioned, his loud mouth and bitter attacks on Carmichael were deeply resented by most AACC leaders.[52]

Another divisive issue between Carter's faction and the Engelhardt group was a fundamental disagreement over the kind of organization that the Citizens' Council should be and the course of action that it should pursue. The AACC sought the support of responsible white citizens who believed in segregation but who wanted no part of any organization that advocated violence. Engelhardt insisted the AACC favored "the maintenance of segregation by legal and peaceful means." He further supported the financing of extensive court battles, educational programs, and monthly newsletters to enlighten people on the perils of integration. Commanding the support of spiritual, legal, political, and business leaders, the

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[52] Mobile Press, 15 February 1956; Tuscaloosa News, 16 March 1956; and Montgomery Advertiser, 11 March 1956. According to an internal memorandum of the Southern Regional Council written by Paul Anthony, despite the AACC criticisms of his actions, Wilson later officially affiliated his WACC with the Engelhardt faction. Wilson apparently discontinued his loose association with Carter after the Nat Cole incident. Internal Memo, 17 July 1956, SRC, Alabama papers, BPLAD.

AACC acted with "dignity and singleness of purpose" in preserving the Southern segregation tradition.[53]

Carter's North Alabama Citizens' Council, on the other hand, was suspicious of association with political leaders. Wanting to keep the Councils close to the people, Carter had little faith in the compromise and moderate tactics of the AACC leadership. To him, the Citizens' Councils were a peoples' movement directly opposed to the "mongrelization, degradation, atheism, and Communistic forces" at large in modern America. He refused any affiliation with the AACC.[54]

Throughout 1956 the two rival leaders sniped at one another. Engelhardt called Carter a fascist whose violent language and irrational charges endangered the movement. He said: "I haven't got anything to say to 'Ace.' We never can agree on anything. The Citizens' Councils of Alabama has no room for 'Ace' or any of his kind." Carter responded by insisting that Engelhardt and his political friends were bitter because they

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[53]McMillen, The Citizens' Council, pp. 50-53; and Birmingham News, 3 March 1956.

[54]Ibid. Both Council groups in Alabama published newsletters. Carter's The Southerner was not nearly as well edited or as carefully planned as Engelhardt's The Alabamian.

had failed to capture and control the peoples' movement.[55]

Carter's dictatorial manners and extremist statements caused a large segment of his own NACC organization to resign in March 1956. Discontent developed in the two thousand member Eastern Section Citizens' Council in Birmingham. Reasons for the unrest varied, but the dissident leaders including Dr. D. C. Tucker and Ted Hagen apparently opposed Carter's attacks on Dr. O. C. Carmichael and his demand for Folsom's immediate resignation. Tucker opposed Carter's making statements without the authorized support of Council board members. He insisted that Carter could not make policy without approval of the board of directors. Later, more members resigned from the NACC when Carter openly defended the Nat "King" Cole attackers and formed a White People's Defense Fund to pay the legal fees of the six assailants.[56] This dissension within the Council movement ultimately undermined its strength at the high point of its development.

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[55] Montgomery Advertiser, 14 April 1956 and 15 April 1956; and Southern School News, May 1956.

[56] Birmingham News, 15 February 1956, 17 March 1956, 18 April 1956, and 20 April 1956.

While the Council movement grew rapidly in Alabama in response to the Lucy incident, the movement also declined rapidly as well. Reasons for the decline of the Citizens' Councils included the growing use of violence by the NACC, the cooling off of white indignation over integration, and the lack of continued business support for the Councils. By 1957, for example, Carter's NACC took on the image of a Ku Klux Klan type organization. When some of his followers were convicted of an initiation rite castration of an elderly Negro man, the Council movement all over Alabama suffered a tremendous loss of prestige. Also, support for the movement tended to be extremely erratic. White opposition to integration sagged after the Montgomery bus boycott and after NAACP petitions for integration declined. As the traditional racial barriers began to fall, only a few white segregationists remained totally intransigent to at least some token integration of the public schools. Finally, many prestigeous business leaders in Alabama including William Engel of Birmingham, Paul Sieverling of the Committee of One Hundred, and John Ward, executive vice-president of the state Chamber of Commerce, wanted

to maintain a climate of opinion which would attract industry from New England and other sections. These men feared that extremism in race relations leading to a breakdown in law and order as in the Lucy episode might prevent business from relocating in Alabama.[57] Despite the eventual decline of the Councils in later years, their emergence in 1956 served to demonstrate the intensity of white opposition to school integration especially when the threat seemed immediately apparent.

The final aspect of the climax of massive resistance in Alabama during 1956 involved the legal battle to ban the National Association for the Advancement of Colored People. As pointed out earlier, the NAACP had been active in Alabama for many years promoting voter registration, anti-poll tax laws, integrated public facilities, larger appropriations for black schools, and numerous other projects. Since her arrival in Birmingham in 1951 the guiding spirit of the NAACP in the South had been Ruby Hurley, the regional secretary for

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[57] McMillen, The Citizens' Council, pp. 55-56; Gilliam, "The Second Folsom Administration," pp. 388-90; and David M. Chalmers, Hooded Americanism: The First Century of the Ku Klux Klan 1865-1965 (New York: Doubleday and Co., Inc., 1965), pp. 344-49.

seven Southern states. While the NAACP had 250,000 members nationwide, in Alabama there were about 12,500 enrolled. Although the conservative-oriented NAACP did not officially endorse the Montgomery bus boycott, membership in the organization increased rapidly during 1956. When Congressman Charles Diggs delivered a speech in Montgomery praising Negroes' "indestructible spirit and solidarity," membership jumped by about 1,500 within a few weeks. Other branches in Alabama also grew rapidly.[58]

The continued involvement of the NAACP in anti-segregation lawsuits and the growth of the organization caused concern among Alabama politicians. After Louisiana Attorney General Jack P. F. Gremillion won a court injunction prohibiting the NAACP from operating in that state until the organization complied with registration requirements, Alabama Attorney General John Patterson took the offensive by seeking a similar injunction prohibiting the NAACP from conducting business in the state. Patterson leveled three major charges against the NAACP.

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[58]Raines, My Soul Is Rested, p. 134; and Montgomery Advertiser, 15 November 1955 and 4 February 1956.

First, he maintained the organization had organized, supported, and financed the illegal boycott of Montgomery buses in order "to integrate seating arrangements." Second, he claimed the the NAACP had "employed or otherwise hired Autherine Lucy and Polly Myers Hudson to test the segregation policies of the University of Alabama." Third, he asserted that the NAACP was "a foreign corporation, organized in New York State, which had never filed with the Alabama Secretary of State a copy of its articles of incorporation nor designated an authorized agent within the state as required by law."[59]

In his appeal to the court, Patterson stated that the NAACP in Alabama had worked against the best interests of the people of the state. Also, since the NAACP had failed to comply with the registration laws, it would be difficult for anyone injured by the corporation to file suit against its officers. "We can not stand idly by and raise no hand to stay these forces of confusion who are trying to capitalize upon racial factors for private gain or advancement." Circuit Judge Walter B. Jones, an outspoken segregationist and past president

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[59] Birmingham News, 1 June 1956; and Southern School News, July 1956.

of the Alabama Bar Association, issued the temporary restraining order prohibiting NAACP activity in the state. Meanwhile, the NAACP had thirty days to answer the attorney general's petition.[60]

The Board of Directors of the NAACP decided to contest Alabama's legal action. Board Chairman Dr. Channing H. Tobias instructed the organization's attorneys "to take the necessary legal steps to obtain a hearing on the merits of the Alabama injunction . . . with a view to dissolving the court's restraining order." Tobias charged that the state's registration law did not apply to non-profit groups like the NAACP. He said:

> This injunction represents more than a threat to the NAACP. It is an attack upon basic civil liberties. . . . If the NAACP can be banned because it seeks to uphold the federal constitution, so can any other organization or institution.[61]

Meanwhile, in Alabama, Dr. G. A. Rodgers of Anniston, the chairman of the state NAACP, denounced attorney general Patterson for trying to quench the quest for

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[60] Ibid.

[61] Montgomery Advertiser, 2 June 1956; and Birmingham News, 2 June 1956.

full citizenship by nine hundred thousand Alabama Negroes."[62]

NAACP attorneys Arthur Shores and Robert Carter filed motions to dissolve Jones' temporary injunction in late June. They charged that: (1) there was no equity in the bill of complaint, (2) the state already had an adequate remedy at law to correct and punish any established violation, (3) the injunction was improper because the NAACP as a non-profit organization "is not doing business," (4) the injunction violated the NAACP's guaranteed rights under the First and Fourteenth Amendments, and (5) the NAACP had been in Alabama since 1918, and the attorney general of the state at no time suggested or gave notice that the association was acting in violation of Alabama law. In short, Shores and Carter declared Patterson's allegations false, and Judge Jones' order totally inappropriate.[63]

Judge Jones scheduled a hearing on the case in mid-July. Meanwhile, Patterson went back to court to ask Jones to force the NAACP to deliver records and

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[62] Montgomery Advertiser, 12 June 1956.

[63] Birmingham World, 30 June 1956; and Birmingham News, 27 June 1956.

information pertinent to the brief he was preparing for the hearing. Patterson wanted the NAACP charter, membership lists, names of contributors, bank statements, cancelled checks, and all correspondence dealing with the Montgomery bus boycott or the Lucy episode. In spite of the NAACP's charges that Jones' court lacked jurisdiction in the case and that Patterson's requests violated its right of privacy, Jones issued the subpoena. He declared that courts of equity in Alabama had the power to compel the production of original documents for evidential purposes.[64]

The NAACP attorneys refused to give all the information requested. They continued to insist that the state corporation registration law did not apply to non-profit making organizations. Jones condemned the "brazen defiance" of his writ and promptly found the NAACP in contempt of court. He slapped a $10,000 fine on the organization for failing to supply its records and increased the fine to $100,000 if no records were surrendered in five days. In the meantime, the temporary

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[64] Birmingham News, 9 July 1956; and Montgomery Advertiser, 10 July 1956 and 12 July 1956.

injunction remained in effect. Roy Wilkins, the executive director of the NAACP, stated flatly that the membership lists would not be turned over to the state because NAACP members in Selma had already been subjected to personal threats and acts of violence.[65]

When the five days elapsed, NAACP attorneys presented part of the records to Judge Jones and asked him to set aside the $100,000 contempt citation. Jones refused to compromise and the fine remained in effect. Under Alabama law the NAACP had to deliver all papers to the court before a hearing on the merits of the original injunction. In short, the NAACP was barred from further activity in Alabama until the injunction and the fine were lifted.[66]

The NAACP tried twice to appeal Judge Jones' ruling before the Alabama Supreme Court. But, the high court on 13 August claimed that the ten errors of law cited by the NAACP in the Circuit Court's action were

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[65] Montgomery Advertiser, 26 July 1956; and Birmingham News, 26 July 1956.

[66] Montgomery Advertiser, 31 July 1956; Alabama Journal, 1 August 1956; and Southern School News, August 1956.

"insufficient to warrant the issuance of a review order." A second refusal to review was issued in December 1956. Ironically, citing a 1949 case in which Ku Klux Klan records were opened and membership lists revealed to a grand jury in Birmingham, the state Supreme Court ruled that the Circuit Court had authority "to disclose names, addresses, and dues paid by members, officers, agents, and employees" of the NAACP or any other organization. In summary, Judge Jones' ruling was entirely appropriate under Alabama law.[67] Thus, by the end of 1956, the forces of reaction succeeded in immobilizing the NAACP in Alabama.

The climax of massive resistance in Alabama marked the total defeat of even moderate attempts at racial integration in the public schools. The Brown decision was nullified not only by legislative acts, but also by organized white resistance sponsored by the Citizens' Councils and executed by clever politicians like Sam Engelhardt and John Patterson. The University of Alabama was still completely segregated by the end of 1956,

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[67] Birmingham News, 14 August 1956; and Montgomery Advertiser, 21 August 1956, 6 December 1956, and 7 December 1956.

Governor Folsom's moderate forces were defeated at the polls, and blacks lost their most effective legal tool with the banning of the NAACP.

CHAPTER VI

CONCLUSION

The Brown decision came about through an evolution of the legal interpretations of the Fourteenth Amendment, the reversal in the "separate but equal" doctrine, and the determined demands of blacks in the NAACP to gain an equal share in the American system. Public school integration meant nothing short of a social revolution in the South. The desegregation movement, therefore, stimulated legal, economic, and political tactics of evasion which Southern leaders called massive resistance.

The pattern of white reaction in the rest of the South was clearly duplicated in Alabama. Alabama blacks emerging from years of relative docility began to seek larger appropriations for their schools, expanded voting rights, removal of the segregation laws in public facilities, and more equitable social treatment during the early 1950s. However, the white establishment led by guardians of the old order like Sam Engelhardt, Olin Horton, J. Miller Bonner, Walter Givhan and numerous

others favored strict segregation in all aspects of Southern life. Even before the Brown decision was rendered, bills were prepared to close public schools in the event of integration orders, and public opinion clearly remained hostile to integration before 1954.

As in the South at large, popular reaction to the Brown decision was entirely predictable in Alabama. Legislators, civil leaders, church organizations, the Parent Teacher Association, labor unions, and other groups publically denounced the decision. Newspaper reaction varied from loud denunciations of the Supreme Court and calls for disobedience of the laws to moderate acceptance of the inevitable development of human justice. A small group of liberals in Alabama including the Council on Human Relations urged racial cooperation and sought to open lines of communication between the races. But, these liberals in Alabama were just as ineffective as liberals throughout the South. The mood in Alabama leaned toward social conservatism, not racial accommodation.

The pattern of legislative resistance in Alabama was also similar to the developments in other parts of the South. The Alabama legislature beginning with the

first special session in 1955 through the last session in 1956 considered numerous anti-integration measures. Eventually, a pupil placement act and the Freedom of Choice amendments to the state constitution along with some local anti-NAACP acts resulted from these heated reactions to the Brown decree. As in Virginia, a nullification resolution was passed in Alabama, but it was not more effective than "a hound dog baying at the moon," according to Governor Folsom. Alabama voters endorsed the legislative assault on integration by approving the new Freedom of Choice amendment to the state constitution in 1956. Also, the public denounced racial moderation when Governor Folsom failed to win his race for Democratic Committeeman.

The climax of massive resistance in Alabama came with the violent rejection of Autherine Lucy from the University of Alabama. This episode demonstrated the successful use of force in nullifying an integration order. This part of the pattern of Southern resistance that began in Milford, Delaware, would be duplicated in other parts of

the South throughout the struggle for civil rights in the 1960s. The Lucy riots also stimulated the rapid growth of organized white resistance in the Citizens' Councils. Finally, black opposition to the forces of reaction were effectively silenced when Attorney General John Patterson had the NAACP's operations curtailed in the state. In short, by the end of 1956 massive resistance had triumphed in Alabama. The pattern of Alabama reaction to the Brown decision continued after 1956. A second nullification resolution was passed by the legislature in 1957. This time Governor Folsom offered only limited resistance and even signed the measure. Other laws including one to close the schools were passed in the same legislative session. By 1958 racial moderation virtually ended in Alabama. In the gubernatorial elections, which placed George Wallace, James Faulkner, and John Patterson and other minor candidates, against each other, the winning candidate, Patterson, managed to capture the Citizens' Council endorsement and thus subscribed to the most rigid segregationist standards.[1]

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[1]Bartley, Massive Resistance, p. 286; Frady, Wallace, p. 127; and Southern School News, June 1958.

Massive resistance had three major effects on Alabama politics and school policy. First, it heightened the politics of race in the state. As indicated by the Citizens' Councils' use of questionnaires, a candidate's qualifications for public office began with his position on the maintenance of segregated public schools. Second, the resistance effort attempted to stabilize the Southern tradition of segregation in the face of inevitable changes ordered by the Supreme Court. But, this was only a temporary expedient because even though Lucy was turned away in 1956, Governor George Wallace had to bow to the forces of change in 1963. Thirdly, the politics of massive resistance pulled the political spectrum so far to the right in Alabama that constructive moderates such as the advocates of a bi-racial commission in 1956 were silenced almost completely. In failing to meet the challenge of change in race relations after the Brown decision, Alabama merely joined the conservative reaction that swept over the South. Desegregation in public education came about only after a long legal struggle lasting a full decade after the 1954 decision.

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