

Fired! (sort of)

I was disappointed to leave Greenville so close to Thanksgiving. I figured local families would invite each of us to share dinner someplace and I was looking forward to a big Thanksgiving meal at a table full of people. As a child, my mother and I shared Thanksgiving dinner with Aunt Jack and cousin Linda. My mother usually cooked the turkey. Sometimes she invited other people, usually teachers from her school, to fill out the table, which seated eight with an extension. Sometimes it was just the four of us, but the meal was always complete. I didn't go back to Northridge for Thanksgiving during my four years at Berkeley. The bus trip was eight hours each way and not cheap. Christmas break began only three weeks after Thanksgiving break ended; it didn't make sense to make that trip twice in one month. This would be my first Thanksgiving away from California and my first chance to experience a big, family dinner. Unless I could find out why Andy Young had ordered me back to Atlanta and get back to Greenville quickly, it looked like I would spend Thanksgiving hanging out at the Freedom House.

After I woke up on Wednesday I phoned the main SCLC office; Andy's secretary said he wasn't in and wouldn't be in before Monday. I was not happy to hear that I would have to wait a long weekend before finding out why I was recalled, but there was nothing I could do about it. However, Thursday morning I learned that the Executive staff had invited all of us staying at the Freedom House to come to one of their homes for dinner. By a stroke of fate, I drew Andy Young.

Andy lived with his wife and three daughters in a spacious home in a black suburb of Atlanta, more like the houses I had known in the Valley than those in the older neighborhoods of Atlanta. The house was full of people. I think there were about twenty of us, enough to require two tables. Jean had cooked a scrumptious meal which I ate until my gut groaned. After resting, I ate some more. Afterward we lounged about and listened to the others talk. I wanted to ask Andy why he had called me back to Atlanta, but was a little afraid to disturb the pleasant atmosphere with mundane business. When I finally did screw up my courage to ask he wouldn't tell me. He just said to come see him in his office on Monday.

I was nervous for the next three days. Why wouldn't he tell me anything, even briefly, at his home? Was he taking me off of staff? I hadn't received a stipend since the first week in November but Rev. Wells had said that it was just the usual administrative foul-up. What if it wasn't?

Monday morning I was at the SCLC office when it opened. Andy had not come in yet, but his secretary invited me to wait. I waited, and waited, and waited, and waited some more. Every time I asked the secretary when he would be in she said she didn't know; he hadn't phoned. I waited all day. When the SCLC office closed, I walked back to the Freedom House still wondering what was going on.

I went back again on Tuesday and again on Wednesday. Instead of hanging around

Andy's office I volunteered to do whatever needed to be done. Someone told me to clean out the storage room, so that is what I did. It was dirty, boring work to go through boxes and boxes of stuff and figure out if it should be tossed or not. But I persevered.

Buried in those boxes I unearthed a few treasures – about 300 political buttons. I found 20 buttons made for the 1963 March on Washington, a few small bags of “I believe in Human Dignity” which I was told were leftovers from the Albany campaign, and various SCLC and SCOPE buttons. When I asked around if anyone wanted them, or knew what they were being saved for, the response was a lethargic no. No one seemed to care what happened to the stuff in the closet; only that there be less of it. I knew just what to do with those buttons. I mailed some of them to Jerry Fishkin in the Bay Area, with whom I had entrusted my button collection when I left Berkeley. I kept the rest in order to do a little long distance trading with my friends, or maybe use as Christmas presents.

Jerry had encouraged me to collect political pins early in 1964. When I visited New York City after going to the MFDP vigil at the 1964 Democratic Convention in August, I sought out the offices of several groups whose causes I supported. They bought buttons in the thousands to sell to raise money. I bought them from these groups at \$10 per hundred (2-3 times their bulk cost) and sold them in Berkeley, usually at 25 cents each (sometimes more). The money from selling buttons covered most of my personal expenses during my senior year and created the nest egg for my summer expenses working for SCOPE. Between trading and scavenging during an election year, I also got a good start on a button collection. Jerry was storing my buttons with the understanding that if I were killed before I reclaimed them, he could add mine to his personal collection. He was also going to trade from my surplus for both of us.

While waiting for Andy in the SCLC office I also did general office work, typed letters and answered the phone. By working for the secretaries, I scavenged an unused manual typewriter and some office supplies to take back to Greenville. But I didn't pick up any gossip. No one knew what I was doing in Atlanta or when I could go back. I was getting a little desperate. Not only was I bored stiff from the tedium and anxious from the uncertainty, but I didn't have any clean clothes. After cleaning out that storage closet mine were dirty. I hadn't brought extras with me because I thought I'd only be in Atlanta for a day or so. I was also running out of necessities, and had very little money left since my subsistence checks had stopped.

One evening at the Freedom House I got into a conversation with Stoney Cooks about the suspended status I was in. Joining the staff after the Selma march, he had been a student at Anderson College in Indiana only the year before. Everyone thought of Stoney as Andy's protégé, even though he worked in Hosea's projects. Stoney wore a suit and tie like Andy did whereas the other guys were more likely to wear overalls. I liked Stoney. He was smart and articulate and didn't treat me like “just a secretary.” I told him that I was tired of waiting for Andy, who might keep me in suspense forever. If I couldn't find out within a day or two what was going on, I was going back to Greenville. And, since I had very little money, I would hitchhike. That got his attention; girls hitching in the South were rare to nonexistent and likely to invite a very unfavorable response. Stoney said he would talk to Andy, and if he wasn't satisfied, he'd give me bus fare to return to Greenville.

Stoney phoned Andy in my presence and was told that Andy would call him back. He did, a couple hours later. While we were waiting, our conversation wandered to personal background and I told him that I had been in the Berkeley Free Speech Movement the year before. I had been part of those protests from the very beginning to the very end, but in an uncomfortable role. Officially I represented the University Young Democrats on the FSM Executive Committee, which in fact was more of a general assembly. (The actual governing body was called the Steering Committee). Unofficially, I was the chief organizer of the moderate faction. We thought that the militants, who largely controlled the decisions, were deliberately trying to provoke a confrontation rather than negotiating in good faith. In addition to arguing our point within the FSM we had two off-the-record, private discussions with Clark Kerr, the President of the entire University system. They led to nothing, and most of us, myself included, were among the 773 arrested in December for occupying the administration building. Despite this, we were publicly excoriated by the radicals as sell-out/ratfink/traitors. I was personally singled out for censure.

Although I knew that SCLC was not as radical as SNCC, I had been quiet about my role in the FSM to avoid more of those nasty labels. However, Stoney made me feel comfortable, so I told him more than I had ever told anyone else in the civil rights movement about my “moderate” political past. I only heard Stoney’s side of the conversation when Andy returned his call, but he told Andy what I had said about my role in the FSM. When he hung up, he told me how that topic had come up. It seems the FBI had visited Andy a couple weeks before and told him that there were three SCLC staffers who were Communists or close to the Communist Party. I was one of the three named. Andy wanted me to leave the staff in order that my political associations, past or present, not become an issue.¹ Stoney told me that when Andy heard that I had represented the Young Democrats in the FSM and been the organizer of the moderate faction, he had backed down. If Hosea wanted me, I could stay.

I was thoroughly surprised. Me, a Communist? Nothing could be further from the truth. I was a lefty-liberal Democrat. To me and to the people I knew in California, if not the white folk of the South, that was a long ways from being a Communist. While many of the young white kids who went South were the children of left-wing political activists, including some Communists, my mother was not even a left-wing sympathizer. She *was* a political activist while I was growing up in the 1950s, but only as a liberal Democrat. During the 1930s, when the parents of some of my generation of activists were cutting their teeth organizing labor unions and

¹ Something similar happened in other organizations. When Debbie Amis Bell joined SNCC in March of 1963 she was a member of the Communist Party, but kept quiet about it. She had followed her father into the Party while a teenager. A year later she was asked to leave without reason. She later wrote that “I felt certain it was because the organization learned of my affiliation with the Communist Party....” (Holsaert, et. al. 2010, 60) Most likely, the FBI paid SNCC a visit as it did Andy Young. Dottie Zellner was let go from her job at the SRC after a visit from the FBI. She was not a Communist but had grown up in a progressive Jewish family in New York and endorsed a variety of progressive causes. Her parents supported her participation in the movement. She didn’t know exactly what the FBI told the SRC. *Ibid*, 317.

protesting against US involvement in the European conflict, my mother taught home economics in two rural high schools in northwest Alabama. When the schools closed in 1936 for lack of funds (due to the Depression) she worked as a home demonstration agent for the Alabama Power Company, showing rural housewives how to use the new electrical appliances. She joined the WACs in 1942. These were not places in which to become a radical. I had met plenty of left-wing students at Berkeley, including a couple rumored to be Communists (they were, but not publicly when I was there). None of them had gone South. I'd been a member of a student organization that was occasionally accused of being a transmission belt to Communism, but that was as close as I'd come.

At that point in my life, I had never read an FBI file and had no idea how much junk they contained. Having read hundreds of them since then, I now know that the FBI is a vacuum cleaner; it sucks up anything around without concern for quality or accuracy. Nor did I know about the FBI's counter-intelligence operations. Most of what I knew about the FBI came from the positive public image J. Edgar Hoover had fashioned through TV and movies. While my view would change drastically in the next year, in November of 1965 the thought that a respected federal agency could tell such a lie, or would want to, was shocking. Not until years later, when information became public on Hoover's hounding of Dr. King, and the Kennedy administration's role in telling him that some of his advisors were Communists, did I realize my small place in the larger scheme of things. Only after reading David Garrow's 1981 book on *The FBI and Martin Luther King, Jr.* did I understand why Andy Young would see someone merely accused of having Communist associations, even among the foot soldiers, as a potential source of trouble for the movement. (see also Young, 1996, 264-69, 314-32; Kotz, 2005, 70-75, 127-30, 180, 196, 236-7)

Learning that the FBI had talked to Andy about me led me to believe that the FBI must be behind the one page document Michael Bibler had given me at one of the Alabama staff meetings that fall. He said that someone had mailed it to him from Dothan. It contained cut and pasted excerpts from the *Thirteenth Report of the Senate Factfinding Subcommittee on Un-American Activities* published by the California legislature, mostly about the Berkeley Free Speech Movement. The flyer had three paragraphs under the heading "Communists in the Rebellion" followed by three paragraphs or lists in which my name appeared. One said I was a signatory of the Pact of October 2 between the student demonstrators and University President Clark Kerr. Another listed me among the "almost eight hundred limp and uncooperative people" arrested two months later. The third said I was on the editorial board of two student publications – one of which was wrong. These were all fairly innocuous listings, but the all-caps commentary on the side of the flyer labeled me as "MISS JO FREEMAN, WHITE FEMALE PROFESSIONAL COMMUNIST AGITATOR." This was followed by my mother's Northridge address, my last Berkeley address, and the SCOPE/SCLC addresses in Abbeville and Selma. Someone was keeping track of me. Who better equipped to do this than the FBI?

I did what Andy said to do and asked Hosea if he wanted me to stay. Hosea was angry that Andy had removed me from *his* staff without even talking to him. Yes, he wanted me to stay. What's more, he raised my stipend from \$15 a week to \$25 a week – the top tier for subsistence staff workers. He said that there was going to be a major voter registration project in Birmingham over the Christmas school break. SCOPE vets from the previous summer were

being asked to return to the South and to bring their friends. He was sending staff to Birmingham to set up and run the project. He told me to go back to Greenville but to be prepared to report to Birmingham on a moment's notice. Someone – I don't remember who – gave me bus fare and I was on my way. Andy may have fired me, sort of, but Hosea had promoted me.

Protesting the War in Viet Nam

When the Spring 1965 semester began at Berkeley, civil rights was still the priority issue among the politically inclined students. By the time I graduated in June it had been eclipsed by the expanding war in Viet Nam. Rallies in March to support the protests at Selma were followed by a 33-hour teach-in on Viet Nam in May – one of several on campuses around the country. FSMer Steve Weissman left to travel around the South, organizing students to participate in an SDS (Students for a Democratic Society) anti-war march on Washington on April 17. This was the first of many marches on Washington against the War in Viet Nam. (Freeman, 2004, 257, 278; *SP* '65,)

For the next few months the civil rights movement debated whether to take a stand on the war, internally and in its publications. No one in the Movement supported US military involvement in Southeast Asia; the only question was whether movement organizations should oppose it publicly. The NAACP and the Urban League chose to say no. CORE was ambivalent, as was SCLC, at least initially. (*NYT* 8-29-65, E4) SNCC was not. In the SNCC newsletter, *The Student Voice*, Professor Howard Zinn asked “Should Civil Rights Workers Take a Stand on Vietnam?” (6:5 *The Student Voice*, 8-30-65, 3 at <http://www.crmvet.org/docs/sv/sv650830.pdf>) He answered his own question with “of course.” Dr. King made his first public speech against the war at an SCLC affiliates conference at Virginia State College on July 2, 1965. He said that “The war in Vietnam must be stopped. There must be a negotiated settlement even with the Viet Cong. The long night of war must be stopped.” The next Sunday, Roy Wilkins, Executive Director of the NAACP, told a TV interviewer on *Face the Nation* that mixing Vietnam with voter registration in Mississippi and Alabama just confused the issue. “We have enough Vietnams in Alabama.” (quotes in *NYT* 7-5-65, 4, 14; see also *NYT* 7-3-65, 6; *Sun* 7-5-65, 14)

After the fall semester began, students at universities all over the country organized anti-war protests, on campus and off. The movement quickly spread beyond those still in school to those who were out. Anti-war protestors were largely young; the men among them who were not students were subject to the draft. In mid-October protests were held in more than 70 cities in 28 states. In New York City, the protest capital of the country, ten thousand people marched down Fifth Avenue. Five thousand marched in Oakland, California. Elsewhere the marchers numbered from a few dozen to a few hundred – often heckled by war supporters and always outnumbered by police. The FBI arrested the first person to be charged under a new law making it a crime to “knowingly destroy” or “knowingly mutilate” a draft card. (50 U.S.C. § 462(b)(3)) The DoJ and the Senate Internal Security Subcommittee started investigations into the new anti-war organizations looking for “Communist control.” Their interest was aroused by the presence of Viet Cong flags at anti-war marches and rallies. (*WP* 10-15-65, A17; 10-16-65, A1; 10-17-65, A1; 10-18-65, A1; 10-19-65, A1)

In October, several prominent individuals called for a march on Washington on Saturday, November 27. They included civil rights leaders Jim Farmer of CORE, John Lewis of SNCC and Bayard Rustin, who often advised Dr. King. If I hadn't been hanging out in the Freedom House over the long Thanksgiving weekend, I probably wouldn't have given a thought to going to Washington to participate in this action. When word went around that cars were going to DC to picket the White House I was glad to go along. It was a fourteen hour drive from Atlanta. We went up on Friday and spent the night at the home of Walter E. Fauntroy, DC director for SCLC

and Pastor of New Bethel Baptist Church. He had a large house at 4105 17th St. high in the Northwest section of Washington. We slept on the well-padded, plush, burgundy rug that covered his living room floor.

Behind the official sounding “March on Washington for Peace in Vietnam” was The National Committee for a SANE Nuclear Policy (aka SANE). Formed in 1957 to advocate for nuclear disarmament, it had been instrumental in achieving the 1963 treaty which halted atmospheric testing of nuclear weapons. Many of the better-known speakers at the November 27 rally were active in SANE. Mrs. King had worked closely with SANE since 1958. She was one of the speakers.

We arrived early, only to find that many had come even earlier. Long before the scheduled 11:00 a.m. start thousands were picketing the White House with signs saying “stop the bombing” and “war erodes the Great Society.” Most demonstrators reflected their SANE origins, being older, quieter and better dressed than the young people brought to DC by SDS the preceding April. As our numbers grew our picket lines spread from Pennsylvania Avenue down 15th and 17th Streets and around the Ellipse. When Viet Cong flags were hoisted by radicals, they were surrounded by marchers carrying American flags. While we were marching, eight of the more prominent sponsors met with an aide to McGeorge Bundy, Johnson’s national security advisor, for about 90 minutes. President Johnson was in Texas. At 1:00 p.m. we crossed Constitution Ave. and walked to the Sylvan Theater on the Monument grounds, where we heard the speakers and entertainment. Police estimated the total marchers at twenty to twenty-five thousand; march organizers claimed twice that number. (*NYT* 11-28-65, 1; *WP* 11-28-65, A1)

Many Americans thought it was unpatriotic to oppose a war, even one that had not been declared. Union bus drivers in the New York City - New Jersey area refused to drive protestors to DC, probably reducing our numbers by a couple thousand. A few hundred counter-demonstrators gathered in Lafayette Park, across from the White House. Among them were the American Nazi Party, the Ku Klux Klan and the Hell’s Angels, easily identifiable from their dress. Several hundred police kept the peace. A majority of the nine people arrested were pro-war protestors who couldn’t curb their impulse to attack the peace marchers. (*NYT* 11-28-65, 1; *WP* 11-28-65, A1, A6)

The move to war, even an undeclared war, had an impact on the civil rights movement because so many full time civil rights workers were young men. At that time, all young men had to register for the military draft. As more and more US troops were sent to Viet Nam local draft boards often changed the selective service classification of known civil rights workers to 1-A – ready to be drafted. The fact that selective service boards were local, and in the South, all white, often meant that they knew who the “troublemakers” were. David Dukes was going to school in Miami, which should have given him a 2-S (student) deferment. He didn’t even know he was 1-A until called for induction. Once he understood it, he applied to be a conscientious objector. His local board in Madison, FL knew him from his leadership of the movement there, and refused any but a 1-A classification. It took three years and a lawsuit to be classified as a CO. (Dukes, 1978, 110-128) Bruce Hartford was classified by his Los Angeles draft board as 1-Y – mentally, morally, or physically unfit for combat except in cases of extreme national emergency – probably because of his arrest record. On July 8, 1966 two FBI agents came to see him where he was working in Grenada, MS. He thought it was about a recent shooting, but most of their questions concerned his draft status. Ten days later his L.A. draft board reclassified him as 1-A.

(Hartford, 2019, 287-8) It became a running joke, albeit not a funny one, that with all the young male civil rights workers being reclassified or drafted, the movement would soon be one of girls and old men.

The “Selma” That Wasn’t

For six weeks SCLC tried to drum up another major confrontation in Alabama.

On November 10, the day before our first march in Greenville, Dr. King gave a major speech before the white Atlanta Press Club. There he called for new laws to ban discriminatory hiring practices in the courts and the exclusion of Negroes in jury selection. He also said it should be a federal crime to kill a civil rights worker. He told the assembled press that there would be a series of county marches, culminating later in the year with a massive march similar to the one from Selma to Montgomery the preceding Spring. Although his speech received a standing ovation from the mostly white audience, few stories made the papers. (*NYT* 11-11-65, 30)

Andy Young also spoke to the press in Atlanta about the marches. He said they would begin in Greene County but spread to other counties later. The issue was “the lack of employment of Negro policemen and state troopers, the absence of the Negro in the sheriff’s department and the absence of the Negro in the whole judiciary system from county to federal court.” (quote in *BN* 11-10-65, 67)

That same day Hosea led about a hundred local Negroes on a march from the First Baptist Church to the courthouse in Eutaw, county seat of Greene County. Despite the lack of a permit, nothing happened. He led another march the next day, with about seventy high school students. The march was uneventful, but when they returned to Carver high school the principal refused to let the students back inside, unless their parents came and made a personal request. When the kids ignored him, the principal called Sheriff William E. Lee, who told the students to leave. After Hosea was called in, he told the sheriff that the students could either return to their classes or sit-in and go to jail. He told the principal that the parents would come visit him after they got their children out of jail. This persuaded the principal to let the students return to class. That’s why Hosea couldn’t make it to Greenville to lead our march at 3:30 that afternoon. (*CT*: 11-11-65, C1; *NYT* 11-12-65, 32; 11-12-65, A2; *WP* 11-12-65, A4; *SC* 11-13/14-65, 1; *BN* 11-10-65, 67; *FBI-LBJ* 11-12-65, 1-2)

On the fourth day of marching, Mayor William Tuck of Eutaw had had enough and tried to stop the marchers. Although it was raining, the marchers refused to disperse when Sheriff Lee told them to. Instead they moved into the middle of the highway to block traffic. While they stomped and sang in the rain, the city council held a quick meeting and decided to let the march proceed. Hosea led them to the courthouse, where they held a short rally and left. After that, they marched unimpeded whenever they wanted to. Apparently the local authorities had learned something from the Selma marches. Sheriff Lee told the press that “they can march all they want.” Indeed the marchers suffered more from onlookers than from the cops. When they prayed on the courthouse lawn, passing cars honked their horns to drown out their words. The authorities still wouldn’t let them march into the school yard. When they tried, six SCLC staff members and one high school student were arrested for trespassing on school grounds. (*CT* 11-13-65, 9; *SC* 11-20/21-65, 1; *BN* 11-13-65, 2; *FBI-LBJ* 11-19-65, 2)

Although demonstrations in Dallas County were not part of the plan Hosea had described to us, on November 15 Negroes in Selma began to march. Led by Andy Young and F. D. Reese,

about 50 local Negroes and three whites marched to the courthouse where they tried to deliver a list of 13 demands to Probate Judge Bernard A. Reynolds. When told to make an appointment, they settled for listening to Andy denounce “segregated justice” from the courthouse steps. Marie Foster of the Dallas County Voters League read a long “declaration of grievances.” It took four days of marching before the Selma protestors were finally able to give their list of demands to the Probate Judge and to Mayor Joe Smitherman. (*NYT*: 11-16-65, 11-19-65, 28; *SC* 11-20/21-65, 1; *BN* 11-16-65, 2; 11-17-65, 60; 11-18-65, 40; *FBI-LBJ* 11-19-65, 2) After finally delivering their demands, the Selma movement shifted to picketing local stores for their discriminatory hiring practices and the local newspaper for its “segregated news.” (*BN* 11-21-65, B2)

Things heated up after the Thanksgiving break. On December 1, about 120 Negroes in Eutaw, mostly high school students, marched from the First Baptist Church to the all-white Greene County High School, demanding integration. Led by Hosea and local leader Rev. William M. Branch, the marchers were stopped by Sheriff Lee and Chief of Police W.D. Davis two blocks from the school. There were more spectators than marchers, and most of the those were Klansmen. Some held baseball bats. Marchers stood around for an hour before leaving. The next morning they tried again. Hosea had left town, so this march of about 85 students was led by Gilmore and Jerry Love of SCLC. Again they were stopped. That afternoon they made another attempt and were stopped even sooner. The following day a state court judge issued an injunction forbidding any more marches near the school grounds during school hours, so they shifted routes. For the next few days there were regular marches from the First Baptist Church to the Courthouse. On December 4, shots were heard as the marchers reached the courthouse. One woman was hit in her leg. (Belknap, 1991, 10:481-2; *CT* 12-6-65, 6; *SC* 12-11/12-65, 1)

Dr. King finally made his long-awaited mini-tour through Alabama. On Monday, December 6, he spoke in Greenville before going to Clarke and Sumter Counties. On Tuesday he spoke in Eutaw and Selma. Several hundred local Negroes turned out to hear him every place he spoke. (*NYT*: 12-7-65, 33; 12-8-65, 33; *LAT* 12-7-65, 10; *SC* 12-11/12-65, 1)

We went all out to let everyone in Butler County know that Dr. King would be speaking at the Harrison St. Baptist Church at 1:00 p.m. We expected an overflow crowd and weren't disappointed. An estimated 550 people came, some of whom had to stand outside the church and listen to his voice over loud speakers. I had only heard Dr. King speak in person once before, at the SCLC convention, and that was from the back of the auditorium. As one of a handful of staff in Butler County, I hoped I could get up front so I could take a photo with my Brownie Bulls-eye camera. No such luck. Word reached me that the FBI agent that was trailing King's three car caravan wanted to talk to me about the complaint we had sent from Abbeville the previous August. The only time he was free from other duties was when Dr. King was speaking. I was really unhappy to miss the speech, but duty called. While hundreds of people were inside the church cheering Dr. King, I was holed up in a car down the road describing civil rights violations in Henry County to a very bored FBI agent. (Wells rept. 12-15-65, SCLC IV, 165:12)

Afterwards, 350 of us marched down South Park where we were met by a large contingent of Greenville police at the place where we were usually stopped. Andy Young led the march. We only stayed long enough to listen to Andy and a few others speak before returning to the church. (Wells rept. 12-15-65, SCLC IV, 165:12) [Bob Fitch photo]

We marched again on Tuesday, while Dr. King was in Dallas and Greene counties. The press was absent, and so were most of our marchers; there were only 50 of us. As soon as we got to the barricade the cops began beating people with their billy clubs. I was far enough back to be out of reach but close enough to see the glow on Stucky's face as he jabbed and swung at everyone within his range. He particularly went after Rev. Wells. When a blow to the Rev's head sent him to the ground some of the demonstrators lifted him back up on his feet instead of throwing their bodies over him to protect him as we had been trained to do. Stucky kicked him again, this time in his kidney from behind. (Wells rept. 12-15-65, SCLC IV, 165:12)

Some people ran back up the street; some just walked. We all regrouped at the church. Later that evening 35 of us marched again, and again we were attacked by the cops. We had celebrated a symbolic victory the day before when Dr. King spoke in Greenville. Now the cops wanted to show us who was really in charge. They had restrained themselves on Monday when we marched within view of the TV cameras and FBI agents. Now that outsiders weren't watching they gave full vent to their fury. Stucky did to Rev. Wells what he probably wanted to do to Dr. King – hit him again and again and again. He struck him in the side of the head and kicked him in the kidneys. Rev. Wells, his face swollen and both eyes blackened, was later taken to a hospital in Montgomery along with four others. After being examined by the white doctors, they were told to take aspirin for their pain and sent home. (Wells rept. 12-15-65, SCLC IV, 165:12)

The following night we marched again. As we left the church yard, the cops grabbed Gibson and beat him on the way to jail. He was charged with vagrancy. It was a couple days before we raised bail to get him out; he looked so bad that we immediately sent him to Montgomery for medical attention. That night cops hit a few people, but nothing like the night before. I was hit a couple times but nothing that required medical attention. We continued to march the rest of the week and to hold nightly mass meetings, not only in Greenville but in other towns such as Georgiana where we had canvassed extensively. Once the cops used teargas on us to break up our pitifully small march. I had never tasted teargas before and didn't like it. After we had dispersed and things had calmed down I went back toward the barricades and picked up two teargas canisters as souvenirs. (Wells rept. 12-15-65, SCLC IV, 165:12)

Rev. Wells drove back to Albany on Thursday to see his personal physician. He returned on Monday, December 13, the day Leon Hall was tried on his assault charge. Leon was convicted of course and an appeal bond filed. When we marched that afternoon, there were only 20 of us, but more came to the mass meeting that evening. Afterwards we held a staff meeting where people basically blew off steam. Our efforts to turn Greenville into another Selma were going nowhere, and we didn't know what to do. Hosea had thought that George Wallace would do or say something sufficiently bad to provoke a national outcry, but he didn't. The movement really needed a bad guy like Dallas County Sheriff Jim Clark or Birmingham Commissioner Bull Connor. Unfortunately there was no equivalent to these miscreants in Greene or Butler Counties; even in Dallas County, Jim Clark had been defanged. (Wells rept. 12-15-65, SCLC IV, 165:12)

We were out of everything – money, office supplies, energy – everything. SCLC had given us barely \$200 for this project and it was gone. Staff, especially Rev. Wells, were paying movement expenses out of their personal funds. Rev. Wells decided to go to Atlanta to plead for more money. We heard that SCLC had decided to postpone the big march until after the first of the year, when Congress would be in session. I was told to report to Birmingham for the

Christmas project Hosea had told me about. I had a debate with myself over whether to take my mimeograph with me, since it was the only means the Greenville movement had of making leaflets. I decided to take it not because I thought it would be useful in Birmingham but because I didn't know what small county I might be assigned to later on. Mimeographs, typewriters and cars were crucial to a project. I had one of them and I didn't want to give it up.

I couldn't find a ride so I took the bus to Montgomery to catch another bus to Birmingham. At the Greenville diner where the bus stopped the owner refused to sell me a ticket because I entered his little establishment with an integrated group. It was just a gesture, because he knew I could buy my ticket from the driver when I boarded. He still wouldn't serve Negroes in his little eatery though most every other bus-stop diner had capitulated to federal pressure. Since he could lose his bus franchise if he was blatant about it, he put a large red, black and white sign over the food counter which said "All money spent in this restaurant BY NEGROES will be donated to the KKK."

The Jury Bill

SCLC did not succeed in generating a massive march around the issue of the double standard of justice in 1965, or anytime thereafter. It wasn't necessary, because the President and the Justice Department were already working on it. The day after the Coleman acquittal the DoJ said it was "giving considerable attention" to the exclusion of Negroes from Southern juries. (*LAT* 10-1-65, 1) It later intervened in several of the jury suits filed by Charles Morgan for the ACLU, writing briefs in support of the plaintiffs.

On Nov. 16, as though in response to Dr. King's Nov. 10 address, President Johnson told about 250 people at a White House reception that he would ask for new civil rights legislation in 1966 "to prevent injustice to Negroes at the hands of all-white juries." The assembled guests were scholars and experts in the field of civil rights who had been invited to plan a White House Conference on Civil Rights to be held in 1966. (*WP* 11-17-65, A1; *NYT* 11-17-65, 1; *BN* 11-18-65, 58)

LBJ had recently received a report prepared by the US Commission on Civil Rights on law enforcement in the South. After extensive investigations in 1964 and a public hearing in Jackson, Mississippi in February of 1965, it had concluded that "[t]hose responsible for local law enforcement have failed to provide equal protection of the laws to persons attempting to exercise rights guaranteed to them by the Constitution and the laws of the United States." The Commission said law enforcement looked the other way when private parties used violence against those seeking to exercise their civil rights, instead "creat[ing] a climate of fear and intimidation which would deter Negroes generally from exercising their rights." (USCCR, 1965, 141) Its main recommendation was a federal law to protect persons exercising these rights. At White House request, the USCCR made further recommendations on December 8. Some of the Commission's ideas made it into the Administration's proposals. (Belknap, 1991, 10:474-79)

In his 1966 state of the union address on January 12, President Johnson called for [<http://www.infoplease.com/t/hist/state-of-the-union/179.html>]

....additional steps to insure equal justice to all of our people by effectively enforcing nondiscrimination in Federal and State jury selection, by making it a serious Federal crime to obstruct public and private efforts to secure civil rights, and by outlawing discrimination in the sale and rental of housing.

The first two were expected; the last was a surprise and not entirely a welcome one. The Leadership Conference on Civil Rights completed its own draft bill in February and housing was not in it. When the Administration bill was introduced into Congress on April 28, Titles I and II prohibited discrimination on the basis of "race, color, religion, sex,¹ national origin, or economic status" in the selection of federal and state juries, respectively. The bill also provided uniform procedures for the selection of federal jurors and a means for the federal courts to step in if there appeared to be a problem with state juries. Title V made it unlawful to injure or intimidate any

¹ "Sex" was put into the Administration bill at the request of the women Members of Congress. Their letters to the President, sent after his 1966 State of the Union address, were reprinted in House, *Hearings*, 1966, pp. 1689-90.

person from participating in specified protected activities or urging others to participate. (LCCR draft in *BAA* 2-12-66, 20; S. 3296 and H.R. 14765; *NYT* 4-29-66, 1; *SC* 5-7/8-66, 2; President's message to Congress at *NYT* 4-29-66, 22)

The call for open housing embodied in Title IV would turn out to be the biggest obstacle to getting a bill out of Congress. At that time it took a coalition of Northern Democrats and Republicans to pass a civil rights act.² The Republicans wouldn't support legislation prohibiting discrimination in the sale or rental of housing. Even Democrats in safe districts were getting pushback from real estate boards and homeowners' associations. (*WP* 6-12-66, A6) The House had enough Democratic votes to pass the bill on August 9, but without Republican support in the Senate, civil rights supporters did not have the two-thirds necessary to end a filibuster in September. After a month of open housing marches in Chicago, which made headlines because they were greeted with the kind of white violence and hostility common to the South, Senate Minority Leader Everett Dirksen of Illinois was leading the opposition. Without Republican support for the bill, a cloture vote failed on September 19. There would be no civil rights act in 1966. (*WP* 9-20-66, 1; 9-25-6 E3; North, 1993, 193-4, 306n56, 307n61)

In the June hearings of the Senate Subcommittee on Constitutional Rights, A.G. Katzenbach introduced into the record the results of a survey done by US Attorneys in the 17 federal District Courts in the South. It showed that throughout the South, the percent of Negroes on the panels from which federal jurors were selected was significantly lower than their proportion of the 1960 population over 21 for those districts. Even Judge Johnson's Middle District of Alabama was no better than the rest. The US Attorneys estimated that in 1966 Negroes were five to ten percent of the people in federal jury panels in Alabama, compared to about a third of the population. The best showing was in the Southern District of Georgia, where Negroes were about twenty percent of those on the jury panels compared to about forty percent of the population. The worst showing was in the Southern District of Mississippi, where Negroes were about 12 percent of the jury panel compared to 44 percent of the population. (*Civil Rights Hearings*, 1966, 238)

The next month, on July 20, 1966, the Fifth Circuit, meeting *en banc*, reversed the convictions of six civil rights workers by a federal jury in the Middle District of Georgia because Negroes had been under represented on the jury list. At that time only 5.9 percent of the people on the jury list were Negroes. The 1960 Census had found that Negroes were 34.5 percent of the adult population in that District. The Jury Commissioner used a "key man" system to come up with a list of potential "jurors of integrity and good character and intelligence." These were sent a questionnaire "which called for information as to race as well as age, sex, occupation, citizenship, health and literacy." From these questionnaires the final jury pool was selected. The Jury Commissioners testified that "We wanted an outstanding blue ribbon jury list of people who we thought would perform very good service." The court ruled that this was contrary to federal law, which required instead that the jury pool consist of "persons broadly representative of the community." (*Rabinowitz*, 1966) The bill that Congress did not pass would have instituted that standard in every federal court and state courts as well.

^{2 2} Polls showed that "a majority of white Americans by 52-48 percent opposed such legislation. This directly parallels the feelings of white Americans about having a Negro as a next door neighbor – most would not like it." (Brink and Harris, 1967, 132)

In 1967 Congress failed to pass any major civil rights proposals, whether as one omnibus bill or as separate ones. Over a dozen race riots in northern cities that summer diverted attention from injustices done to Negroes in the South. Executive Order 11365 created the Kerner Commission to investigate their causes. Its 426 page report on *Civil Disorders* was released on February 29, 1968. Needless to say, jury composition was not on its list of recommendations, though housing was. However, some progress was made on federal jury selection and protection of persons attempting to practice or urge others to practice certain federally protected rights. By the end of 1967, the Senate had passed the former bill and the House had passed the latter. Legislation to prohibit discrimination in the selection of state juries (Title II of the 1966 bill) never got out of committee.

All of these bills came before Congress in 1968. On March 27, President Johnson signed into law PL 90-274, which prohibited exclusion from a federal jury “on account of race, color, religion, sex, national origin, or economic status.” It also required each district court to have a written plan for jury selection which drew upon “a fair cross section of the community in the district.” This law took ten pages to tell the district courts how to do it. While the bill was prompted by the evident biases of all-white juries in the South, it was part of a larger movement away from “blue ribbon juries” of people known for their good character toward juries that were representative of the entire community.

The Civil Rights Act of 1968 finally became law on April 11, 1968 as PL 90-284. Known as the “Fair Housing Act,” Title I made it a federal crime to use force or intimidation to prevent someone from participating in a long list of protected activities, including voting, using public accommodations on terms of equality, and attending a public school or college. It also made it a crime to go after those who encouraged others to exercise these rights. President Johnson had used Dr. King’s assassination on April 4 as a hammer to get Congress to finally pass this law. (Kotz, 2005, 417-420)

While provisions of these bills addressed some consequences of the double standard of justice in the South, what was really necessary to end it was a change in the culture of white supremacy. That wasn’t going to happen any time soon. But there were a couple cracks in the façade, at least while we were marching in Greenville and Eutaw. Massive publicity about the acquittals of Coleman and Wilkins brought public ignominy to the South. On November 10, 1965 a white jury in Hattiesburg, Mississippi convicted a 19-year-old white man of raping a 15-year-old Negro girl the previous July. And on November 17, an all-white jury in Florence, Alabama cleared a Negro charged with rape of a white woman. No one in either town could remember such a thing ever happening before. (*NYT* 11-12-65, 1; *LAT* 11-12-65, 12; *CT* 11-12-65, A2; *SC* 11-20/21-65, 2; 11-27/28-65, 5)

The first week in December saw two more fissures appear. On December 2, 1965 an all-white county jury in Anniston, Alabama convicted a white man of killing Willie Brewster while he was driving home from work on July 16. This was only the second time a white man had been convicted of killing a Negro in the South in recent times. It took twenty ballots to shift the vote from eight-to-four for acquittal to a conviction. Hubert Strange was sentenced to ten years in prison, the lowest possible sentence for second-degree murder. (*NYT* 12-2-65, 37; 12-4-65, 35; 12-5-65, E7; *SC* 12-11/12/65, 1; *BN* 12-3-65, 2) This was still a far cry from the mob that greeted the Freedom Riders just outside of Anniston on May 15, 1961, when local whites beat and almost killed some in the integrated group, while law enforcement looked the

other way. (<http://www.crmvet.org/tim/timhis61.htm#1961frviolence>)

On December 3 an all-white federal jury in Judge Johnson's court convicted the three men responsible for the death of Viola Liuzzo of violating her civil rights. After Wilkins' acquittals by state juries, the Justice Department charged all three with violating 18 U.S.C. §241, based on an 1870 law aimed at curbing Ku Klux Klan violence by making it illegal to conspire to deprive a person's constitutional rights. Convicting Liuzzo's killers did not come easily. When the jury said it was deadlocked, Judge Johnson would not release them. Four hours later they came back with a guilty verdict. (*NYT* 12-4-65, 35; 12-5-65, E7; *SC* 12-11/12-65, 1; Belknap, 1987, 248-9) Judge Johnson sentenced the three men to ten years in prison – the maximum possible under that statute.

There were some special circumstances in both of these convictions. Anniston was in northern Alabama, in Calhoun County. Two-thirds of its 33,657 inhabitants in 1960 were white. They reacted to Brewster's being killed for sport by a member of a white-supremacist group very differently than whites in Lowndes County, where whites were less than twenty percent of the 1960 population, reacted to the murders of civil rights activists Liuzzo and Daniels. Local businessmen offered a \$20,000 reward for information leading to an arrest. Five hundred city leaders signed a newspaper ad saying "We are determined that those who advocate and commit secret acts of violence will not control this community." Three days after the Selma march ended in Montgomery they had placed an ad calling for a "responsible, realistic and thoughtful" response to Negro demands. In effect, the white leadership of Anniston was telling potential jurors that for this murder an automatic acquittal was not OK. (*NYT* 3-28-65, 58; 12-5-65; E7; *WP* 7-19-65, A4; Belknap, 1987, 249)

The Liuzzo killers were finally convicted in a federal court whose judge did not allow the defense attorneys to appeal to racist sentiments as they had in the state trials. Jurors in federal trials are drawn from the people of the entire judicial district, covering many counties, not a local jury of friends and neighbors of the accused as was usually the case in a rural county trial. While the people in the federal jury were demographically similar to those in the local juries, they would not go home to hear about their decision from the friends of the men on trial. (*NYT* 12-5-65, E7)

On Tuesday, December 7, 1965 three white men went on trial in Selma's county court for killing northern minister Rev. James Reeb the previous March. All of the jurors were white, but there had been four Negroes on the 72-man jury panel. The defendants were acquitted four days later, after 97 minutes of deliberation. When the verdict was announced the whites sitting in the courtroom audience cheered while the Negroes groaned. In Selma, things were back to normal. (*CD*: 12-8-65, 1; 12-13-65, 12; *WP* 12-11-65, A1; *SC* 12-18/19-65, 1; *BN* 12-11-65, 1)

They were back to normal elsewhere in the South. The killings continued in 1966, as did shootings and beatings, bombings and burnings, and general harassment that didn't result in death. Three murders in January illustrate the restricted reach of federal law.

The first to die was Samuel Younge Jr., a 21-year-old student at Tuskegee Institute who had worked with SNCC in Mississippi and was active in the student civil rights organization, TIAL (Tuskegee Institute Advancement League). He was shot by a white service station attendant on January 3 when he tried to use the (white) men's room. The shooter, a 67-year-old

white man, was charged with murder and freed on \$20,000 bond. (SC 1-8/9-66, 1; 1-15/16-66, 1) SNCC picketed the White House on January 11 with signs saying “Make civil rights killing a Federal crime.” The Justice Department asked the FBI to investigate Younge’s death, but it couldn’t find any violation of federal law which would justify a trial in federal court. On motion by the defense for a change of venue, the judge sent the case from Macon County to neighboring Lee County. There, on December 8, 1966, an all-white trial jury found his killer not guilty, after deliberating an hour and fifteen minutes. (SC 3-12/13-66, 1; 12-17/18-66, 1; NYT 1-12-66, 19; 12-9-66, 38)

On January 10, the Hattiesburg, Mississippi home of Vernon Dahmer was firebombed. Dahmer, 58, was severely burned in the fire, as was his 10-year-old daughter. He died a few hours later. Dahmer had long been active as head of the NAACP voter registration drive, housing civil rights workers and bringing his neighbors to be registered. The night before the bombing a local radio station had broadcast his offer to pay the poll taxes of those who couldn’t afford to do so. An FBI investigation found his murder to be a Klan conspiracy involving 14 men, all members of Laurel Klan No. 4. State charges eventually led to the conviction of three men for murder and one for arson; the others got hung juries. Thirteen men were indicted under federal law; after several hung juries, four were eventually convicted. (SC 1-15/16-66, 2; https://www.fbi.gov/news/stories/2006/january/kkk_dahmer010906; WP 3-4-67, E1) By 1970 all were out of prison. (Chalmers, 2003, 81)

Whites also continued to attack with impunity Negroes who were not in the movement but merely irritated them. On January 23, a white man shot a Negro man who bumped his car in Camden AL (Wilcox County). David Colston, Sr. wasn’t involved in civil rights; he was just parking his car in front of a church where his family was attending a funeral. When he went back to look at the damage, the white driver shot him. The killer drove into town and turned himself in to Sheriff P.C. “Lummie” Jenkins, who put him under arrest and into the county jail. Ten months later he was found not guilty by an all-white jury after a one-day trial. He had pleaded self-defense. (NYT 1-25-66, 35; SC 1-29/30-66, 1; Jet 2-10-66, 8; Fleming, 2004, 1985; *Tuscaloosa News* 12-1-66, 21; *BAA* 12-6-66, 10)

On February 4, 1966, Dr. King issued a statement saying that “If Congress doesn’t take steps to abolish the double standard of justice in the south so that whites who kill Negroes will be punished it is going to be very hard to keep the movement nonviolent.” (SCLC IV 122:1)

Those murders and the ones that came after them weren’t enough to get the civil rights protection portion of the 1966 Civil Rights Bill passed until after Dr. King was assassinated on April 4, 1968. The jury bill which finally passed Congress right before that assassination only applied to federal juries, not the state juries which continued to acquit whites who killed Negroes.³ It would be 1973 before a writer for the *New York Times* observed, that “the automatic

³ In 2010 the Equal Justice Institute of Montgomery found extensive racial discrimination in actual jury selection in eight Southern states – Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Tennessee – largely through the use of peremptory challenges. Juries are selected from the jury list, or pool, compiled by a county clerk or a jury commission. The failed Title II would only have covered the creation of the jury pool by state courts, not jury selection. (<http://eji.org/eji/files/Race%20and%20Jury%20Selection%20Report.pdf>)

exoneration of whites accused of assaulting or killing blacks has all but disappeared.” He attributed this change not to legislation but the ability of Negro voters to affect who was elected to county office, especially to the top jobs in law enforcement. (*NYT* 9-19-73, 33)