

Christmas Project

“Freedom Christmas” — “Volunteer Now” said the leaflet.

“The Provisions of the Voting Rights Act of 1965 are law. Help make them a reality. Volunteer a week or more of your Christmas vacation to Freedom Christmas. Do voter registration for one of the following organizations: NAACP, SCLC, SNCC, CORE, OR MFDP.”

“Voter Registration Campaign

Volunteer Now For Any Week Between December 19 – January 7”

The Christmas project reflected a change of strategy for SCLC. During the summer SCOPE workers had been sent to roughly 60 counties in six states with at least a 40 percent Negro population to register as many voters as possible in order to affect the outcome of local elections. This put most SCOPers in rural blackbelt counties with high percentages of Negroes but low absolute numbers. Now SCLC wanted to register as many Negroes as possible in the state of Alabama in order to defeat George Wallace in the 1966 Democratic primary election. While Wallace could not run for re-election as Governor, SCLC knew he would run for something, most likely the Senate. Mass registration of voters could best be done in the cities.

Hosea told the press on November 3 that SCLC would sponsor a series of 45 day voter registration blitzes starting in Alabama cities. He envisioned this would result in the election of eight Negroes to the Alabama legislature in 1966. If successful, SCLC would move into either Georgia or South Carolina for another 45 days of intensive voter registration. (BN 11-3-65, 1; NYT 11-4-65, 36) Even as he spoke, SCLC was running a blitz registration project in Montgomery.

SCLC had seen the possibilities after federal examiners were sent to Montgomery on September 29. It sent in 20 staff who worked full time bringing Negroes to be examined and listed as qualified to vote. By November 6, over 8,000 new Negro voters had been added to the registration rolls. SCLC thought even more could be added in Birmingham, especially if federal examiners were assigned to Jefferson County. It also wanted people to be able to register nights and weekends. In Montgomery, those between the ages of 21 and 40 were the least likely to be seen in the waiting lines as they were the most likely to be at work during registration hours. (Montgomery Report, 11-6-1965, SCLC IV:165:12)

At the request of SCLC’s executive board, Hosea wrote up a rather grandiose project proposal for six months of voter registration and political education in Alabama. Its goal was to “elect the maximum number of Negroes” to all offices available in 1966. Hosea listed 30 counties in which he thought Negroes could be elected and calculated that this could be done for less than \$100,000. This proposal was not approved but the thinking behind it guided Hosea’s efforts for the next few months. (“Proposed Budget” and “Program” in SCLC IV 165:5 quote on 14) Hosea also sent a letter to summer SCOPers telling them that SCLC was recruiting a thousand students to spend their Christmas vacation working in counties “throughout Alabama, Mississippi, and Georgia.” He asked for funds to support this project. (Williams letter of 11-2-65, author’s files) There were no federal examiners in Georgia at that time and SCLC didn’t

have much of a presence in Mississippi. Only in Alabama could SCLC have much of an impact.

SCLC chose Jefferson County for its Christmas Project because, with a 1960 population of 634,864, it was the most populous county in Alabama, giving it #1 as its county designation on Alabama license plates. At the time the VRA was signed the DoJ estimated that there were 90,000 voting age Negroes in Jefferson County who were not registered to vote. Four months later, there were still 80,000. (Belknap, 1991, 15:185; *BN* 12-14-65, 16) A concentrated voter registration project could create more new Negro voters there than any place else in Alabama. SCLC wanted young people from all over the country to come to Birmingham for Christmas break. SCLC's Birmingham affiliate, the Alabama Christian Movement for Human Rights, was asked to find housing among its members for the students and to arrange transportation to take them out to the neighborhoods to canvass. (Mack letter of 11-16-65, SCLC IV 147:1)

On December 13, Dr. King told a packed meeting of the ACMHR in St. James Baptist Church that SCLC would run a voter registration drive in Birmingham. He said that 25 SCLC staff members and 100 college students would begin work the following week under the leadership of Hosea Williams. While the emphasis would be on canvassing, Dr. King hinted that there might be marches to bring federal examiners to Jefferson County in order to speed up the registration process. (*BN* 12-14-65, 34; *Tuscaloosa News*, 12-14-65, 17) When Hosea spoke, he said he expected the volunteers coming to Birmingham would register 50,000 Negro voters in the next six weeks if housing could be found for them all. The *Birmingham News* estimated that as of mid December, there were "321,000 Negroes and about 325,000 whites of voting age unregistered in Alabama." (*BN* 12-14-65, 16)

I got to Birmingham a couple days later. The Northern students were due to arrive over the weekend, in time for orientation on Monday. I stayed at the YWCA at 500 Eighth Avenue North. SCLC planned to house the students with local people, but there weren't enough offers of spare rooms and couches for everyone we expected so rooms were rented at the Negro Ys. Hosea figured it was better for students to stay with families, so staff often slept in the Y. The "colored" branch of the Young Women's Christian Association had opened in 1912 with 800 members, a few years after the "white" chapter. Like most Y's, both branches provided safe, cheap accommodations for young women coming to the city to work, whether they were Y members or not, as well as classes and fellowship. (<http://www.ywcabham.org/About/history.asp>)

The National YWCA had always urged interracial co-operation even while accommodating to segregation in Southern states. It got Negroes and whites talking to each other, which was more than most other institutions did. In 1915 and 1921 the YWCA held small interracial conferences in Louisville, Kentucky when it was illegal to meet in an unsegregated room. (Robertson, 2007) Delegates to the 1946 national convention voted to desegregate the entire organization but that didn't happen in the South. Southern branches continued to be separate as usual, but they did talk more about race relations. In 1954 an interracial branch was created in South Carolina. The 1958 national convention was rent with debates between black and white Southern members over whether or not to adopt an Interracial Charter. In 1960 the Atlanta Y integrated its dining room, the first in the South to do so. In 1965 the Y created an Office of Racial Justice. On matters of race, the Y was on the cutting edge of change, but not every city moved at the same time or at the same pace. (Lynn, 1992, 29; Lewis, 2011, 82, 92, 94; <https://www.ywca.org/about/history/>)

I was joined at the Y by Cathy Deppe, who was attending the University of Illinois. She had grown up in a liberal family in a suburb just west of Chicago. Her older brother, like her father, was a Methodist minister. She had gone to Selma in March and was inspired to join up with SCOPE. Along with other UI students, she had worked in Greene County the summer before. She was very impressed with Gilmore, the local leader.

People were still straggling into Birmingham when orientation began on Monday, December 20, in Thurgood CME Church, at 1027 7th Ave. N. The Colored Methodist Episcopal Church had been organized by Negro ministers in Jackson, TN on December 16, 1870. Although initially supported by the Southern white ME church, it was independent of white control. By 1965, it had several hundred thousand members, mostly in the South. Sitting in the pews I counted about three dozen white faces that I did not recognize as staff, including groups from California (no one I knew), Illinois, Iowa and Pennsylvania. There were twice as many Negro faces, but I couldn't tell if they were out-of-towners, locals, or staff that I did not yet know by sight. Andy Young talked about the importance of registering all eligible voters before getting down to the practicalities of how to do it. Essentially, the northern volunteers would pair off with local Negroes and canvass door to door. They'd start every day at 6:30 a.m. with breakfast at a church. From there, cars would take canvassers to the neighborhoods where they would work all day. It was a little unclear how they would get back at the end of the day, only that they were supposed to be back in time for the mass meeting, which would be in a different church every night.

That week, the Board of Registrars was only open on Monday, Tuesday and Wednesday, in the Jefferson County Courthouse. Because orientating the new arrivals and finding them places to sleep at night stretched out over Monday and Tuesday, we really didn't get to work until Wednesday, when 170 Negroes were registered to vote. On Monday and Tuesday twice as many whites had registered as Negroes. (Belknap, 1991, 15:195; these figures are different than the ones reported in *BN* 12-22-65, 7)

Thursday afternoon, December 23, we held a voter registration rally in Kelly Ingram Park, across the street from the SCLC office. The registrars weren't working that day. Our volunteers could canvass but they couldn't take anyone to the courthouse. Indeed the registrars wouldn't be back at the Jefferson County courthouse until January 3, because they would be in Bessemer the following week. The few dozen people who gathered for the mass meeting were mostly staff and volunteers. We sang freedom songs for half an hour while people slowly wandered away.

Responding to pressure from the DoJ, the Board announced that it would be open five days a week beginning on December 27, for five weeks. It had already hired more clerks to accommodate the expected surge and would hire some more. The two extra days would be on Friday and Saturday; Thursday would be a day off. However, it intended to keep its standard hours of 8 a.m. to 4 p.m. and not add evening hours. Normally, the Board spent the second Tuesday of each month in Fairfield and the last week in Bessemer. Because Bessemer was having a city election on February 1 with a run-off on February 15, the Board would register voters in the Bessemer courthouse for the last five days in December, but not again before the end of February. (Belknap, 1991, 15:187, 252; *BN* 12-29-65, 16)

The powers-that-be were already alert to the potential power of an increased Negro vote.

On October 12, voters had chosen five members of the City Council. Two won outright; six others faced a run-off on November 2. The *Birmingham News* was impressed that long lines of Negroes waited to register to vote in the few days one could do so before the Board closed for the run-off. Estimating that about half of the 16,000 registered Negroes voted compared to about a quarter of registered whites, it wrote that in the run-off “the three candidates endorsed by Negro groups won election, although there was considerable white support for the three winners.” (BN 10-30-65, 1; quote on 11-3-65, 48; 11-4-65, 2; 11-7-65, A-13) The fact that all five winners had the support of Birmingham’s Negro Democratic Club caused much discussion about the “bloc” vote. That was code for the “black” vote. Whites feared that Negroes would automatically vote as a bloc for whomever their leaders told them to vote. This was one of their many reasons for not wanting Negroes to vote at all. They kept Negroes from running for office by requiring that all races be run city-wide, which made it impossible for any to win. It was getting harder and harder to keep Negroes from voting. Passage of the VRA made it *really* hard, but not completely impossible, to keep them out of the electorate. (BN 10-13-65, 1; SC 11-13/14-65, 2)

One of the winners without a run-off was Nina Miglionico. She was the only woman who won election to the city council in 1963, but with a two year term because she was among the five winners who received the fewest votes. Those five and 12 others, including two more women, were on the ballot on October 12. Born in 1913 to immigrant parents, “Miss Nina” had become a lawyer and been active in women’s groups on such issues as the poll tax, jury service for women, improving working conditions and better race relations. In 1946 she wrote a “Survey of Political and Civil Rights of Negroes in Alabama” for the AAUW. (Wilkerson, 2002, 352, 357; <http://www.encyclopediaofalabama.org/face/Article.jsp?id=h-3184>) During the Birmingham project, Hosea called her “our secret weapon” on the City Council.

This emerging awareness of potential political power was probably behind the appointment of five Negroes to four city boards in late November. One Negro was added to the Housing Authority, Library Board, Dept. of Pensions and Security, and two to the Committee for Economic Development. No Negroes were named to the school board, which was where the need was greatest given that school desegregation was a sticky issue. (BN, 11-23-65, 1; 11-28-65, A-34; SC 12-4/5-65, 2)

In the fall of 1965 54 Negro children attended previously white schools in Birmingham, pursuant to federal court orders. There were another 67 in other formerly white schools elsewhere in Jefferson County. With the exception of a dozen KKK women who picketed the Bessemer High School when classes started in September, there were no incidents. This peaceful desegregation was a long time coming. A few children had entered the white schools two years previously but not peacefully. In the 1964-65 school-year there were 7 Negro children in previously all-white schools and none in the other Jefferson County schools. (SC 9-25/26-66, 5; BN 9-1-65, 1; 9-2-65, 1; 9-3-65, 1)

In the interim before the volunteers arrived I spent my last \$4.42 to buy stamps and Christmas cards to send to my friends. Hosea had told me that I was back on subsistence and would get a check soon. SCLC paid retroactively, usually on the first Monday of the month. Even though I had supposedly been on the payroll most of November (I didn’t know exactly when Andy fired me) I did not receive a check the first week in December. I assumed it was on its way, delayed by whatever administrative action was necessary to put me back on the payroll.

It had been my habit for years to send out a lot of Christmas cards. I wrote personal notes to my friends about what I was doing so they would be attuned to any news that came out of the South, and especially out of Birmingham. I didn't send cards to my Southern relatives this year. That was more of a family obligation and I didn't think they would appreciate hearing from me about my voter registration work.

Christmas Day was on Saturday. No canvassing was planned for that day or for Sunday. SCLC arranged for the project volunteers to have Christmas dinner with various local families – often but not always the ones they were staying with. Cathy took the bus to Eutaw to spend Christmas with the family she had stayed with over the summer. I expected to go to Atlanta and have dinner at the home of someone on the Executive staff as had been true of Thanksgiving. I wondered who it would be this time. There were roughly 18 field staff plus four office workers in Birmingham, not all of whom were going to Atlanta; many had homes and parents who were expecting them at least for the weekend. I asked Hosea how I was going to get to Atlanta since I didn't have any money with which to buy a bus ticket. He said that one of the guys with keys to a project car would pick me up Saturday morning. Atlanta was only a 3-4 hour drive from Birmingham.

That didn't happen. No one picked me up. Sometime after noon I realized that no one was going to. The Y was deserted. I thought I was the only human in the place. The Y had a kitchen, but I had no money and I had no food. I did have a good book. I went to my room and read for two days.

At breakfast in the church basement on Monday, I made some discreet inquiries. I learned that none of the guys with car keys had been told me pick me up and it had never occurred to any of them to ask about me. This was my first insight on how information traveled over networks, and those networks were male – an insight I would develop a few years later as I became a feminist. Men had resources that women did not have and accessing those resources required a personal relationship with a man. In the Birmingham project only guys had car keys. Who went in which car to Atlanta operated on the buddy system. Girls weren't buddies. They were girlfriends or they were nothing. The guys with cars going to Atlanta filled them with their girlfriends, their buddies and their buddies' girlfriends, if any. (Not all of the guys had girlfriends, at least not going to Atlanta). I wasn't anyone's girlfriend, so no one thought to ask about me. I simply wasn't on anyone's network.

Jefferson County

Named for the third President, Jefferson County was created in 1819 by the Alabama legislature. Within its borders were all the elements for making steel – iron, coal and limestone – making it the major supplier of iron and steel to the Confederacy. After the War, the mining and processing of these mineral riches dominated the county's economy and boosted its growth, attracting immigrants from all over the state and many from Europe. In the 1880s Jefferson became the most populous county and in the 1900s its county seat, Birmingham, became the most populous city in Alabama. (Corley, 1982, 171)

In 1960, Negroes were 34.6 percent of Jefferson County's population of 634,834. The NVAP was 116,160, or 31.2 percent of all those of voting age in the county. In 1965, there were 33 municipalities inside the county boundaries. (Belknap, 1991, 15:189) After Birmingham, the biggest of these were Bessemer and Fairfield, which were centers of steel production. Bessemer had its own courthouse and jail. Negroes were 57.5 percent of the 1960 population of Bessemer and 52.5 percent of Fairfield. In 1956 two Negroes ran for city council in Fairfield and did well enough to be in the run-off primary. (Gomillion, 1957, 286) The suburbs of Homewood and Mountain Brook, just south of Birmingham, and Vestavia Hills, a little further south, housed the white professional class and the country club set. They practiced in Birmingham, but didn't pay city taxes or send their kids to the city schools. There was a Negro enclave in Homewood (11.5 percent of the total population), but Mountain Brook was 98.8 percent white, and Vestavia Hills was 99.6 percent white. The few Negroes in these suburban communities were live-in servants. Mountain Brook was the wealthiest city and had the highest education level of all the incorporated places in the state of Alabama. Unlike other affluent areas, most of the servants who maintained its homes and yards didn't live nearby; they came in by bus every day.

Jefferson County was dominated by the interests of the Tennessee Coal, Iron and Railroad Company. It was known as TCI even after it was bought out by J.P. Morgan in 1907, becoming a subsidiary of the Pittsburgh-based United States Steel Corporation. The new owners had a very different philosophy than the old ones, allowing Negroes to move from common laborers into jobs as semiskilled workers and even supervisors. The labor force was still black at the bottom and white at the top, but the ceiling for Negroes was much higher and rose over time. The new management built company towns around the mills with decent housing and schools for both races. The towns were separate, but fairly equal. TCI ran the school systems for its workers, which quickly became far superior to the other public schools in the county. When tested in 1930, the Negro students in the TCI schools were the only ones to score at grade level in Jefferson County. (Bond, 1939, 145, 233,241-3)

Until 1928, TCI and the other mining and manufacturing companies supplemented their labor force with convicts – about 90 percent of whom were Negro – which it leased from state and county authorities. The state had begun leasing convicts in 1875 in order to raise revenue and continued the practice even after many exposés of its cruelty because it was so lucrative. By the end of the 19th Century almost three-quarters of the state's total revenue came from these leases. Corporations liked the practice as the fee they paid for convict labor was cheaper than the wages they paid for free labor and convicts never went on strike. While they had to provide food

and housing for convicts, they could and did work them to death. Convicts were leased throughout the state, but “by the 1880s, nearly all of the several thousand state and county prisoners working under the convict-leasing system labored in coal mines located around Birmingham.” (Harris, 1977, 202-207; quote from <http://www.encyclopediaofalabama.org/face/Article.jsp?id=h-1346>)

During the Depression whites were given preference for keeping jobs and for getting them back. Negroes were used as strikebreakers, making white workers even less disposed to Negroes getting *any* jobs in their plants, even the lowest paid ones. Between 1930 and 1960 the percent Negro in the Jefferson County industrial labor force fell from 54 to 33. (Norrell, 1986, 676) Not wanting competition for its labor force, TCI had long discouraged the economic diversification pursued by Atlanta and other major cities. (Connerly, 2005, 165-174) When it became cheaper to import ore from Venezuela, TCI closed its mines in 1962. As it was still the largest employer in Jefferson County, the workers who lost jobs didn't have any place else to find work. (Stein, 1998, 40)

Jefferson County had two Negro Colleges and five KKK klaverns. HUAC was holding hearings on the Klan at the very time that we were working in Jefferson County, which may be why we didn't see much of it that winter even though most of Alabama's KKK members were in Jefferson County. Its klaverns were notorious for their brutality, particularly Eastview Klavern #13, which was reputed to be “the most violent urban Klan unit in the Deep South in this century.” (Thornton, 2002, 336; *NYT* 7-24-83, 6, 12) Bessemer Klavern No. 20 was the home of Gary Thomas Rowe, Jr. who regularly participated in Klan beatings while an informant for both the FBI and the Birmingham police. A photo of him beating one of the Freedom Riders in the Birmingham bus station in 1961 was widely carried in the newspapers. He acted with impunity, knowing that his value as an informant protected him from prosecution. Rowe's role didn't become publicly known until 1965 when he identified and testified against his fellow klansmen as the killers of Viola Liuzzo after the Selma march. (*HUAC Report*, 1967, 149, 120-121)¹ Another klavern had kidnaped a Negro vet walking down a deserted street in a Birmingham suburb with his girlfriend on Labor Day in 1957. Six of them took him to a hideout, tortured and castrated him and left him on the road to die. He didn't die. Four of the six were convicted of mayhem in 1959 and sentenced to 20 years; their sentences were commuted by Governor Wallace in 1963. (*NYT* 9-8-57, 66; *HUAC*, 1967, 15; Harris, 2004, 41-46; Eskew, 1997, 115; Allen interview in Raines, 1977, 170-71) The headquarters of the National States' Rights Party (NSRP) was at 1865 Bessemer Rd. Smaller but more extreme than the Klan, it was founded in 1958 in Knoxville, TN. When it moved to Jefferson Co., it was headed by attorney Jesse B. Stoner, who publicly hated Jews as much as Negroes. (*NYT* 4-29-05,)

Daniel Payne Junior College was founded by the African Methodist Episcopal (AME) Church in 1889. Originally located in Selma, it moved to Birmingham in 1922. It only had a couple hundred students. Miles College was founded in 1898 by the Colored Methodist

¹ The other Jefferson Co. klaverns listed in the *Report* are Klavern No. 20 in Birmingham, Confederate Lodge No. 14 in Tarrant City and an unnamed one in Warrior. The Bessemer klavern went by the name of Confederate Lodge No. 11.

Episcopal (CME) Church and named for one of the church's bishops. Located two blocks west of Birmingham in Fairfield, its students were activists. Encouraged by Rev. Fred Shuttlesworth, head of SCLC's Birmingham affiliate, they joined the sit-in movement that spread across the South early in 1960. On March 31, 1960 five pairs of Miles College students entered five department stores to try to sit down at their lunch counters. They were arrested for trespassing and removed within five minutes. Two days later Fred Shuttlesworth was arrested and charged with "aiding and abetting." All were convicted. Each was fined \$100 and sentenced to 180 days in jail. In 1963, the Supreme Court reversed their convictions. (*NYT* 4-1-60, 25; 4-3-60, 54; Manis, 1999, 232-4; Hemphill, 1993, 113; *Gober v. City of Birmingham*, 1963; *Shuttlesworth v. City of Birmingham*, 1963)

In the Spring of 1962, Miles students led a "selective buying campaign" of downtown businesses to protest segregation in the stores. The boycott significantly reduced Negro purchases at these stores during the Easter buying season, prompting the merchants to make a few minor concessions, such as removing the "colored" and "white" signs from the drinking fountains. Birmingham Public Safety Commissioner "Bull" Connor harassed and arrested the students. He was running for governor and didn't want to be soft on civil rights. When Shuttlesworth met with the students in front of a store he was arrested and charged with obstructing a sidewalk. His 180 day sentence was eventually quashed by the Supreme Court. (*BN* 10-11-65, 1; 11-15-65, 2; *Shuttlesworth v. City of Birmingham*, 1965) Concessions were temporary. After city inspectors found numerous code violations in businesses which had removed them the signs went back up. The Birmingham city government denied Miles College a permit to solicit contributions to its general fund and voted to end participation in the federal program to distribute surplus food to the needy – who were mostly Negroes. All this turned SCLC's attention to Birmingham. On May 16 it decided to hold its 1962 convention in Birmingham on September 25-28. (Corley, 1982, 185-6; Huntley, 2009, 71-72; Manis, 1991, 307-9, 317; Miles, 2005, 69-72; King, 1964, 45-47; Thornton, 2002, 268-9; *NYT* 7-6-62, 23; *CD* 4-9-62, 4; 4-10-62, 2; 7-10-62, 5; *CD* 7-10-65, 2)

Birmingham

“It’s nice to have you in Birmingham”
Birmingham city motto.

Alabama’s biggest city filled a little over an eighth of Jefferson County with a little over half of the county population. Long and narrow, it stretched the length of Jones Valley, surrounded by dozens of small cities and towns, each with its own government. Founded in 1871, Birmingham continued to grow through annexation as well as immigration until it reached a population of 132,685 in the 1910 Census. (Feldman, 1999, 26) Afterwards its population increased but its boundaries changed very little as the surrounding areas refused annexation because they did not want to pay city taxes. The available housing stock struggled to keep up as the city population peaked at 340,887 in the Census of 1960, 39.6 percent of whom were Negro.

Named for England’s great city of industry, Birmingham often went by other names. During the late 19th and early 20th Century it grew so fast that it was called “The Magic City.” Because its growth was based on the iron and steel industry it was also known as “The Pittsburgh of the South.” That same industry led to the appellation “Bombingham.” The mining industry trained men in the use of dynamite. Those who would burn Negro churches and homes in other places bombed them in Birmingham. From 1947 through 1965 there were 51 successful bombings and a few more that didn’t explode. (<http://www.bhamwiki.com/w/Bombingham>; Connerly, 2005, 85, 101, based on BPSF in BPL) The last of these went off on April 1, 1965 at a Negro home. It injured a 13-year-old boy and left a six foot crater. Six unexploded bombs made of 50 to 60 sticks of dynamite were found on Negro property on March 21, including the home of Rev. A.D. King (Dr. King’s brother). Other bombs were found that day at a Catholic Church and the homes of Mayor Boutwell and Councilmember Nina Miglionico. The following February (1966) a cache of dynamite and bomb making materials were found hidden in the woods near Irondale. (<http://www.bhamwiki.com/w/Bombingham#1965>; *BN* 2-23-66, 1)

Birmingham industry was based on a ready supply of iron, coal and cheap Negro labor housed in company quarters near the plants in which they worked. This set the pattern for a century of residential segregation. In the first two decades of the 20th Century, attempts were made to pass a zoning ordinance which specified where each race could live. It was finally successful after the Klan elected all three city commissioners in 1925. The 1926 law imposed criminal penalties on those who moved into a neighborhood zoned for the other race. There were 37 districts scattered throughout the city for the Negro population. Located next to industrial sections and in the creek bottoms which were prone to flooding, the housing in those areas was substandard, deprived of ordinary city services and insufficient to meet the needs of an expanding Negro population. (Rogers, et. al. 1994, 431; Feldman 1999, 27; Connerly, 2005, 14, 20-1, 29)

By the 1940s the Negro population had increased by 30 percent but the available housing in Negro neighborhoods did not keep pace. Better-off families began buying homes and lots in sparsely settled neighborhoods zoned for whites that were next to neighborhoods zoned for Negroes. In 1946, Birmingham’s NAACP chapter employed attorney Arthur Shores to challenge

the racial zoning law. On July 31, 1947 federal district judge Clarence Mullins said the ordinance was unconstitutional. He told the City to give a certificate of occupancy to a Negro who had built his home on a lot zoned for whites, a lot that he had bought in the belief that it was being rezoned for Negroes. On August 18, the plaintiff's new home was bombed, making it clear that racial zoning would continue to be enforced unofficially, whether or not it was legal. Negroes who bought or built in areas zoned for whites continued to lose their homes to dynamite and arson. There were five bombings in 1949 alone. The neighborhood of North Smithfield became known as "Dynamite Hill." (Eskew, 1997, 56; Thornton, 2002, 158-63; Connerly 2005, 80-5, 101) The bombings stimulated growth of the NAACP chapter, as it maintained a bombing damage fund. Property owners patrolled their own neighborhoods since the white police refused to do so. The continual threat of losing their new homes to dynamite was not enough to deter prospective Negro home owners from slowly spreading into neighboring white areas. (Scribner, 2002, 16-17; Eskew, 1997, 66)

Early in Birmingham's history, white-owned and Negro-owned businesses were located on the same blocks. The streets on which Negro businesses could get licenses and building permits contracted over time. By 1965, there was a separate Negro business district of roughly six square blocks on Fourth and Fifth Avenues between 16th and 18th Streets North.

Quite a few of those properties were owned by A.G. Gaston, Alabama's first Negro millionaire. Born in 1892 in Demopolis, A.G. Gaston became the richest Negro in the country by working within the system of segregation. He provided services to Negroes that whites could not or would not supply. Initially, he tended to the needs of the dead. Starting with burial insurance, he added a mortuary and funeral service, then bought a couple cemeteries. He started a business school to train his employees, which was subsequently opened to all comers, and put his second wife in charge. Eventually he added a bank and a real estate company to his holdings. (Jenkins and Hines, 2005, xi, 4)

By 1950 A.G. Gaston was a very rich man, but he still wanted to expand his empire. The A.G. Gaston Motel opened in 1954 with 65 air-conditioned units so that Negroes visiting Birmingham could have a comfortable, convenient place to stay. Traveling Negroes usually had to stay with friends or family, or even strangers, because Southern hotels did not have separate Negro sections and there were few Negro hotels.¹ By the 1950s Gaston was rich enough and respectable enough that he could get the necessary \$300,000 in financing. He owned so much property in Birmingham that he didn't have to scout for a site. He built his motel at 1510 5th Avenue North with a nice restaurant and lounge that became the premier place for Negroes who wanted a pleasant meal or night out. Until then, the only places to go were the honky tonks, which could be quite rowdy. (Jenkins and Hines, 2005, 163)

¹ Between 1936 and 1967 Victor Green published *The Negro Motorist's Green Book*, to help travelers find restaurants, gas stations and hotels that would serve them. These included private homes that rented rooms. Many of the listings bought ads. In the 1950s a bureau inside the US Dept. of Commerce provided information for this publication. When Gaston built his motel it was one of 13 in Alabama that would accommodate Negroes.

<http://www.vox.com/identities/2015/11/29/9813966/green-book-segregation-history>;
<https://digitalcollections.nypl.org/collections/the-green-book#/?tab=about&scroll=18>

A. G. Gaston had an ambivalent attitude toward the civil rights movement. He had thrived by emulating Booker T. Washington, catering to the needs of Negroes without threatening the racial attitudes of whites. Like Washington, he acted behind the scenes, providing financial support where it could help. He allowed his motel to be used as the headquarters of SCLC's 1963 Birmingham campaign even though he disapproved of the street demonstrations. (Jenkins and Hines, 2005, 173-76) Despite the fact that his motel was bombed at the end of this campaign, he once again rented rooms to SCLC during the 1966 voter registration effort. SCLC's office was on the second floor of the A. L. Smith Building, named for Gaston's first father-in-law, at 505½ 17th St. North. It looked out on Kelly Ingram Park, where much of the 1963 campaign had taken place. Catty-corner across the park was the 16th St. Baptist Church, where the four little girls had died when the church was bombed on September 15th of that year.

Birmingham's dominant geographic feature was Red Mountain, which demarcated its southern boundary and kept the soot and pollution produced by mines and industry away from the wealthier people who lived in suburban communities on the other side. Their residents had resisted annexation for decades. (Connerly, 2005, 20) The economic rulers of Birmingham – the “Big Mules” of Alabama politics – and most of the professionals who served them could not vote in city elections.

Birmingham's voters were largely lower middle class and working class whites – the very people who were most afraid of Negroes. (Scribner, 2002, 71) As was typical of the South, most of those eligible to vote didn't do so. Only 80,000 people were registered in 1961, about half of whom actually voted. That meant that roughly 40,000 voters, 90% white, decided who served in which elected office. (Eskew, 1997, 11 citing *Birmingham Post-Herald* of 5-5-61) From the 1920s until 1963, around 88 percent of those whites voted for the most outspoken segregationist in each election. (Harris, 2004, 21)

Birmingham had been a Klan stronghold for decades. During the Klan's second reincarnation, the first klavern outside of Georgia was organized in Birmingham in 1916. The Robert E. Lee Klavern elected its candidate as head of the City Commission in 1917. By 1924, it “claimed 18,000 members and 15,000 of the city's 32,000 registered voters.” The KKK elected city and county officers and helped elect Klan members Hugo Black to the U.S. Senate and Bibb Graves as Governor. (Quote in Snell, 1967, 64; 1972, 212, 220) In the post WWII revival, the Birmingham Klan developed a close working relationship with the Birmingham police. (O'Reilly, 1988, 208-10; Church Committee, 1975, VI:124-9) The police frequently gave the Klan material from its intelligence files. It told them that the Freedom Riders were coming on May 14, 1961, and gave them 15 minutes to do their thing before making an appearance to “restore order.” (Eskew, 1997, 157; Chalmers, 2003, 31; Church Committee, 1975, VI:117-18) The police also allowed the Klan to attack Lamar Weaver, a white lay minister and steelworker who sat with the Rev. Shuttlesworth when he integrated the Birmingham train station on March 6, 1957. (*NYT* 3-7-57, 15)

The most experienced and notorious of the men in these mobs was Robert Chambliss, who first joined the Klan in the 1920s. Known to the local police as “Dynamite Bob,” for the many bombings he was associated with, he was indicted in 1949 after a series of kidnappings and

floggings of mostly white victims in and around Jefferson County that made the national news. (HUAC Report, 1967, 10)² A jury of white males acquitted him on all counts in March of 1950. (Eskew, 1997, 81, 135) After learning how to handle dynamite as a quarryman he joined Eastview Klavern No. 13; it was responsible for many of the blasts which gave Birmingham the appellation of “Bombingham.” Chambliss would bomb Birmingham homes and churches for thirty years before he was finally sent to prison in 1977, after being convicted by a jury with both Negroes and women on it. (Chalmers, 2003, 18, 101-4; Connerly, 2005, 87-88; McWhorter, 2001, 72-75; [http://www.bhamwiki.com/w/Robert Chambliss](http://www.bhamwiki.com/w/Robert_Chambliss)) For most of those years he was under the protection of Birmingham’s Public Safety Commissioner, Theophilus Eugene Connor. (Carter, 1995, 168; Allen interview in Raines, 1977, 168-69; Connerly, 2005, 199)

Known to everyone as “Bull,” Connor dominated Birmingham politics from 1937 to 1963. A high school drop-out, he parlayed fame gained in the 1930s as a radio baseball announcer into a statehouse seat in 1934. In 1937 he was elected as Commissioner of Public Safety, one of the three Commissioners who ran Birmingham. He kept this job until 1963, with a four-year break. Connor did not run in 1953 after he was caught in a hotel room with his secretary. He lost several bids for other offices, but was elected to the same office again in 1957 with the endorsement of organized labor. Connor had always run as a committed racist, but the 1954 *Brown* decision and early stirring of the civil rights movement hardened white sentiment enough for him to win despite the morals charge. (Thornton, 2002, 143, 180, 183, 200-1) His hard-line segregationist attitude pleased his voters, but not the business elites. When Connor and the other Commissioners closed all city parks and recreational facilities rather than open them to Negroes as required by a federal court in 1961 it tarnished the city’s image. (Corley, 1982, 183; Thornton, 2002, 254; *Shuttlesworth v. Gaylord*, 1961)

By 1960 there was a small group of progressive whites living on both sides of Red Mountain. Numbering roughly 400, they were found in the Unitarian Church (which was located in Mountain Brook), the reform Jewish synagogue, the League of Women Voters, the Young Men’s Business Club and among the professionals at the University of Alabama Medical Center. (Harris, 2004, 104) About ten percent of these were members of the Birmingham Council on Human Relations – the one integrated group – though less than half actually went to meetings. (Ellwanger interview, 1985) While they helped the civil rights movement behind the scenes, those who spoke out publicly on race, even a little bit, found themselves “boycotted, defamed, fired, run out of town, or ostracized.... [Their] careers ... were either destroyed or seriously derailed.” (Hemphill, 1993, 315) Bull Connor ordered the Birmingham police to harass and infiltrate the Council on Human Relations. The Klan burned a cross in the yard of its state executive director, Methodist minister Robert E. Hughes, who lived in Birmingham. (Eskew,

² “Most publicized of the Klan outrages were a series of terroristic acts, including the kidnappings and floggings, which occurred in the counties around Birmingham, Ala., beginning in the spring of 1949. A subcommittee of the House Judiciary Committee, conducting hearings on civil rights proposals, interrogated several Birmingham area newsmen who had interviewed men and women threatened with violence or beaten by men in Klan regalia. Most of these victims were white persons charged by the Klan with offenses such as non support of family, whiskey selling, etc.” citing Public Hearings, Subcommittee No. 3 of House Judiciary Committee, 81st Cong. 1st Sess., June 29, 1949.

1997, 176-7)

This small group of progressives found allies in the city's business class, who were gradually replacing steel company executives as the dominant elite in Birmingham. They all agreed that Bull Connor was standing in the way of economic development and that he protected extensive corruption among the police. Suburban voters had repeatedly proven allergic to annexation so enlarging the electorate to include the educated professionals who worked in Birmingham but lived outside of it was not feasible. Instead they decided to change the type of municipal government back to the Mayor and Council form that had been abandoned in 1910. After much political maneuvering and a little bit of luck, Birmingham voted to do so on November 6, 1962. On March 5, 1963 Birmingham elected a nine-member City Council. On April 2 former Lt. Governor Albert Boutwell beat Bull Connor in the run-off for Mayor, with financial backing from Birmingham's Big Mules and a little help from Birmingham's 9,000 Negro voters. Originally from Butler County, Boutwell had been a leading segregationist in the legislature, but not a vitriolic one like Connor. Bull and his fellow Commissioners disputed the election and refused to vacate their offices. From then until the Alabama Supreme Court ruled on May 23, Birmingham had two governments. During the interim Bull kept control the police and fire departments which he had supervised for 28 years. (Scribner, 2002, 52, 111- 18; Thornton, 2002, 271, 282-90, 308-9, 332; *NYT* 4-4-63, 24; 4-17-63, 22; 4-24-63, 19; 4-25-63, 21; *BN* 1-9-66, B-2)

The 1963 Birmingham Campaign

Many reasons have been given to explain why SCLC chose Birmingham as the place for a major battle over segregation in the Spring of 1963. Behind them all was the Rev. Fred Shuttlesworth. By the time he founded the Alabama Christian Movement for Human Rights (ACMHR) on June 5, 1956, he was recognized by all as the main race man in Birmingham. He remained its civil rights leader even after moving to Cincinnati in 1961 to pastor a bigger church than Bethel Baptist. He was a firm believer in the virtue of non-violent confrontation and fearless in its practice, for others as well as himself. On December 25, 1956, his home was bombed while he was in bed. He emerged from the rubble of his house unscathed, convincing himself and his followers that God saved him for a purpose. (Manis, 1999, 2, 94-99, 108-112)

A founder of SCLC in 1957, Shuttlesworth, as everyone in SCLC called him, continually lobbied the SCLC Board to come to Birmingham before it accepted his invitation in May of 1962. Shuttlesworth had jostled with the city for years with only small improvements. He felt a major non-violent confrontation was the only way to bring about major changes. (Clarke, 1962, 55; Manis, 1999, 335) He didn't just *ask* SCLC to come to Birmingham; he *dared* SCLC to come to Birmingham, much as he had dared the Southern Conference Educational Fund (SCEF) to hold its April 1962 meeting there. Everyone *knew* that an integrated meeting would be broken up by Public Safety Commissioner Bull Connor, then running for Governor. Nonetheless, SCEF and the ACMHR brought 250 civil rights activists from ten states to discuss "Ways and Means to Integration" in a city dedicated to segregation. Meeting at St. Paul Methodist Church and in the A. G. Gaston Building, the interracial meeting was not disturbed by the police, who confined themselves to taking photographs of those entering the buildings. Nor were there any problems from the police when SCLC held its slightly integrated annual convention in Birmingham in September 25-28. But on December 13, 1962, Bethel Baptist Church, home of the ACMHR and Shuttlesworth's former pastorate, was bombed for the third time. (Manis, 1999, 119-20, 313-15, 321, 326, 328)

After a strategy and planning meeting at the Dorchester Center, SCLC sent in senior staff and field organizers early in 1963. Executive Director Wyatt T. Walker did logistical planning. Andy Young, Dorothy Cotton, and James Bevel talked to Negro community leaders to get their support or at least neutralize potential opposition to a direct action campaign. SCLC did not have a large field staff at that point, but it did have the support of the pastors of four major Baptist churches with combined congregations of 5,000. Shuttlesworth had promised the resources of the ACMHR and its 500 dedicated members, reserving the role of field marshall for himself. That would prove to be a source of conflict between him and SCLC. (King, 1964, 49; Young, 1971, 22-23; Thornton, 2002, 282)

SCLC had planned to start action on March 14 but deferred to requests that it wait until after the Mayoral run-off in order to not help Bull Connor's electoral prospects. Shuttlesworth knew that Connor was the movement's greatest asset – they had been each other's *bête noir* for years – but no one wanted him to be mayor. Instead, the 1963 Birmingham Project began on April 3 with Miles College students holding sit-ins in five department stores and ended on May 12 with a riot in response to the bombing of the Gaston Motel and the home of Dr. King's

brother. (King, 1964, 50; *NYT* 5-13-63, 24, 25; Thornton, 2002, 291) In between, mass meetings were held every night and marches almost every day. At the mass meetings SCLC preachers would ask those willing to get arrested to come forward and sign their names to show their commitment. The next day they would be trained in non-violence at the churches. Every day SCLC met with the press to tell them what was going to happen and why. By this means the world was informed why around 3,000 people, mostly children, were arrested for marching in the streets. (Young, 1971, 24-25)

After the number of adults willing to be arrested dropped, Bevel went to Miles College to recruit students. Miles was in the middle of a corporate fund-raising campaign so President Lucius Pitts forbade their participation. Bevel then went to Parker High where its 3,000 students were delighted to skip school for a good cause. (Hamphill, 1993, 161) Seeing success, SCLC quickly reached out to all the Negro schools, at every level. Within a couple days, Bevel was training school children in non-violence and leading them in marches. Despite the controversy over sending children to do the work of adults, it was a very effective technique.¹ Over a thousand were arrested on May 2, filling every holding space that could be found for miles around. President Kennedy persuaded several labor unions to put up almost \$300,000 in bail to get the children out of jail. The photos of Connor's men using dogs and fire hoses against children on May 3 were seen on TV that night and in newspapers around the world the next day, effectively turning public opinion outside the white South against Birmingham's segregationists. (*NYT* 8-3-63, 18; Manis, 1999, 333, 376, 389; Schlesinger, 1978, 335; Eskew 1997, 291)

Initially the DoJ took a "hands off" approach, believing that the federal government had no authority to intervene. Despite this view, Burke Marshall and Robert Kennedy met with Gov. Wallace in Washington on April 25 and Marshall met with SCLC representatives on April 28. They found that whites and Negroes weren't talking to each other, but both would talk to someone from the federal government. On May 4, the day after the nightly news showed police dogs snapping at children and beams of high powered water knocking them off of their feet, Marshall arrived in the Magic City to mediate between the two sides. Representing Birmingham was the "Senior Citizens Committee," a group of roughly 70 white men from businesses employing 80 percent of the local labor force, brought together by Sidney Smyer, the chairman of the Chamber of Commerce. Smyer was a former Dixiecrat and member of the white Citizens' Council who headed the Birmingham Realty Company. (Eskew, 1997, 13; http://www.bhamwiki.com/w/Sidney_Smyer) No one represented either of the city's two governments, so demands that required government action were off the table. Instead, negotiations focused on desegregating the stores. Negro demands went far beyond removing "white" and "colored" signs. The movement wanted equal access to lunch counters, restrooms and fitting rooms, and more and better jobs for Negroes. While Negro children marched and were arrested, adults boycotted the white-owned downtown stores, reducing their retail sales by roughly fifteen percent. President Kennedy circulated a list of the white Birmingham power structure to his Cabinet, asking them to phone anyone they knew to encourage acceptance of an

¹ The success of this "children's crusade" was probably behind our efforts to turn out high school students in Butler County and our later efforts to do the same in Birmingham that winter. No one told me this, so it is only an inference.

agreement with SCLC. He summoned Smyer to the White House, convincing him that the feds would step in if the merchants didn't reach an accord. On May 10, Smyer and King held separate press conferences to announce the agreement. It featured more promises for the future than changes in the present. SCLC called a moratorium on the demonstrations. (Manis, 1999, 361, 363, 374, 375, 380; Branch, 1988, 778; Burke Marshall interview, 6-20-64, 100; *NYT* 5-28-63, 24; 5-11-65, 1, 9; Smyer interview in Raines, 1977, 163-4; Schlesinger, 1965, 959; Corley, 1982, 187-88; Thornton, 2002, 333)

Not everyone was happy. Governor Wallace denounced the agreement and the businessmen who negotiated for Birmingham as "white renegades." (Carter, 1995, quote on 119, 120-23) On May 11, over 2,500 Klansmen rallied near Bessemer where Grand Dragon Robert Shelton vilified the white "sell outs." Soon afterwards, the Gaston Motel and the home of Dr. King's brother were bombed. Negroes rioted in response and President Kennedy threatened to send in troops to keep order, over the stringent objections of Gov. Wallace. The homes of other prominent Birmingham Negroes were subsequently bombed, including that of attorney Arthur Shores, who represented most of those arrested during the demonstrations. Gov. Wallace blamed "outside subversives" for the violence. Both the Klan and the NSRP increased their membership. The latter picketed downtown stores urging whites to shop elsewhere; a teargas bomb exploded in one. Those committed to segregation who found these organizations too violent formed their own. (*NYT* 5-13-63, 24; 5-14-65, 26; 5-15-65, 26; 5-16-63, 23; 9-5-63, 33; first quote in *BN* 1-9-66, B-2; second quote in Carter, 1995, 127; Thornton, 2009, 331, 336-7)

There were many loose ends. Hundreds of people, mostly children, had been arrested for parading without a permit. Their cases zigged and zagged through federal and state courts for years. They finally ended on March 10, 1969 when the U.S. Supreme Court declared that statute to be unconstitutional. At the end of the Spring semester, the Birmingham school board suspended or expelled over a thousand students who had been arrested in the marches. This decision was upheld by Judge Allgood of Birmingham's Northern District federal court, and reversed by Judge Tuttle of the 5th Circuit on the same day. (*WP* 5-21-63, A6; *CD* 5-22-63, 3; 5-23-63, 3; *NYT* 5-23-63, 1; King, 1964, 115; Thornton, 2002, 291-2, 332; *Shuttlesworth v. City of Birmingham*, 1969; Tuttle interview in Raines, 1977, 346; *Woods v Wright* 1964)

On September 15, Robert Chambliss and three other Klan members who had broken with the Eastview Klavern to form the Cahaba River Group dynamited the Sixteenth St. Baptist Church, killing four little girls. This church had been the primary staging area for the May demonstrations. Reacting to public outrage, the FBI conducted a full investigation. Agents identified the four men as prime suspects within days of the bombing, but Director Hoover insisted on keeping the evidence from local authorities, claiming that it was insufficient for conviction. The information had come from Chambliss' wife and a network of women with ties to Klan men who did not want their identities disclosed. Chambliss was finally convicted of the crime in 1977 and two others in 2001 and 2002; one died before he could be indicted.² (O'Reilly,

² Hoover died in 1972. In 1975 Alabama Attorney General William Baxley persuaded President Ford's Attorney General, William Saxbe, to release enough of the FBI file on the bombing to identify and convict Chambliss. By the time of the 1977 trial Alabama juries had both Negroes and women on them. They were not prone to automatically acquit perpetrators of crimes against

1989, 111-14; Eskew, 1997, 300, 318-22, 394n40; Thornton, 2002, 346; *NYT* 5-26-63, 58; 11-19-77, 42; 7-24-83, 6:12; 4-13-01, A12; 5-3-01, A24; 5-23-02, A30; *AJC* 5-23-02, 1A; *BN* 12-27-65, 1)

Birmingham was the epicenter of a national earthquake. For weeks, headlines and nightly news programs had shown graphic photos of children hit with heavy streams of water from fire hoses, snarling dogs, mass arrests and damage from bombings. From March through September there were 13 bombings in Birmingham – about a quarter of all the bombings in the previous 20 years – two assassinations of civil rights activists in the South, much grandstanding by Governor Wallace and the March on Washington. (Harris, 2004, 144; *NYT* 9-18-63, 27) These catalyzed civil rights activity throughout the country. Over the next year, there were hundreds, perhaps thousands, of demonstrations both North and South. (Fleming, 1965, 942; *NYT* 6-2-63, 157) I was one of thousands who were drawn into the civil rights movement by an explosion of concern. I walked my first picket line in September in Berkeley, and sat-down for my first two arrests the following Spring in San Francisco. (Freeman, 2004, 84-86, 88, 98, 105)

In Alabama, whites circled the wagons, defending themselves against the scorn of the world. Governor Wallace spoke for all but a handful of Alabama whites when he declared that the “white people of Birmingham should have been commended for their restraint during the present demonstrations.... These demonstrators are lawless Negro mobs in conflict with lawfully constituted authority.” He went on to denounce President Kennedy who “wants us to surrender this state to Martin Luther King and his group of pro-Communists.” (*NYT* 5-9-63, 17) Wallace continued to stand up for segregation. In June he tried to block the admission of two Negroes to the University of Alabama. In September, he ordered state troopers to block 20 Negro students from entering white schools in Birmingham, Mobile and Tuskegee until he was issued a restraining order by all five of Alabama’s federal district judges. (*NYT* 9-8-63, 56; *NYT* 9-15-63, 187; 10-6-63, 191)

The Legislature voted to investigate the civil rights movement. On May 21 a Joint Resolution created the Alabama Legislative Commission to Preserve the Peace (ALCPP) in order to “study, investigate, analyze and interrogate persons, groups and organizations who may be engaged in activities of an unlawful nature against the sovereignty of the State of Alabama, and which may be detrimental to the peace and dignity of the State of Alabama.” It hired Edward Strickland, a Birmingham newsman, to be its staff director. It paid informants all over the state to gather information for its files, plus two staffers to write reports and a secretary to type them. (ALCPP, 1965, quote from House Joint Resolution on 3, 6-8; *Sun* 6-30-65, 4)

The new Birmingham city government inched toward accommodating Negro demands without alienating whites. In August the City Council created a new Community Affairs

Negroes – especially children in church. Had the trial been held closer to the date of the crime, it’s unlikely that a jury would have convicted. In addition, by 1977 the women were willing to talk and even testify about what their men had told them. Many Klan crimes were solved when women abused by Klan men talked to the authorities but they rarely were willing to testify in open court.

Committee which had a bi-racial subcommittee. Mayor Boutwell ultimately rejected its recommendations. All of the city segregation ordinances were repealed. Some municipal facilities – parks, golf courses, the Municipal Auditorium – were re-opened without being segregated. Other facilities – e.g. swimming pools – were not. When the public schools opened, there were five Negroes in the white schools, but not without incident. The various service clubs remained segregated but the Chamber of Commerce invited Ensley dentist John W. Nixon to join. An opponent of Shuttlesworth, Nixon became president of the statewide NAACP in 1965. (Thornton, 2002, 360-3; *BN* 1-9-66, B-2)

Ordinary white folk hailed as heroes those whites who exacerbated racial conflict and condemned as traitors those few who took responsibility for it. A year after the demonstrations, Alabama's white voters elected Bull Connor to be president of the Alabama Public Service Commission, one of ten statewide public offices. He was re-elected in 1968.³ He was also re-elected to a second term as Alabama's Democratic National Committeeman. (<http://www.encyclopediaofalabama.org/face/Article.jsp?id=h-1091>; Thornton, 2002, 370) By that time, Birmingham attorney Charles Morgan had been forced to leave town. A day after the church bombing, Morgan asked the rhetorical question "Who threw that bomb?" in a talk before the Young Men's Business Club and answered by saying "We all did." He made a similar speech at Harvard and Yale later that fall. (*NYT* 9-17-63, 24; 9-24-63, 32; 3-12-63, 35; Morgan, 1964, 10) A year later he was starting over in Atlanta.

The white racial moderates who managed to stay in Birmingham were those who tried to make changes outside the public eye. That fall Ed Harris went through fifteen years of newspapers looking for stories of police shootings of Negroes. He counted 44 shootings, 7 in 1963 alone. The stories revealed that "six officers could account for every police shooting from 1948 to 1963." After still another Negro was shot in the Spring of 1964, he brought his findings to City Council members Nina Miglionico and John Bryan, chosen because he had seen them at the funeral for the four little girls killed in the September church bombing. The council members questioned his findings and said they didn't think a Civilian Review Board would do anything, but they asked him to leave his materials. No one was fired and there was no publicity, but within a year all six bad cops were off the force or on administrative duty. (Harris, 2004, 144-47)

Negroes in Birmingham were generally pleased with the outcome of the demonstrations. A survey done by the National Opinion Research Center in October of 1964 found that 90 percent of Birmingham Negroes thought the demonstrations had helped to make things better. However, they were also tired of marching and picketing. Over half wanted to see fewer demonstrations. Negroes surveyed in other cities were less optimistic about the effect of demonstrations but willing to see more of them. (Marx, 1967, 15, 17) The demonstrations had a positive impact on SCLC. As the country looked to it for civil rights leadership, an outpouring of contributions increased its budget and its field staff. The number of local SCLC affiliates went from 85 to 110. (King, 1964, 116, 128)

³ According to Raines (1977, 166) Smyer and other white business leaders made a secret deal with Connor to support his candidacy for the PSC in exchange for withdrawing from Birmingham politics.

SCLC's Birmingham project shifted the national debate. The revised civil rights bill proposed by President Kennedy in June reflected a new awareness that segregation by private businesses that catered to the public was no longer acceptable. Title II prohibited discrimination on the basis of race, color, religion or national origin in public accommodations. Title III prohibited state and local governments from denying access to public facilities. Title X created a Community Relations Service to provide mediation to aid communities in resolving disputes involving race, color or national origin. LBJ appointed former Florida Governor Leroy Collins to be its first director. Other provisions retained from the February bill were made stronger. "But for Birmingham," the President told Fred Shuttlesworth and others at a June meeting, "we would not be here today." (Manis, 1999, 396; Eskew, 1997, 312)

Voter Registration in Jefferson County

In the 19th Century Negroes were roughly a third to a half of Jefferson County's voters. After the 1901 Constitution created barriers to voting, the number of registered voters plummeted to 376 in 1908. This was 1.27 percent of the male NVAP in the 1910 Census, at a time when Negroes were 43.6 percent of the total county VAP. (Harris, 1977, 58; Lewinson, 1932, 217) When the 1960 Census was taken, Negroes were 34.6 percent of the county population, 31.2 percent of the voting age population, and 10.2 percent of registered voters. In the intervening decades, Birmingham Negroes had struggled long and hard to regain the suffrage.

After the 19th Amendment enfranchised women, Negro women made a particular effort to register but were turned down by the Jefferson County Board of Registrars. This led the Birmingham chapter of the NAACP, founded in 1919, to take up suffrage as its primary project. (Autry, 1997, 1, 5) The chapter was soon extinguished by the intense KKK activity of the early 1920s. Nonetheless, a Negro veterans' organization petitioned the governor with a request that Negroes be allowed to vote. In January of 1926, Indiana Little, a Birmingham teacher and wife of a disabled soldier, led a group of Negro men and women to the Board of Registrars. She was "thrashed," arrested and fined. (*WP* 1-21-26, 5; *CD* 1-30-26, 4; Brittain, 1962, 128)

The Alabama NAACP revived in the 1930s after the KKK declined, but was still weak. In 1930s the Communist Party established itself in Birmingham, adopting voter registration as one of its major activities. (Sullivan, 2003, 147; Kelley, 1990, 182-83) There was a small but steady increase in the number of Negro registered voters. In 1938 the CP joined with a few radical Negro ministers to found a Right to Vote Club which taught classes in how to surmount the numerous hurdles the state of Alabama placed before the potential voter. Throughout 1939 hundreds of Negroes tried to register. On June 15, 1939, attorney Arthur Shores and the NAACP sued the Board of Registrars on behalf of six of them. (Kelley, 1990, 182-84, 212-14; Bunche, 1973, 254-67) The Board promptly registered all of the plaintiffs, thus rendering the lawsuit moot. Shores sued again in 1940; this time he lost all the way to the Alabama Supreme Court. (Norrell, 1991, 206, 224; Thornton, 1001, 154-5) This was not an isolated incident. The Board never told anyone in writing that s/he had failed to qualify to vote; it just didn't send out certificates of registration. If such a person hired an attorney and sued, it would promptly send such a certificate, making it impossible to get a court decision on Board practices. In effect, anyone who could afford an attorney could register to vote. (Strong, 1956, 54-55)

The CIO often co-operated with the NAACP in voter registration drives because its members faced similar barriers. It felt that "a man appearing at the registrars' office in overalls will not be registered" whether he was black or white. (Quote in Strong, 1956, 56) One such drive happened in 1944 after the US Supreme Court found the white primary unconstitutional in a Texas case (*Smith v. Allwright*). As numbers rose, the Board of Registrars became less co-operative, telling prospective voters to come back later, or quizzing them with irrelevant questions. (*ADW* 7-7-44, 1; *CD* 9-2-44, 18) Although both Negroes and whites (in overalls) were quizzed, Negroes were questioned longer and asked more questions requiring detailed knowledge. They had to answer such questions as: How many members are there in the electoral

college? Name the 14th State admitted to the Union. The CIO and the (Negro) Jefferson County Progressive Democratic Council collected the questions their members were asked and circulated them with the answers to prospective voters. (Strong, 1956, questions on 49-51, 56)

In January of 1946, roughly one hundred WWII veterans marched double file through the streets of Birmingham to the Jefferson County courthouse. Organized by the Veterans Committee of the Southern Negro Youth Congress, which was headquartered in Birmingham, and accompanied by three Baptist ministers, each vet came before the registrars, showed his discharge papers and was quizzed on his knowledge of U.S. government and history. Only a handful passed. The indignation at vets being denied the right to vote prompted another massive voter registration campaign. A coalition of organizations raised money, put ads complaining about the Board's treatment into newspapers and ran voter registration clinics. Within a few months, ten thousand people filled out registration forms. Only 1,500 became voters. Arthur Shores filed another lawsuit. (*SP* 4:3, March, 1946, 6; *CD* 2-2-46, 2; 6-29-46, 13)

For the next 20 years drives to register Negro voters came and went. In 1952 W. C. Patton, a high school teacher and principal in Birmingham, formed the Alabama State Coordinating Association for Registration and Voting to supplement the work of the NAACP throughout the state – and substitute for it when the organization was banned for eight years. Using workshops and mailings, ASCARV taught Negroes to answer the complicated questions asked by the registrars. (Brittain, 1962, 130) Community organizations, churches and labor organizations also spent time and resources preparing Negroes to face the registrars. How successful they were depended on who sat on the Board of Registrars and the political situation. When the Southern Regional Council collected county registration rates for Alabama in 1956, around 7,000 Negroes, or roughly 5.8 percent of the NVAP were registered in all of Jefferson County. (Gomillion, 1957, 282) By the time the *Birmingham News* printed voter registration statistics on September 18, 1960 that number had increased to 11,900 Negroes – 10.2 percent of the NVAP. Not much had changed by June of 1962 when the DoJ sent the FBI to photograph the registration records. “Only ten percent of 121,000 eligible Negroes have voting certificates.” (*NYT* 7-6-62, 23)

Things picked up during the Birmingham demonstrations in the Spring of 1963. On July 31, the DoJ filed its first lawsuit against the Board of Registrars for discrimination. That case never came to trial, but 8,833 Negroes registered to vote in 1963 – the most in any one year. Two representatives of President Kennedy had persuaded two new Registrars to register all qualified black applicants; only 9 percent of black applicants were rejected. Aided by students, Rev. Abraham Woods of the ACMHR ran a voter drive which canvassed the neighborhoods, taught people how to pass the tests and drove them to the courthouse on registration days. However, twice as many whites registered that year. In 1964, 8,626 whites registered, compared to 2,302 Negroes. Prodded by the civil rights movement, Negroes were rushing to the registrars, but whites were rushing faster, and their acceptance rate was higher. (Thornton, 2002, 368-9; *CRD* 1964, 89 [1262], II-80 [1403]; *NYAN* 8-10-63, 22; *CD*, 12-28-63, 9; Huntley, 2009, 83, 87) When the VRA was signed on August 6, 1965, 22.6 percent of all voting age Negroes in Jefferson County were registered to vote but they were only 14.7 percent of all registered voters. (Doar memo in Belknap, 1991, 15:182)

Because of its large population, the law gave Jefferson County more registration days than the rural counties. The Board was normally open three days a week from 8:00 a.m. to 4:00 p.m. One week each month the Board worked in Bessemer, and one day a month it registered in Fairfield. The Board closed for two weeks anytime there was an election someplace in Jefferson County. That's why Wednesday, August 18 was the first registration day after the VRA eliminated the literacy test. During the summer the NAACP had run a voter registration drive and on that day over 500 Negroes were waiting to fill out the simplified application. They lined the corridors in the courthouse and flowed out the door, down the steps, into the park and along the street. As some left, more arrived. Although the literacy test was no longer required, there were still 17 questions to answer and only six clerks to review the forms. Applicants no longer had to bring a registered voter to vouch for them, but they did have to supply the names of two people who could verify the statements they made on the application. By the end of the day 430 Negroes and 10 whites had registered to vote. Another 400 signed complaints to the DoJ that they were unable to register. (*BN* 8-18-65, 29; 8-19-65, 2; Belknap, 1991, 15:186, 193)

By the time the SCLC convention began in Birmingham in August, 26,255 Negroes were registered to vote in Jefferson County. When SCLC returned four months later another 8,619 had been added to the voter roles. From a 1960 NVAP of 116,160 that left 81,286 potential voters. (Belknap, 1991, 15:182, 193-5) Even though the NAACP and the ACHMR had been bringing a couple thousand Negroes to register each month, there was still plenty to do.

School Desegregation in Jefferson County

Like most challenges to the racial status quo in Birmingham, the effort to desegregate the schools began with Fred Shuttlesworth. On August 21, 1957, while the Little Rock crisis over desegregating Central High was in the making, Shuttlesworth and other parents sent a letter to the Birmingham Board of Education asking that children be sent to schools in their neighborhoods. He had recruited eight families to participate in the desegregation effort whose children had to pass a white high school to get to their Negro high school. The Board passed their petition on to the Birmingham school superintendent. However it was the State Superintendent of Education who responded on August 28, with a letter outlining the advantages of keeping Negro children in Negro schools and asking that the Negro parents accept the decision of the local Board of Education on where best to place their children. Most of the parents withdrew. Shuttlesworth decided that he would take his two daughters and the remaining two Negro students to the white school on the first day of school and demand that they be enrolled. Telegrams asking for protection were sent both to the Chief of Police and the county sheriff. Although the cops later claimed that they hadn't received them in time to send more than four officers, the large crowd of whites who greeted Shuttlesworth's car on Monday morning had to get their information from someone. (Manis, 1999, 146-49; *Shuttlesworth v. Birmingham Board of Education*, 1958)

The mob smashed his car, pounded Shuttlesworth into the ground, stabbed his wife in the buttocks, and scared the kids half to death before the car got away. They went directly to the University of Alabama Hospital, where the white doctor who examined Shuttlesworth expressed surprise that he didn't have a cracked skull or concussion. Although the doctor wanted to keep him in the hospital Shuttlesworth insisted on going to the ACMHR's usual Monday night meeting. His only concession to his injuries was to preach while sitting in a chair, to a standing room audience of people who had heard what happened that day. Three men were arrested for beating Shuttlesworth, but a white grand jury refused to indict any of them despite the testimony of Negro observers. (Manis, 1999, 149-161; *NYT* 9-10-57, 1; *NYAN* 9-14-57,1; *BAA* 10-19-57, 6)

The day after that beating the Birmingham school superintendent told the parents to present their children for testing on Monday, September 16 pursuant to Alabama's Pupil Placement Law. Passed in 1955 in order to circumvent the *Brown* decision, it instructed school boards to place students in schools based on a wide variety of factors. While neutral on its face, it was only used to test Negro students applying to enter white schools. The children were tested but no decision as to their proper placement was released within the 30 days required by the law. On December 18 Shuttlesworth and three parents filed a law suit on behalf of their children challenging the constitutionality of the Pupil Placement Law. On May 9 Judge Rives, joined by Lynne and Grooms, found nothing unconstitutional in its language and nothing relevant in its application. The Supreme Court affirmed without opinion on November 24. (*Shuttlesworth v. Birmingham Board of Education*, 1958)

In the fall of 1959 Shuttlesworth sent another letter signed by 135 parents to the Superintendent demanding desegregation of the schools,. (Manis, 1999, 225-6) When that was

rejected, he filed another lawsuit on June 17, 1960 to enjoin the school board from operating a dual school system. A class action, the named plaintiffs were two of his children and four children of barber James Armstrong. His children were later dismissed as plaintiffs because they were no longer living and going to school in Birmingham (Shuttlesworth having moved to Cincinnati). When the case was tried on October 3, 1962, the undisputed facts showed that

The white population of Birmingham is 205,620; the Negro, 135,627. There are 8 high schools designated "White" with 409 teachers and 10,081 pupils; 5 high schools designated "Negro" with 278 teachers and 6,748 pupils; 50 elementary schools designated "White" with 781 teachers and 29,578 pupils; 42 elementary schools designated "Negro" with 697 teachers and 26,967 pupils. Never at any time has a Negro pupil been assigned or transferred to a school designated "White" or a white pupil to a school designated "Negro." Without exception white instructional personnel have been assigned only to schools designated "White" and Negro instructional personnel only to schools designated "Negro." White schools are located with reference to the concentration of white population and Negro schools with reference to the concentration of Negro population. There are overlaps in the geographical areas involved wherein there are white schools in closer proximity to the residences of Negro pupils than Negro schools. The reverse situation obtains with respect to white pupils. Notwithstanding, the custom, usage and practice historically followed, sanctioned and expected by Superintendent and Board to be followed presently, result in white pupils attending white schools and Negro pupils Negro schools. (*Armstrong v. Board of Education of City of Birmingham*, 1963, 218-19)

In his 1963 decision, Judge Seymour Lynne wrote that: "it graphically appears from the testimony of Dr. Theo R. Wright, Superintendent of Birmingham Public Schools, that he and the Birmingham Board of Education have operated a segregated school system based upon race in the past, are doing so now, and have formulated no plans to discontinue such an operation." Even though the Armstrong children did have standing, the court did not issue an injunction because they had not so much as applied to go to an integrated school. Absent such a showing Judge Lynne said they first needed to exhaust their administrative remedies under the Pupil Placement Act. (*Armstrong v. Board of Education of City of Birmingham*, 1963)

The Fifth Circuit reversed on July 12, but not unanimously. Judges Tuttle and Rivas ordered the Birmingham Board to enter a desegregation plan by August 19, saying that the Board's duty to desegregate was not dependent on a Negro child first going through the lengthy state procedures to determine and contest a school placement. Judge Gewin dissented. By school opening, two of the four Armstrong children had been placed in a local elementary school and three other children in two local high schools. When they arrived at their respective schools on September 4 they were greeted by mobs of angry whites. The 200 troopers that Gov. Wallace said he sent to Birmingham were nowhere to be seen so the rowdy whites were handled by city police. Only about 15 percent of the white students came to school that day. This entire week was one of turmoil, bracketed by bombings and interspersed with riots, including at least one Negro gunshot death. The National States Rights Party held rallies and marched on Montgomery,

carrying petitions signed by 30,000 Birmingham whites asking that the public schools be closed rather than integrated. Federal courts had ordered that Negroes be admitted to the public schools in Tuskegee, Mobile and Huntsville as well as Birmingham that September. By the end of the week Gov. Wallace had ordered the schools closed in all four cities. (*NYT* 9-1-63, 40; 9-4-63, 1, 38; 9-6-63, 14; 9-7-63, 9; *WP* 9-1-63, A4; 9-8-63, A4, E1; *Sun* 9-2-63, 3; *CD* 9-5-63, 4; 9-7-63, 19)

On Monday, September 9, three Negroes quietly integrated formerly white schools in Huntsville, while state troopers kept them from entering schools in Tuskegee, Mobile, and Birmingham, pursuant to executive orders by Gov. Wallace that "No student shall be permitted to integrate the public schools." When Wallace's troopers surrounded these schools, all five of Alabama's federal judges signed a TRO that he stop interfering with desegregation. Wallace ordered the Alabama National Guard to ring the capitol to keep federal marshals from serving the TRO on him, though some state troopers in the three cities were served. President Kennedy federalized the National Guard saying that "the Government will do whatever must be done to see that the orders of the court are implemented." He pointed out that Alabama was an exception to the 144 school districts in 11 border and Southern states that had peacefully desegregated that week. At that point, having milked the matter for all the publicity it was worth, Wallace said he would obey the federal courts. The National Guard returned to their barracks, and 24 Negro students entered the formerly white schools in all four cities on Tuesday. (*CD* 9-10-63, 3; 9-11-63, 2; *NYT* 9-10-63, 27, 28; 9-11-63, 30; Ex Orders of 9-2-63, 9-9-63 and TRO of 9-9-63 at 8 *RRLR* 912-24; *U.S. v. Wallace*, 1963)

Unlike Huntsville, with its cosmopolitan population that did not want the schools closed, whites in the other three cities were stirred by Wallace's acts of defiance. For a week, rowdy white youths rampaged in Birmingham from school to school, waving confederate flags, carrying anti-JKF banners and shouting racial slurs. Initially, many white students stayed out of the integrated schools, but by the end of the week, attendance was close to normal at most of them. In the meantime, Gov. Wallace was capitalizing on his notoriety to launch his next campaign. He flew to Maryland to participate in a conference on race relations at Goucher College, where he not only defended segregation, but announced that he might enter the 1964 Presidential primary in Maryland. (*NYT* 9-13-63, 14; 9-14-63, 11; *WP* 9-7-63, A4; 9-8-63, A4, E1; 9-11-63, 5; 9-12-63, A7; *Sun* 9-14-63, 5, 28)

The Fifth Circuit issued its final order on June 18, 1964, putting the Birmingham school system under the jurisdiction of Judge Lynne. It specified that the School Board had to satisfy that court as to its desegregation plan for 1964-65 and every subsequent school year until a unitary school system was achieved. On September 3, the two Armstrong children enrolled in the same elementary school they had attended in 1963. Seven Negro students entered four formerly white high schools. Some were greeted by jeering whites and cars decorated with Confederate flags driven by leaders of the NSRP. The following Spring HEW stepped into the picture, issuing guidelines for desegregation plans in order to qualify for federal funds. The number of Negroes attending formerly white schools in Birmingham went from 9 to 57 in the 1965-66 school year to 361 the year after that and continued to increase. Apparently federal funds were an effective carrot, though it would be 1983 before the federal court relinquished oversight of the

Birmingham schools. (*Armstrong v. Board of Education of City of Birmingham*, 1964; *NYT* 9-4-64, 10; *WP* 9-4-64, A2)

In Jefferson County separate boards ran the schools in Birmingham, Bessemer, Fairfield, Tarrant and Mountain Brook. A five member elected Board of Education ran the other 114 schools in the county. In 1964 Inc. Fund attorneys filed a class action against that Board demanding a court order to desegregate those schools. On June 23, 1965 Judge Seybourn Lynne found that there were two completely separate systems, with different busses and bus routes to take Negro and white children to their separate schools. At that time those schools had 45,000 white and 18,000 Negro students, taught by 1,628 white and 600 Negro teachers. He ordered the Board to submit a desegregation plan. The DoJ quickly intervened in the case changing its name to *United States v. Jefferson County Board of Education*. While that plan would bounce between the District court and the 5th Circuit for years, some Negro children entered the white schools that fall. Nine Negroes applied to enter white schools by the August 9 deadline; one withdrew and the other eight were approved to attend four jr. highs and one high school. When two Negro girls entered Hueytown high school, the Klansman accused of killing Viola Liuzzo withdrew his son. (*BN* 8-10-65, 15; 8-12-65, 1; *NYT* 9-4-65, 22; *BN* 6-24-65, 1; 6-26-65, 1)

Separate law suits were filed against the Bessemer and Fairfield school systems. Different federal judges ordered that each school system be desegregated gradually, with the first Negro students entering white schools at the beginning of the 1965-66 school year. All of the Jefferson County cases were appealed to the Fifth Circuit and consolidated with four cases from Louisiana. In a decision written by Judge Minor Wisdom, one of the “Fifth Circuit Four,” the court said that the time had come “to reexamine school desegregation standards in the light of the Civil Rights Act of 1964 and the Guidelines of the United States Office of Education, Department of Health, Education, and Welfare (HEW).” Writing at the end of 1966, the court said that “after twelve years of snail’s pace progress toward school desegregation The clock has ticked the last tick for tokenism and delay in the name of ‘deliberate speed’.” At that time there were only 13 Negro students in the Bessemer white schools, 31 in Fairfield’s, and 24 in the 114 Jefferson County schools. The four Louisiana parish school systems had even fewer. The court ordered these school districts to “take affirmative action to disestablish all school segregation and to eliminate the effects of past racial discrimination in the operation of the school system” by the start of the 1966-67 school year and provided detailed directions on how to do it. Judge Thornberry joined with Judge Wisdom in this opinion, but Judge Cox reserved the right to dissent “at a later date.” The school boards asked the Fifth Circuit to consider the case *en banc*. It did and affirmed on March 29, 1967 but pushed the date to the 1967-68 school year. The decision was *per curium*, but four of the 12 appellate judges – Gewin, Bell, Godbold and Coleman – filed dissents in June. The Supreme Court denied *certiorari*. (*U.S. v. Jefferson County*)