

Redistricting

As Alabama prepared for the May 1966 primary, the state legislative districts were in flux. Drafters of the 1901 constitution had decided that there would be 105 seats in the House of Representatives and 35 in the Senate. Another seat was added to the House when Houston became a county in 1903. The constitution prescribed that district lines would be drawn “according to the number of inhabitants,” as long as each of Alabama’s 67 counties had at least one representative and counties were not divided. Senate districts would also be “as nearly equal to each other in the number of inhabitants as may be.” (Alabama Constitution of 1901, §§ 198-203) “Nearly equal” was never achieved. When representatives were allocated, the blackbelt was seriously over represented for its population, and the urban areas seriously under represented.

Although the constitution said that the Legislature was supposed to redraw the districts after each decennial census, it had never done so. An apportionment that began as a method of maintaining white supremacy was continued as a “device for maintaining the strength of the small, rural counties and limiting the political influence of urban centers and industrial areas.” (Farmer, 1949, 39) After the 1960 Census the 634,864 residents of Jefferson County, which contained Birmingham, were still represented by seven members in the House and one Senator, while the 18,739 people in Wilcox County had two House members and one Senator. Unlike Jefferson and Wilcox the population of Dallas County had stayed fairly stable since 1901, growing from 54,657 in 1900 to 56,667 in 1960. It still had one Senator and three Representatives. (*Sims v. Frink*, 1962, Appendices D and E)

This imbalance was distorted even more by the fact that the small rural counties, especially in the blackbelt, had few if any Negro voters while the urban areas had some. There were roughly 2,600 whites over 21 in Wilcox County, of whom 2,978 (!) were registered to vote. None of the six thousand Negroes over 21 were registered to vote in 1960. Lowndes County had a population of 15,417 when the 1960 census was taken; roughly two thousand were whites of voting age. Since no Negroes in Lowndes were registered to vote those two thousand people chose two Representatives and one Senator.

On August 26, 1961 Charles Morgan, still a Birmingham lawyer, joined with thirteen fellow members of the Young Men’s Business Club of Birmingham to sue the state in federal court in order to force it to redistrict consistent with population. (Morgan, 1964, 104) Although they could have relied solely on the state constitution, they argued that the composition of the state Legislature violated the 14th Amendment of the U.S. Constitution so that they could get a three-judge federal court. Birmingham was in the Northern District, but they filed in the Middle District of Alabama so that Frank Johnson would be one of the judges. (Rives and Thomas were the other two). At that time 25.1 percent of the people of the state could elect a majority of the Senate. Or to put it differently, the population of the 34 smallest counties, which was less than the population of Jefferson County, could control the Senate.

The District court delayed hearing the case until the Supreme Court decided *Baker v. Carr*, a case that originated in Tennessee in 1959. Like Alabama, Tennessee had not changed its legislative districts since 1901, despite a mandate in its constitution that it do so every ten years. Previously the courts had held that matters of apportionment and districting were “political

questions” to be decided by the legislative branch, or the people, but not the judiciary. After decades of population shifts during which most of the states failed to change their legislative districts, the Supreme Court was finally ready to step in. They were encouraged to do so by other parties who were not involved in litigation. For example, in its 1961 *Report* the US Commission on Civil Rights recommended that Congress require districts to “be substantially equal in population” and also to give the federal courts jurisdiction over such suits as *Baker*. (USCCR, *Voting*, 1961, I-141)

On March 26, 1962 the Court removed the “political question” barrier to redistricting suits by ruling that such cases were justiciable. After a quick hearing the three Alabama federal judges found on July 21 that “the present apportionment... constitutes 'invidious discrimination' in violation of the Equal Protection Clause of the Fourteenth Amendment.” It created a temporary redistricting plan to be used for the 1962 general election in order to allow the Legislature sufficient time to pass a permanent plan. The Supreme Court affirmed this decision in *Reynolds v. Sims*, holding on June 15, 1964 that “the seats in both houses of a bicameral legislature must under the Equal Protection Clause be apportioned substantially on a population basis.” One of six reapportionment cases decided that day, the Alabama case was the one the Court used to proclaim the new standard. (Morgan, 1979, 60-69; first quote in *Sims v. Frink* at 435; second quote in *Reynolds v. Sims*, 1964, at 568)

When *Baker* opened the door, prospective plaintiffs all over the country charged through. That very day a reapportionment suit was filed in Georgia. The 1945 Georgia Constitution specified that all but two of Georgia’s 54 Senate districts had to be composed of three contiguous counties with the Senate seat rotating among them. Fulton County, which was part of Atlanta, had its own senator. Chatham County, which included Savannah, Georgia’s second largest city, shared its senator with only one other county. No senator could succeed himself. If a party chose its nominee in a primary, only the voters in the county whose turn it was to choose the senator could vote in that election. Since the Democrat always won, the voters of two of the three counties in each Senate district had no say in choosing their representative two-thirds of the time.

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At the time *Toombs v. Fortson* was decided on May 25, 1962, a majority of the 54 members of the state Senate could be elected by 21.4 percent of the 1960 population. In the house, 121 counties elected one member each, 30 chose two members and the 8 largest counties were each represented by three members. A majority of the 205 members of the house could be elected by 22.5 percent of the 1960 population. Before ordering the Legislature to reapportion at least one legislative body on the basis of population, Judge Tuttle observed that “The five-county area of Fulton, DeKalb, Cobb, Clayton and Gwinnett, which comprise the metropolitan area of the city of Atlanta, has approximately 25% of the State's population, furnishes more than 25% of the total State revenue, and has 4.3% of the Representatives in the State House of Representatives. These counties are part of senatorial districts that combined have approximately 6% of the representation in the Senate.” (*Toombs v. Fortson*, 1962, at 251)

Georgia chose to reapportion the Senate by population, while leaving the House districts determined by geography. The reapportionment bill identified seven counties with urban centers which would each choose between two and seven Senators in the 1962 general election. Some of these had a substantial number of Negroes, many of whom were educated and registered to vote. Negroes were roughly one-fourth of Atlanta’s registered voters and made up a substantial portion of the voters in Columbus and Augusta. Fearful that Negroes would elect one of their own, the

Legislature proposed that candidates in these Senate districts run county-wide. This so clearly violated that section of the Georgia Constitution that said there could be only one Senator per district that a state judge threw it out. As a result Negroes won both the Democratic and Republican nominations for one of Fulton County's Senate seats; in 1963 attorney and former school teacher Leroy Johnson was sworn in as the first Negro Senator since 1874. A massive voter registration drive in the Spring of 1964 added several thousand more Negroes to the Fulton county voter rolls. This led to the election of Atlanta Horace T. Ward to the Senate in 1964. (Georgia Constitution of 1945, §2-1401; McCrary and Lawson, 2000, 302-306; McDonald, 2003, 86-89; Crimmins and Farrissee, 2007, 139; *ADW* 4-5-64, 1; *SV* 11-18-63, 4)

Georgia was compelled to also reapportion its House by population after the Supreme Court affirmed *Reynolds* on June 15, 1964. The federal court allowed the members of the House elected in November of 1964 to retain their seats for one year, while redrawing the districts according to population. Some districts kept their former boundaries. Atlanta and other cities held a special election to fill seats in 47 newly drawn districts on June 16, 1965. Republicans won 17 races, but their Negro candidates all lost. In Atlanta seven Negro Democrats defeated Negro Republicans. Among them were Julian Bond, the communications director of SNCC, Benjamin D. Brown, executive secretary of the Atlanta NAACP, and Grace Towns Hamilton, the first Negro woman to serve in the Georgia Legislature. In Columbus a Negro Democrat who had worked for the NAACP defeated a white Republican. With the two Negroes already in the Senate, this brought the total number of Negroes in the state Legislature to ten. (*Toombs v. Fortson*, 1965; Crimmins and Farrissee, 2007, 139-141; *NYT* 5-23-65, 80; 6-17-65, 20; 6-18-65, 15; 1-10-66, 10; *CD* 6-22-65, 5; *WP* 6-21-65, A2; *NYAN* 6-25-65, 53; <http://www.georgiaencyclopedia.org/nge/Article.jsp?id=h-1373>; <http://www.georgiaencyclopedia.org/nge/Article.jsp?id=h-742&hl=y>)

Another Georgia case that had a major impact on Georgia politics wasn't explicitly about race or reapportionment. *Sanders v. Gray* challenged Georgia's county-unit system for choosing candidates in the Democratic primary which gave rural voters an average of eleven times the voting power of urban voters. Rural counties with one-third of the state's population had a majority of its county-unit votes. The Republican Party used a convention system, but the Democratic Party candidate always won, so the Democratic primary was the only important election. After a white voter sued the state Democratic Executive Committee, a three-judge federal court enjoined its use "in its present form." Instead of asking the Legislature to revise it (again), defendant appealed to the Supreme Court, which struck it completely by 8 to 1. Justice William O. Douglas wrote "'The concept of political equality...can mean only one thing—one person, one vote.'" Later courts changed this phrase to "one man, one vote." (McDonald, 2003, 81-83; first quote in *Sanders v. Gray*, 1962, second quote in *Gray v. Sanders* 1963, at 378)

The reapportionment decisions reverberated throughout the country as 45 states faced the need to drastically change representation in at least one chamber. (*LAT* 3-13-66, K6) Congress considered numerous bills and a Constitutional amendment to void or at least postpone legislative reapportionment. None passed. Eventually all legislatures conformed to the Supreme Court's mandate that the only basis for representation was population, some more quickly than others. The federal court for the Middle District of Tennessee accepted that state's redistricting plan on November 15, 1965. (Cortner, 1970, 247). As though in anticipation, the year before A.W. Willis Jr., became the first Negro elected to the Tennessee General Assembly since the 1880s. (<http://tennesseencyclopedia.net/imagegallery.php?EntryID=W070>) The court for the

Northern District of Georgia accepted the Georgia redistricting plan on December 8, 1967, on condition that it make a few changes. By then there were ten Negroes in the Georgia Legislature.

Alabama took longer. Although the Alabama Legislature passed redistricting bills in September of 1965, it still could not come up with a plan that would pass muster with the District court. Rural legislators were reluctant to give up their domination of the Legislature and did not want to create districts with Negro majorities. While no county had a majority of Negro voters in 1965, the Voting Rights Act was threatening to change that in the counties with large Negro majorities in the voting age population. The plan the Legislature proposed to the District Court combined white majority counties with black majority counties to create districts in which whites would continue to call the shots. Exactly one Senate district, encompassing four counties, had a Negro majority – and that was of population, not voters. Some of these districts could elect more than one representative, but each candidate had to run at large in a separate “place.” This system guaranteed that a Negro candidate would need lots of white votes to win, whereas white candidates would need few if any Negro votes to win.
(<http://www.legislature.state.al.us/reapportionment/history.html>)

The discriminatory intent was clearly evident to Judges Rives, Johnson and even Thomas. They recognized that some counties “were combined needlessly into a single House district for the sole purpose of preventing the election of a Negro House member.” Stating that “Systematic and intentional dilution of Negro voting power by racial gerrymandering is just as discriminatory as complete disfranchisement or total segregation,” the judges rejected the plan for the House, but accepted that for the Senate. On October 2, the court imposed its own plan, this time determining the districts for the 1966 house elections. Six of these districts, choosing ten representatives, had Negro population majorities, but not yet Negro voting majorities. Jefferson County (Birmingham) increased its representatives from 7 to 20 and its senators from one to 7. Candidates ran at large in each district, since the Alabama constitution did not prohibit multi-member districts. In subsequent years the Legislature still could not complete the hard task of redrawing district lines, finding it easier to leave that to the federal court. At some point county integrity was given up to attain more equal districts. Jousting between the federal court and the state Legislature over redistricting would continue for many, many years. (Permaloff and Grafton, 1995, 231; *SC*: 9-4/5-65, 2; 9-18/19-65,1; 9-25/26-65, 6; 10-3/4-65, 2; *CD* 10-6-65, 5; 10-13-65, 10; quotes in *Sims v. Baggett*, at 107; Cortner, 1970, 249-251n115)

Reapportionment had more profound consequences for some states than for others. The balance of power shifted from rural areas to cities and suburbs in 19 states, among them Alabama, Florida, Georgia, North Carolina and Texas. (Elliott, 1969-70, 476; *CSM* 3-26-66, 9) In Alabama redistricting ended the coalition between the rural blackbelt and the Big Mules of the cities. When the small, rural counties lost power relative to urban areas, business interests no longer had to work with them to get what they wanted out of the Legislature. It was easier to elect their own. (Permaloff and Grafton, 1995, 303) In the North, where Negroes were concentrated in the cities, more urban districts meant more opportunities for Negroes to run for and be elected to office. More Negroes in the state legislatures soon meant more in Congress. This would make it harder to block civil rights initiatives. In the South the situation was far more complex. The fifteen former slave states had large numbers of Negroes in the rural areas, especially in those counties which had sustained plantation agriculture. While some rural Negroes migrated to cities within their own or nearby states, only in rural blackbelt counties did they constitute a majority. Once they could vote, they could have elected a large number of

Negroes to the Southern state legislatures. Redistricting by population made this less likely, at least in the short term.

Political Parties in Alabama

Alabama was still voting Democratic when the civil rights movement erupted in Montgomery in 1955. The movement exacerbated the tension between the “national Democrats” and the “states rights” supporters within the Alabama party. In 1948 the latter walked out of the national Democratic convention when a civil rights plank was put into the platform. They also kept President Harry S. Truman off of the state’s November ballot. Alabama’s electoral college votes went to Strom Thurmond, the candidate of the States Rights’ Democratic Party. Between 1952 and 1960 the Republican share of the Alabama’s Presidential vote rose from 35 to 42 percent. Although JFK received 56 percent of the vote in Alabama in 1960, he got only 5 of its 11 electoral college votes; an unpledged slate of six voted for Virginia Senator Harry Byrd instead. In 1962, a Republican almost defeated incumbent Senator Lister Hill; two of the 18 Republicans running for the state legislature were elected. Encouraged by this trend, Alabama Republicans made a concerted effort to organize for the 1964 election. (Strong, 1972, 435, 439)

When President Johnson signed the omnibus Civil Rights Act on July 2, 1964, he opined that this would cost the Democratic Party the Southern vote for at least 50 years. Governor George Wallace had already insured that LBJ would not be on the Alabama ballot in November as the Democratic Party’s candidate for President by running and electing an unpledged slate of electors in the Democratic primary in May. Although the national Republican Party had always been more liberal on racial issues than the Democrats, when it chose Barry Goldwater as its candidate for President in 1964, it signaled a shift. Goldwater’s opposition to the 1964 Civil Rights Act drove most of the remaining Negro Republicans into the arms of the Democrats, but the white vote brought him majorities in the five Deep South states. These were the states which had the highest percent Negro in their population, and the lowest percent Negro registered to vote.

In November Goldwater got 69.5 percent of Alabama’s presidential vote and all of its ten electors. The unpledged electors got the other 30.5 percent. A lot of Republicans rode in on his coattails because Alabama encouraged straight ticket voting. At the top of the ballot was each party’s emblem. The Democrats still used the white rooster with “White Supremacy” at the top and “For the Right” at the bottom. The Republican symbol was an elephant with “America First” at the top and “G.O.P.” at the bottom. Enough voters put their mark in the circle right below that emblem to elect five Republicans to Congress – the first from that party since 1898. Three of them kept their seats in 1966 without any coattails. (Cleghorn, 1964, 34; Strong, 1972, 441-2) In 1964, the former Confederate states sent thirteen Republicans to Congress. Those plus two incumbent Democrats from South Carolina who switched parties brought the Republican total to 16 percent of the Southern Members of Congress.

In 1964 the Democratic Party was the arena for several battles over race. Governor Wallace entered Presidential primaries in Wisconsin, Maryland and Indiana. He railed against the rise of big government, but everyone knew that he was really talking about race. The Montgomery JCC used \$1,000 provided by the ASSC to reprint several thousand copies of a pamphlet attacking the 1964 civil rights bill with Wallace’s photo in it for distribution in these three states. The Coordinating Committee for Fundamental American Freedoms (CCFAF) used

money from the ASSC to place newspaper ads attacking the civil rights bill in the same primary states. (*BN* 8-29-65, 1) Wallace won 43 percent of the vote in Maryland, one-third in Wisconsin and 30 percent in Indiana. As in the South, more whites voted for Wallace in those places where there were the most Negroes. (Rogin, 1969)

The battle over race at the Democratic National Convention was more subtle. The Mississippi Freedom Democratic Party (MFDP) was founded in April to challenge the seating of the regular Mississippi delegation at the party's national convention in August. I hitchhiked from Berkeley to Atlantic City, NJ to support the MFDP at the convention and well remember the anger that flowed through our crowd when a compromise was announced that was perceived as betrayal. The repercussions from this would ripple throughout the Democratic Party and the civil rights movement for years. (Freeman, 2004, 132-137)

SNCC and SCLC had different attitudes toward the national Democratic Party. SNCC saw it as part of the problem; SCLC saw it as part of the solution. The MFDP challenge at the 1964 Democratic Convention had reinforced SNCC's belief that the national Democratic Party – the party of LBJ – was not to be trusted. In May of 1966, Alabama would hold its first election with a significant Negro electorate since 1900. While SCLC saw that as an opportunity to put the white power structure on notice that it could no longer ignore Negro needs, SNCC saw it as a farce. White candidates might pander to Negro voters, but they wouldn't attend to their needs once elected and Negro candidates wouldn't win in the Democratic primary. Rather than fight for inclusion into the Democratic Party as the MFDP was doing in Mississippi, SNCC announced in December of 1965 that it would create a third party in Lowndes County, Alabama. Negroes were 73 percent of the county's voting age population. Surely Negroes could be elected to public office there. If an independent political party worked in Lowndes, it would be tried elsewhere. (*NYT* 12-10-65, 37; *SC* 1-1/2-66, 1)

Jack Minnis, SNCC's research director, looked into Alabama election law and found that organizing a third party was difficult – with many hurdles and several bureaucratic minefields – but doable. Alabama law required that each party have an emblem. In the general election it was displayed at the top of the ballot with the party's candidates underneath. The unstated purpose of the emblem was to make it easier for illiterate whites to vote a straight party ticket, but it would work just as well for illiterate Negroes once they were registered. Staffers drew up several possibilities which SNCC passed around to local people, soliciting their opinion. They chose a drawing of a large black cat that looked like it was stalking the white rooster. Although the cat's exact size and species was indeterminate, the press described it as a snarling black panther. Thus the official Lowndes County Freedom Organization (LCFO) became known unofficially as the party of the black panther. (<https://snccdigital.org/people/jack-minnis/>; <http://www.crmvet.org/disc/panther.htm>; Jeffries, 2009, 152-3; *SP* Dec '65, 2)

Birmingham lawyer Orzell Billingsley had already declared war on the “White Supremacy” slogan at the top of the Democratic Party emblem. As chairman of the Alabama Democratic Conference, the statewide organization of Negro Democrats founded in 1960 to support the Kennedy/Johnson ticket, he traveled to Washington in October to demand that the national party compel the state party to be more accommodating to Negroes by including them in the county executive committees and removing that slogan. At the ADC's semi-annual meeting

in November he denounced the state party's "political tribalism" for using a "trademark ... [which] is offensive as a slogan, vicious as a political philosophy, a distortion as a social theory and a fraud on civilization." He called upon the national party to refuse to seat any national committeeman or woman who came from a state with that slogan. In December he sent a letter to the 72 members of the Democratic State Executive Committee telling them that a logo proclaiming "White Supremacy" was an insult to Democratic Negroes. (http://theadc.org/index.php?option=com_content&view=article&id=169&Itemid=217; USCCR, *Voting*, 1961, 255; *BN* 10-7-65, 10; 11-7-65, B4; *SC* 11-13/14-65, 1)

Those white politicians who thought that they would need Negro votes to get and stay elected realized that having "White Supremacy" at the top of the Democratic Party emblem was not a good way to do this. Chief among them was Attorney General Richmond Flowers who began a campaign for its removal. After a private meeting with the ADC, the national faction on the State Committee was convinced that the offending words had to go. But when the Negroes asked the whites to follow Flowers' lead and speak out against the label publicly, they blanched.

Meeting on Saturday, January 22, after weeks of debate, threats, and recriminations, the state Democratic Executive Committee took eleven minutes to change the slogan to "Democrats for the Right." But not without a fight. Some segregationists thought their principles were more important than the possibility of a few Negro votes. The "states rights" faction was so vehement, that the "national" Democrats wanted to vote by secret ballot so those in the mushy middle of the State Committee wouldn't have to reveal how they voted. When an appeal of the decision to have a secret ballot lost by 39-32, it was all over. The rooster no longer crowed for "White Supremacy." (*SC* 1-1/2-65, 2; 1-15/16-65, 1; 1-29/30-66, 1, 2, 5; *NYT* 1-23-66, 1; 1-30-66, E4; *BN* 1-21-66, 12, 14; 1-22-66, 1, 11; 1-23-66, 1, 4)

The Alabama Democratic Party had been battered from all sides to change its symbol. The national party hinted that its delegates wouldn't be seated at the national convention. The ADC said all those new Negro voters wouldn't cast a vote for anyone running under the White Supremacy label – certainly not a straight ticket vote. And then there was the possibility that a third party might syphon sufficient votes from Democratic candidates in November to help elect Republicans. The third party movement spearheaded by SNCC had barely begun, but it was still perceived as a threat to Democratic dominance, not to mention regaining those five Congressional seats taken by the Republicans in 1964. In December the Lowndes County Freedom Organization had flooded Lowndes County with literature portraying the white rooster and the black panther. It asked local Negroes "which party do you want to represent you?" (Jeffries, 2009, 158; Hayman, 1996, 248; *SC* 1-29/30-66, 2)

In February, the Lowndes County Democratic Party increased all of the filing fees to run for the Democratic nomination for county offices from \$50 to \$500. This put running in the Democratic primary beyond the reach of ordinary Negroes. It looked like the white Democrats and the black panthers agreed that Negroes should not run as Democrats in Lowndes County. (Jeffries, 2009, 159; *BN* 2-6-66, C-10)

Primary Preparations

The 1966 Alabama election season officially began on January 22. This was the last day of the state Democratic Party Executive Committee (DEC) meeting and the first day for candidates to file qualifying papers for public office. For those who wanted to vote in the May 3 primary, the more important deadline was February 1 when they had to pay their \$1.50 annual poll tax, or \$3.00 if they hadn't paid the previous year. Those over 45, the disabled and veterans did not have to pay that tax, but they did have to visit the office of their county probate judge to establish that they were exempt. Or was it the deadline? It was according to Alabama law, but under the Voting Rights Act the deadline was 45 days before an election. In 1966 that was Friday, March 18. Attorney General Richmond Flowers, who was courting Negro support for his next political race, told the counties to include on the voter list anyone who paid the tax by March 18. (*BN* 1-23-66, 1; *SC* 1-22/23-66, 2; 2-12/13-66, 1)

Then there was the matter of whether the poll tax for state elections was even constitutional. On March 3, a three-judge federal court said the Alabama poll tax was not, by a two to one vote. Rivas wrote the opinion in *U.S. v. Alabama*. Frank Johnson concurred and Gewin dissented. A similar court in Texas had ruled that state's poll tax was unconstitutional on Feb. 9, leaving Mississippi and Virginia as the only states with state poll taxes. On March 24 the Supreme Court ruled that "[a] State's conditioning of the right to vote on the payment of a fee or tax violates the Equal Protection Clause." (*SC* 3-5/6-66, 1; 3-12/13-66, 1; *NYT* 3-4-66, 15; quote in *Harper v. Virginia Bd. of Elections*, 1966)

As more and more candidates filed for public office, everyone debated how the vast increase of Negroes in the electorate would affect the 1966 election. Statewide registration had gone from 30,000 in 1950 to 63,000 in 1960 to 123,000 before the VRA passed. Once the legal hurdles created by state law were voided, it leaped to 208,000 at the end of 1965. There would be still more Negro voters by the May 3, 1966 primary. (*BN* 9-18-60, 1; 1-23-66, 33) Speculation was rife. "Would bloc vote aid Republicans?" one columnist asked. "How many Negroes will be elected to the legislature?" asked another. Many thought that Negroes would be the deciding vote in races between white men. Most worried about what would happen if any Negro candidates actually won. (*BN* 1-9-66, A-26; 1-16-66, A-25; 1-17-66, 6; 1-23-66, A-12)

A lot of fear was mixed into the speculation. At the state DEC meeting on January 22, Frank Mizell, who often acted on behalf of Gov. Wallace, said that the national administration "has registered illiterates, felons and insane persons, taken over our jury system, schools and legislature, all in the name of Negroes." Another member said he "never thought we would substitute black supremacy for white supremacy in Alabama." Newspapers published letters to the editor which urged "Register Whites To Prevent '1868'." Columnists wrote about how the "'Bloc vote' is gaining in Jeffco". (*BN* 1-28-66, 10; 1-30-66, B-2; 1-23-66, 4) In Lowndes County, several families were evicted from their farms after their crops were in. The only ones asked to move were movement activists who had registered to vote. Some moved in with relatives; some left the county. SNCC bought tents and erected a tent city on private land owned by Negroes to keep them in Lowndes. (Jeffries, 2009, 104-111; *NYT* 1-1-66, 15; *BN* 1-2-66, A2; *SC* 1-8/9-66; *BAA* 1-29-66, 13; *CD* 3-9-66, 13; 3-14-66, 11; 7-16-66, 3)

At the state DEC meeting, Mizell moved that nominations for county offices be made at conventions, as the Republicans did, rather than by primary elections. This would have made it harder for Negroes to participate in the nominating process. The full Committee tabled it by a voice vote. (*BN* 1-23-66, 4) Gov. Wallace asked the Legislative Council to find ways to prevent the election of Negroes in those counties where they were a majority. Composed of members from both houses, the Council's job was to review policy proposals and determine which ones should be drafted into bills by the Legislative Reference Service. On January 7, the Council directed the LRS "to study ways and means of preventing mass changes in the status of governing bodies of counties in Alabama." and to "prepare bills for them that would accomplish such objectives." (*BN* 1-7-66, 1, 6; 1-8-66, 1)

One possibility was to extend the terms of county commissioners from four to six years, so that those up for election in 1966 would not have to run until 1968. The legislature had rejected such a proposal the previous May which would apply to the entire state, but passed one applying only to Bullock County in August. It could pass other county-specific laws before the March 1 deadline for candidates to file for the May 3 Democratic primary. However, this time they would be subject to the "pre-clearance" requirement of Section 5 of the VRA. That section required covered jurisdictions to obtain the approval of the DoJ before implementing changes in their election laws. Anything the legislature passed which made it harder to elect Negroes to public office would not pass muster. (*BN* 1-9-66A-26),

Not ready to retire when his term as governor ended, Wallace had called a special session of the legislature in late September of 1965 to amend Alabama's Constitution so he could run again in 1966. Section 116 prohibited most state-wide elected officials from succeeding themselves and he wanted the legislature to pass a bill asking the people to amend it. Opponents were largely supporters of other gubernatorial aspirants who didn't want to run against Wallace. In October of 1965, the Alabama House voted 74 to 23 to allow the people to vote on an amendment, but the Senate vote of 18 to 14 was three votes shy of the necessary 60 percent.¹ The 14 Senate opponents paid dearly. They received hate mail, their families were threatened, state projects in their home counties stopped and those that ran for re-election, lost. Rumors soon began circulating that Wallace would run his wife as his surrogate in the May Democratic primary. (Permaloff and Grafton, 1995, 229-30; Howard, 2008, Carter, 1995, 265-72; 214-15; *BN* 10-27-65, 1; 11-18-65, 2; *SC* 10-9/10-65, 1; 10-30/31-65, 1; *NYT* 2-27-66, E2)

The DoJ started in March to prepare for the May 31 primary. A.G. Katzenbach requested that the FBI check the qualifying papers filed by candidates running for county offices when the

¹ In 1968 George Wallace finally succeeded in changing the Constitution so he could succeed himself. In November of that year the voters ratified Amendment 282 to the 1901 constitution, which modified Section 116 to say "Each of said officers shall be eligible to succeed himself in office, but no person shall be eligible to succeed himself for more than one additional term." At that time Albert Brewer was Governor, having succeeded Lurleen Wallace after she died of cancer on May 7, 1968. George Wallace won the race for governor in 1970 and again in 1974. He retired for a term, then ran and won again in 1982. Even without counting Lurleen's years as Governor, Wallace was governor of Alabama more years than anyone else in its history.

agents made their weekly trips to the office of the Probate Judge to get the latest voter registration figures. Agents also asked about prospective polling places, where they would be located, what hours they would be open, how many personnel would be present and how many voting machines would be available. They even asked where the voting machines would be put inside the polls. The Civil Rights Division prepared lengthy memos on Alabama election law and all the amendments made over the years applying to specific counties. The Civil Service Commission extended examiners' hours in 11 offices in 7 counties and opened eight more offices in six of the 11 Alabama counties where they were already working – Autauga, Dallas, Hale, Montgomery, Elmore and Jefferson – bringing the total to 31. It advertised for volunteers among the civil service employees to serve as poll watchers and official observers. The volunteers were paid per diem and travel costs in addition to their regular salaries. Since federal observers could only be sent to counties already certified for examiners under the VRA, the CRD identified non-examiner counties with Negro candidates who might require certification so that observers could be present on primary day. On April 30, the CSC held a training conference for 350 potential federal observers in Atlanta. (Undated Doar memo in Belknap, 1991, 15:262-3; 1966 AAG Report 192; BN 3-11-66, 1, 10; SC 3-5/6-66, 1)

Hosea invited local leaders from all over Alabama who had worked with SCLC to come to Selma in mid-January to learn how to run candidates for the various offices which would have elections in 1966. The Lowndes County Christian Movement for Human Rights sent Stokely Carmichael, a SNCC field secretary. (SC 1-22/23-66, 1, 6) Stokely took the floor to describe the new party and urge those gathered to set up their own independent parties in their counties. Hosea was apoplectic; this was completely contrary to what SCLC wanted. Carmichael argued that a separate party was the only way to win county elections. Hosea wanted Negroes to be an important voting bloc in state campaigns where Negroes were not a majority. That could only be done in the Democratic primary. (SC 1-22/23-66, 1, 6; 2-12/13-66, 2; 4-2/3-66, 3; NYT 3-3-66, 46; 3-12-66, 16)

Hosea was not the only one unhappy with the new independent party. The established Negro political leadership in Alabama also saw it as a threat. Rufus Lewis of Montgomery, who was running voter registration drives before most SNCCers were born, said it would divide Negro voters and make it easier for whites to win. (BN 12-16-65, 14)

During the winter, SCLC held several meetings of Negro leaders, mostly from the black belt counties, in an effort to weld them into a political bloc. Hosea envisioned an old fashioned political machine which would trade votes for favors, but the favors would include projects to benefit Negroes as well as jobs for individuals. For that he envisioned county organizations which could turn out the vote for the candidates they endorsed. Among other things, Hosea wanted to be able to bargain for federal poverty program funds. The 1964 Act contained a provision which allowed governors to veto some potential programs. (SC 2-19/20-66, 5; 3-5/6-66, 6; 3-12/13-66, 1; 4-2/3-66, 1; http://www.crmvet.org/docs/6602_politicalmeeting.pdf)

When it officially organized on March 15, the Confederation of Alabama Political Organizations (COAPO) planned to have three committees in each county: one to interview candidates, one to recommend endorsements and one to distribute patronage after the endorsed candidates won. By then, the number of counties represented had gone from 11 to 26, and the

people from them weren't all affiliated with SCLC. Neither were they well organized. On April 5, Hosea sent out a letter telling the recipient that he (or she) had been elected to one of these county committees. He emphasized that COAPO was not a new organization, but a coalition of existing organizations, though which ones was not clear. (*NYT* 3-16-66, 42; *SC* 4-2/3-66, 1; COAPO registration forms, SCLC IV 147:19-21, 9:0276-0323)

Although most of the blackbelt counties were represented at these meetings, notably absent was anyone from Lowndes or Macon Counties. The LCFO, by now better known as the Black Panther party, intended to run its own candidates and not endorse anyone running in the Democratic Primary. The Macon County Democratic Club, founded in 1954, didn't see a need to be part of a newer organization. It would make its own deals and its own decisions on whom to endorse. The Jefferson County Progressive Democratic Council also declined to participate. Founded in 1936 by Arthur Shores and W.C. Patton as the Jefferson County Negro Democratic Club, it wasn't about to change its way of doing business. It would do its own candidate screening and make its own endorsements. Although Hosea insisted publicly that COAPO was not an SCLC organization, it was his baby and he had a hard time cutting the umbilical cord. He replaced the initial chairman, insurance salesman Lonnie Brown from Wilcox County who was running for the state senate, with Rev. T. Y. Rogers of Tuscaloosa, an associate of Dr. King to make sure he stayed in control. (*SC* 3-12/13-66, 5; 4-2/3-66, 1; 4-16/17-66, 2; *BN* 4-3-66, A52)

The ADC was also notable by its absence, though some members of its county chapters showed up. Orzell Billingsley sent letters to 200 ADC workers informing them that ADC was *not* part of COAPO or even co-operating with it. The ADC saw COAPO as a threat to its leadership of Negro voters. Among other things, they disagreed on whom to endorse for Governor. Hosea wanted all Negroes to vote for Richmond Flowers. The ADC was divided; some had supported Carl Elliott when he was in Congress and thought he had the best chance to win against Wallace. Most had applauded Flowers heartily when he spoke at the ADC convention in November but didn't think he could win the nomination. Even those who wanted to support Flowers thought early endorsement by a Negro organization would hurt him with whites. They wanted to stick with the traditional Negro strategy of mobilizing quietly for the "better" white man, if there was one; only letting their preference be known when it was too late to become a campaign issue. (*SC* 11-13/14-65, 1; 4-9/10-66, 1,5)

Everyone knew that a lot of Negroes would go to vote on primary day who had never seen the inside of a poll, let alone a voting machine. Alabama law limited the amount of time one could spend in the voting booth. This could make it hard for the uninitiated to vote a full ballot, especially if it was a lengthy one as it promised to be in Jefferson County. Early in April, the Birmingham NAACP began classes on how to use voting machines. They ran from noon to 6:00 p.m. Monday through Friday until the day before the election. (*BN* 4-3-66, A-48)

Reverberations

The 1963 Birmingham campaign reverberated throughout the nation. One result was that the businessmen in the Senior Citizens Committee began to talk to their equivalents in the Negro community; men such as A.G. Gaston, Emory O. Jackson, managing editor of Birmingham's Negro newspaper *The Birmingham World*, and insurance agent John Drew. Dentist John W. Nixon, president of the Alabama NAACP, was invited to join the Birmingham Chamber of Commerce. What we called "the white power structure" was trying to co-opt what they called "responsible Negro leaders." The problem with the white strategy was that while these men were much admired and did have some influence, they were not seen by local Negroes as *their* community leaders. (Thornton, 2002, 373)

History did not repeat itself in 1966, but our actions did reverberate throughout the city and, to a lesser extent the state. County officials met with several "responsible Negro leaders" on Dec. 27 to discuss voter registration. The officials agreed to two additional registration days per week and more clerks – concessions they had already made to the DoJ in hopes of avoiding federal examiners. A request that some of these clerks be Negro was finally acted on when two were hired in January. Hosea's response to that meeting was to denounce them all as "Uncle Toms." His words had no impact on the "Uncle Toms," who met with city officials again in January to discuss voter registration and the demonstrations. They made it clear that they supported the demonstrations but not the use of school children. On January 13, while we were turning out the schools, Sheriff Mel Bailey addressed a larger group of "responsible Negro leaders" at an informal luncheon they held weekly at the Negro Y on 18th St. After describing all the bad consequences of our demonstrations, he asked their help in getting the children back in school. The response was a litany of grievances that Negroes had against the justice system in general and the police specifically. Attorney Billingsley also told the Sheriff that when he wrote the Board of Registrars in November, it replied by saying that state law prevented it from extending its hours yet he knew that the Board had done just that as recently as 1964. The next day A.G. Gaston issued his statement denouncing the use of school children in our daily demonstrations. That led to Hosea's public calls for Negroes to boycott all of A.G. Gaston's businesses. (*BN* 1-9-66, B-2; 1-13-66, 1, 3; 1-14-66, 1, 2; Thornton, 2002, 374)

Needless to say, Hosea's repeated denunciations angered Mr. Gaston. On January 28 Gaston ordered SCLC to vacate his building in ten days. Hosea would have been happy to do that if we had any place else to go. Dr. King was scheduled to fly into Birmingham the next day to lead two marches but his primary purpose was to meet with the various feuding factions in the Negro community. He wanted everyone's support for the voter drive and their infighting didn't help. Mollifying A.G. Gaston was added to his agenda. This trip was postponed two days by a snowstorm in Atlanta. Arriving on Jan. 31, Dr. King spent most of his time in meetings with community leaders but did make a brief appearance at the mass meeting that night at St. James Baptist Church. He spent most of his talk praising various people for all the new Negro voters. He praised the ACMHR and its leaders by name. He thanked the staff and said that SCLC was particularly indebted to Hosea for all the recent gains of Negro voters in Jefferson County. He called for unity and asked for everyone's help. He also said that he would personally call the

Attorney General and ask for neighborhood registration. A.G. Gaston wasn't mentioned by name or inferentially but SCLC stayed in his building. There was no more name-calling and no more threats of eviction. (*NYT* 1-29-66, A2; 1-30-66, 75; *WP* 1-29-66, A2; Thornton, 2002, 374)

The federal injunction and the federal examiners ended our need for the street demonstrations. Hosea spent less time in Birmingham and the ACMHR leaders spent more time directing the movement. They had stepped into the public debate in January with a nine-point list of "suggestions for action by county and city." At the top of their list was "Immediate steps to employ Negro policemen, including new examinations to those who wish to retake them, intensive recruitment, positive statements regarding employment of Negro policemen by mayor, council president and chief of police." (*BN* 1-18-66, 6; Thornton, 2002, 375) Hiring of Negro cops had been a major local issue for well over a decade. Commissioner of Public Safety Bull Connor was adamantly opposed to such a move so it couldn't even be discussed until he left city office in mid-1963. Once he was gone, expectations were high that some progress would be made, but almost three years later there had only been studies and statements. No Negroes had been hired. Our demonstrations might be over but they had gotten the city's attention. The current government started sending signals that it was ready to actually hire Negro police.

Not that city officials were happy about it. Mayor Albert Boutwell invited the 12 signers of the 9-point list to a meeting with him and the city council. The meeting opened with an assistant reading an 8 page typewritten statement that the mayor had given to the press but not to the Negroes. It began "My door [has] always been open..." What followed was an attack on the DoJ and the demonstrations where "white passersby were forced at knife point to stand still while they were heaped with abuse and profane and obscene language." He then dismissed all but two of the nine demands as outside his jurisdiction. In response to the request to hire Negroes in the police and fire departments, he quoted the police and fire chiefs as being committed to hire the best qualified persons regardless of color, race, religion or national origin. Not surprisingly, the group left angry. Rev. Joseph E. Lowery, a founder of SCLC who had moved to Birmingham only in 1965 to pastor St. Paul United Methodist Church, summed up the meeting by saying that "the mayor and City Council are not yet aware of the depth of frustration in the Negro community." Despite the many meetings, there wasn't a lot of communication between white officials and Negro leaders. Perhaps that's why Mayor Boutwell spoke about the need for better communication between the races when he went to the informal lunch group at the 18th St. Y. After listening politely, the "responsible Negro leaders" quizzed him on how Negroes could get various city jobs. (*BN* 1-21-66, quote on 1, 6; 1-23-66, A-15; 1-28-66, 4)

On February 4, Police Chief Jamie Moore went directly to Lowery's organization, the Interdenominational Ministerial Association, telling its bimonthly meeting that he knew it was in the best interest of the city that the police department hire Negroes. Urged to take the initiative by the survey and report commissioned by the Jefferson County Personnel Board, the city distributed 6,000 brochures to the personnel offices of major employers in Jefferson County. It described the career opportunities and requirements to get into the police force. The department advertised in the Negro media and sent a recruiter to the Negro high schools. If word got out, the response was imperceptible. In March the Jefferson County Personnel Board said that less than half a dozen Negroes had taken the qualifying exam in the last six months. The only one who

passed lived outside of the city boundaries so could only go on a wait-list. On March 12 both the Mayor and the City Council President announced an “immediate need ... for Negro police.” The next Sunday the news that the city was recruiting Negroes to the police force was relayed by Negro ministers to their congregations. For a week, the papers breathlessly reported that two and then three more Negroes had passed the written tests and were undergoing background checks to see if they qualified for one of the four openings in the police department. Finally, on March 30 Chief Moore announced that the first Negro had joined the Birmingham police force. It made the front pages of all the newspapers. The second one was sworn in the next day. That story only made page 2. (Thornton, 2002, 376; *BN* 12-23-65, 20; 2-8-66, 2; *BN* 3-12-66, 1, 2; 3-13-66, quote on 1; 3-14-66, 1, 12; 3-25-66, 1; 3-28-66, 22; 3-30-66, 1; 3-31-66, 2)

The state government also responded to our demonstrations, but in a different way. The Joint Legislative Committee to Preserve the Peace (ALCPP) threatened to investigate us. Founded after the 1963 Birmingham demonstrations to look into racial disturbances, its Committee Chairman, John Hawkins, told the press that several of us would be subpoenaed to testify before the committee. He named Hosea, James Wrenn of Birmingham and me!¹ I was included because of my participation in the Berkeley demonstrations the year before. Nothing came of this but it did remind me of similar threats in California. HUAC had often threatened to hold hearings and released to the newspapers the names of people it intended to call. Even if the hearings were never held, those named often lost their jobs, especially teachers. So sensitive were public bodies to the possibility that they housed a subversive that they acted at the mere whisper of a threat. Obviously Hosea and I weren't going to lose our jobs with SCLC, but James Wrenn might have met a different fate.

¹ This comes from a clipping from the *Birmingham Post-Herald* in my files. It's undated but probably from late February.