

4

TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1962-1963

No. 606 39

NEW YORK TIMES COMPANY, PETITIONER,

vs.

L. B. SULLIVAN.

No. 609 40

RALPH D. ABERNATHY, ET AL., PETITIONERS,

vs.

L. B. SULLIVAN.

ON WRITS OF CERTIORARI TO THE SUPREME COURT
OF THE STATE OF ALABAMA

PETITIONS FOR CERTIORARI FILED NOVEMBER 21, 1962
CERTIORARI GRANTED JANUARY 7, 1963

SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1962

No. 606

NEW YORK TIMES COMPANY, PETITIONER,
vs.
L. B. SULLIVAN.

No. 609

RALPH D. ABERNATHY, ET AL., PETITIONERS,
vs.
L. B. SULLIVAN.

ON WRIT OF CERTIORARI TO THE SUPREME COURT
OF THE STATE OF ALABAMA

I N D E X

VOLUME 4

Original Print

Plaintiff's Exhibits—Continued

118—New York Times issue of February 28, 1956 article "Business Suffers by Racial Dispute. Montgomery Merchants Who Deal with Ne- groes and Whites are Hard Hit" by Wayne Phillips, Special to The New York Times, date- lined Montgomery, Alabama, February 27	780	1383
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RECORD PRESS, PRINTERS, NEW YORK, N. Y., MAY, 1963

Original Print

Plaintiff's Exhibits—Continued

119—New York Times issue of February 27, 1956 article "Negro Pastors Press Bus Boycott by Preaching Passive Resistance, etc." by Wayne Phillips, Special to The New York Times, date- lined Montgomery, Alabama, February 26 -----	783	1386
120—New York Times Magazine issue of Feb- ruary 26, 1956 article "Tuscaloosa: A Tense Drama Unfolds" by Wayne Phillips, datelined Tuscaloosa, Alabama -----	785	1388
121—New York Times issue of February 25, 1956, article "Folsom Proposes Bi-Racial Group To Fight Tension, etc." by Wayne Phillips, Spe- cial to the New York Times, datelined Mont- gomery, Alabama, February 24 -----	799	1399
122—New York Times issue of February 24, 1956 article "Negroes Pledge To Keep Boycott" by Wayne Phillips, Special to the New York Times, datelined Montgomery, Alabama, Feb- ruary 23 -----	808	1408
123—New York Times issue of February 23, 1956 article "Dean Is Critical of Miss Lucy's Bid" by Wayne Phillips, Special to the New York Times, datelined Tuscaloosa, February 21 -----	811	1410
124—New York Times issue of February 18, 1956 article "Tuscaloosa Gets a White Council" by Wayne Phillips, Special to the New York Times, datelined Tuscaloosa, Alabama, Febru- ary 17 -----	813	1413
125—New York Times issue of February 17, 1956 article "Alabama U. Head Decries Mob Rule" by Wayne Phillips, Special to the New York Times, datelined Tuscaloosa, Alabama, Febru- ary 16 -----	816	1416
126—New York Times issue of February 16, 1956, article "Student Beaten, 2 Negroes Jailed" by Wayne Phillips, Special to the New York Times, Tuscaloosa, Alabama, datelined Febru- ary 15 -----	821	1420

INDEX

iii

Original Print

Plaintiff's Exhibits—Continued

127—New York Times issue of February 14, 1956, article "Alabama U. To Make High Court Ap- peal" by Wayne Phillips, Special to the New York Times, Birmingham, Ala., datelined Feb- ruary 13	822	1422
128—New York Times issue of February 12, 1956, article "Miss Lucy's Education: Segregation Test Case" by Wayne Phillips, Special to the New York Times, datelined Tuscaloosa, Ala- bama, February 11	827	1426
129—New York Times issue of March 11, 1956, article "Tuscaloosa Calm Now, But Tensions Run Deep" by Wayne Phillips, Special to the New York Times, datelined Tuscaloosa, Ala- bama, March 10	832	1431
130—New York Times issue of March 10, 1956, article, "Miss Lucy Seeks Fall Admission" by Wayne Phillips, Special to the New York Times, datelined Birmingham, Alabama, March 9	837	1436
131—New York Times article, "Student Exhorts Alabama Rally" by Wayne Phillips, Special to the New York Times, datelined Birmingham, Ala., March 6	841	1440
132—New York Times issue of March 6, 1956, article "White Councils Split in Alabama" by Wayne Phillips, Special to the New York Times, datelined Birmingham, Alabama, March 5	843	1442
133—New York Times issue of March 4, 1956, article "Montgomery is Stage for A Tense Drama" by Wayne Phillips, Special to the New York Times, datelined Montgomery, Alabama, March 3	845	1444
134—New York Times issue of March 4, 1956, article "Alabama To Heed Courts on Taking Negro Students" by Wayne Phillips, Special to the New York Times, datelined Tuscaloosa, Alabama, March 3	850	1449

Original Print

Plaintiff's Exhibits—Continued

135—New York Times issue of March 2, 1956, article "University Ousts Miss Lucy Because of Her Charges" by Wayne Phillips, Special to the New York Times, datelined Birmingham, Alabama, March 1 -----	853 1451
136—New York Times issue of March 13, 1956 article "III. States Resisting Alabama" by Pe- ter Kihss -----	854 1452
137—New York Times issue of March 13, 1956 article "Alabama Expels Student in Riots" by Wayne Phillips, Special to The New York Times, datelined Tuscaloosa, Alabama, March 12 -----	861 1460
138—New York Times issue of March 18, 1956, article "Report on The South: A Summary of the New York Times Survey" -----	865 1463
139—New York Times issue of March 1, 1956, article "U.S. Judge Orders Alabama Co-Ed to be Reinstated" by Wayne Phillips, Special to the New York Times, datelined Birmingham, Alabama, February 29 -----	879 1476
140—New York Times issue of February 29, 1956, article "Folsom To Call Special Session" by Wayne Phillips, Special to The New York Times, datelined Montgomery, Alabama, Feb- ruary 28 -----	883 1481
141—New York Times issue of February 11, 1956 article "10,000 In Alabama Hail Segregation" by Wayne Phillips, Special to The New York Times, datelined Montgomery, Alabama, Feb- ruary 10 -----	887 1484
142—New York Times issue of April 29, 1956 article "Students Weigh Solution on Bias" by John N. Popham, Special to The New York Times, datelined Talladega, Alabama, April 28	893 1489
143—New York Times issue of April 27, 1956 article "Negroes To Keep Boycotting Buses" by John N. Popham, Special to The New York Times, datelined Montgomery, Alabama, April 26 -----	895 1491

INDEX

V

Original Print

Plaintiff's Exhibits—Continued

144—New York Times issue of April 26, 1956 article "Bus Boycott Firm in Alabama City" by John N. Popham, Special to The New York Times, datelined Montgomery, Alabama, April 25	897	1493
145—New York Times issue of April 24, 1956 article "Conviction Spurs Negroes' Boycott" by Wayne Phillips, Special to The New York Times, datelined Montgomery, Alabama, March 23	899	1495
146—New York Times issue of March 23, 1956 article "Negro Minister Convicted of Directing Bus Boycott" by Wayne Phillips, Special to The New York Times, datelined Montgomery, Alabama, March 22	901	1497
147—New York Times issue of December 24, 1956, article "Shot Hits Home of Bus Bias Foe" by George Barrett, Special to The New York Times, datelined Montgomery, Alabama, De- cember 23	905	1501
148—New York Times issue of December 23, 1956 article "White Dissidents Stir Bus Clashes" by George Barrett, Special to The New York Times, datelined Montgomery, Alabama, De- cember 22	907	1503
149—New York Times issue of December 22, 1956 article "Bus Integration in Alabama Calm" by George Barrett, Special to The New York Times, datelined Montgomery, Alabama, De- cember 21	909	1505
150—New York Times issue of December 16, 1956 article "Montgomery: Testing Ground" by George Barrett, Montgomery, Alabama	912	1508
154—New York Times issue of January 10, 1959 article "Defiant Judge Told To Yield Voter Roll" by Claude Sitton, Special to The New York Times, datelined Montgomery, Alabama, January 9	921	1515

Original Print

Plaintiff's Exhibits—Continued

155—New York Times issue of December 10, 1958 article "Rights Unit Asks U.S. Writ for Alabama Voting Data" by Claude Sitton, Special to The New York Times, datelined Montgomery, Alabama, December 9	923	1518
156—New York Times issue of December 9, 1958 article "Alabamans Defy U.S. Rights Board at First Hearing" by Claude Sitton, Special to The New York Times, datelined Montgomery, Alabama, December 8	927	1521
157—New York Times issue of June 27, 1957, article "Expert Attacks Missile Secrecy" by Russell Porter, Special to The New York Times, datelined Huntsville, Alabama, June 26	934	1528
158—New York Times issue of June 24, 1957, article "Security Marks Nickerson Trial" by Russell Porter, Special to The New York Times, datelined Huntsville, Alabama, June 23	938	1532
159—New York Times issue of March 3, 1957, article "Jim Crow, He's Real Tired" by George Barrett	939	1534
160—New York Times issue of January 18, 1957, article "A Dynamite Bomb Found In Alabama" by Phillip Benjamin, Special to The New York Times, datelined Montgomery, Alabama, January 17	945	1539
161—New York Times issue of January 1, 1957, article "A Sniper Fires on 4th Alabama Bus" by Clarence Dean, Special to The New York Times, datelined Montgomery, Alabama, December 31	947	1541
162—New York Times issue of January 12, 1957, article "Violence Stops in Montgomery" by Philip Benjamin, Special to The New York Times, datelined Montgomery, Alabama, January 11	949	1543
163—New York Times issue of December 28, 1956, article "Birmingham Defiance Ends" by Clarence Dean, Special to The New York Times, datelined Birmingham, Alabama, December 27	950	1545

Original Print

Plaintiff's Exhibits—Continued

164—New York Times issue of January 14, 1959, article "Alabama Jurors Offer Vote Files" by Claude Sitton, Special to The New York Times, datelined Clayton, Alabama, January 13	952	1546
165—New York Times issue of April 13, 1960, article "Race Issue Shakes Alabama Structure" by Harrison E. Salisbury, Special to The New York Times, datelined Birmingham, Alabama, April 9	955	1549
166—New York Times issue of April 12, 1960, article "Fear and Hatred Grip Birmingham" by Harrison E. Salisbury, Special to The New York Times, datelined Birmingham, Alabama, April 8	961	1556
167—New York Times issue of April 3, 1960, article "Clergy Exhorted To Help Negroes" by Harrison E. Salisbury, Special to The New York Times, datelined Andalusia, Alabama, April 2	968	1562
168—New York Times issue of March 7, 1960, article "Negroes Dispersed In Alabama March" by Claude Sitton, Special to The New York Times, datelined, Montgomery, Alabama, March 6	972	1565
169—New York Times issue of March 2, 1960, article "1,000 Negroes Join March In Ala- bama" by Claude Sitton, Special to The New York Times, datelined, Montgomery, Alabama, March 1	975	1568
170—New York Times issue of January 27, 1959, article "U. S. Court Clears Alabama Judge in Rights Dispute" by Russell Porter, Special to The New York Times, datelined Montgomery, Alabama, January 26	976	1569
171—New York Times issue of January 16, 1959, article "Alabama Judge Faces U. S. Action" by Claude Sitton, Special to The New York Times, datelined Montgomery, Alabama, January 15 ..	982	1573

Original Print

Plaintiff's Exhibits—Continued

172—New York Times issue of January 15, 1959, article "County in Alabama Yields Voting Files on Its Own Terms" by Claude Sitton, Special to The New York Times, datelined Union Springs, Alabama, January 14	984	1576
173—New York Times issue of January 13, 1959, article "U. S. Court Defied on Vote Records" by Claude Sitton, Special to The New York Times, datelined Clayton, Alabama, January 12	987	1578
174—New York Times issue of January 19, 1958, article "School Fight Opens in Deep South" by John N. Popham, Special to The New York Times, datelined Chattanooga, Tennessee, Janu- ary 18	989	1581
175—Article, "U.S. Negro Gains Held Scant in '59" by Claude Sitton, Special to The New York Times, datelined Atlanta, January 23	993	1584
176—New York Times issue of January 20, ar- ticle "Patterson Backs Separate Schools", date- lined Montgomery, Alabama, January 19	995	1586
178—New York Times issue of July 7, 1959, ar- ticle "Birmingham Resists Church Integration" by John Wicklein	996	1587
185—New York Times issue of February 22, 1957, article "Alabama U. Alumnus Urges Ban on Co-Ed", Special to The New York Times, datelined, Tuscaloosa, Alabama, February 21	1009	1600
186—New York Times issue of February 1, 1956, article "Negro Student Admitted", Special to The New York Times, datelined Birmingham, Alabama, January 31	1010	1600
187—New York Times issue of January 8, 1956, article "Negroes' Boycott Cripples Bus Line", Special to The New York Times, datelined Montgomery, Alabama, January 7	1011	1602
188—New York Times issue of February 26, 1956, article "Lucy Case Splits Alabama Unions", Special to The New York Times, date- lined Tuscaloosa, Alabama, February 25	1013	1604

Original Print

Plaintiff's Exhibits—Continued

189—New York Times issue of January 29, 1956, article "Democrats Curb Alabama Bolters", datelined Montgomery, Alabama, January 28	1016	1607
190—New York Times issue of January 8, 1956, article "Phenix City Honored", datelined, Phenix City, Alabama, January 7	1018	1608
191—New York Times issue of January 24, 1956, article "Legislative Revolt In Alabama Settled", Special to The New York Times, date- lined Montgomery, Alabama, January 23	1018	1609
192—New York Times issue of January 24, 1956, article "Bid to End Boycott Unheeded", Spe- cial to The New York Times, datelined Mont- gomery, Alabama, January 23	1019	1610
193—New York Times issue of March 1, 1956, article "Federal Bus Trials Sought", Special to The New York Times, datelined Birming- ham, Alabama, February 29	1020	1610
194—New York Times issue of March 21, 1956, article "Battle Against Tradition", Special to The New York Times, datelined Montgomery, Alabama, March 20	1020	1611
195—New York Times issue of March 22, 1956, article "Montgomery Negroes Tell Court of Abuse by City's Bus Drivers" by Wayne Phil- lips, Special to The New York Times, date- lined Montgomery, Alabama, March 21	1024	1615
196—New York Times issue of April 24, 1956, article "Army Seeks Ordnance Aides", Special to The New York Times, datelined Huntsville, Alabama, April 23	1026	1616
197—New York Times issue of April 25, 1956, article "Boycott Continues," Special to The New York Times, datelined Montgomery, Ala- bama, April 24	1026	1617
198—New York Times issue of October 14, 1956, article "Court Holds Key To Bus Boycott", Special to the New York Times, datelined Montgomery, Alabama, October 13	1027	1618

	Original Print
Plaintiff's Exhibits—Continued	
199—New York Times issue of December 21, 1956, article "Negroes To Test Bus Ruling Today" _____	1029 1620
200—New York Times issue of December 7, 1956, article "Negroes Mark Boycott", Special to The New York Times, datelined Montgomery, Alabama, December 6 _____	1031 1622
201—New York Times issue of December 29, 1956, article "Negro Wounded In Alabama Bus" _____	1031 1622
202—New York Times issue of December 29, 1956, article "Negro Wounded on Alabama Bus", Special to The New York Times, datelined Montgomery, Alabama, December 28 _____	1033 1624
203—New York Times issue of December 30, 1956, article "Montgomery Sets a Night Bus Ban" _____	1034 1625
204—New York Times issue of December 30, 1956, article "Montgomery Bars Bus Runs At Night", Special to The New York Times, datelined Montgomery, Alabama, December 29 _____	1035 1626
205—New York Times issue of December 31, 1956, article "Racial Violence Found Declining", datelined Tuskegee, Alabama, December 30 _____	1036 1627
206—New York Times issue of January 3, 1957, article "Montgomery Buses Kept Under Curfew", Special to The New York Times, datelined Montgomery, Alabama, January 2 _____	1038 1629
207—New York Times issue of January 14, 1957, article "Nonviolence Stressed", Special to The New York Times, datelined Montgomery, Alabama, January 13 _____	1038 1629
208—New York Times issue of January 16, 1957, article "Bus Service Resumed", Special to The New York Times, datelined Montgomery, Alabama, January 15 _____	1039 1630

Original Print

Plaintiff's Exhibits—Continued

209—New York Times issue of January 17, 1957, article "Montgomery Busses Resume Day Service", Special to The New York Times, datelined Montgomery, Alabama, January 16	1039	1630
210—New York Times issue of January 26, 1957, article "Suit Asks Ban on Bias", Special to The New York Times, datelined Birmingham, Alabama, January 25	1040	1631
211—New York Times issue of February 22, 1957, article "Negroes Win Bus Test", Special to The New York Times, datelined Birmingham, Alabama, February 21	1041	1632
212—New York Times issue of March 3, 1957, article "Shipbuilders Sign Wage Post", Special to The New York Times, datelined Mobile, Alabama, March 2	1041	1632
213—New York Times issue of March 17, 1957, article "New Voter Board Wary In Alabama", Special to The New York Times, datelined No- tasulga, Alabama, March 16	1042	1633
214—New York Times issue of March 17, 1957, article "Dr. Seale Harris, Physician, Is Dead", Special to The New York Times, datelined Birmingham, Alabama, March 16	1044	1635
215—New York Times issue of December 19, 1957, article "Voting In Alabama Marked By Apathy", Special to The New York Times, datelined Birmingham, Alabama, December 18	1045	1636
216—New York Times issue of January 6, 1958, article "Beef Cattle Up In Alabama", Special to The New York Times, datelined Mont- gomery, Alabama	1046	1637
217—New York Times issue of May 16, 1957, article "Teacher At Auburn Ousted In Bias Case", Special to The New York Times, date- lined Auburn, Alabama, May 14	1046	1637
218—New York Times issue of July 7, 1957, ar- ticle "Negroes Stopping Alabama Boycott", Special to The New York Times, datelined Tuskegee, Alabama, July 6	1047	1638

		Original Print
Plaintiff's Exhibits—Continued		
219—New York Times issue of September 6, 1957, article "College Head Named", Special to The New York Times, datelined Montgomery, Ala- bama, September 5	1050	1641
220—New York Times issue of June 4, 1958, article "Patterson Gains Alabama Victory", Special to The New York Times, datelined Birmingham, Alabama, June 3	1050	1641
221—New York Times issue of July 24, 1959, article "Budgets 'Hedged' ", Special to The New York Times, datelined Birmingham, Ala- bama, July 23	1052	1643
222—New York Times issue of November 14, 1958, article "Rogers Orders U. S. Jury to Study Arrest of 3"	1053	1644
223—New York Times issue of December 7, 1958, article "Bus Boycott Gain Seen By Negroes", Special to The New York Times, datelined Montgomery, Alabama, December 6	1054	1645
224—New York Times issue of December 7, 1958, article "Civil Rights Unit To Open Hearing", Special to The New York Times, datelined Montgomery, Alabama, December 6	1055	1647
225—New York Times issue of February 7, 1959, article "U.S. Alabama Suit Asks Negro Vote"	1058	1650
226—New York Times issue of February 7, 1959, article "U.S. Alabama Suit Asks Negro Vot- ing", Special to The New York Times, date- lined Montgomery, Alabama, February 6	1060	1651
227—New York Times issue of February 21, 1959, article "Alabama Session Ends", Special to The New York Times, datelined Montgomery, Ala- bama, February 20	1060	1652
228—New York Times issue of March 8, 1959, article "Alabama School Trains The Elite", Special to The New York Times, datelined Helena, Alabama, March 7	1061	1653

Plaintiff's Exhibits—Continued

229—New York Times issue of March 8, 1960, article "Further Protests Forecast", Special to The New York Times, datelined Montgomery, Alabama, March 7	1063	1655
230—New York Times issue of September 13, 1957, article "Birmingham Quiet as Tension Eases", Special to The New York Times, date- lined Birmingham, Alabama, September 12	1064	1656
231—New York Times issue of July 3, 1956, article "Boycott Ending 7th Month", Special to The New York Times, datelined Mont- gomery, Alabama, July 2	1065	1657
232—New York Times issue of April 10, 1960, page 50, article "Alabama Forming Race-Riot Posses", Special to The New York Times, date- lined April 9, 1960	1065	1657
237—New York Times issue of January 11, 1957, article "Other Banks", Special to The New York Times, datelined January 10	1068	1660
239—New York Times issue of January 12, 1956, article "Birmingham", Special to The New York Times, datelined Birmingham, Alabama, January 11	1069	1660
240-265—Twenty-five pages of The New York Times newspaper of various dates containing Alabama Ads	1069	1661
266-269—New York Times Advertising Depart- ment Expense Statements for Frank M. Mon- ger and Thomas M. Hurley for weeks ending January 8, 1960, December 4, 1959, October 31, 1959 and August 21, 1959	1089	1683
270 & 271—Letters from Edward T. Kennedy to Mayor, City of Montgomery, dated January 22, 1960 and July 14, 1960	1093	1687
272—Court reporter's note	1095	1689
273—Special Advertising Rotogravure section of New York Times newspaper, dated February 2, 1958, designated as "The Alabama Supple- ment"	1095	1689

	Original Print
Plaintiff's Exhibits—Continued	
Reporter's and clerks' certificates (omitted in printing) _____	1146a 1733
273—Continued _____	1147 1733
274—Letter from Joseph B. Wagner to Ralph Silver, dated September 9, 1957 describing generally the terms and conditions for payment to advertising agency, Silver & Douce Company, Inc. _____	1160 1743
275—Advertisement entitled, "Heed Their Rising Voices" published in The New York Times issue of March 29, 1960, page 25 _____	1163 1746
276—Statement of New York Times for Institute Newsstand, Tuskegee, Alabama showing charges for number of papers delivered and allowances, 1960 _____	1168 1751
277—New York Times credit memorandums for Carter News Agency in Mobile, Alabama showing number of papers sold and returned for various dates in 1960 _____	1170 1753
278—New York Times credit memorandums for Stahbehl's News Agency, Selma, Alabama showing number of papers sold and returned for various dates in 1960 _____	1178 1761
279—New York Times credit memorandums for Jefferson News Co., Birmingham, Alabama, showing number of papers sold and returned for various dates in 1960 _____	1179 1762
280—New York Times orders and credit memorandums for Montgomery News Co., Montgomery, Alabama showing number of papers sold and returned for various dates in 1960 _____	1196 1779
281—New York Times orders and credit memorandums for Anderson News Co., Florence, Alabama showing number of papers sold and returned for various dates in 1960 _____	1201 1784
282—New York Times orders and credit memorandums for Lewis Drug & Seed Store, Tuskegee, Alabama showing number of papers sold and returned for various dates in 1959 _____	1211 1794

INDEX

xv

Original Print

Plaintiff's Exhibits—Continued

283—New York Times orders and credit memorandums for A. G. Bridges, Tuscaloosa, Alabama for various dates in 1960	1215	1798
284—New York Times credits and charges for Lurie News Co., Dothan, Alabama showing number of papers sold and returned for first half of 1960	1217	1800
285—New York Times credits and charges for Carlisle Drug Co., Alexander City, Ala. showing number of papers sold and returned for first half of 1960	1218	1801
286—New York Times credits and charges for Brown's Pharmacy, Ozark, Ala. showing number of papers sold and returned for first half of 1960	1219	1802
287—New York Times credits and charges for Grammage Bros., Greenville, Ala. showing number of papers sold and returned for first half of 1960	1220	1803
288—New York Times credits and charges for Lustig Book Shop, Tuscaloosa, Ala. showing number of papers sold and returned for first half of 1960	1221	1804
289—New York Times credits and charges for City News & Tobacco Shop, Talladega, Ala. showing number of papers sold and returned for first half of 1960	1222	1805
290—New York Times credits and charges for Lewis Drug & Seed Store, Tuskegee, Ala. showing number of papers sold and returned for first half of 1960	1223	1806
291—New York Times credits and charges for Radio News Co., Bessemer, Ala. showing number of papers sold and returned for first half of 1960	1224	1807
292—New York Times credits and charges for Gadsden News Co., Gadsden, Ala. showing number of papers sold and returned for various dates in 1959	1225	1808

Original Print

Plaintiff's Exhibits—Continued

293—New York Times credits and charges for Carlisle Drug Co., Alexander City, Ala., showing number of papers sold and returned for 1959	1227	1810
294—New York Times credits and charges for Carter's News Agency, Mobile, Alabama, showing number of papers sold and returned for 1959	1228	1811
295—New York Times credits and charges for Jefferson News Co., Birmingham, Ala. showing number of papers sold and returned for 1959 ..	1229	1812
296—New York Times credits and charges for Gadsden News Co., E. Gadsden, Ala. showing number of papers sold and returned for first half of 1960	1230	1813
297—New York Times credits and charges for Anderson News, Florence, Ala. showing num- ber of papers sold and returned for 1960	1231	1814
298—New York Times credits and charges for Montgomery News Co., Montgomery, Ala. showing number of papers sold and returned for 1960	1232	1815
299—New York Times credits and charges for Lurie News Co., Dothan, Ala. showing number of papers sold and returned for 1959	1233	1816
300—New York Times credits and charges for Tuskegee Institute, Institute N. S., Ala. showing number of papers sold and returned for 1959 ..	1234	1817
301—New York Times credits and charges for A. G. Bridges, Tuscaloosa, Ala. showing num- ber of papers sold and returned	1235	1818
302—New York Times credits and charges for Lustig Book Shop, Tuscaloosa, Ala. showing number of papers sold and returned for 1959 ..	1236	1819
303—New York Times credits and charges for City News & Tobacco Shop, Talladega, Ala. showing number of papers sold and returned for 1959	1237	1820

INDEX

xvii

Original Print

Plaintiff's Exhibits—Continued

304—New York Times credits and charges for Stahbehl's News Agency, Selma, Ala. showing number of papers sold and returned for 1959	1238	1821
305—New York Times credits and charges for Brown's Pharmacy, Ozark, Ala. showing num- ber of papers sold and returned for 1959	1239	1822
306—New York Times credits and charges for Maxwell AFB, Intelligence & Bibliography Branch, Maxwell AFB, Ala. for 1959	1240	1823
307—New York Times credits and charges show- ing number of papers sold and returned	1242	1825
308—New York Times credits and charges for Grammage Bros., Greenville, Ala. showing number of papers sold and returned for 1959	1243	1826
309—New York Times credits and charges for Radio News Co., Bessemer, Ala. showing num- ber of papers sold and returned for 1959	1244	1827
310—New York Times brochure pertaining to The New York Times Index	1245	1828

[fol. 779a] Reporter's and Clerk's Certificates to foregoing exhibits (omitted in printing).

[fol. 780]

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 118

THE NEW YORK TIMES, TUESDAY,
FEBRUARY 28, 1956

BUSINESS SUFFERS BY RACIAL DISPUTE
MONTGOMERY MERCHANTS WHO DEAL WITH
NEGROES AND WHITES ARE HARD HIT

BY WAYNE PHILLIPS
Special To the New York Times

MONTGOMERY, ALA., Feb. 27—Caught in the middle of the struggle between white man and Negro in Alabama is the business man who must deal in peace with both.

This is true of the Montgomery City Lines, operators of the buses boycotted since Dec. 5 by Negroes. It is true of the retail store owners. It is true of the whole roster of makers of consumer goods who have been accused of taking sides in the race struggle.

Among the latter are the makers of Philip Morris cigarettes, Ford products Philco radios and television, Falsatf beer, Cocoa Cola, Colonial bread, Holsum bread and International Harvester equipment.

CAUGHT IN THE MIDDLE

But whatever the origin, rumor travel like wildfire, passed on by word of mouth. Before them the business man is helpless, compelled to either stand mute or give offense to one side of the other. And while he waits for the storm to pass his business often suffers.

The Montgomery City Lines, a subsidiary of National City Lines in Chicago, does business in a city where both local ordinance and state law compels it to maintain racial

segregation. Its drivers are given the power to determine how this shall be done, and to police their decisions.

It was in the process of carrying out those laws—even granting unfairness and poor judgment by a driver—that the spark was lit that touched off the current bus boycott. [fol. 781] As a result the company has lost almost 65 per cent of its riders, been forced to increase its fares from 10 to 15 cents, curtail its schedules and has been operating at a loss.

A side effect of the boycott has been the impact on the city's retailers, some of whom had derived considerable business from prize locations at key bus stops. The Liggett's Retail drug store, for example, occupies a corner on Court Square where thirty-five buses pass during the morning and evening rush hours.

CORNER LOSES VALUE

Before the boycott that corner would have been crowded with hundreds of Negroes going to and from work, or stopping off to change buses. Since the boycott this traffic is negligible on the corner, and sales have declined.

The Negroes have denied that their refusal to ride the city buses is an "economic reprisal," The White Citizens Councils, organized to defend segregation, deny also that they recommend such policies. But despite the denials economic reprisal and threats of it are a key part of the race conflict here.

In Tuskegee, Ala., for example, the Feb. 7 issue of the Tuskegee Civic Association News, a Negro publication, had an article urging Negroes to work to get white members of the voting registration board who would facilitate their voting. And it included this sentence:

"Any local business man who sells you goods and services, or who in any wise benefits from your money, and who is not sympathetic to your becoming a registered voter, is not interested in your total welfare, and by his acts or lack of them is not deserving of your patronage."

EDITOR'S PERSONAL VIEW

Dr. Charles S. Gomillion, dean of students at Tuskegee Institute and president of the association, denied that this was an appeal for a boycott—which would be illegal in Alabama. It was, he said, just the personal view of the publication's editor.

Philip Morris, Inc., was said to have made a financial [fol. 782] contribution to the National Association for the Advancement of Colored People—an organization that is anathema to the segregation-supporting Southerner.

The company and the N.A.A.C.P. deny that any such contribution was made.

However, at the cigarette counter in Montgomery's chief hotel one package of Philip Morris has been sold in the last twenty-four hours. And the manager of the Liggett's Drug Store mentioned earlier estimates his sales of that brand are off 20 per cent.

The report was spread through a St. Louis publication called White Sentinel. This publication, which is circulated here through the Central Alabama White Citizens Councils, is strongly pro-white and anti-Negro.

ALABAMA U. SHIELDS PETITION'S SIGNERS

MONTGOMERY, ALA., FEB. 27 (AP)—An Alabama legislator said today the time has come when white Alabamians must either move out of the state, "stay here and be humiliated, or take up our shotguns."

Representative W. L. Martin of Greene County said white Alabama citizens have been "compromised" to such an extent by recent racial unrest that they apparently must choose one of those three courses of action.

He did not elaborate on the "compromise". His remarks came during an unsuccessful effort to get a list of the University of Alabama students who requested that a Negro co-ed be readmitted to the Tuscaloosa campus.

The interim legislative committee investigating school finances adjourned without taking a vote on Mr. Martin's proposed resolution asking Dr. O. C. Carmichael, university president, for the names of students who signed a petition urging that Autherine J. Lucy be readmitted to the university.

The petition circulated on the campus last week reportedly [fol. 783] was signed by about 500 of the university's 7,000 students. Miss Lucy, the first Negro ever admitted to the university, was barred from the campus "for her own safety" following violent demonstrations three weeks ago.

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 119

THE NEW YORK TIMES, MONDAY,
FEBRUARY 27, 1956

NEGRO PASTORS PRESS BUS BOYCOTT
BY PREACHING
PASSIVE RESISTANCE

'INTEGRATION IS GREAT ISSUE OF OUR AGE,'
LEADER OF MONTGOMERY FIGHT ASSERTS—
SEES VICTORY AS ONE FOR DEMOCRACY

BY WAYNE PHILLIPS
Special to The New York Times

MONTGOMERY, ALA., Feb 26—Montgomery's Negro ministers—twenty-four of them under indictment in the current bus boycott—preached the doctrine of passive resistance today.

And in their churches special collections were taken up, as they have been for the last eleven weeks, to help support the car-pool that transports Negroes to and from work.

In the sermons today there was a new and stronger emphasis, however, perhaps the result of the solidarity the city's Negroes have shown in the face of last week's ninety arrests.

The boycott, which began as a protest against what was considered unfair segregation, now was being equated with an attack on all segregation.

The Rev. Martin Luther King, Jr., president of the organization that has led the protest, returned after two weeks out of the city to his pulpit in the Dexter Avenue

Baptist Church, a red-brick building almost at the foot of the State Capitol.

[fol. 784] 'A Great Struggle'

"Integration is the great issue of our age, the great issue of our nation and the great issue of our community," he told the 300 worshipers at his church.

"We are in the midst of a great struggle, the consequences of which will be world-shaking," he said. "But our victory will not be a victory for Montgomery's Negroes alone. It will be a victory for justice, a victory for fair play and a victory for democracy."

"Were we to stop right now, we would have won a victory because the Negro has achieved from this a new dignity. But we are not going to stop. We are going on in the same spirit of love and protest, and the same dignity we have shown in the past."

Mr. King's sermon was on the subject "Faith in Man"—condemning man's pessimism about himself and his future, and declaring that the Christian faith was faith in man's ability to rise above his own evil nature, his heredity and his environment.

In his appeal for funds to support the protest movement, Mr. King declared:

"We have to be very careful that no one exploits this movement.

"We all know," he said, "that the Till case was exploited too much. We need money, but we're not going to do anything and everything to get it. No one is going to get fat on this, and no one is going to get any handouts."

250 at Church Services

Rev. Ralph D. Abernathy, chairman of the negotiating committee that failed in the last attempts to settle the boycott, told his congregations of supporting telegrams and financial contributions that had come from all over the country.

"The telegrams told us to hold out, keep the faith and keep moving," he said. In the morning's mail, he added, there had come \$1,200 in contributions to help support the protest, some of it from northern white people.

"Our white friends are with us, you don't have to make [fol. 785] this fight alone," he told the 250 worshipers at the Negro First Baptist Church.

The Negro Interdenominational Ministerial Alliance, headed by Rev. L. Roy Bennett, pastor of the Mount Zion African Methodist Episcopal Church, has played a leading role in organizing the bus protest. The actual direction of it, however, has been through the Montgomery Improvement Association headed by Mr. King.

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 120

THE NEW YORK TIMES MAGAZINE
FEBRUARY 26, 1956
TUSCALOOSA: A TENSE DRAMA UNFOLDS

The case of Autherine Lucy has produced an upwelling of hatred in an Alabama city—and fear about the next development in this key desegregation fight.

BY WAYNE PHILLIPS
Tuscaloosa, Ala.

Tuscaloosa could be a middle-sized city in any part of United States. Along its broad, straight, main streets one sees the same familiar storefronts—Woolworth's, Sears, Penney's, Grant's—and the theatre marquees advertise the same movies. Walk in quiet, tree-shaded residential streets and one might be in Westchester or Bergen County. Normally, it is a friendly city, where the stranger is easily recognized and readily welcome.

But Tuscaloosa isn't normal any more. Beneath the same peaceful surface that has remained unchanged, there now runs a pitch-black current of hate and fear. People who have worked side by side in harmony for years now jest grimly of killing each other. Leaders once respected are now despised. Strangers are shunned as symbols of alien interference. Rumors fly faster and faster and with more effect than honest news. The city sits on the brink of dis-

aster, ready to explode in violence and bloodshed at the slightest spark, terrified of what it sees coming, helpless to head it off.

[fol. 786] For it is Tuscaloosa, the clean, prosperous city that has long been proud of its good race relations, that has become the focal point in the battle for and against integrated education.

Auxerine J. Lucy, a Birmingham Negro woman, is determined to study library science at the all-white University of Alabama in Tuscaloosa. A large majority of the white people of Alabama are determined that she shall not.

The Federal law is, so far, on Miss Lucy's side. But whether that law can be enforced in the face of mob violence that has already driven her from the campus once is an open question. Both sides are determined to fight the issue to a showdown. No one is backing down. And unless someone does soon it will be violence alone that will decide. Whichever side wins will have set an example for the whole South.

Tuscaloosa is a city of 56,000 persons at the headwaters of the Warrior River. It is in country first seen by white explorers in 1810, settled in 1816. Until the Civil War it was little more than a trading center for the surrounding cotton plantations, and it was 1920 before its population passed 10,000.

In Tuscaloosa, the Negroes and whites have lived side by side in peace. Here the Negro may register and vote as freely as the white man. Here "separate but equal" means just that—in education, transportation, recreation, and housing. Here, Negroes and whites work side by side, sit down to talk together, occasionally worship together, take part in programs in each other's schools and, until recently, respected each other.

In part, that has been because of the presence here of the University of Alabama, a 125-year-old all-white institution with a magnificent campus, good professors, and an academic standing better than its reputation as the country club of the South would indicate. The University has done much through the classroom to break down blind prejudice, and it has brought into the community a leavening influence of Northerners who have made this their adopted home.

Between them, the educated Southerner and the transplanted Northerner have worked cautiously and diligently [fol. 787] in years past toward harmonious relations between the races, breathing life into Christian platitudes about brotherhood and respect for man.

Much of this was done through the Interracial Committee of the town's Religious Council, a small but potent group of Negro and white leaders organized eleven years ago by J. T. McKee, a retired educator. It's chairman today is Dr. R. E. Tidwell, who was from 1927 to 1931 the State Superintendent of Education. He retired in August of 1954, as dean of the University of Alabama's important extension division and immediately moved to the other side of Tuscaloosa, to become the assistant to the president of Stillman College, an institution for Negroes supported by the Presbyterian Church of the U. S.

Among the white members of the council are the president of Stillman College, the Young Men's Christian Association secretary, a hardware store owner, ministers, a rabbi and university professors. Among the Negroes are a newspaper publisher, an important property owner, the high school principal, ministers and educators.

Through the efforts of the council, its members and those sympathetic to it, a quiet revolution was going on.

White staff members of the University of Alabama became part-time members of the Stillman College faculty. Negroes became members of the directing boards of the Red Cross and the United Community Fund. A Negro recreation center was set up under the United Fund. Negro recreation was given a share of the city's recreation funds, proportionate to the population. The Chamber of Commerce sponsored an annual dinner for the best Negro farmer. A completely modern \$2,000,000 high school was built for Negroes.

Similar things were going on in areas unreached by the council. In the C.I.O. unions Negroes and whites belonged together, met together, sat down together at the bargaining table. In the A.F.L. unions there were Negro locals and white locals—but the representatives of each sat together in the Tuscaloosa Central Labor Union and were equally

vocal. Pay the Negroes and whites equally. White local members respected the picket lines of Negro locals. And white workers went out on strike to preserve the jobs of Negro employes.

[fol. 788] There are Negro and white Roman Catholic Churches in Tuscaloosa. But isolated Negroes can worship unnoticed at the white church. And a few white, for convenience, will go to mass at the Negro church. The white priest at the Negro church is also the chaplain of the all-white Knights of Columbus. By working conscientiously and diplomatically he has persuaded the Knights to make the Negro parochial school their meeting place.

That school, at the edge of a Negro section, is across the street from a row of expensive, upper middle-class homes. The close proximity, which has bothered neither the whites nor the Negroes, is typical of the mixed-up racial pattern in Tuscaloosa housing.

Here, as anywhere, one finds poor whites living in shacks indistinguishable from those of poor Negroes. But here one also finds middle-class homes owned by whites adjoining equally good homes owned by Negroes. On the edges of the city, housing is clearly separate. But through the central parts of the city's residential section there is no single Negro quarter—pockets of Negro homes are scattered throughout.

In short, to a Northerner segregation in Tuscaloosa is barely noticeable. He sees it clearly only in drinking fountains labeled "white" and "colored," in Negroes seated always at the rear of buses, in the divided but unmarked sections of shelters at bus stops, and in the miserable colored waiting room in a corner of the city's Greyhound bus station.

In church, school, store, on the street, the segregation the Northerner sees is only more rigid, but no different than the purely social, unenforced segregation he knows in the North.

Tuscaloosa is not simply a university town. It has been swept along in the great Southern currents of urbanization and industrialization. Once the center of rich cotton country and prosperous plantations, it had a population of only 5,000 at the turn of the century. Then to the banks of the

Warrior River, down which the cotton rode toward Mobile, there came factories—a paper mill, a foundry, a rubber company, a chemical company, an oil refinery, a coal corporation.

From the farms and woods of Alabama and down from [fol. 789] Northern cities have come the men to toil in those factories and work in the burgeoning urban economy of a rapidly expanding city. The Negroes and whites who came from the country did not particularly like each other there, and they liked each other less when forced into the close proximity of a city. For those from the North it was the same racial conflict they had known in the industrial cities there. Only here those conflicts were welded to a Southern social system, and have made that system more rigid.

Enlightened management in the factories could bend over backward to insure that facilities for both races were equal—but they had to be separate. For the Negroes are fighting for the better jobs and homes of the whites. And the whites are working and dreaming and saving to get a job and home as far from the Negro as possible. For he is a symbol of their poverty.

Prejudices are blind to facts, and that is true of those held here.

Many whites believe they are a desperate minority in a sea of Negroes. They will tell you the Negro outnumbers the white here from two to five times. Actually there are twice as many whites as Negroes here.

They believe that Negroes are dirty and ridden with venereal disease. But in every restaurant in town it is the Negroes who do the cooking, wash the dishes and handle the food.

They believe that racial equality is a Communist idea and that Communists dominate the National Association for the Advancement of Colored People. But they worship in churches that taught the brotherhood of man long before Communists heard of it. And the Communists in the N.A.A.C.P. are yet to be found.

They believe that integration in education is a step toward mongrelization of the race. But they have never had qualms about the relations some whites have had with Negro women.

Most important of all, they believe that the South has a unique system of social segregation that an outside agency—the United States Supreme Court—is trying to force them [fol. 790] to abandon. They react as did drinkers at attempts to legislate social customs, without realizing that the North has never been able to legislate racial equality.

It is in the context of all this that the case of Miss Lucy must be understood. For years the students, faculty and administrators of the University of Alabama have known that eventually a Negro would be admitted. They were opposed to it in principle—as Southerners. But they believed that it would come, inevitably, and they believed that it would cause no difficulty.

In the three years the case of Miss Lucy was in the courts no attempt was made by the university to prepare for the order to admit her. No one saw that the decision by the United States Supreme Court calling for the integration of the public schools and created a new situation—a community of interest between town and gown in the fight against integrated education.

It was the N.A.A.C.P. that was waging the fight for public school integration, a battle close to the interests of the townspeople, and it was the same N.A.A.C.P. that was pushing Miss Lucy's fight to get into the university. The battle to keep out Miss Lucy became the battle to keep our "clean little white girls" from being forced to go to school with "dirty little Negro boys."

The N.A.A.C.P. unwittingly, gave the opponents plenty of ammunition to reinforce their convictions. Autherine J. Lucy was a long way from the nice little Negro high school girl, daughter of a good local family, who might have been slipped into the University of Alabama with a minimum of muttering.

She was a stranger to Tuscaloosa, a Negro who already was a college graduate, and "tainted" by contacts with the N.A.A.C.P. She was 26 years old when the court battle was over—too old in the eyes of those here to have any honest interest in education.

When Miss Lucy finally did win admission she showed up here riding in a Cadillac with some prominent Birming-

ham Negroes. She was fashionably and tastefully dressed —too much so for this informal campus. She was hustled ahead of waiting white students to complete her registration. [fol. 791] She was accompanied everywhere by photographers and newsmen. And she paid her tuition with a crisp \$100 bill from her handbag.

The result of all this was to create a basis of hostility toward Miss Lucy by other students and the townspeople. This was heightened when the N.A.A.C.P., unsatisfied at getting Miss Lucy into the university, determined to fight to get her a dormitory room and dining room facilities also.

The student feelings found their expression in what, outwardly at least, was an impromptu Friday night demonstration that included a march down town to a flagpole, inflammatory speeches, and a visit to the president's mansion. It gathered momentum the next night with another demonstration after a basketball game. Town rowdies joined, Negro automobile drivers were molested, eggs were thrown and the president of the university hooted down.

The crisis came Monday, Feb. 6, when a hard-core mob of a few hundred persons, given strength by the town-and-gown merger of Saturday assembled on the campus to drive Miss Lucy out.

Exactly who was in the mob is unknown. But in it were students, factory workers, high school truants and some unknown persons with guns. They were prepared to kill.

They were not united by any general hostility to Negroes. Here and there among those stood to watch were Negroes, and others walked unnoticed through the mob. Miss Lucy herself did that on the way to her first class, and was never recognized.

But when she left that class in the automobile of the Dean of Women the mob turned on the car, smashing its windows with bricks and stones, spattering it with eggs and shouting for blood.

The car got away from the mob and took Miss Lucy to her second class. But there she was trapped, unable to leave for almost three hours, until a highway patrolman slipped her out to an automobile and drove her away with her lying on the floor.

The demonstrating continued into that night until it was announced that the university board of trustees, meeting [fol. 792] in an emergency session at a downtown hotel, had suspended Miss Lucy for her own safety and that of the others at the university. As soon as the word got around the mob dispersed.

The purpose of the university, as explained by one of its officials, was to "break the rhythm of the mob" before serious damage was done. It was also he said, "to create a breathing spell," in which it was hoped tensions would relax and people would forget what had happened.

That was a vain hope. All the breathing space provided was a chance for opinions to solidify, for those on both sides of the issue to organize.

For a month it had been planned to set up in Tuscaloosa a Council on Human Relations—a branch of the only interracial group active in the state. The Council had formed, by coincidence, the day after Miss Lucy was driven out—it comprised, in the main, the same persons who belonged to the Interracial Committee.

But the moderate approach was rapidly losing ground. There was little the newly formed Council could do save issue an appeal for peace and moderation. Public programs which would have brought Negroes and whites together were called off rather than attract attention. Those who favored a gradual approach to integration feared to say anything on that subject. Public officials who had privately assisted the work of the Interracial Committee could no longer afford to be identified with it in any way. Liberal union officials dared not be accused of anything radical on the race issue. The bridge that had so painstakingly been built tween the races was all but destroyed.

The legal actions taken by the attorney for Miss Lucy went far beyond what most observers here believed to be either necessary or factual. After an N.A.A.C.P. attorney flew here from New York for consultation, Miss Lucy's lawyer, Arthur D. Shores of Birmingham, sought a contempt action against the Board of Trustees—alleging that the board was using her safety as a subterfuge to bar her from the university on racial grounds, and charging the

university with acting in concert with members of the mob. A separate suit was filed demanding living quarters for [fol. 793] Miss Lucy. Damages totaling \$3,000 were sought. And it was asked that the trustees be jailed unless they permitted Miss Lucy to return to classes.

Race relations in Tuscaloosa had been so happy that, as the Lucy affair was coming to a head, Negroes only gathered to watch and laugh when a fiery cross was burned on the edge of the Negro high school campus. Even after the demonstration Negroes were shocked and concerned, but not fearful. That all changed the night a West Alabama White Citizens' Council was formed here.

Across the South white people have been organizing in citizens' councils to defend what they regard as their right to segregation. There had been no such council in Tuscaloosa, and to many it seemed unthinkable that there should be. But one was formed on Feb. 17—its temporary chairman the same 19-year-old student who stood on the base of the town's flagpole to harangue the original demonstrators.

Over a thousand persons flocked to the organization meeting at the County Court House—three times as many as could get in. They were students, business men, farmers and factory workers. And their temper and convictions were the same as those of the mob.

In the meeting the prime targets were not the Negroes, as such, but the whites who were presumed to be fighting on the side of the Negroes. The Northern carpetbaggers who had come here to cover the news were ridiculed. The local newspaper, which had taken a strong stand against the violence, was denounced. The opinions of the rest of the world, which had been published in that newspaper, were defied. The public officials of Alabama from the Governor down to the Mayor of Tuscaloosa were attacked, on one pretext or another, as being soft on the issue of segregation.

"From the lowest county peanut politician up to the Governor, the offices of Alabama will be filled with God-fearing men who believe in segregation," the student chanted in the spell-binding rhythms of a Southern preacher.

"I'm a rebel and I'm away down South of the Mason-Dixon line and there ain't nobody going to force this chicken [fol. 794] to go to school with no nigger," shouted another speaker. "Leave the cotton-pickin' South to the Southerners."

And the crowd that jammed the court room, standing along the walls, sitting in the aisles, and overflowing for a block up the street, stomped, cheered, clapped, burst out with rebel yells and shouts of "Hallelujah!"

In short, there had occurred in Tuscaloosa, as far as that audience was concerned, a complete breakdown of respect for authority and communications. Public officials could not be trusted; what was printed in newspapers or heard on the radio could not be believed. All that could be trusted were those who had placed themselves at the head of the mob; all that could be believed were rumors.

Saturday, the day after the white council meeting, there was something in Tuscaloosa the outsider had not felt before. There was hate.

Hate literature was circulated through the regular Saturday shopping crowds on the main street. Negroes were publicly ridiculed by men with whom they lived in peace for years. Strangers were shunned or, if recognized as Northerners, taunted. Violence was something to be laughed at, boasted of, and gloried in. At night the streets, usually busy on a Saturday night, were deserted. The police were everywhere. Isolated acts of violence, usually ignored, were viewed as storm signals on the horizon.

All this was not just because of what had happened in Tuscaloosa. The entire area from Birmingham to Montgomery, with Tuscaloosa in the middle, was the same. Birmingham was on the edge because of reports that Negroes were buying up ammunition and guns and planning to start trouble in near-by Bessemer, Montgomery was reaching a crisis in the long Negro boycott of the city buses, which had already resulted in bombings.

The fact was, and everyone knew it, that throughout the whole area no responsible person was in control of the future. The mob ruled, and the mob alone would determine when, where and how to strike. The most elaborate

preparations of law enforcement officials, from the National [fol. 795] Guard to the campus police, could not foresee every eventuality. The words of caution and temperance poured out by church and community leaders were straws scattered upon the flood.

This coming week a Federal court in Birmingham must decide whether Miss Lucy may return to the campus. The University of Alabama cannot back down and voluntarily admit Miss Lucy against the violent sentiment of the community. The N.A.A.C.P. cannot back down and drop its case without surrendering the most important battle it has fought for integrated education. The court cannot exclude Miss Lucy without admitting that it cannot preserve order. Miss Lucy cannot withdraw without surrendering to the mob.

So far, Miss Lucy says she is not afraid and will not back down. So far the university officials, though they will do everything to uphold their side, are convinced that the judge will order Miss Lucy back on the campus. Everyone talks of maintaining law and order, but nobody seems to believe it.

In short there appears to be no legal way out, and everyone here is preparing for a head-on collision at the University of Alabama of two of the strongest and most fearful forces of the twentieth century.

(10 Photographs Attached to Original)

[fol. 799]

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 121

THE NEW YORK TIMES
 SATURDAY, FEBRUARY 25, 1956
 FOLSOM PROPOSES BI-RACIAL GROUP TO
 FIGHT TENSION
 GOVERNOR CALLS FOR ALABAMA BOARD IN PLEA
 TO LEADERS OF PRESS IN HIS STATE

90 NEGROES FACE COURT

ARRAIGNED FOR ROLES IN BUS
 BOYCOTT—THOUSANDS
 walk in protest over arrests

By Wayne Phillips
 Special to the New York Times

MONTGOMERY, ALA., Feb. 24—Alabama's Governor proposed today a state commission of Negroes and whites to seek to reconcile racial differences.

Gov. James B. Folsom put his proposal before seventy-five of the state's editors and publishers at a conference in the House Chamber at the State Capitol. As far as is known here, no other state has a bi-racial government commission of such scope.

Ninety Negroes, meanwhile, were being arraigned a few blocks away in Circuit Court on charges of organizing and joining in an illegal boycott of the city's buses. The others have been indicted but not yet arrested.

In New York, Representative Adam Clayton Powell, Democrat of Manhattan, said a meeting of Negro churches' leaders had approved a "national deliverance day of prayer" and a one-hour work stoppage on March 23. In

Baltimore 300 ministers of the African Methodist Episcopal Church asked for Federal intercession. A special emergency session of the Council of Bishops will be held in Washington Saturday.

[fol. 800]

LAWS FOUGHT IN COURT

The conference with the editors, who had been called from all parts of the state, underscored the seriousness with which tension between whites and Negroes was viewed here.

All day thousands of Negroes trudged the streets, restraining from riding in automobiles and taxicabs, in protest against the arrests in the eighty-one-day bus boycott.

This was touched off by the arrest Dec. 1 of a 42 year-old seamstress, Mrs. Rosa Parks, for refusing to give up her seat to a white when ordered to do so by the driver of a city bus.

At first the boycott was a protest against what the Negroes considered to be unfair treatment in enforcing segregation laws. But later a suit was filed in Federal Court seeking to overthrow the city and state bus segregation laws.

Racial tension also has come to the fore in Tuscaloosa, where demonstrations protested the admission of the first Negro student to the University of Alabama and in Bessemer. There reports spread that Negroes had been buying stocks of arms and ammunition. Throughout the state White Citizens Councils have been formed to defend segregation.

Governor Folsom has been under constant pressure to do something. He has been accused of "fiddling while his state is burning." But while some would have had him take a firm stand against any form of integration, others wished to see him declare war on the Citizens Councils.

The difficulty confronting him was illustrated at this morning's session. After calling for the bi-racial commission to create a common forum for the two races, he affirmed his opposition to integrated education.

"Anyone with any sense knows that Negro and white children are not going to go to school together anywhere in Alabama any time," he said. And applause that swept the

chamber all but drowned out his concluding words—"in the near future."

Voluntary community interracial groups have been operating in Alabama for years. They have worked toward [fol. 801] better separate but equal facilities. Many voluntary groups are affiliated with the bi-racial Alabama Council on Human Relations.

That council had been urging for almost a year that Governor Folsom establish a state bi-racial commission of race problems. But the Governor was cool to the idea. He did not decide firmly to put it forward until Wednesday, after he had decided to invite the members of the Alabama Press Association to today's meeting.

PRESS LEADERS ATTEND

The exact way in which he would present it to the editors was still being worked out in conferences this morning.

Of the 150 members of the Alabama Press Association invited to today's meeting, about half appeared. But the outstanding editors and publishers in the state were present.

Another 100 spectators and reporters crowded into the chamber, where Alabama's representatives decided ninety-five years ago to secede from the Union.

The extensive news coverage included live television. In a resolution supporting the Governor's proposal no one voted "nay."

Several Northern Negro reporters who have been covering the bus boycott sat side by side with whites, a rare sight in the Alabama legislature. Only one Alabama negro publisher was present, Emery O. Jackson of The Birmingham World. He had not been invited.

Governor Folsom apologized for not including Negro publications in his general invitation. He said he had thought that they were members of the Alabama Press Association. None of the eighteen Negro newspapers published in the state is a member.

'A Serious Problem'

"I didn't call you editors here to ask you to support my program," the Governor said. "I have asked you here to

help solve a very serious problem. The whole world is looking to Alabama today—looking to see whether Alabama will do something to bring about peace between the races."

After outlining his suggested commission, the Governor threw the meeting open for comment. None spoke against [fol. 802] the commission. Several made clear the limits within which they thought it should work.

Burford Boone, publisher of The Tuscaloosa News, who has been under sharp attack by white extremists in his community for condemning the violence at the university, declared that his newspaper believed in a "moderate" approach and not the extremes recommended by the Negro press.

James Mills, editor of The Birmingham Post-Herald, said: "All of our people are frightened over what might happen, thus your idea is sound. But we must operate within the framework of traditions that are deep rooted in our state."

State Senator Albert Boutwell of Jefferson County (Birmingham), chairman of a committee that has drafted a constitutional amendment to maintain school segregation, said:

"There's too much hysteria among our people, too much misunderstanding. Our problem is combatting agitation from sources foreign to Alabama. Rather than having the agitators convert us, maybe we can convert them."

No Negroes On Group

The Governor broke in after his speech to comment, "there's more segregation in Harlem, Chicago and Detroit than Alabama; they just don't understand our problem."

The Governor appointed Mr. Mills chairman of a provisional committee to plan for organizing the commission. None of the members of the committee picked by Mr. Mills, is a Negro.

"It's already started off wrong," Mr. Jackson said in an interview as the meeting broke up. "If it's going to be interracial it ought to be interracial; but it has already gotten off all white."

"The commission will work in a climate that is already so hostile and unreasonable that good men can't do very

much. We will cooperate in everything looking to the best interests of the people. The interracial approach is a good approach. I just hope it can get off without any fixed notions.

State Senator Sam Englehardt, Jr. of Macon County, chairman of the Central Alabama White Citizens Councils, [fol. 803] was also dubious. He commented:

"I'm proud of the statement the Governor made on segregation and maybe this is worth a try. But the people of Alabama are not going to stand for any relaxation of the laws. I don't think sitting down with the Negroes will accomplish anything because I don't think there will be a meeting of the minds."

Senator Englehardt said that at least two of the editors appointed to the provisional committee were supporters of the White Citizens Council movement.

The editors had luncheon with Governor and Mrs. Folsom at the Governor's mansion. Afterward the Provisional Committee met with the Governor. It announced that it thought the commission should be established by a special session of the Legislature that is to be called Monday to deal with school finances.

The committee suggested that the commission be composed of twenty-five members appointed by the Governor; a Negro and a white from each of Alabama's nine Congressional districts and three Negroes and three whites from the state at large, plus a chairman. It was understood that the state's editors and publishers would assist in finding suitable persons to serve.

The big question was what type of views would be represented. Among the Negroes as well as the whites of Alabama opinions on segregation vary widely.

Robert E. Hughes, executive secretary of the Alabama Council on Human Relations, said: "One fact is obvious. The recommendations of such a body will be acceptable to both whites and Negroes only if truly representative citizens of both groups participate."

The ninety Negroes arraigned this morning pleaded not guilty to a charge of violating a 1921 statute outlawing a conspiracy to hinder without just cause the carrying on

of a lawful business. The maximum penalty is a \$1,000 fine and a six-month jail sentence.

Each defendant may ask a separate jury trial. Circuit Judge Eugene W. Carter set the week of March 19 for trials. He must rule before then on motions to challenge the indictments.

[fol. 804] All the defendants walked from their homes to the courthouse this morning through a light drizzle, setting the example for those they had asked to join in the protest pilgrimage. And after the arraignment they walked four blocks to the Dexter Avenue Baptist Church.

The church is that of Rev. Martin Luther King, Jr., an Atlanta-born Boston-educated Negro who is the president of the Montgomery Improvement Association, which has led the boycott.

There, while the editors were conferring with the Governor, the defendants and their following joined in a prayer meeting.

Mr. King read the gathering a telegram from Ralph Bunche, Under Secretary General of the United Nations. It read: "I know that you will continue strong in spirit and that you will stand firm in the face of threats and resorts to police state methods of intimidation."

A few Negroes were seen riding in automobiles. There were even a few on the buses, as there have been throughout the boycott.

(ONE PHOTOGRAPH ATTACHED TO ORIGINAL)

[fol. 805]

POLITICIAN IN SQUEEZE

Gov. James E. Folsom

(One Photograph attached to original)

Mounting racial tensions have trapped "Big Jim" Folsom, Alabama's burly "common man" Governor, in a squeeze that is threatening disaster for his political popularity.

Picked for a second term in 1954 by a landslide vote, he now says: "Today I couldn't be elected dog-catcher." Basically an anti-segregationist and champion of Negro

rights, James E. Folsom has succeeded in Alabama politics by appealing to the less-privileged whites as well, particularly in the rural areas.

He has denounced the big landholders and the "big" "mules"—the Alabama term for the industrials and financiers of Birmingham.

He campaigned with the demagogic trappings of hill-billy bands and backwoods mannerisms.

In office he has attempted to promote the welfare of lower income groups, provide more schools and see that Negroes obtain the right to vote.

[fol. 806] His behavior and views were effective with whites as well as Negroes until the recent burgeoning of racial animosities in Alabama. The rural whites were the main source of his support are the Alabamans now most aroused over integration.

The rural whites have now joined other white pro-segregationists in regarding Mr. Folsom with hostility and alarm. At the same time his equivocations and indecisiveness in recent critical situations have also provoked Negro resentment.

Underlying the seriousness of the tension in Alabama, the Governor yesterday proposed a bi-racial state council to reconcile differences.

Big Jim recently charged the National Association for the Advancement of Colored People and "outside agitators" with responsibility for the rioting at the University of Alabama.

He didn't call out the National Guard to maintain order at the university. In general he has not been as active in attempting to mediate racial differences as some observers thought he should be.

The Governor recently let the Alabama Legislature's resolution declaring the United States Supreme Court ruling on desegregation in schools null and void automatically become an act. He neither signed nor vetoed the resolution.

Caught in the Middle

He has lately indicated that the racial animosities of Alabama are more or less to be expected. He remarked

that in his travels in various parts of the world he had observed that peoples of different races usually were not overly fond of each other. He said what has been happening at the University of Alabama "is the result of such feelings of one race for another."

Thus Big Jim is caught in the middle. Even objective observers of the Alabama scene say that his recent failures to act firmly and promptly have attributed to the difficulties now afflicting the state.

However, the Governor's political career has been marked before by downs as well as ups. And he may yet get on [fol. 807] top of the most difficult situation he has yet faced.

One of the most flamboyant of the nation's political figures, the Governor free-wheeled into the Alabama Governor's mansion the first time in 1946. He is the son of a farmer-politician of modest means and was brought up among the rural poor.

He toured the countryside with a five-piece band, talked the language of the rural "red necks" and often kissed the women in his audience before making a speech. Sometimes he spoke with his shoes off. He promised old-age pensions, opposition to the vested interests and a clean-up of corruption in the state capitol.

He carried a mop and a suds bucket, which he passed around for campaign funds. He advocated higher wages for teachers, more schools, particularly for Negroes, abolition of the poll tax, and aid to farmers and small business men and reapportionment of voting districts to assure more equitable representation in the Legislature.

Feuded with Legislators

Well built, handsome and six feet eight inches tall, he called himself "The little man's big friend."

As Governor he carried on a bitter feud with an intransigent Legislature, the press and representatives of the interests that he denounced.

He was regarded as a rough-necked demagogue by many of the more conventional-minded Alabamans. The Mobile Press once said that he had "played the leading role in a comic opera regime" and had degraded the office of Governor.

"Kissin' Jim," as he came to be called, held that Alabama must provide a fair deal for the Negroes who made up 35 per cent of the state's population.

He maintained Negroes should be admitted to graduate schools with whites if Negro graduate facilities did not exist, and he wanted more parks, equal voting rights and economic opportunities for Negroes.

Now 48 years old, the hulking, 245-pound Alabama Governor has been married twice. His first wife died in 1944. [fol. 808] It was while he was a widower that he established his reputation for kissing the ladies.

Just before his second marriage in 1948 and during his first term he was the target of a court action by a divorcee, Mrs. Christine Putman Johnston. She charged he was the father of her baby son and asked that Mr. Folsom be declared her common-law husband. The Governor fought the suit, and Mrs. Johnston eventually dropped the case.

While the case was still in the courts, Big Jim eloped with Janelle Moore, an employe of the State Highway Commission. She is now his wife.

Governor Folsom had a short tour of duty in the Army during the last war but was discharged because of his huge size and transferred to service in the Merchant Marine. He did the dangerous Murmansk run on Army transports. Once, between sailings, he worked as a doorman at a New York Theater.

After the war and his election as Governor he visited New York to receive an award from a fashion studio as the nation's most eligible bachelor.

Governor Folsom's views in Alabama politics have also been reflected in his attitudes in national politics. He was a strong supporter of Franklin D. Roosevelt, opposed the Dixiecrats in Alabama and was a partisan of Henry Wallace's views in 1948. He supported Mr. Wallace for the Vice Presidential nomination.

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 122

THE NEW YORK TIMES
FRIDAY, FEBRUARY 24, 1956

NEGROES PLEDGE TO KEEP BOYCOTT

2,000 at Montgomery Rally—Bus Arrests Continue

BY WAYNE PHILLIPS
Special to the New York Times

MONTGOMERY, ALA., Feb. 23—One after the other indicated Negro leaders took the rostrum in a crowded Baptist church tonight to urge their followers to shun the city's buses and "walk with God."

[fol. 809] More than 2,000 Negroes filled the church from basement to balcony and overflowed into the street. They chanted and sang; they shouted and prayed; they collapsed in the aisles and they sweltered in an 85-degree heat. They pledged themselves again and again to "passive resistance."

It is under this banner that they have carried on for eighty days a stubborn boycott of the city's buses. The boycott has brought criminal charges against Negro leaders.

Eighty-nine of them, including twenty-four Protestant ministers, were arrested yesterday and today and charged with carrying on an illegal boycott. More arrests are to be made under eleven indictments handed up Tuesday.

Tomorrow those arrested are to be arraigned in Circuit Court. The Negroes have been called on to stage at that time a "prayer pilgrimage day"—to give up the use of automobiles and taxis and walk the streets in protest.

"It is not expected that a single race-loving Negro will turn the key in his ignition or turn the crank of his automobile or ride a taxicab," the Rev. Ralph D. Abernathy told tonight's meeting. "And we know," he added, "that nobody will ride the buses."

Mr. Abernathy, 29 years old, is the pastor of the First Baptist Church, where the meeting was held. He headed the negotiating committee that tried unsuccessfully to settle

the boycott that was organized Dec. 5. The boycott was a protest against the arrest of a Negro woman who refused to give up a seat in the white section of a bus.

"We're not trying to impress anybody with our strength," Mr. Abernathy said. "We just plan to demonstrate to the people who do not have cars that we're willing to walk with them."

Sixty-five per cent of the city's bus passengers before the boycott were Negroes. Since the boycott buses have plied the streets almost empty, while Negroes make their way to and from work in taxis, with the aid of a 300-car auto pool, or on foot.

As the Negroes waited for the meeting to start they sang, picking up the hymns that sprang to mind.

[fol. 810] When the leaders appeared at the rear of the church the audience stood and shouted and whistled and waved and cheered.

The program opened with a hymn—"Onward Christian Soldiers,"—and a prayer to God "not to leave us in this hour." The scripture was from Corinthians I—"If I have no love I count for nothing." And then they sang "O lift me up and let me stand on higher ground."

Rev. Martin Luther King, Jr., head of the Montgomery Improvement Association, which has directed the eighty-day boycott, told the gathering that the protest was not against a single incident but over things that "go deep down in to the archives of history."

"We have known humiliation, we have known abusive language, we have been plunged into the abyss of oppression," he told them. "And we decided to rise up only with the weapon of protest. It is one of the greatest glories of America that we have the right to protest."

"There are those who would try to make of this a hate campaign," the Atlanta-born, Boston-educated Baptist minister said. "This is not war between the white and the Negro but a conflict between justice and injustice. This is bigger than the Negro race revolting against the white. We are seeking to improve, not the Negro of Montgomery but the whole of Montgomery.

"If we are arrested every day, if we are exploited every day, if we are trampled over every day, don't ever let any-

one pull you so low as to hate them. We must use the weapon of love. We must have compassion and understanding for those who hate us. We must realize so many people are taught to hate us that they are not totally responsible for their hate. But we stand in life at midnight, we are always on the threshold of a new dawn."

His talk was followed by a prayer by the Rev. S. S. Seay, former executive secretary of the African Methodist Episcopal Zion Church—"A prayer for those who oppose us."

The Rev. A. W. Wilson, vice president of the Negro Alabama Baptist convention, brought greetings to the meeting from Negro Baptist throughout the state. "No other race but the Negro race," he said, "could smile as we [fol. 811] have smiled tonight, and sing as we sang tonight and get happy and shout as we have shouted tonight."

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 123

THE NEW YORK TIMES
THURSDAY, FEBRUARY 23, 1956

DEAN IS CRITICAL OF
MISS LUCY'S BID

HE QUESTIONS HER INTEREST IN GETTING
EDUCATION—CITES SWITCH IN STUDY FIELD

BY WAYNE PHILLIPS
Special to The New York Times

TUSCALOOSA, ALA., Feb. 21—The University of Alabama's dean of admissions gave his version of the Autherine J. Lucy case.

Dean William F. Adams, who originally rejected Miss Lucy's application for admission, said that he believed then and still did that she did not have a real interest in getting an education at the university.

The dean was the defendant in the court action that won the admission of Miss Lucy to the university on Feb. 1. She now is seeking a contempt action against him and other university officials. She charges that they acted in concert with mob violence to keep her from attending classes.

Dean Adams made his charges in an interview today. He asserted that the facts surrounding Miss Lucy's application in 1952 supported his view, but were not generally known. He denied, as has been reported, that she had been accepted by the university before it was known that she was a Negro.

Charges Called Ridiculous

Mrs. Ruby Hurley, a regional official of the National Association for the Advancement of Colored People, said [fol. 812] in Charleston, S. C., that the dean's charges were "utterly ridiculous." She accused him of trying to discredit Miss Lucy.

Dean Adams said that Miss Lucy and a friend who was graduated with her from Miles College, Birmingham, wrote to the university on Sept. 4, 1952, asking for application blanks.

In their letters, he added, Miss Lucy said that she wished to study journalism, and her friend Pollie Anne Myers, indicated an interest in library science.

The application blanks were sent to the girls on Sept. 6, the dean declared. At the same time, the regular university admissions procedure was set in motion. A letter was sent from the housing office, saying that they should send a room deposit if they wished living accommodations.

The regular procedure would have called for a form letter to go out from the president's office expressing general appreciation for the interest of the prospective students and offering assistance.

But, Dean Adams said, an error was made and instead a form letter was mailed that normally was sent only after an application had been accepted.

Source of Reports Noted

This letter, he said, expressed the president's good wishes over the fact the student had been accepted and offered to provide any assistance necessary in enrolling. It was this error, he added, that had given rise to the reports that the girls had been accepted sight unseen.

When the applications arrived in the mail on Sept. 19, 1952, Dean Adams declared, he found had exchanged the fields of interest originally stated in their letters. From the college transcripts enclosed, he said, he first learned they were Negroes.

The switch in fields between letter and application indicated to him, the dean asserted, that the girls either did not know what they wanted or that some one was engineering the applications and had made an error.

The day after the applications arrived, he said, the two [fol. 813] girls came to the campus to apply. The university's classes had been in session for a week, he added.

Dean Adams said that he had told the girls that he could not admit them because they were not qualified. He said neither had maintained a B average as an undergraduate, nor had they taken undergraduate courses indicating an interest in the fields for which they were applying.

If they wished to pursue undergraduate study, he said, he had told them, they could get the same courses at Alabama State College at Tuskegee, both Negro institutions in Alabama.

From his office, the dean declared, the girls went with a group of Negro friends from Birmingham directly to the office of the Tuscaloosa News to report that they had been excluded on racial grounds. The case became a public issue.

"Autherine J. Lucy is not," Dean Adams asserted, "a poor little Negro girl who is just trying to get an education to better herself. If she were, all of this might have been different.

"But she never came here as an individual. It was always at the head of a delegation of lawyers, ministers and wealthy friends from Birmingham. No other student does that. Few of them even bring their parents."

Arthur D. Shores, lawyer for Miss Lucy, said in Birmingham that he had no comment on Dean Adams' charges, other than that "the applications the girls made speak for themselves."

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 124

THE NEW YORK TIMES,
SATURDAY, FEBRUARY 18, 1956.

TUSCALOOSA GETS A WHITE COUNCIL

1,000 ROAR THEIR DEFIANCE OF INTEGRATION
—ALABAMA U. STUDENT IS A LEADER

By Wayne Phillips
Special to the New York Times

[fol. 814] TUSCALOOSA, ALA. Feb. 17—A rebel-yelling crowd of more than 1,000 persons roared defiance of racial integration today as they organized the West Alabama Citizens Council.

The crowd jammed the largest courtroom in the county courthouse and overflowed down the stairs and for a block down the street, blocking traffic.

It was a crowd whipped to fever pitch by the controversy over the Supreme Court's decision of integrated education. It was determined that the first breech in the wall of segregated education, the University of Alabama, would be closed.

At the meeting, as in the population of Tuscaloosa County, there were more workers than students, more farmers, than business men. But they were all there—overall-clad farmers, business men in conservative suits, burly industrial workers, and white-shirted university students—jammed together in a sweltering 85-degree room.

Stomp, Cheer, Yell

They stomped and they cheered and they clapped. They burst out with rebel yells and shouts of "hallelujah". The

stronger the statements of the speakers, the better the crowd liked it.

They heard a 19-year old university student, temporary chairman of the council, assure them that by working together "from the lowest county peanut politician up to the Governor the offices of Alabama will be filled with God-fearing men who believe in segregation."

They heard a State Senator declare that the Communists were advocating racial integration "because they know the South is one of the few places in which pure Anglo-Saxon blood exists, and as long as it exists they're going to have a fight."

They saw a white-haired and stooped veteran of the Spanish American War and World War I wave a tie bedecked with the Confederate Flag and declare "my hair is not too white to enlist with the white folks in this thing."

All the speakers told the audience that they were urging action within the bounds of Alabama law, as distinguished from Federal law, but they had praise too, for the recent violence at the University of Alabama.

[fol. 815] There a series of demonstrations drove out the university's first Negro student, Miss Autherine Lucy, after she had been admitted on a court order. She was suspended after the demonstrations that had pelted an automobile in which she was riding with rocks and eggs and set siege to a building where she was attending a class.

The student who spoke was Leonard Wilson, a pre-law sophomore from Selma, Ala. He took a leading part in the campus demonstration and demanded that she be driven from the campus.

Calls Segregation the Issue

"There is something going on at the University of Alabama that I don't like," he said. "People are being told that segregation is not the issue. Segregation is the issue.

"If the rotten, wretched National Association for the Advancement of Colored People had not come to the South we wouldn't have this issue. Anything that did take place is the direct result of the meddling of the N.A.A.C.P. and

I say without fear of reprisal by the University of Alabama that I have not done a thing for which I am ashamed."

Jesse Hall, a landscape gardener who is temporary vice president of the council, declared:

"Our schools are created by your dollars, the taxpayers dollars, and we do not appreciate being branded as mobsters and rioters when we go out as Southern gentlemen on our own property to see what's going on."

State Senator Walter C. Givhan of Dallas County, Mr. Wilson's home county, came to address the meeting from an afternoon conference in Montgomery, the state capital, of leaders of the White Citizens movement.

He told them of that meeting's decision to unite the various community councils into an Association of Alabama Councils. He told them the purpose of the councils was to "protect our rights in the South."

The councils originated in Mississippi. Current membership is estimated at 50,000.

[fol. 816] The membership application used by the largest Alabama group, the Central Alabama Citizens Council, declares "I pledge myself to help defeat the N.A.A.C.P., integration, mongrelism, socialism, Communist ideologies, F.E.P.C. and one world government."

After the meeting tonight members were signed up in the newly formed council at a rate of \$3 for annual dues. The West Alabama Council formed here tonight is the second in this county. A small council was formed Wednesday night by thirty persons in the town of Fosters, Ala.

They adopted a resolution calling on the Circuit Judge of the County "to call a special session of the grand jury to investigate all the circumstances pertaining to the admission" of Miss Lucy and "the part of the N.A.A.C.P. played in securing her admission.

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 125

THE NEW YORK TIMES
FRIDAY, FEBRUARY 17, 1956

Alabama U. Head Decries Mob Rule

URGES FACULTY AND STUDENTS NOT TO LET
NEW DISORDERS MAR INTEGRATION CASE

By Wayne Phillips
Special to The New York Times

TUSCALOOSA, ALA. Feb. 16—The president of the University of Alabama told a tense meeting of students and faculty today that "no great university can afford to defy the laws of the land."

A federal court decision that the university must admit Negroes, he said, is against the sentiment of the state, the personal beliefs of the university trustees and the deep convictions of many students and their parents.

But Dr. Oliver C. Carmichael told the convocation the university, having striven by all legal means to uphold the traditions of the South, must yield to the court's decree.

[fol. 817] "Obviously," he added, "society could not long endure if its institutions of higher learning should array themselves on the side of lawlessness."

Asks Ban on Mob Rule

Dr. Carmichael addressed the first meeting of students and faculty members since campus disorders drove out the university's first Negro student.

She is Miss Autherine J. Lucy. She was suspended by the trustees Feb. 5 after a mob had thrown eggs and rocks at an automobile in which she was riding, set siege to a building where she was in class and shouted threats to kill her.

"The fact that the trustees acted as they did," Dr. Carmichael said, "has given the erroneous impression that we have abdicated in favor of mob rule."

"You and I know this is not true," he told the students and faculty members, "but we must resolve not to permit such disorder in the future."

Miss Lucy has brought legal action to regain entry to the university. A hearing on her suit is scheduled in Federal court in Birmingham Feb. 29.

"What the decision now will be rests with the court," Dr. Carmichael said. "When it is announced I believe I can count on each of you, both faculty and students, to cooperate in such manner as to make certain that the University of Alabama will be on the side of law and order.

"If we play our part courageously and show to all the world that recent events do not represent the true University of Alabama we may early retrieve our rightful place in the esteem of all."

The students gave Dr. Carmichael a standing thirty-second ovation when he rose to address them. They listened intently, with solemn faces as he spoke in slow measured tones. When he had concluded they applauded for forty-five seconds.

The university had barred all photographers from the convocation, in an effort to prevent distractions. Several [fol. 818] photographers entered with the audience, however, and took pictures by natural light with small cameras.

Two photographers were taken into custody and their film confiscated. One was James Ralph Reid of Birmingham, a senior mechanical engineering student, who said he had not known of the ban. The other was George Tames, a photographer for The New York Times Magazine. He said he had taken pictures because he saw others doing so and did not wish to be scooped.

Mr. Tames was escorted from the campus and told not to return.

A picture of the meeting appeared this afternoon in The Birmingham News, it was distributed to other newspapers by The Associated Press.

The convocation was held in two sections because the university's Foster Auditorium could not accommodate all the university's 7,520 students and 400 faculty members at one time.

For the first session at 11 A.M. over 3,500 students and faculty members came through a pouring rain. They filled every seat and sat in the aisles and along the top of the balcony. While they were waiting music was provided by the university's Million Dollar Bank of 100 student musicians directed by Col. Carleton K. Butler.

When the program began James H. Newman, dean of administration, called on the students to stand and sing the National Anthem. They were led by Miss Pat Huddleston, who is Miss Alabama and a senior music student at the university.

Then Rev. Dubose Murphy, rector of Christ Protestant Episcopal Church, gave a brief prayer. He asked that God give those concerned the wisdom to "both perceive and to do the things that they ought to do" and the "power faithfully to fulfill the same."

Sun Breaks Through

President Carmichael spoke for fifteen minutes. When the closing applause had died away Dean Newman asked the students to stand in singing their alma mater song.

When they filed out of the auditorium the sun had broken [fol. 819] briefly through the overcast. "Literally as well as figuratively," a young faculty member remarked, "we went under a cloud and came out into the sunshine."

The second session of the convocation had an identical program. It was attended by the 2,000 members of the university's Army and Air Force Reserve Officers Training Corps.

Their applause was a few seconds shorter at the beginning and close of Dr. Carmichael's address. But otherwise their demeanor was as solemn and serious as that of the students in the first gathering. There was no noticeable levity by either group either on entering or leaving or during the program.

In his talk Dr. Carmichael said he believed the decision of the board to admit Miss Lucy "met with the approval of both faculty and students." He said he was "completely surprised and disappointed" by the protest demonstrations begun by the students and "later joined in by outsiders."

I am aware that it was only a small minority, 3 or 4 percent at most, who were active in the demonstrations but many others followed along and gave active encouragement to the active minority," he said.

"I am convinced that even those who were active, and particularly the followers, were not aware of the issues involved," he said. "I have a deep conviction that the vast majority of you and your parents back home though opposed to integration, would not like to have our university choose the side of lawlessness."

Dr. Carmichael said he had been receiving complaints about the failure of the university to discipline those who had taken part in the acts of violence. A thorough investigation of the cases reported was being made, he said.

"I am sure that most if not all of you will agree that the university cannot escape this unpleasant responsibility whatever the difficulties may be in meeting it," he said. "I bespeak the understanding sympathy and support of all of you even those who may be found guilty."

There had been misgivings, he noted, about the decision [fol. 820] to suspend Miss Lucy, who has charged it was a subterfuge to bar her on racial grounds.

"The action taken was for her protection and for the protection of other students and staff members," Dr. Carmichael declared. "I declare to you now that this was the sole reason, whatever the critics may say.

"It was clear to those closest to the scene that a students' life may have been in serious jeopardy if she had returned to the campus and next day," he said. "If, through fear of being misunderstood, we should have allowed a tragedy to have occurred on our campus last week by failing to exclude a student from attending classes the blot on the name of Alabama would not have been erased in a century."

Dr. Carmichael spoke with a vigor he has rarely shown in the last few weeks.

Miss Lucy has been at Talladega College in Taladega, Ala., since Tuesday. She went there for a rest and is staying in a faculty dormitory. Dr. Arthur D. Gray, president of the college, said she had requested and been granted the use of the library facilities. She is not enrolled as a student there. He said she planned to stay

until the court hearing at the end of this month. Talladega is the oldest Negro college in Alabama.

(One Photograph Attached to Original.)

[fol. 821] TUSKEGEE CAUTIONS ON RACIAL
TROUBLES

TUSKEGEE, ALA., Feb. 16 (UP)—The faculty of Tuskegee Institute expressed "grave concern" today over recent racial disturbances in Alabama and other Southern states.

The teachers of the Negro college, in a prepared statement following a meeting, noted that "the Constitution of the United States expresses the common aspirations and guarantees the rights of all citizens without regard to section or racial origin."

"It is our deeply held conviction that local action should be at all times consistent with the principles of the Constitution," they said.

It was the first public statement by officials of the college on recent racial incidents, including suspension by the University of Alabama of a Negro co-ed following demonstrations.

Two years ago Tuskegee stopped issuing annual reports on lynchings because of what it called improved race relations.

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 126

THE NEW YORK TIMES
THURSDAY, FEBRUARY 16, 1956

STUDENT BEATEN, 2 NEGROES JAILED

Police Say Men Admit Attack on Alabama U. Youth—
School Calls Meeting

By Wayne Phillips
Special to The New York Times

TUSCALOOSA, Ala., Feb. 15—Two Negroes were charged today with an unprovoked attack on a University of Alabama male student.

Police Chief W. C. Tompkins said they had admitted having no reason for the attack, but "just wanted to get even with somebody for the way they treated Miss Lucy."

Miss Autherine J. Lucy was the first Negro student to be admitted to the university. She was suspended on Feb. [fol. 822] 6 after three days of classes when a mob threatened her on the campus. A court hearing will be held Feb. 29 in an action she has brought in an effort to return.

The student who was allegedly attacked was Samuel Perrin Taylor, 19 years old of Tuscaloosa. He was set upon at 6:15 o'clock last evening as he walked through a Negro section just off the university campus. He suffered cuts and bruises.

The two men picked up by the city police were identified as Arthur Washington 23, a soldier on furlough, and his brother, John, who lived on the same street where the attack was said to have taken place.

They were held until this afternoon in city jail on a simple assault charge. Then, on the advice of County Solicitor Oline W. Zennah, the student involved swore out assault to murder charges. The two men were secretly removed from Tuscaloosa to confinement at an undisclosed place.

A third man, James Hall, was held as a material witness.

The first factual account of what had happened appeared in The Tuscaloosa News, which was published in the early afternoon. It printed the story on its front page under a two-column editorial headlined "Calmness Measures Intelligence."

The editorial declared "it would be the rankest injustice to blame all Negroes for an irresponsible act of an individual or a few individuals."

The university students and faculty have been called to a convocation tomorrow morning, the first since the trouble on the campus. Strong security measures have been imposed to prevent infiltration of the meeting by outsiders.

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 127

THE NEW YORK TIMES
THURSDAY, FEBRUARY 14, 1956

ALABAMA U. TO MAKE HIGH COURT APPEAL

By Wayne Phillips
[fol. 823] Special to The New York Times

BIRMINGHAM, Ala. Feb. 13.—Attorneys for the University of Alabama announced today they would appeal to the United States Supreme Court against an order opening the school to Negroes.

The filing of the appeal, which they said would be made soon, would not affect the status of Miss Autherine J. Lucy, the first Negro student to be admitted under the Federal court order.

Miss Lucy was suspended by the university's board of trustees after her third day of classes on the ground that mob action against her presence was endangering her safety and that of others at the university in Tuscaloosa.

A week ago today a mob stoned and egged an automobile in which Miss Lucy was being driven between classes, and then set seige to a building where she was attending a course. She was taken out by the State Highway Patrol.

Andrew J. Thomas of the firm of Burr, McKaney, Moore & Tate, which is representing the university, said today that it had been decided to appeal to the highest court the injunction of Federal Judge Hobart S. Grooms forbidding the university to exclude a person solely on the grounds of race and color.

He refused to say, however, on what grounds the appeal would be made. Until the Supreme Court rules on the case, should it decide to consider it at all, the order remains in effect.

Decision by Court

The Supreme Court has ruled that tax-supported universities may not exclude persons solely because of race and color. This suggested the university's attorneys would challenge the order on some technical point.

The university already is facing two other legal actions brought by Miss Lucy's attorney, Arthur D. Shores, in the matter.

In one Miss Lucy has asked that the board of trustees be punished for contempt, contending that the grounds given for excluding her were a "subterfuge."

[fol. 824] In a second action Miss Lucy has asked an order restraining the university from denying her the use of university facilities, including dormitory rooms and dining rooms.

The United States Supreme Court ruled in 1952 that after a student was granted admission he might not be denied the use of college facilities solely because of race or color.

Miss Lucy has asked that the Federal District Court grant her \$2,000 damages for her suspension and \$1,000 damages for denying her living facilities. She also has asked that the board of trustees be jailed if they do not re-admit her.

Hearings in both actions have been set for Feb. 29 before Judge Grooms. The university must reply to her suit for living accommodations by Feb. 27. The reply is now being drafted, Mr. Thomas said, and will be filed soon.

Miss Lucy and Mrs. Pollie Ann Myers Hudson, a Negro friend who attended Miles College here with her, were accepted by the University of Alabama when they applied by mail. They were rejected when they appeared in person and were found to be Negroes.

They filed suit and on July 1, Judge Grooms issued an order restraining the university from excluding them or anyone from else solely on racial grounds. The university waited until they applied in September, and then asked Judge Grooms for a stay pending their appeal to the United States Circuit Court of Appeals in New Orleans.

Judge Grooms granted a four-month stay. Miss Lucy and Mrs. Hudson appealed this to the United States Supreme Court, which on October 10 set aside Judge Grooms' stay so far as it applied to Miss Lucy and Mrs. Hudson, but not in reference to any other persons.

Final Date to Register

The university then refused to admit them on the ground that Oct. 6 was the final date for registration. The university lost its appeal to the Circuit Court, which on Dec. 30 affirmed Judge Grooms' injunction. The court denied the university's application for a rehearing on Jan. 28.

The university then notified Miss Lucy that she had been [fol. 825] admitted, but refused to grant her living accommodations when she registered on Feb. 1.

The university notified Mrs. Hudson that she was being denied admission on the ground of her "conduct and marital record."

Mrs. Hudson had married since the original application was made, became the mother of a son and had filed for divorce. Mr. Shores sought a contempt order against the university on the ground that this was subterfuge for barring her, but then dropped the action after Miss Lucy was suspended, saying he wished to concentrate on her case.

'Agitators' Castigated

MONTGOMERY, Ala., Feb. 13—Gov. James E. Folsom today blamed the National Association for the Advancement of Colored People and "professional agitators" for recent campus riots at the University of Alabama in protest against the school's first Negro student.

"If the N.A.A.C.P. and professional agitators, with local professional help, would leave our problems alone in Alabama," Mr. Folsom said in a prepared statement, "we would be far better able to cope with them."

Debate is Called off

Special to the New York Times

TUSCALOOSA, Ala., Feb. 13—University of Alabama students called off a scheduled demonstration debate at this city's Negro college today.

They said it would not be wise to hold the demonstration they had planned at Stillman College, in the face of the

violence that had swept the University of Alabama campus of its first Negro student.

Four members of the university debating team were to have appeared this morning at Stillman College, on the opposite side of Tuscaloosa for a demonstration of a cross-examination debate. The 300 Negro students were told, however, that it had been canceled, "due to circumstances beyond our control."

[fol. 826] "After what has happened, if we were seen or heard at Stillman much of what we have been trying to do to restore calm here would be over, would go straight down the drain" said Dennis Holt, one of those who had been scheduled to appear.

Mr. Holt, a 21-year old Birmingham student and a former national championship debator, would have been particularly vulnerable. For he has taken a lead in condemning the disorders and the attitudes that had touched them off.

Telegram from Bunche

As a result of news reports of his activities he has received about sixty letters in the last week—most of them anonymous tirades—attacking his stand against segregation. But not all.

Ralph J. Bunche, Under Secretary General of the United Nations and a Negro, sent a telegram to Mr. Holt. He said the students' stand had "given eloquent testimony to the true spirit of the American tradition."

Willie Mays, Centerfielder of the New York Giants baseball team and a native of Bessemer, Ala., sent a letter of praise.

"It is incumbent for you younger generation of white boys and girls to repudiate this action at once," he wrote.

Mr. Holt is only one of many young students at the university who have come forward, since the disorders, to try to organize student opinion in support of accepting the court's ruling peacefully, whatever it might be and however disagreeable it might be.

Their efforts have taken the form of drafting and pushing through numerous campus organizations resolutions in support of these principles.

Now these students are trying to organize a full-scale public information campaign that will work through campus posters, label pins and illustrated pamphlets. They hope to time it to come just before Miss Lucy's return, should that be ordered.

The students have invested their own time, effort and money in such activities.

[fol. 827]

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 128

THE NEW YORK TIMES Sunday, February 12, 1956

MISS LUCY'S EDUCATION:
SEGREGATION TEST CASE

THE STORY OF THE NEGRO GIRL
WHO HAS BECOME THE CENTER
OF CONTROVERSY

By Wayne Phillips
Special to the New York Times

TUSCALOOSA, Ala., Feb. 11—The central figure in the outburst of mob violence at the University of Alabama this week is a 27-year-old Negro girl named Autherine J. Lucy, who wanted to come here to study library science. Modest and soft spoken, she has a ready smile and a knack for getting along easily with whites as well as those of her own race.

Miss Lucy, who is known to her friends by her less unusual middle name of Juanita, was born on a tenant farm in Marengo County, Ala., not far from Shiloh. It is in the middle of the South's Black Belt—called so because of its rich black earth, but with the added connotation that it is also the area of the highest Negro concentration.

In the South, where segregation is a way of life, Negroes do not become aware too early in life that it is racial discrimination, Miss Lucy doesn't recall when she first sensed racial prejudice.

"I don't remember anything like that when I was a child. My parents didn't talk to us about it." She says, when she did experience it, she says she wasn't bitter.

"I just felt it was one of those things."

Miss Lucy was the youngest of nine children, five of whom are living. She went through the tenth grade at the Shiloh junior high school, and then studied two years at the Linden Academy, a Negro public school in Shiloh. For another two years she attended a Negro junior college in Selma, and in 1949 she enrolled at the Methodist-supported Miles College in Birmingham.

[fol. 828]

College Student

A serious student, and a good one, she lives with her older sister in Ensley, a suburb of Birmingham. She taught Sunday School and was a member of the First Baptist Church in that community. She likes to sing and she likes to read. She became a member of the National Association for the Advancement of Colored People in college but took no active role in that or any other groups.

Not so her friend, Pollie Ann Myers, who is three years younger. Miss Myers was active in the N.A.A.C.P. Youth Council in her home community in southwest Birmingham, helped to organize a chapter at Miles College, and became president of it.

Miss Lucy was graduated in the spring of 1952 with a B.S. degree in English and a teaching certificate. Miss Myers was graduated at the same time, and with a determination to register at the all-white University of Alabama to study journalism. She talked over her ambition with the officials at the regional office of the N.A.A.C.P. and asked if they would help her. She was told to apply, and assured she would get what help they could provide.

Miss Myers then approached Miss Lucy and asked if she would join with her in applying for admission to the university.

"I was startled at the idea at first," Miss Lucy said. "But I wanted to follow a library science course at a recognized university, and I finally agreed to do it with her."

The two girls submitted their applications that summer by mail, without any reference to their race. The applications were accepted, but when they showed up to register in September of 1952, they were refused admission.

Attorney Sought

It was then that they went to see Arthur D. Shores, an attorney with an office in the Negro Masonic Temple in Birmingham, a floor below the N.A.A.C.P. regional office.

While the case ground through the Federal courts Miss Lucy went to Carthage, Miss., where she had a job teaching English in a Negro high school. Miss Myers married Ed-[fol. 829] ward Hudson, and had a son. She is now seeking a divorce.

On July 1, 1955, Federal Judge Hobart H. Grooms finally ordered that the university admit the two women. When they applied last September, however, they were deferred for another four months by legal maneuvering. In the interim Miss Lucy worked as a secretary for the Booker T. Washington Life Insurance Company in Birmingham. The order finally took effect on Jan. 30, and the next day the university's dean of admissions sent curt notes to the two women.

Miss Lucy was told "under Judge Grooms' injunction order you will be accorded the right to enroll at the university and pursue classes thereat." Mrs. Hudson, however, was told that her application was refused because of her "conduct and married record."

First Reactions

At 10:15 A.M. on Wednesday, Feb. 1, Miss Lucy and Mrs. Hudson showed up on the campus to register. Mrs. Hudson was turned away and waited with three Negro friends who had come with them while Miss Lucy breezed through registration in 2 hours and 37 minutes—being whisked past lines of waiting white students into closed door offices by tight-lipped university officials.

The first hitch developed when she went to the office of Dean of Women Sarah Healy to register for a dormitory room. Then it was discovered that the board of trustees had specifically ordered that she not be given a room be-

cause it "might endanger the safety or result in sociological disadvantage of the students."

Miss Lucy called the room statement "somewhat pathetic, unreasonable and certainly not expected." She and the rest of her party left the campus declaring they would return to Birmingham to seek counsel."

On Friday Miss Lucy was to attend her first classes. A cold steady rain was falling. The air of tension was heightened at 8:50 A.M. when campus police took up stations throughout the corridors of Smith Hall and at its entrances. Miss Lucy arrived on the campus at 9:05 A.M. for her first class.

[fol. 830]

Quiet Classes

She entered the first class at 9:08 and sat in the first row center. The row remained vacant. She wore a two-piece light orange outfit and a raincoat and hat. Don Hays, assistant professor of geography, took no note of her presence.

When she left the building at 9:30 she walked across the campus to Graves Hall. A policeman dogged her steps as students stood under the dripping eaves to watch her lonely progress. The other police went ahead by automobile and took up stations at Graves Hall. Inside she walked upstairs to the department of library science. In the classrooms other students this time sat in the same row, making no apparent distinction.

The student reaction that first day was that of curiosity. After her second class a co-ed came up and told her, "I wish you luck." Another said, "I hope everything turns out all right."

On Saturday when Miss Lucy again attended classes there was no police escort and no police were stationed in the hallways. Neither were there any incidents.

That night, however, there was a major basketball game in which the University of Alabama scored a rousing victory. Afterwards students massed before the Student Union Building and led by what the university officials labeled "a few inebriated fraternity men," started chanting, "Hey, ho, ho. Autherine must go."

Later the mob converged on the president's house. When the president, Oliver Cromwell Carmichael, appeared on the steps he was booed down. Finally, after milling about the campus, the mob dissolved at 1:10 A.M. in drizzling rain—after shouts to gather again on Monday when Miss Lucy would return.

Monday's Violence

When she arrived before Smith Hall at 9 A.M. on Monday a crowd of 300 persons, including night-shift rubber-plant workers and high school truants as well as university students, was waiting. She stepped through the crowd on the way to her geography class. They did not notice her and she apparently did not grasp the tenor of their feeling, [fol. 831] for she turned on the step and waved to those behind her.

While she sat in the geography class the mob grew and realized it had been thwarted in its attempt to pelt her with eggs and vegetables. A watch was set on the building's front and side doors. At 10 A.M. however, she was slipped out the back door by Jeff Bennett, assistant to the president, and into the automobile of Dean of Women Sarah Healy. As the car drove off ten to fifteen men splattered it with eggs, and one pitched a brick through the rear window showering glass inside.

The mob followed to Graves Hall, but she was inside before they arrived. The mob grew both in fury and intensity during the class hour remaining and grew to about 1,000 persons. She remained inside after the class was over with university officials and refused to leave. Finally at 1:15 P.M., while the mob still milled about the building, the highway patrol spirited her from Graves Hall to an automobile. She lay on the floor while a patrolman drove the car through the mob and to the office of a Tuscaloosa Negro newspaper.

There she rejoined her friends who had driven her to the campus and returned to Birmingham. That night the board of trustees suspended her until further notice.

Order by Judge

On Thursday Mr. Shores obtained an order from Judge Grooms that the trustees should show cause why they should not be punished for disobeying his order that Miss Lucy be admitted. He went much further though, and many Negro leaders feel that he went too far in the present situation. He filed a suit demanding living accommodations for Miss Lucy. And in a contempt request he accused the trustees of deliberately permitting the demonstration to create an atmosphere of mob rule. There was no danger, he contended, and Miss Lucy's exclusion was a subterfuge.

President Carmichael has announced that he expects that the Court will order her return and in that case he will do all in his power to insure her safety.

[fol. 832]

(2 Cartoons attached to Original.)

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 129

THE NEW YORK TIMES

SUNDAY, MARCH 11, 1956

TUSCALOOSA CALM NOW,
BUT TENSIONS RUN DEEP

Lucy Case Has Created New Barriers
In the South's Old Struggle

By Wayne Phillips
Special to The New York Times

TUSCALOOSA, ALA., March 10—The sunny calm of an early dawning summer spreads over Tuscaloosa and the campus of the University of Alabama. But it is an uneasy calm that could disappear as rapidly as a frost could blight the warmth.

The emotional storm that tore through the city over the presence of the first Negro student at the University of

Alabama has passed. Tempers are easing, there is time to think, there is a thankfulness that a head-on collision over the issue of segregation was so narrowly avoided.

But it will be a long time before the damage that the issue of Autherine J. Lucy did to race relations in Tuscaloosa is repaired. And it will be a much longer time [fol. 833] before the gnawing fear will die away that the issue will be revived and forced to a violent conclusion.

When a Federal judge ruled on Feb. 29 that Miss Lucy, who had been suspended after demonstrations against her, could return to the campus on March 5, the sense of impending disaster was over-whelming. The sentiment against her was so high, so inflexible, that it appeared the city must be plunged into a war in which she would almost certainly be killed, and probably others as well.

The thought of a great university reduced to martial law, turned into a military encampment to protect the aspirations of one against the convictions of many horrified even those who believed in the justice of her cause.

Relief from Tension

But within a few hours of the judge's actions the trustees of the university decided to expel Miss Lucy permanently, on the ground that she had accused them, in court documents, of conspiring with mob action to exclude her from the university because of her race.

The news of that expulsion as it spread through Tuscaloosa on March 1, left in its wake the greatest sense of relief the city has known since Miss Lucy first appeared here. Even those who sided with Miss Lucy thanked God that war and bloodshed had been avoided. Any action under the color of law that could avoid that would be welcome.

There were those, of course—a small minority—who felt that the action of the trustees, while welcome, was just a subterfuge and an evasion of the real issue. But among nearly all others, including the firmest believers in gradual integration of the races, there was a feeling that the trustees had found good grounds for their action and that Miss Lucy had been, at best, misguided in giving it to them.

That, at least, was the sentiment of the Tuscaloosa Council on Human Relations, a bi-racial group that held its second meeting on the evening of March 1. And it was the sentiment of a good part of the Negro community, as reflected in the comments of this week's issue of The Alabama Citizen, Tuscaloosa's Negro newspaper.

[fol. 834] Among others less favorable to Miss Lucy the thought was the same—but tied to jubilation and a sense of victory, rather than regret. These were those who by praising the “cleverness” of the trustees merely fed ammunition to those who condemned the board.

In the days since the departure of Miss Lucy to New York—another welcome source of relief—there has been a gradual relaxation. The sense of crisis that sparked the formation of a Citizens Council on Feb. 17 in the County Court House here and sent many citizens to the sheriff's office to apply for a permit to carry firearms has slackened.

Second Thoughts

Members of civic organizations have had a chance—and have taken advantage of it in their meetings—to sit back and take a sober look at what happened. The responsible leaders of the community have begun to ponder whether they lived up to those responsibilities in the period of crisis. There has been a gradual realization that the vast majority of the people of the city and the students at the university lived through the crisis without being directly involved in it.

One example was a meeting of the Episcopal Men's Club a few days ago. The members—business men, educators, professional men—called on Dr. Paul B. Foreman, head of the Sociology and Anthropology Department at the university, to explain to them some of the underlying community factors that led to the explosion over Miss Lucy.

The members were critical of the large number of letters on the issue that had been published in The Tuscaloosa News—letters from persons comparatively unknown in the town, which by their extreme tenor seemed but to add fuel to the flames. It was only gradually realized by those pres-

ent that they, as leaders, had a responsibility to make public their more moderate and level-headed opinions, even though not directly involved in the crisis.

There was a realization, too, that the crisis had affected everyone regardless of whether he was directly involved or not. Business had dropped off. The good name of the city had been smirched. The prestige of the university had been damaged. The uncomfortable glare of international [fol. 835] publicity had been both irritating and embarrassing.

Business Slumps

Retailers will not say how much business has slumped, but they admit that it has. And, further, they say that it was a slump that when checked against near-by areas did not appear to be part of any regional decline.

The name of Tuscaloosa, which six months ago would hardly have been recognized abroad, became a symbol of one of the seamier sides of United States life. A high school student who was traveling abroad wrote back to the Tuscaloosa News that wherever he went the admission that he was from Tuscaloosa was sufficient to attract a crowd of curious people anxious to question him about the ways of life in his home town.

Both students and members of the university faculty, many of them from the North, have been seriously concerned about what the incident may mean to them personally in their associations with others. "Will my degree be worth anything after this?" is a question raised by some students. The faculty members worry about the reaction within their professional associations.

Renewed Activity

The storm signals remain. The local chapter of the National Association for the Advancement of Colored People, dormant for years, is now campaigning for members in the Negro community. The Citizens' Councils are equally active among the whites.

The N.A.A.C.P. called its first meeting here in a long time on Feb. 13, just before the meeting that organized

the White Citizens Council. Although only twenty-five members were present at the meeting, held in the chapel of a Negro funeral home, they laid the plans for reviving the organization as rapidly as possible.

Although the Citizens Council has not held another public meeting in Tuscaloosa since its organization, it is still carrying on its membership campaign and now has more than 1,200 members. Membership blanks are on display on business counters here and there throughout the city—and a few are even set out beside the cash register at [fol. 836] the barber shop in the basement of the university's Student Union Building.

Recent Moves

There was a realization, too, that the crisis had affected everyone regardless of whether he was directly involved or not.

These activities, although carried on with less impetus than before Miss Lucy was expelled, are still fully strong to indicate that they could show a sudden spurt in a new crisis. Miss Lucy yesterday filed a motion in Federal Court asking an order that she be readmitted to the university next September.

The board of trustees is meeting tomorrow to consider disciplinary action against students involved in the demonstrations.

Either the Federal Court order for Miss Lucy's return—and no date has been set for it, a Federal Court hearing—or the action against students could touch off a reaction among the white population of Tuscaloosa and in the State Legislature. The veneer of calm is so thin no one can be sure of what could happen.

Despite this there are signs of a swing back toward the good race relations that characterized Tuscaloosa before Miss Lucy arrived. A downtown department store has begun adding the prefix Miss or Mrs. to the names of Negro women customers. The faculty of the University of Alabama last Saturday donated more than 400 books to the new library at the Negro Stillman College. Some white leaders of the business community joined in the Career

Day proceedings this week at that college. There are few signs of economic retaliation by Negroes against whites, or whites against Negroes, as in other Alabama cities.

University's Position

President O. C. Carmichael has said that the university would obey the law and admit qualified Negro students. What he did not add—but what was well known here—was that it would be a long, long time before this could be done peaceably.

It is only twenty-two years since, in the struggle with the Ku Klux Klan, National Guard machine guns held off the mob from the dingy, yellow court house where the [fol. 837] Citizens Council was formed last month. No one here, no matter how he feels on the race issue, wants to see that day come again.

(One Cartoon Attached to Original)

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 130

THE NEW YORK TIMES

SATURDAY, MARCH 10, 1956

MISS LUCY SEEKS FALL ADMISSION
BIDS COURT RULE EXPULSION BY ALABAMA U.
ILLEGAL—LOST TIME IS CITED

By Wayne Phillips

Special to The New York Times

BIRMINGHAM, Ala., March 9—Federal District Court here was asked today to order the University of Alabama to readmit Miss Autherine J. Lucy for the semester beginning next September.

Miss Lucy, the university's first Negro student, was expelled Feb. 29 by the Board of Trustees because of what

it called "outrageous, false and baseless accusations" she had made in contempt proceedings against officials of the university.

[fol. 838] Miss Lucy alleged that the university officials had conspired with mobs to exclude her from the university because of her race. Her attorneys withdrew the charges after admitting that they could not be proved.

No date was set by Judge Hobart Grooms for a hearing on today's request that the expulsion be ruled illegal.

Miss Lucy was suspended by the trustees "for her own safety and that of others at the university," after a mob set siege to a building where she was attending classes and threatened to kill her.

Fall Admission Asked

Judge Grooms held on Feb. 29 that while the board of trustees was justified in suspending Miss Lucy on Feb. 6—the day of the mob action—she should be reinstated by March 5—the Monday after his ruling. But a few hours after his ruling the board met and "permanently expelled" her.

Arthur D. Shores, Miss Lucy's attorney, alleged in the motion filed today that "in the interim between the issuance of the order of Feb. 29 and the expulsion order of the board of trustees nothing new transpired or became known in this cause which would excuse failure to comply with the court's order."

He asked that the board's expulsion "be deemed a legally ineffective interference with the performance of a duty incumbent on the board under the court's order." However, he added:

"As a result of the conduct of the board, and because of the lapse of time, plaintiff has now been unavoidably absent from classes for several weeks of the present semester and therefore cannot effectively undertake the prescribed course of study for the semester."

He asked that the judge amend his order that Miss Lucy be admitted on March 5 to read that she should be admitted to the semester beginning in September, 1956.

Miss Lucy Firm on Views

Augherine J. Lucy, 26-year-old Negro who is seeking admission to the University of Alabama, said yesterday that [fol. 839] her future plans for education would depend on legal developments.

Miss Lucy said at a press conference that though other colleges in the United States and Europe had invited her to study there, she would prefer to get a degree in library science at the University of Alabama.

"I was born and reared in Alabama," she declared. "The University of Alabama is a tax supported college. I feel I should be able to go to the University of Alabama and that other Negroes should have that right."

The press conference was held at 409 Edgecombe Avenue in the apartment of Thurgood Marshall, special counsel for the National Association for the Advancement of Colored People.

BOYCOTTED LINE CUTS ROUTES

MONTGOMERY, ALA., March 9 (UP)—The Montgomery Bus Lines, boycotted by Negroes for three months, obtained permission today to drop Sunday service on all but two of its fourteen routes. The announcement came in the fourteenth week of the citywide racial boycott, protest-segregated seating arrangements.

ALABAMAN URGES FOLSOM'S OUSTER

3,000 At Rally Cheer Demand by Citizens Council Leader—Retired Admiral Heard

SPECIAL TO THE NEW YORK TIMES

BIRMINGHAM, Ala., March 9—Three thousand persons at a rally here tonight cheered at a demand for the impeachment of Gov. James E. Folsom for failure to enforce racial segregation.

Asa E. Carter, executive secretary of the North Alabama Citizens Councils, climaxed a two-hour rally in the City Auditorium by distributing petitions calling on the State House of Representatives to impeach the Governor.

"He has willfully neglected his duty to respect and enforce the constitutional provisions, and state laws, dealing [fol. 840] with segregation of members of the white and colored races," the petition stated.

Although Mr. Carter's demand won a standing ovation from the audience that occupied little more than half the seats in the auditorium, there was no noticeable rush to sign the petition.

Mr. Carter attributed the slack attendance at the rally, which he had announced last Thursday after a Federal Court decision to return Miss Autherine J. Lucy to the University of Alabama, on "relaxation" of those opposing integration after the university's board of trustees expelled Miss Lucy.

Asks 'Bloodless' Revolt

The impeachment demand was the high point in Mr. Carter's call for a "bloodless revolution" to enforce segregation in the state against the encroachment of "atheistic anti-Christian, Communistic ideas of integration."

The rally was addressed also by Rear Admiral John G. Crommelin, retired, a candidate for the United States Senate seat of Lister Hill.

He told the audience that he was proud to be a member of the Citizens Councils and to endorse them. He charged that "Alabama is run by one of the most vicious political machines in history."

Confederate flags draped the City Auditorium where tonight's rally was held. A brass band was on hand and hundreds of new members were signed up in the anti-racial integration forces.

Tonight's rally at the auditorium, which seats 5,200 persons, was regarded as an important test of strength between the rival factions in the anti-integration movement in Alabama.

A rally on Tuesday night sponsored by the Montgomery organization drew about 2,000 persons to the State Fair Grounds.

Leonard Wilson, University of Alabama student who addressed the Tuesday rally, had been invited to be a guest at tonight's meeting, but had not been asked to speak. He failed to appear.

Mr. Carter attacked tonight what he called the political domination of the Association of Alabama Citizens Councils [fol. 841] set up in Montgomery, and declared that this political control meant compromise on the racial issue.

One of the requirements for membership in Mr. Carter's councils is "belief in the divinity of Jesus Christ." Officials of the Montgomery group have charged that this is anti-semitism, but Mr. Carter has denied it.

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 131

STUDENT EXHORTS ALABAMA RALLY
ASSAILS UNIVERSITY OFFICIALS AND
GOVERNOR FOR ROLES IN
SEGREGATION ISSUE

By Wayne Phillips
Special to The New York Times

BIRMINGHAM, ALA., March 6—A University of Alabama sophomore told a cheering White Citizens Council rally here tonight that the university needed "A house-cleaning from top to bottom."

Leonard Wilson, pre-law student, who had played a leading role in the demonstrations against Autherine J. Lucy, shouted that "the officials at the university from president to janitor are your employees."

"I believe there are people at the university who are not worthy of your hire," he told the audience of more than 2,000 persons gathered at the State Fair Grounds. Mr. Wilson marked his twentieth birthday today.

Mr. Wilson read from news reports a statement by Dr. O. C. Carmichael, president of the university, saying that it would obey the law and would admit qualified Negro students as required to do so by the Federal courts."

"That's your employe talking that way," Mr. Wilson said. "We can't put up with our employes of the State of Alabama flaunting their disregard of the laws of Alabama. [fol. 842] Mr. Wilson also attacked Gov. James E. Folsom for this position on the segregation issue.

"Much of our trouble in Alabama has been caused because we have not had the proper leadership from the Executive of Alabama," he said. "But your action has done much to wake up this possum up in Montgomery. I believe he is almost convinced he should be on the side of the white people."

Mr. Wilson once again shouted his defiance of the university, should it decide to discipline him for his outside activities on the race question.

State Senators Heard

"If they do kick me out I can go to 'Ole Miss—I am told the people of Mississippi have no prejudices against those who believe in segregation," he declared.

The meeting had been called by the Alabama Association of Citizens Councils. The association is opposed to another group of councils in this area that prohibits members of the Jewish faith from membership.

Former City Judge Hugh Locks of Birmingham presided at the rally. State Senator Waller C. Givham of Dallas County—the home county of Mr. Wilson—introduced the featured speaker of the evening, State Senator Jim Johnson of Arkansas.

Mr. Wilson arrived late at the meeting, however, and as a result he spoke last. Most of the attention was centered on him, in any event, because of his role at the university. No disciplinary action has been taken against him by the University of Alabama, although he has been identified from the first as a leader in the demonstrations that drove Miss Lucy from the campus.

Speakers tonight repeatedly called for unity in the anti-integration movement.

"What we want in this organization is all white people regardless if they are Catholic or Jew, as long as they are white men and women who believe in segregation," Senator Givham said.

"Let's don't have personalities, let's don't have petty [fol. 843] conflicts, let's don't have dual purposes," Senator Johnson said. "This movement is big enough for all faiths."

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 132

THE NEW YORK TIMES

TUESDAY, MARCH 6, 1956

WHITE COUNCILS SPLIT IN ALABAMA

TWO FACTIONS DIVIDED OVER ANTI-SEMITISM
—BOTH CALL FOR RALLIES THIS WEEK

By Wayne Phillips

BIRMINGHAM, Ala., March 5—Anti-semitism has split the rapidly growing White Citizens Council movement in race-tense Alabama.

Two factions have emerged, one based here and representing councils from Tuscaloosa to the Tennessee border under the banner of the North Alabama Citizen's Councils. The other, based in Montgomery, extends 100 miles south of there under the name of the Central Alabama Citizen's Councils.

The first group requires that its members "believe in the divinity of Jesus Christ" and contends the Jews should fight integration through other organizations. It includes in the current issue of its publication, *The Southerner*, an attack on the "Hadassah newsletter" for picturing a Negro and white child together.

The second faction, which operates in the area of greatest Negro concentration, issued a thinly veiled attack on the first group this week in which it declared that it "is not interested in religious bias or prejudice, but is concerned only in maintaining segregation."

Both Formed Last October

The northern organization was formed in October, 1955, by a filling station operator and former newscaster named Asa E. Carter. The southern group was organized in October, 1955, by local councils that had been springing up on the community level for more than a year. Both claim about sixty local organizations with about 60,000 members.

[fol. 844] In the Birmingham area are citizens councils affiliated with both factions, and it is here that the rivalry has come into the open with a call for separate rallies this week.

The Jefferson County Citizens Council, that is affiliated with the Alabama Association of Citizens Councils set up in Montgomery on Feb. 17, has called a rally at the Alabama State Fair Grounds here tomorrow night.

The North Alabama Citizens' Councils, that remained aloof from the state-wide group organized in Montgomery, has called a rally for Friday night at the Municipal Auditorium where it plans to open its own state-wide organization.

Center of Rivalry

In the heart of the rivalry is a clash of ambitions between the key leaders of both groups, State Senator Sam Engelhardt, Executive Secretary of the Alabama Association, and Mr. Carter, executive secretary of the North Alabama group.

But the injection of the theme of anti-semitism is an ominous one in a state where the memory is still fresh of a Ku Klux Klan that welded together religious and racial prejudice, and in its fury turned on both whites and Negroes.

Mr. Carter has denied that limiting his group to Christians implies anti-semitism—"it is entirely demagogic to charge that we are anti-semitic," he said today.

Nevertheless, it was this implication of the Christian-only membership provision that Senator Engelhardt was aiming at in the statement he issued for the Alabama Association. It declared:

"We are determined to succeed in maintaining segregation in Alabama, and we shall not be led down any blind paths, or led into any unwise actions during this struggle.

[fol. 845]

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 133

THE NEW YORK TIMES

SUNDAY, MARCH 4, 1956

MONTGOMERY IS STAGE FOR A TENSE DRAMA

NEGROES ADOPT A POLICY OF
PASSIVE RESISTANCE TO SEGREGATION

By Wayne Phillips

Special to The New York Times

MONTGOMERY, Ala., March 3—For almost three months this city has been gripped by a phenomenon unprecedented in American race relations—a Ghandi-like passive resistance campaign waged by Negroes with religious fervor against the city bus lines.

Perhaps it is fitting that this most dramatic occurrence of the current race struggle—frustrating to the whites, inspiring to the Negroes—should take place in a city that is known as the Cradle of the Confederacy.

Certainly it is striking that the red brick church with small white cupola, presided over by the young Negro minister who is leading the protest, stands at the edge of the state capitol mall, almost at the foot of the long marble steps atop which Jefferson Davis took his oath as President of the Confederacy.

Montgomery was a city of only 8,000 persons then, the center of a rich cotton plantation area.

Today the city is still the trading and distribution center of rich agricultural country. But now the emphasis has shifted from cotton to the raising of fine beef cattle. Light industry has taken over sections of the city, Maxwell Air Force Base spreads out over former farm land on the city limits, and the population has jumped to 124,750.

Irritating Pattern

Forty per cent, possibly more, of that population is Negro. And among these Negroes one finds a crosspatch

pattern of irritants have been at work—irritants that finally reached a fever point early last December.

[fol. 846] There was the difficulty, for many of them, of making the transition from a rural to an urban economy. There was the frustration of being confined to the dirty and the low-paid jobs in that economy. There was, for those who could get an education, a closed-door to many fields—there are but two Negro lawyers in the city. And there was a constant goad of social segregation.

All of these worked on different people in different ways and were nothing peculiar to Montgomery. What was peculiar there was the presence in recent years of a handful of very well-educated, intelligent and young Negro leaders uncompromising in their opposition to segregation. The cumulative effect of incidents between the races brought all the other irritants to a head.

The stage had been set, then, for an explosion when on the evening of Dec. 1 a tired 43-year-old seamstress named Rosa Parks refused a bus driver's order to give up her seat to a white man. Mrs. Parks was arrested, jailed briefly, and released on bond. She is appealing to the State Supreme Court her conviction for violating the state's segregation law.

Boycott Begins

The protest movement against the buses, which began to snowball the day after her arrest, started as a one-day boycott of the buses on Dec. 5, when she appeared in court. It has been extended to the present time and might have happened no matter who Mrs. Parks was.

But it was certainly strengthened by the fact that Mrs. Parks was an intelligent, hard-working woman with a strongly developed conviction that segregation was evil, a leader in her church and one of the leaders in the local chapter of the National Association for the Advancement of Colored People.

The man who came to bail her out that evening was E. D. Nixon, a Pullman car porter she had known for several years and a former state president of the N.A.A.C.P. The lawyer who that night took over her defense was Fred D. Gray.

And by the next evening a meeting of about fifty leaders [fol. 847] of the Negro community was held in the church of Martin King, Jr., a 27-year-old Baptist minister, to organize a mass protest to be held on Dec. 5, after Mrs. Parks' court appearance.

Those of the first meeting disclaim the bus boycott idea. But from somewhere there appeared the day after they met an unsigned mimeographed manifesto appealing to the Negroes of Montgomery to refrain from riding the buses on Dec. 5, and to attend the mass meeting that night "for further instructions."

The full text of these appeals appeared in the Montgomery newspapers and their substance was broadcast over the Montgomery radio stations. As a result the one-day protest was almost 90 per cent effective.

Meeting Sets Stage

The stage had been fully set. The night of Dec. 5 the mass meeting jubilantly appealed to "all the citizens of Montgomery" to refrain from riding the buses until conditions were created that were satisfactory to "all citizens."

The leaders of the community, many of them Protestant ministers, who had laid the groundwork for the mass meeting contended that the protest against the buses had so snowballed that by that night they had no choice but to take the leadership in the movement, or see it turn toward open race struggle and violence.

The ministers are the natural leaders of the Negro community—for generations it has been the only profession fully open to Negroes. Their leadership had important influence on the development of that movement.

By emphasizing the Christian virtue of "love thine enemy" the boycott was made a mass movement of passive resistance—though it took months for the Ghandi similarity to be recognized. And by preaching the protests in their churches and of mass meetings they give it the dynamism of a religious crusade—bringing to bear the strongest emotional force in the Negro community.

Bus Firm Hurt

The protest, by denying the bus company about 65 per [fol. 848] cent of its income, hurt the company and to some extent the city to which it pays taxes. It did not directly affect most of the white people of Montgomery. But it did —by raising a specter of Negro revolt—irritate them. And the irritation grew with the stubbornness of the boycott, and as its objectives grew larger.

At the very beginning the boycott could have been settled by revision of the segregation rules. The Negroes would have agreed to an arrangement whereby Negroes would be seated from the rear forward, whites from the front back, with no one having to give up seats when all were taken.

But a compromise proposal only a hair's breath from that was rejected because the Negroes and city officials could not get together. As a result the city officials washed their hands of any attempt to settle the problem, and the Mayor and city commissioners publicly enrolled in the white citizens councils.

Aimed at Laws

The Negro reaction was the filing of a Federal suit in late January by Mr. Gray and Charles D. Langford, the other Negro attorney in Montgomery, aimed at overthrowing the city and state segregation laws—and a swing of the boycott toward this objective.

The whites retaliated with the indictment of 100 Negroes for conspiracy to conduct an illegal boycott.

The mass arrests attracted the attention and sympathies of a large part of the world. And this, in turn, lent a new impetus to the protest movement. No longer was it fighting to overthrow segregation, now it was—in the words of Mr. King—"a battle for the oppressed people of the world."

When the bus protest began there were temperate people in Montgomery actively interested in bettering race relations. Some of them were brought together in the Alabama Council of Human Relations, the only interracial group in the state.

The executive secretary of that group was a white Methodist minister, the Rev. Robert Hughes. His assistant was Fred Gray. One of the leaders was the white minister [fol. 849] of a Negro Lutheran church—The Rev. Robert S. Graetz.

Shift from Middle

But Mr. Gray, a leader of his people, was gradually carried away from middle ground by the battle, so was Mr. Graetz. He believed in the justice of the Negro cause, and if he was to remain a leader in his own church he had to—and did—support it. The drift away from the middle that they represented, however, meant an immeasurable weakening of the moderates.

The disproportion in their strength is represented by the rally staged in Montgomery by the white citizens councils last month. Ten thousand persons jammed the City Coliseum to hear Senator James O. Eastland of Mississippi deliver a fiery defense of segregation. The next day the Alabama Council on Human Relations held its state-wide conference at the Negro Alabama State College in Montgomery. Two hundred persons were present.

City Situation

On the city level in Montgomery there is very little middle ground left. Mr. Hughes and others like him work desperately to retain what there is—but they are impotent now either to organize any mass middle movement, or effectively sway either side in the controversy.

Their only open path to work toward better relations has been to urge, and work for, the establishment of bi-racial commissions such as that proposed by Gov. James E. Folsom to the State Legislature this week.

If those commissions can be set up, if they can find leaders of both communities to take part in them, if they can compromise, and if they can sell the public on compromise, some good might come of them. But those are big ifs.

[fol. 850]

(One cartoon attached to original.)

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 134

THE NEW YORK TIMES

SUNDAY, MARCH 4, 1956

ALABAMA TO HEED COURTS ON
TAKING NEGRO STUDENTS

But Carmichael Says School Still Opposes Integration—
Backs Miss Lucy's Ouster

By Wayne Phillips

Special to the New York Times

TUSCALOOSA, Ala., March 3—Dr. Oliver C. Carmichael, president of the University of Alabama, said today the university would not violate the law by refusing to admit qualified Negro students.

However, he added that the university's officials still were opposed to integration, would probably resist the admission of Negroes, and would make a careful investigation to determine if any Negro applicants were clearly qualified.

Dr. Carmichael said he was "disturbed" by the view of some persons that the university's first Negro student, Autherine J. Lucy, had been "permanently expelled" as a means of circumventing a Federal court order that she be reinstated.

[fol. 851] He pointed out that the expulsion order stated that:

"No educational institution could possibly maintain any semblance of discipline if any students, whether they be black or white, guilty of the conduct of Autherine J. Lucy be permitted to remain a member of the student body after making such baseless, outrageous and unfounded charges of misconduct on the part of university officials."

Contempt Action Cited

This referred to the charges included in Miss Lucy's petition for contempt of court action against the university officials for suspending her on Feb. 6 after a series of cam-

pus disorders. She accused the officials, in effect, of having conspired with mob violence to exclude her on racial grounds.

The charges were withdrawn at the contempt hearings last Wednesday after Thurgood Marshall, general counsel of the National Association for the Advancement of Colored People told the Court that "we find ourselves without sufficient proof to sustain them."

Dr. Carmichael said today that "our action in the Autherine Lucy case does not mean thereby that we are going to keep all Negroes out.

"We are not going to violate the law in the case of qualified students," he said. "And if a student were fully qualified the board of trustees would not turn him down."

But he added that "we would resist, probably, and I'm sure we would make a very careful investigation to be sure such a student were fully qualified."

He pointed out that "in the case of Autherine Lucy she was admitted when there was no further legal recourse."

Miss Lucy was admitted to the university on Feb. 1 after winning a court action that began in July, 1953. Mrs. Pollie Anne Myers Hudson, who joined with her in the court action, was rejected at that time because of her "conduct and marital record." Court records have been revealed since indicating that she was, at the time of her application, pregnant and unmarried.

Miss Lucy was admitted under a court order of June 29, 1955, restraining Dean of Admission, William F. Adams, [fol. 852] from excluding her and Mrs. Hudson "solely on account of their race and color." On July 1, 1955, this order was amended to apply to "others similarly situated"—that is, all Negroes.

Dr. Carmichael said that no action had yet been taken in the cases of other Negroes who have applied for admission to the university. Several such applications for next fall are still pending.

They include four to the medical college of Alabama, and two for the school of dental hygiene, units of the university in Birmingham. Other parts of the university have received inquiries from Negroes but no formal applications.

If these applications are rejected the Negroes involved can petition the Federal court, under the order that admitted Miss Lucy, for contempt of court action against the university officials. But they would have to prove that rejection was solely the result of race.

Bills In State Legislature

A bill is before the State Legislature that would stiffen the entrance requirements of all state-supported colleges so as to exclude most Negroes. It would require applicants to submit affidavits from three alumni—in the case of white colleges, white persons—as to their "fitness and character."

There also have been proposed measures that would cut off the state's \$350,000 appropriation for the Negro Tuskegee Institute and its \$82,500 out of state scholarship fund should a Negro ever be admitted to a state-supported institution for as long as ten days.

The scholarship fund was established largely to assist Negroes in attending out of state institutions when they could not get the training they wished—such as for the law—at state-supported Negro institutions.

[fol. 853]

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 135

THE NEW YORK TIMES

FRIDAY, MARCH 2, 1956

UNIVERSITY OUSTS MISS LUCY BECAUSE OF
HER CHARGES

ALABAMA TRUSTEES 'PERMANENTLY EXPEL'
NEGRO CO-ED OVER CONTEMPT ACTION—
SHE FLIES TO NEW YORK TO REST

By Wayne Phillips

Special to The New York Times

BIRMINGHAM, Ala., March 1—The trustees of the University of Alabama "permanently expelled" today Autherine J. Lucy, its first Negro student, whose reinstatement to the school had been ordered by a Federal court.

The board accused Miss Lucy of having made "outrageous, false and baseless accusations" in contempt of court actions against the university.

Miss Lucy, meanwhile, flew to New York for "rest, peace and quiet." She is expected to return to Alabama.

The white citizens councils in this area called a rally here for next Friday to propose a "solution to the (reinstatement) decision." This was one of the number of developments in the controversy.

Other developments were:

The State House of Representatives unanimously passed a resolution ordering Miss Lucy to appear Monday before a legislative committee to determine whether the National Association for the Advancement of Colored People was "directed or controlled by the Communists."

The State Senate unanimously passed a resolution calling on Congress to appropriate funds to move Southern Negroes to the North and Midwest—"areas where they are wanted and needed and can be assimilated."

A third resolution, in the House, demanded that the [fol. 854] president of the university publish the names of all students who signed a petition asking the readmission of Miss Lucy to the university.

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 136

THE NEW YORK TIMES

TUESDAY, MARCH 13, 1956

III. STATES RESISTING

ALABAMA

WHITE (68 Per cent)	2,079,591
NEGRO (32 Per cent)	979,617

By PETER KIHSS

Anyone envisioning an easy solution to the problem of ending race segregation might picture himself at the University of Alabama in Tuscaloosa on the sunny but chilly morning of Feb. 6.

Opposite yellow-brick Smith Hall stood a sullen crowd, 100 strong, many of them outsiders. Inside, by order of the Federal courts, was the first Negro student in the university's 125 years, 26-year-old Autherine J. Lucy.

Background: cross-burnings on recent nights, cars halted with cries of "Keep 'Bama White!" and now an intermittent chant that the girl's "gotta go!"

The university's reaction was to rush the girl by car to another class—just escaping glass fragments when a rock shattered the car's back window. Then the trustees bought time, suspending her to insure everyone's safety.

Her lawyer won another court action to reinstate her. Next the trustees "permanently expelled" her for "outrageous" charges against them in the suit.

Because of the Lucy case and the Montgomery bus boycott, Alabama stands today as a symbol of Southern resistance to desegregation. More than 2,000,000 Deep South whites and nearly 1,000,000 Negroes—paternalistic white tradition and rising Negro aspiration—confront each other. The one resents, the other invokes the pressures of Fed-[fol. 855] eral law and economic sanctions.

In Montgomery, the state capital, buses used to handle 30,000 fares daily. For now the fourth month, thirty-five Negro ministers have led thousands of Negroes in a bus boycott. It started over the arrest of a Negro seamstress who had refused to surrender a seat under a bus driver's arbitrary right to re-draw the line between white and Negro places.

Negro economic strength—fused in a new Montgomery Improvement Association—converted the buses into "yellow ghosts." Buses were shot up in Negro districts the first week; two Negro leaders' homes were bombed; five Negroes then sued to upset bus segregation entirely; their lawyer was upgraded in the draft, and ninety leaders were indicted under an anti-boycott law.

Thus, between whites and Negroes, barriers are rising. Relatively few attempts at understanding are being made.

Shrines Reflect
Memories of 1861

Amid such shrines as the statue of Jefferson Davis before the Capitol in Montgomery, where the Confederacy was born in 1861, the Civil War remains an emotional memory. People who survived Federal earth-scorching and carpetbagger rule—and people who lived in slavery—bequeathed their stories to men and women still living.

Many whites still see the Negro only as a family cook, nursemaid or yardman.

"I was taught he was under-developed, and it was our duty to look after him, help him with his problems," recalled Olin H. Horton, president of the American States Rights Association in Birmingham. "In the last few years Negroes have been pulling away from their white friends and going to some N.A.A.C.P. lawyers and Communists. * * * For the first time in my life I'm having to fight a feeling of prejudice."

John L. LeFlore, a Negro, thirty-five years a mail carrier, is executive secretary of the Mobile branch of the N.A.A.C.P.

"I sat in the smoker from Birmingham to Mobile until 11 o'clock, chatting with the whites," he said. "I wanted to show them we're not afraid."

[fol. 856] In support of segregation, White Citizens Councils started freely in October, 1954. Reacting to Negro prowess in the bus boycott and in court suits, though, the Councils this year have skyrocketed in membership.

Sixty-one councils now claim 60,000 members. One held the biggest political rally in Alabama history on Feb. 10—15,000 attended in Montgomery. A statewide association was formed Feb. 17. City and county officials and state legislators have publicly enrolled. Council questionnaires on segregation are going to all May primary candidates. Such constitutions as that of the Dallas County Citizens Council propose to "promote good feeling" between white and Negroes, investigate complaints and maintain race separation "by legal and peaceful means."

Economic pressure is disclaimed. Many a white merchant with Negro customers is all too conscious that such

a weapon might be double-edged. In Dallas, signers of a school desegregation petition lost jobs last September, but a spokesman now calls this "purely spontaneous." Persons who "stirred up trouble" were "obviously incompetent," he said.

In Selma, the Rev. J. D. Hunter, a Negro and N.A.A.C.P. chairman, reports that ten of twenty-eight petition signers were dismissed. Nine more removed their names; eight were self-employed—but two barbers had to move their shop; only one jobholder went untouched.

Mr. Hunter, resolute, says his chapter still grows.

The two-year-old American States Rights Association crusades for segregation by "finding facts and giving them to those who can act," according to Mr. Horton, its president, a Birmingham insurance executive.

As of January, he reported 18,000 dues-paying members; a board of fifty-five prominent legislators, educators, lawyers, business men, manufacturers and clubwomen, and the spending of \$35,000.

The association has circulated statistics on venereal disease, illegitimacy and crime among Negroes, and has put out pamphlets against intermarriage. It analyzes textbooks for "one-racism" and "subversion."

Circularizing anti-segregation excerpts from the 1952 Methodist book of discipline, Mr. Horton also helped start [fol. 857] an Association of Methodist Ministers and Laymen. Along with Alabama's two white Methodist conferences, this group is resisting moves to abolish the church's present segregated character.

On their side, Negroes have been organized in the N.A.A.C.P. mainly urban and intellectualized, and in local groups. Claiming 11,000 Alabama members, a rise of 3,400 in a year, the N.A.A.C.P. has sponsored thirteen county petitions to desegregate schools, carried on the university case, and now plans court suits on schools.

Negro leaders have been seeking to increase their share of Alabama's permanent personal registration for voting, which is perhaps 10 per cent.

Macon County, for instance, is 84 per cent Negro, the highest proportion in the nation. However, Macon's state

Senator Sam Engelhardt, estimates 2,200 whites are enrolled, compared to 1,000 Negroes.

In Macon, whites and Negroes this year have been able to register only one day—Jan 16—because the appointive county board of registers have been unable to muster the needed quorum of two out of three members.

Thirteen Negroes were accepted that day. The next day, a male member of the board resigned, citing business reasons. A woman appointee had never shown up, asserting that she had never accepted the appointment.

Dean Charles G. Gomillion, a Negro civic leader of Tuskegee, forecasts efforts to keep any other white person from serving.

Pupils Assigned by 15 Factors

By overwhelming votes, the legislature has been setting up road blocks against ending the school segregation required by the state Constitution since 1875.

A bill by Senator Engelhardt, enacted last Aug. 2, empowers local boards of education to assign pupils on the basis of fifteen factors, including “psychological effect” and “threat of friction.” This is subject to court appeals only on Federal constitutional grounds. Parental objection would halt a pupil’s assignment to any school “in which the races are commingled”. Such a child then would be entitled to special aid.

[fol. 858] Then on Feb. 1 Alabama became the first state to adopt an interposition resolution. The Legislature termed the United States Supreme Court orders against school segregation “null, void and of no effect.”

On Feb. 7 the Legislature submitted for an Aug. 28 voters’ referendum a “freedom of choice,” amendment to the state constitution. Senator Albert Boutwell of Birmingham, its author, said this would permit discontinuing the public schools under state power to protect the social order. State aid would be made available to persons or parents to send children to white, Negro or mixed schools.

On other fronts, the State Public Service Commission has asserted that state laws for segregated intercity travel still apply to all bus lines and intra-state railroad travel.

It has also held them applicable to inter-state travel on railroads not specifically cited in I.C.C. desegregation orders. It has further ordered "white" and "Negro" signs for waiting rooms.

Segregation Group in Mobile Failed

Recreation generally remains segregated. In 1954, Birmingham's City Commission sought to amend an ordinance so that whites and Negroes might join in professional sports. A Birmingham voters' initiative and referendum reinstated segregation—more than 2 to 1.

There have been some exceptions to the general hardening of Alabama sentiment. Mobile, the state's only seaport, has a cosmopolitan tolerant flavor; it is 20 per cent Roman Catholic and has a number of Jews.

In 1953, Mayor Joseph N. Langan won election despite a campaign scorning him for his answer to the question, would you like your daughter to marry a Negro? He has told the State Senate: "It is a person's privilege to marry anyone he wants."

Segregation, Mayor Langan thinks, does not mean much to Negroes "so long as it does not become a weapon of abuse." He has hired six Negro policemen. He brings Negroes into committees on such problems as traffic.

In the Mobile area, a segregation movement organized [fol. 859] soon after the Supreme Court decision in 1954 foundered in dissension over finances and an organizer's attacks on Jews.

At Mobile's Jesuit-run Spring Hill College, the Very Rev. Andrew E. Smith, the president, long felt scruples over segregation. He found that 60 per cent of the students had no objection to admitting Negroes. In 1952, Negro nuns entered the summer session. In 1953, a Negro attended night classes.

Since the Supreme Court's public school decision, Spring Hill has been open to all comers—1,000 whites and a score and more of Negroes peacefully attending for two years.

Federal schools at Maxwell and Craig Air Force Bases may legally admit Negroes, but in practice neither has any attending. So the only other Alabama school integration has been at Talladega College in the Blue Ridge foothills.

Since its founding primarily for Negroes by the Congregational Christian Churches in 1867, Talladega's charter has provided for educating anyone. In past years, there have been three or four white students at a time to have attended with 300 Negroes. This year a half dozen whites and a dozen Negroes have attended the college's grade school for faculty children.

The charter of Tuskegee Institute, founded by Booker T. Washington in 1881, proposes to educate colored youth, but does not bar whites. Almost since Tuskegee started a school in the much-sought field of veterinary medicine a decade ago, it has had white applicants—about a dozen last fall, none yet admitted.

EDUCATION TAKES MOST OF BUDGET

Alabama's Governor, James E. Folsom—6-foot-8 “Big Jim”—has been supported by Negroes, labor and the so-called “red-necks” of rural Alabama. He started his second term Jan. 17, 1955, after serving one term from 1947 to 1951.

The Governor has tried to focus attention on building up schools for all, and reapportioning a Legislature unchanged in back-country dominance since 1901. In a recent interview, he said he was trying to “be practical and do something about something.”

But “when you start progressive measures, they immediately raise the cry of Negro and hate,” he complained. For the long run, he said, he is for Negroes’ “having their rights.”

“The only way I can see to give them rights,” he declared, “is to give them the vote.”

Governor Folsom lost a referendum last Dec. 6 by 4 to 1. In it he had urged a \$110,000,000 school-building bond issue and a \$29,000,000 income tax increase earmarked for schools. Whites voted against more taxes; Negroes also voted no, fearing segregation might be prolonged.

Education now takes 71 per cent of the \$152,750,000 state budget. Dr. Austin R. Meadows, the Superintendent of Education, said Alabama started to equalize Negro and white schools in 1927. Gaps remain, Dr. Meadows said, “not due to discrimination, but to economies.”

Whites and Negroes had virtually equal percentages of children aged 7 through 20 enrolled in 1954-55 school year (98.6 per cent and 99); equal school terms (176 days); almost equal classes (26.9 and 28 pupils per teacher) and similar salaries for teachers (\$2,798 and \$2,701).

But the state was spending only \$107.66 to educate each Negro pupil—as against \$128.16 for each white one.

Only a handful of inter-racial groups have been working in Alabama. For a year the Alabama Council on Human Relations has sought “equal opportunities for all people” through fact-finding and community action. Birmingham, Tuscaloosa and Selma have achieved some service gains for Negroes with interracial groups.

For the future, even the Rev. Dr. Martin Luther King, Negro Baptist leader in Montgomery, foresees no general mixing in Alabama schools “for a long time, not five years, nor ten years.” It may come earliest where Negro populations are smallest, he says.

The Rev. Dr. John H. Buchanan of Birmingham, past president of the state’s 600,000 white Baptist, asserts integration cannot be forced any more than was the Eighteenth Amendment, against the sale of intoxicating liquors.

“It has got to be worked out on a local level,” he declares. [fol. 861] Dr. Luther H. Foster, president of Tuskegee, thinks any integration would really be “minimal,” in view of segregated patterns of residence. But he says the No. 1 problem has become white-Negro communication—“you can’t get a democratic process of discussion.”

One hopeful step has recently been proposed by Governor Folsom: a state commission of whites and Negroes “to bring about peace between the races.

(One map of Alabama attached to original.)

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 137

THE NEW YORK TIMES

TUESDAY, MARCH 13, 1956

ALABAMA EXPELS STUDENT IN RIOTS

UNIVERSITY SUSPENDS 4 AND TAKES DISCIPLINARY ACTION AGAINST 20 OTHERS

By Wayne Phillips

Special to The New York Times

TUSCALOOSA, Ala., March 12—The trustees of the University of Alabama today expelled one student, suspended four, and took lesser disciplinary action against twenty others involved in the disturbances over the admission of the university's first Negro student.

The trustees acted at a secret midnight session after having met with the Governor yesterday afternoon to consider a report of a faculty investigation of the demonstrations against Autherine J. Lucy, Alabama law prohibits the transaction of legal business on Sundays.

[fol. 862] The decision was made public at 9:30 this morning when John A. Coddell, a member of the executive committee of the board, read the trustees' formal statement to newsmen in a television studio at the university.

While he was reading the statement, Louis Corson, dean of men, was reading it in his office to the expelled student, Leonard R. Wilson. Mr. Wilson was asked to come to the dean's office as he was about to enter a 9:10 A. M. class in business correspondence.

Leader in Action

Mr. Wilson who had made speeches in downtown Tuscaloosa, was a leader in the drive to keep the university white. The 20-year-old sophomore became the temporary chairman of the West Alabama White Citizens Council organized here after Miss Lucy had been driven from the campus.

The board of trustees did not make public the names of the other students disciplined. But it did publicize the resolution expelling Mr. Wilson "because of the wide publicity" given to his actions and charges.

The resolution on Mr. Wilson referred to "his unwarranted and outrageous public attacks * * * upon the integrity of the president and faculty and officers of the university" and said that these "represent far more than the mere exercise of his right freely to debate the question of segregation."

Mr. Wilson told reporters that he would hold a press conference to explain his position at 4 P. M. in the Student Union Building. A university official telephoned him later in the day and asked him to hold it elsewhere, but he refused.

The university then posted police at the entrances to the building, with orders to check the university identification cards of those who entered and to keep him out.

A crowd of 400 students congregated on the sidewalk in front of the building, where a month before they had gathered to jeer and threaten Miss Lucy, when Mr. Wilson made his appearance at 4:25 o'clock.

[fol. 863] He handed typewritten copies of a prepared statement to newsmen, and then read it for motion picture cameras while students in the crowd interrupted him with jeers, laughter and taunts. Mr. Wilson flushed slightly but ignored the good-natured heckling.

"I very strongly defend the parts I played in the recent campus demonstrations," his statement said. And he added that in his comments about Dr. Oliver C. Carmichael, president of the university, "I was exercising my freedom of speech in carrying a message to the taxpayers of Alabama.

"I am convinced that the people are not pleased with the situation at the University of Alabama," he said. "The thing to be done, as I see it, is for the people to contact their legislators and let them know how they feel."

For the present, he said, he would remain in Tuscaloosa and would continue to receive his mail—and here he spoke with special emphasis—"at the university, Alabama, post-office box."

Despite heckling from the crowd while he was speaking for the motion picture cameras and to reporters, many of Mr. Wilson's friends crowded about him afterward to congratulate him and wish him luck.

The board meeting at midnight in the Alumni House, adjacent to the Student Union Building, was only a twenty-minute session to go through the motions of formally approving decisions that had been thrashed out in the Sunday afternoon session.

Besides the twenty-five disciplined students, the statement said three students had withdrawn during the investigation of the disturbances, and would not be readmitted unless cleared.

TEXT OF ALABAMA TRUSTEES' STATEMENT

TUSCALOOSA, ALA., March 12—(AP) Following is the text of a statement by the University of Alabama Board of Trustees on disciplinary action today:

At a meeting of the board of trustees of the University of Alabama held on March 12, 1956, to consider the discipline [fol. 864] of students involved in recent disturbances at the university, action was taken permanently expelling one student, suspending four students and approving disciplinary action against a total of twenty-five students.

Three other students have withdrawn from the university and will not be readmitted unless after completion of the investigation their records have been cleared.

Investigation of other students will continue in the event of additional pertinent information.

It is not the policy of the university to announce disciplinary action taken against a student or to give out the names of students disciplined. However, an exception was made in the case of Leonard R. Wilson for the reasons stated in the resolution expelling him, which resolution is as follows:

Whereas the board of trustees has reviewed the activities of a student, Leonard R. Wilson, in the demonstrations and disturbances on the University of Alabama campus on the evening of Feb. 3 and 4, and on Monday Feb. 6, 1956, and

whereas the board of trustees has also considered his unwarranted and outrageous public attacks made since Feb. 6, 1956, upon the integrity of the president and faculty and officers of the university, and whereas it appears to the board of trustees that this student's conduct and charges represent far more than the mere exercise of his right freely to debate the question of segregation, now therefore be it resolved by the board of trustees of the University of Alabama that the student, Leonard R. Wilson, is hereby permanently expelled from the University of Alabama and be it further resolved that because of the wide publicity given to the actions and charges of Leonard R. Wilson, the University of Alabama makes an exception to its policy of not announcing disciplinary action taken against a student in that this resolution be made public through appropriate news media.

This action followed an extensive investigation of the facts made by a special investigating committee from the university, which investigation began on Monday, Feb. 6, 1956.

[fol. 865]

(One Photograph attached to original.)

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 138

THE NEW YORK TIMES

SUNDAY, MARCH 18, 1956

REPORT ON THE SOUTH: A SUMMARY OF
THE NEW YORK TIMES SURVEY

(One map attached to original.)

[fol. 866]

EXTENT TO WHICH INTEGRATION HAS BEEN
ACHIEVED: THE ATMOSPHERE IN DIFFER-
ENT PARTS OF THE SOUTH

In last Tuesday's issue, The New York Times presented a special eight-page survey of what has been happening

in the South with regard to the Supreme Court decision of May 17, 1954, outlawing segregation in the public schools.

The survey was made by ten reporters assigned specially to the task. They were John N. Popham, Edith Evans Asbury, George Barrett, Clarence Dean, Gladwin Hill, Luther A. Huston, Peter Kihhs, Seth S. King, Russell Porter and Damon Stetson. These reporters were assigned to various states in the South and spent five weeks investigating the situation, talking to leading citizens and to ordinary people.

What follows is a summary of the findings of The Times reporters. This summary deals with six major questions that emerge from the full report:

1. How much integration has there been?
2. What have been the patterns of compliance with and resistance to the Court's order?
3. What is the white point of view?
4. What is the Negro point of view?
5. What problems, social and educational, has integration brought?
6. When will integration be generally accepted?

These are the answers to these questions so far as they can be answered.

1.

How much integration has there been?

The degree of compliance with the Court's ruling ranges from complete defiance to complete implementation. Following are the states that have (1) made no progress at all, (2) made a token beginning, (3) made very substantial progress, and (4) completed the task.

NO PROGRESS: In eight states, not one Negro has been [fol. 867] integrated. These states are Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, Virginia. Furthermore, the Legislatures of five of these—Alabama, Georgia, Mississippi, South Carolina and Virginia—have

passed laws to thwart and contest the Supreme Court ruling with the obvious purpose (since the general expectation is that the laws will not survive court tests) of postponing integration by legal delays.

TOKEN PROGRESS: Arkansas, Kentucky and Tennessee have a few—very few—Negroes attending schools with whites. Texas has 10,500—but still only 5 per cent of its Negro students.

SUBSTANTIAL PROGRESS: Five border states—Delaware, Maryland, Missouri, Oklahoma, and West Virginia—have made considerable progress. In Maryland and Missouri, 80 per cent of the Negro students have been integrated; in Oklahoma, slightly over half; in West Virginia, two-thirds; in Delaware, 11 per cent.

COMPLETELY INTEGRATED: The school system of the District of Columbia is now completely integrated. Of the District's 169 schools, there are, however, twenty-seven that are still entirely white or Negro, or have no more than one white or one Negro. This is due to neighborhood racial problems.

WITH VARIATIONS

The over-all figures above do not always convey an accurate picture of the situation within a state—or the prospective situation.

For example, although only 313 of Kentucky's 38,760 Negro students were integrated last fall, next September Louisville plans to integrate, and most of the Negro population of the state is concentrated in that city.

Again, while not a single Negro has been integrated in North Carolina, four cities—Greensboro, Charlotte, Winston-Salem and Asheville—have indicated a willingness to begin integration.

A contrary prospect is offered by Maryland and Delaware, Baltimore's schools are integrated; Wilmington's will be next year. But on Maryland's Eastern Shore and a southern Delaware, integration is bitterly opposed.

What has been the pattern of compliance with, and resistance to, the court's order?

From the outset it has been assumed that the percentage of the Negro population would be the prime determinant in compliance with, or resistance to, the Supreme Court ruling. Generally this has been true, not only as between states, but within each state.

Thus Missouri, where Negroes comprise 8 per cent of the population, and West Virginia, where they comprise 6 per cent, have been moving rapidly toward compliance, and have experienced almost no difficulty.

In Fayetteville, seat of the University of Arkansas, in the northwest corner of the state, Negroes are only 2 per cent of the population. There was no opposition when school officials decided to integrate Negro high school students who had been formerly sent to a Negro high school sixty miles away at an annual cost of \$500 to \$600 per pupil. The school superintendent said: "Segregation was a luxury we no longer could afford."

But in the Hughes school district in east Arkansas, a cotton-economy area near the Mississippi, the school superintendent said: "Forced 100 per cent integration would destroy the public school system * * * I would never let my two daughters attend an integrated school with two Negroes to one white."

But there are very important exceptions to this general rule. These exceptions indicate that—in some areas at least—there are other factors in compliance more important than the number of Negroes in the population.

CITIES DO WELL

The outstanding examples of progress to date are Washington Baltimore and St. Louis. Yet Negroes form 64 per cent of Washington's Public School attendance. 41 per cent of Baltimore's, 35 per cent of St. Louis'.

All three are border cities; they have ties with the North as well as the South; they are cosmopolitan; they are centers of industry (if the Federal Government is classed as an industry). During the war thousands of

Negroes got Government jobs in Washington of varying degrees of responsibility; they streamed north to work in Baltimore's shipyards and steel plants and in the manifold industries of St. Louis.

Some of the Times reporters believed that the improvement of the Negroes job and economic status had lessened white opposition to school integration. Thus, one reporter said in a memo to an editor: "Job-equality tends naturally to facilitate race acceptance in other fields, through human contact and understanding."

This process will certainly be slower in the South, for there—with some exceptions—Negroes are still given menial jobs in factories.

Nevertheless, The Times reporters felt that generally the resistance to integration would crumble sooner in the cities than in small towns and rural areas. In part, they believed, this would be due to a larger, more metropolitan outlook, and a better educated citizenry.

But only in part. Many urban Southerners, they believed, would be finally reconciled to integration in law because they knew that, owing to residential patterns, most Negro children would continue to be concentrated in the same schools. This would be probably true of Atlanta, for example.

For the reverse reason, the opposition to integration in the rural back country is likely to be hard and long. Negro field hands and sharecroppers live close by white farmers. Under integration, their children would all attend the same county or district school.

Similarly the housing pattern of many cities and towns—Charleston, S.C., is a notable example—where whites and Negroes live on alternate streets (a pattern dating back to antebellum days when slave quarters were in the rear of the big house) may make opposition to "legal" integration more durable than in cities where the Negroes are grouped largely in their own neighborhoods.

[fol. 870]

III

What is the white point of view?

There is some pro-integration sentiment—not merely resigned but positive—in the South. But not much. It is

found chiefly among the Catholic clergy (the Catholic Church has taken a firm position that segregation is morally wrong), among some Protestant ministers, social workers and those working in the various state Councils on Human Relations, which have been created by the Southern Regional Council.

These voices undoubtedly have had a moderating and leavening influence in the past and that influence will be increasingly felt—if (and that is a large if) the present tension is relaxed and outbreaks of violence can be avoided. But at the moment, most Southern advocates of integration speak softly when they speak at all.

THE EXTREMISTS

At the other end are the voices of racial hate. These voices do not all belong to the “red necks” and “wool hats” in the back country reaches. Some of them belong to men of means and position in town and city. These are the men who have repaired together in some of the White Citizens’ Councils (though not all the White Councils are characterized by “yahooism”), and in such various organizations as “White America, Inc., ” in Arkansas and the “Christian American Segregation Association” in Delaware, which has trappings of Ku Kluxism.

Most Southerners condemn this extreme element and its venomous racism. But the general feeling among the reporters was that its influence could unquestionably grow if tension in some areas degenerates into violence.

But on the assumption—an assumption which men of good-will on both sides of the Mason-Dixon line pray will be borne out—that reason will prevail, then the fate of the Supreme Court order will rest with that vast middle group of Southerners who do not want integration, will use every legal means to evade and delay it, but who deplore racism and rabble rousing, and fear violence. In this vast middle group are to be found many members of the more temperate Citizens’ Councils and such groups as [fol. 871] the Federation for Constitutional Government and Patriots of North Carolina.

The doubts, hesitations, fears and opposition of this group were expressed this way by Russell Porter, who reported on Georgia:

"The viewpoint of these Georgians is intellectually intersectional and international but emotionally Georgian. They recognize in their mind the need for social change, but in their heart and soul they cannot endure the actuality of breaking with ancient custom."

Repeatedly—in Mississippi's Black Belt and in the border states—The Times correspondents heard the same phrase, "We know integration is inevitable, but—"

The key to the temper of the South lies in that word "but."

The South—for several good historical reasons—is deeply conservative. Conservatism is a way of life dedicated to the belief that "the old ways are the best ways." Segregation is the old way.

Many moderate Southerners, who quite willingly concede that segregation may violate religious and political ideals of equality, still feel that, in this imperfect world, it is—as one Dallas lawyer said—"a sort of natural thing." And they resent a dictated change in "the Southern way of life."

PROBLEM OF 'FACE'

But the Times reporter at least felt that there was deeper, more profound reason for the refusal to move more quickly toward the "inevitable." This was a desire—perhaps unconscious—to "save face." This is how Gladwin Hill, who reported on Louisiana and Mississippi summed it up:

"These people are not so averse to changes in the segregation pattern as they are, subconsciously, to an embarrassing acknowledgment of a change in policy, to a tacit admission that to some extent the prevailing system has been wrong or at least obsolete. * * * But where this embarrassment can be avoided, these people tend to go along * * * "

In this unconscious desire to save face, in this way conscious determination not to be held up to judgment and rebuke by other sections whose treatment of the Negro they regard as "hypocritical or fraudulent," are to be

[fol. 872] found the reasons for the reiterated pleas of many Southerners, "Don't push us too hard."

IV

What is the Negro point of view?

Again and again, in talking with white Southerners, The Times reporters met with variations of "the Negro don't want integration—my cook told me." While this cliche was delivered with all sincerity, the reporters agreed it was—as one of them said—a sentiment "confined largely to cooks, if it exists at all."

If one thing was made clear in The Times survey it was that the generality of Negroes want an end to legal discriminations. The executive director of the Negro Chamber of Commerce in Dallas, Tex. said: "There is not a Negro alive who does not want first class citizenship."

The emphasis is placed on the words "legal" and "citizenship." Most negroes fully realize that the abolition of Jim Crow practices would not bring social acceptance by whites. They know equally well that because of housing segregation in most cities, school segregation will remain practically in effect. But it is the legal branding that burns most deeply.

One Negro in Little Rock put it this way:

"Negroes are still interested in their own institutions, their churches, their communities, their theatres. But *** when I go downtown and want a cup of coffee I like to feel free to go into a restaurant and get it."

Another—an official of the National Association of the Advancement of Colored People—gave his opinion that:

"Once the stigma, the barrier is removed, there will be no rush (into white schools). Housing and choice will keep most people right where they are."

But beyond this legal recognition, the Negro hungers to be part of a larger community, to assume his responsibilities as a citizen, to participate in civic affairs and have some voice in them. Reporting from Mississippi, Gladwin Hill quotes a kindly white business man: "Why, every [fol. 873] Negro here knows some white person he can discuss his problems with." But Mr. Hill points out, this

paternalistic kindness, however well meant, is blind to the Negro's need and desire. What the Negro wants is to be able to, in a representative group, "discuss things as simple as a leaky school roof."

But the Negroes of the South know very well that they will not be accepted as part of the civic community until the Negro educational level is raised. Despite the fact that many states are trying to equalize the physical school facilities, generally the money spent per Negro child is below that spent per white student. Therefore, the Negro sees in legal integration the means to a very practical end —better education. A Florida Negro Ph.D., the executive secretary of the State Teachers Association, comprising 6,000 Negro teachers, said:

"we realize social change can't come overnight. However we don't want to wait until the year 2000. For the present, lower classroom standards might result from integration. It wouldn't take very long to catch up. Integration would stop Negroes from having inferior books, facilities and teachers."

PERSISTENT N.A.A.C.P.

The N.A.A.C.P. does not underestimate the strength of the opposition. But it is not dismayed. One N.A.A.C.P. official said: "We've had a long way to go. We've had to overcome a lot of apathy built among the colored over the years." The N.A.A.C.P. does not intend to let this apathy take hold again. Its officials impress on Negroes that integration is "their due and their duty."

The Times reporters everywhere found N.A.A.C.P. officials convinced, on the basis of experience, that the only way to meet the opposition was by direct attack. Over the past several years the N.A.A.C.P. has used court action to level, one after another, the legal barriers to equality. Its strategy now is adapted to the situation in each state.

Generally where a state has made a tentative beginning on integration, or set a time-table for doing so, the N.A.A.C.P. has been holding legal action in abeyance, giving the state every opportunity to show "good faith". But in those states bent on defiance or indefinite delay, the N.A.A.C.P. intends to press to court tests.

What problems, social and educational, has integration brought?

Even the stoutest advocates of integration conceded that it might—at least in the early stages—create headaches for school administrators. There was, first, the possibility that racial intermingling would bring major disciplinary and moral problems. Second, there was the question whether, and how much, educational standards would be affected, since Negroes as a group are on a lower educational level than the majority of whites. Third, there was the problem of Negro teachers. Some of them would continue to teach in schools largely Negro; but others, if they were to be retained, would have to teach mixed classes. Could Negro teachers also be integrated?

On the basis of those states where there has been considerable integration, there are the answers—so far tentative—that The Times reporters found:

Social effects. Generally integration has been effected without trouble between Negro and white students. At the outset, there was a four-day strike of white students in half a dozen Washington schools and a flareup in several sections of Baltimore, but the protests and demonstrations collapsed against the firmness of civic authority.

In the Washington schools, Times reporter Luther Huston reported there had been little mixing so far in social situations. In cafeterias, for example, the two races have tended to sit apart. Although segregationists had expressed fears that there might be trouble at dances, these fears have not been borne out.

Educational standards. Whatever the reasons—lack of opportunity, poorer teaching, home environment, economic status—the fact is that Negroes are as a group, on a lower educational plane than whites. This has been established by repeated tests. For example, a survey of about 6,000 students in the seventh grade in Washington, D. C. showed 65 per cent retarded two or more years in reading and arithmetic. Three-fourths of the 65 per cent were said to be Negroes.

[fol. 875]

Effect on Classes

Mr. Huston reported the feeling of Washington teachers that integration has slowed the pace of classroom teaching, with a consequent resentment of white parents. Many white parents, who can afford it, are sending their children to private schools.

However, Washington school officials believe that, by the very fact of integration that this lag will be largely eliminated in a few years, and that this progress can be speeded by reducing the size of classes.

Negro teachers. In Washington, Baltimore and St. Louis, Negro teachers have not been displaced by integration. Many are teaching mixed classes.

In other places, however, there has been considerable opposition to Negroes teaching mixed classes. For example, in Oklahoma, 150 Negro teachers have lost their jobs as the result of integration. In Missouri many Negro teachers have been dismissed.

Negro educators recognize the problem, but many of them are prepared to make the immediate sacrifice. The president of Kentucky State College, which has trained most of that state's Negro teachers, said: "I believe the same people who resisted integrating children and came to it will come to integrating teachers eventually."

VI

When will integration be generally accepted?

What is the end date on "inevitable?"

Obviously there can be no sure answer to this. Much depends on chance—incidents of violence could delay integration for years. Much depends on the politicians—their words can inflame passions or moderate them. Much depends on the influence of a younger generation in the South.

Depending on the states they visited, the degree of opposition they found, the people they talked to, The Times correspondents put various dates on "inevitable"—ten years, fifteen years, fifty years.

Despite the apparent intransigence in many states, some [fol. 876] of the reporters felt the segregation walls might

crumble sooner than expected or predicted. Following are two of those feelings as set forth in memos to the editor from reporters who covered areas where opposition was most determined.

The first writer reports:

"Segregation is bound to go because (1) its illogic is becoming increasingly apparent, with separation on street cars, but none in elevators, bank windows lines or stores; (2) its inequity is increasingly pronounced, with payment of substantial taxes by Negroes and then the expenditure of tax money on a one-horse-one-rabbit basis; (3) a multitude of economic squeezes make it too costly."

The second memo reads:

"I feel that in spite of the allegiance to the old ways, there is that vague something that tells you that integration is coming. I personally do not see it in terms of fifteen or twenty years. If something like the Lucy case breaks out, resistance will harden. But if the tide of integration keeps moving, then resistance may go with a quick, total collapse once the outer wall is cracked.

THE WHITE AND NEGRO POINTS OF VIEW ON
THE ISSUE: ESTIMATES ON WHEN
DESEGREGATION MAY BE ACHIEVED

(Two cartoons attached to original.)

[fol. 877]

(Two cartoons attached to original.)

(Map showing density of negro population
attached to original.)

[fol. 878]

LEGAL BASIS FOR DESEGREGATION

The Fourteenth Amendment to the Constitution, adopted June 16, 1866, says in its pertinent section:

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

On May 17, 1954, the Supreme Court decided that segregated education was a denial of "equal protection":

"We must consider public education in the light of its * * * present place in American life * * *. We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities * * * may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does. * * * (It) generates a feeling of inferiority as to their status in the community * * *. Separate education facilities are inherently unequal."

On May 31, 1955, the Supreme Court issued this implementing directive to the Federal District Courts that first heard the cases which gave rise to the segregation ruling:

"While giving weight to * * * public and private considerations, the courts will require * * * a prompt and reasonable start toward full compliance with our May 17, 1954, ruling * * * the district courts * * * (will) enter such orders and decrees * * * as are necessary and proper to admit to public schools on a racially non-discriminatory basis with all deliberate speed the parties to these cases."

[fol. 879]

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 139

THE NEW YORK TIMES

THURSDAY, MARCH 1, 1956

U. S. JUDGE ORDERS ALABAMA CO-ED TO BE
REINSTATED

BIDS SCHOOL ADMIT MISS LUCY BY MONDAY—
BARS CONTEMPT ACTION AGAINST TRUSTEES

CITES THEIR 'GOOD FAITH'

HE FINDS THAT REACTION WAS
UNDERESTIMATED—NEGRO SAYS
SHE WILL RETURN

By Wayne Phillips

Special to The New York Times

BIRMINGHAM, Ala., Feb. 29—The University of Alabama was ordered today to reinstate Autherine J. Lucy, its first Negro student, by Monday morning.

Miss Lucy, 26 years old, of Birmingham, was enrolled at the university Feb. 1 after a three-year court fight. She was suspended five days later after a series of campus disorders protesting her presence.

Federal Judge Hobart H. Grooms also vacated a contempt motion, sought by Miss Lucy, against the board of trustees and officials of the university. He said the trustees had acted in good faith in suspending Miss Lucy. If they had not done so, he ruled, "she might have suffered great bodily harm."

Miss Lucy sat tense and nervous today in the Federal District Court here as a succession of witnesses recounted the events leading to her suspension. Some said that if she returned to the campus she might be killed.

Feared for Life, she Says

She said on the witness stand that while she was a virtual prisoner in a classroom building held in a state of siege

by a howling mob outside, she feared that she might be killed. She said she had prayed.

With deliberation and occasional flashes of dry wit she [fol. 880] answered the questions of the university's attorney, Andrew J. Thomas. Beside her, when she sat at the counsel table, was a well-worn copy of the Bible.

After the hearing and the decision of Judge Grooms admitting her, she said again that she would return to the campus.

"That girl sure has guts," her attorney, Thurgood Marshall, chief counsel for the National Association for the Advancement of Colored People said. He said, that as far as he or the N.A.A.C.P. which has been fighting her case, was concerned she could change her mind and back out at any time.

"All we have tried to do is to win her the right to go to school," Mr. Marshall said. "After that it's her baby."

Before rendering his decision Judge Grooms told the court:

"There are some people who feel that this court should carve out a boundary here in Northern Alabama, mount the battlements and from the ramparts defy the Supreme Court of the United States. That this court will never do."

Sentiment is Revealed

The strength of this sentiment in the state was shown only a few hours after the court ruling by a statement from Senator Sam Engelhardt, Jr., chairman of the Central Alabama Citizens' Councils who has a son who is a student at the university.

"I fear for the worst," Senator Englehardt said, "and I look for a whole lot of things to happen. The situation is even worse there than it was before."

He said he was considering drafting a resolution directing the Board of Trustees to close the university. He said there was considerable support for such a resolution and it could be passed by a simple majority. The Legislature has already declared, in a resolution passed earlier this month, that the decisions of the United States Supreme Court on

integrated education are "null and void" in the State of Alabama.

Miss Lucy's suit seeking contempt citations against the university officials was made on the ground that her suspension had been on racial grounds and not, as declared, [fol. 881] for her safety and the safety of others at the university.

Judge Grooms disagreed with this. He held that the officials of the university had underestimated the reaction at the university and the fury of the mob. There had been no such reaction at other universities compelled to admit Negro students, and there was no reason to suspect that there would be such at the University of Alabama, he ruled.

However, he said "this court does not find that the law enforcement agencies are inadequate or unwilling to maintain order." He added that he was ordering her suspension lifted by 9 A.M. Monday.

At the start of today's court proceedings Judge Grooms rejected motions for separate trials for all of the sixteen defendants into the contempt action and for dismissal of the suit for living accommodations.

He also accepted an amended complaint by Miss Lucy's attorneys that omitted controversial charges of collusion between university officials and the mob to exclude Miss Lucy. These statements had greatly fired resentment here.

Mr. Marshall told the court that after investigation he had found the charges could not be substantiated. He said he was withdrawing them. Judge Grooms rejected Mr. Thomas' angry demand that the university be granted the opportunity "to disprove these scurrilous charges."

Judge Grooms also accepted Mr. Marshall's motion to dismiss the contempt actions requested against four persons not connected with the university, three of whom had been arrested in the disorders and are awaiting trial in Tuscaloosa City Court."

Miss Lucy had also filed suit against the university's Dean of Women, Miss Sarah Healey, asking that she be assigned living space at the university. The university's Board of Trustees had ordered that Miss Lucy be denied such accommodations.

Judge Grooms took his decision in this suit under advisement until Friday morning. Supreme Court decisions in the past have held that such accommodations may not be denied to students solely because of race.

[fol. 882] Gov. James E. Folsom and Dr. O. C. Carmichael, president of the University of Alabama, have both pledged that if Miss Lucy were to return to the university they would do everything in their power to maintain law and order.

In today's testimony Miss Lucy was the only witness appearing to support her request for contempt action. She testified to the facts of her suspension.

In cross-examination, Mr. Thomas sought to bring out that she was frightened and feared for her life on Feb. 6, to justify the trustees' action. This she admitted. After it had been repeatedly pressed Mr. Marshall angrily told the court: "Certainly, your Honor, we are perfectly willing to stipulate that she—as anybody else in those circumstances—was frightened."

Mr. Thomas was overruled in attempts to show that Miss Lucy's expenses had been paid by the N.A.A.C.P. But he did bring out that she had paid nothing for her legal expenses so far, had no agreement to pay for them and had received the funds to pay her university charges from a local committee.

The university, assistant to the president, called Jeff Bennett, Miss Healey and Henry J. Kikir, assistant to the Dean of Men, to recount the disorders on the campus as they had witnessed them. All testified that they had thought the mob would have injured Miss Lucy, and possibly killed her, had it been able to reach her.

Judge Grooms repeatedly ordered that statements by witnesses as to what they thought might happen if Miss Lucy be returned to the campus be stricken from the record. Nevertheless, several witnesses made it clear that they feared the worst.

John Caddell of Decatur, Ala., attorney and a member of the board of trustees, declared, "There just isn't any way to make her safe."

"I don't say it's impossible for her to come back," he said, "But if she does she almost certainly to come to bodily harm, and she'll probably be killed."

Judge Grooms is a native of Louisville, Ky., who came to Birmingham in 1926, immediately after graduating from [fol. 883] the University of Kentucky Law School. He was active in Alabama Republican politics and is a former chairman of the State G.O.P. Finance Committee. President Eisenhower named him to the bench in 1953—the first Republican judge appointed in this district since World War I.

N.A.A.C.P. AID CHARGED
HUSBAND OF WOMAN BARRED BY
U. OF ALABAMA CITES PAY

BIRMINGHAM, Ala., Feb. 29 (AP)—The estranged husband of a second Negro woman who tried to enter the University of Alabama charged today she was being paid \$300 a month for the Advancement of Colored People.

Edward Hudson in an answer to the divorce suit of Mrs. Polly Ann Hudson called her an N.A.A.C.P. "guinea pig."

"The complainant is in the employ, or on the rolls, of the N.A.A.C.P. of the United States," said Mr. Hudson. "They are attempting to place her in the University of Alabama and she has ample support of herself and said child as given her by the N.A.A.C.P."

Mrs. Hudson was barred from the university on the grounds of her "conduct and marital record." She has asked a court order instructing the university to admit her to the school, but dropped the action without explanation Feb. 9.

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 140

THE NEW YORK TIMES
WEDNESDAY, FEBRUARY 29, 1956
FOLSOM TO CALL SPECIAL SESSION
ASKS ACTION ON BIRACIAL UNIT
AND SCHOOL FINANCES

By Wayne Phillips

Special to The New York Times

MONTGOMERY, Ala., Feb. 28—Gov. James E. Folsom said today that he would call a special session of the Legislature to consider school finances and his proposal for a biracial commission.

[fol. 884] The call will be issued tomorrow, he said. The Federal Court in Birmingham will start hearings then concerning the suspension of the first Negro student to be admitted to the University of Alabama at Tuscaloosa.

The student, Miss Autherine J. Lucy, has brought contempt actions against university officials for suspending her after campus demonstrations. She also is suing to win living accommodations at the university.

University of Alabama attorneys filed motions today asking separate jury trials for all defendants in the contempt action and dismissal of the suit for living accommodations. There are sixteen persons against whom Miss Lucy is seeking contempt citations.

A long list of subpoenas has been issued ordering proposed witnesses to appear for the hearing. They include Jeff Bennett, assistant to the university president, Dr. O. C. Carmichael; Police Chief W. C. Tompkins of Tuscaloosa; the university police chief, Allen O. Rayfield, and Norman Bassett, editor of The Tuscaloosa News.

"There's a little case coming up in Birmingham that I'm just minorly interested in," the Governor commented wryly this morning at a session with members of a legislative interim committee that has been wrestling with school finance problems.

The Governor has had detailed plans made to protect Miss Lucy should Federal Judge Hobart H. Grooms order her reinstated. It is planned to divert all traffic and close off all roads into and out of the university, as well as to provide armed protection for Miss Lucy on the highway between her home in Birmingham and the university in Tuscaloosa.

Whether to call up a National Guard company or merely supplement local and university police with men drawn from other cities has not been decided.

The committee suggested this morning that a special session be called to implement its recommendations for closing the gap between a school budget of \$111,000,000 and revenue estimates of \$104,000,000. Concern was expressed at the meeting that the racial troubles in Alabama [fol. 885] might adversely affect state revenues next year, with a corresponding impact on school finance.

"I just don't know whether our economy will expand very much," Representative Rayn Degraffenreid of Tuscaloosa said. "There is another situation developing here, and the state may be retarded next year."

Folsom is 'Worried'

Governor Folsom also expressed concern that what the trouble could do to the state's campaign to attract industry. "We're all kind of worried," the Governor said, "on account of the unrest."

The difficulties have included the demonstrations at the University of Alabama, a twelve-week boycott of the city buses here, waves of economic boycotting of various products, near panic and violence may erupt in some areas, and the widespread organization of White Citizens Councils to defend segregation.

It was this situation that led the Governor to propose to a meeting of editors and publishers that a biracial commission be established to try to reconcile the difficulties.

"What do you think about including this biracial commission in the call?" The Governor asked the members of the committee this morning.

No one spoke against it and the Governor announced he would issue the call for the Legislature to meet "no sooner than Thursday and no later than Monday."

Senator Vaughan Hill Robison of Montgomery suggested that school matters be disposed of before any other subjects, and the Governor agreed.

There seems to be general legislative support of the Governor's proposed commission, which was backed unanimously by the editors. This support has come from legislators who are among the strongest supporters of segregation.

Among these is Representative W. L. Martin, a member of the committee that met with the Governor this morning. He failed yesterday to get the committee to demand the names of all University of Alabama students who had [fol. 886] signed a petition urging that Miss Lucy be readmitted to the university.

If the white people of Alabama continue to "give in and be compromised" on the race issue, he said, "we will have but three choices to make—sell our homes and get out of Alabama, be humiliated or take up our shotguns."

This morning he said, "I'm all for it" when the Governor asked his opinion of the biracial commission.

25 Members Suggested

Senator Sam Englehardt, Jr., president of the Central Alabama White Citizens Councils, has cooled, however, to the commission idea. At first he said "it might be worth a try." More recently he has said "it would undo everything we have been able to accomplish."

The Senator has indicated that as soon as the Governor issues his call for the special session he will make a statement opposing the inclusion of the biracial commission.

An interim committee of editors was named to draft plans for the commission, and it has suggested that it be composed of twenty-five members, one Negro and one white from each congressional district and seven from the state at large. The Governor has agreed to finance its expenses with \$25,000 from his emergency fund.

Letters have been sent to the 127 member newspapers of the Alabama Press Association asking them to submit nominations for the commission by today.

Another Negro was arrested yesterday in connection with the bus boycott here. He was Richard S. Jordan, a 48-year-old Pullman porter who was out of the city during the mass round-up last week. The total arrested to date is ninety-one, with several indictments still outstanding.

[fol. 887]

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 141

THE NEW YORK TIMES

SATURDAY, FEBRUARY 11, 1956

10,000 IN ALABAMA HAIL SEGREGATION
CHEERING THrong AT RALLY—ORATORS URGE
FIGHT WITHIN LIMITS OF LAW AND ORDER

By Wayne Phillips

(Special to The New York Times)

(One Photograph Attached to Original.)

MONTGOMERY, Ala., Feb. 10—Ten thousand stamping, cheering Alabamans jammed the State Coliseum here tonight for a mass denunciation of racial integration.

Waving Confederate flags, and rising to cheer whenever the band broke into the strains of "Dixie" their temper appeared far ahead of the orators who called on them to fight integration within the limits of law and order.

The principal speaker was Senator James O. Eastland, Democrat of Mississippi, a leader in the fight for states' [fol. 888] rights and against the Supreme Court's decision on integration. The audience heard him call for a Southern federation of states, backed by public funds, to bring the South's views to the rest of the country.

Earlier today, at Tuscaloosa, Dr. Oliver C. Carmichael, president of the University of Alabama, condemned what he called "untrue, unwarranted and outrageous" charges by a Negro woman student suspended by the university this week.

Miss Autherine J. Lucy had accused the trustees of deliberately permitting the mob outbursts on the campus on Monday as a subterfuge to oust her.

The crowd at tonight's rally lined up in the corridors of the huge auditorium to pay \$3.50 for membership in the White Citizens' Council, sponsors of the rally. And they tossed heaps of coins and bills into cardboard drums set up at the exits.

Literature was passed out that included copies of a purported speech of a leader of the National Association of the Advancement of Colored People advocacy of interracial marriage. The speech has been disavowed by officials of the N.A.A.C.P., but it is continually circulated at such gatherings in the South. Some of the reprints bear northern addresses.

The rally was the largest yet sponsored by the Citizens Councils, which were founded in 1954 in Mississippi.

In recent weeks in Alabama membership has leaped upward. Estimates of the number of persons now enrolled fluctuate from 12,000 to 60,000. The increase has largely been attributed to tension at the University of Alabama.

Mr. Eastland's speech failed to excite an audience that for a week now has been fired by the news of violence at the university.

The audience was a mixture of every strata of Alabama life. There were livestock farmers rubbing shoulders with city business men, taxi-cab drivers, teachers and students. Poor and rich alike, they all arrived with eager faces, enthusiasm high, like attendants at a religious revival.

Much more in the temper of the crowd was the brief [fol. 889] statement of Police Commissioner Clyde C. Sellers.

Mr. Sellers, a stocky, heavy-set man, began by saluting the Confederate flag, that stood beside the speaker's rostrum. The only American flag in the auditorium was one behind the semi-circular speaker's stand—flanked by two slightly smaller Confederate banners.

"If any Negro wants desegregation," Mr. Sellers said, "let him go where there is desegregation."

The crowd took up the chant, "Let him go, let him go," and there were shouts of "more, more." But Mr. Sellers

cut his talk short with the shout—"Let out battle cry be states' rights and white supremacy."

High Court Under Fire

State Senator Sam Englehardt of Macon County, chairman of the Central Alabama Citizens Councils, opened the rally at 7:45 with the cry that "segregation is an institution of the South we don't intend to see scrapped."

One after the other, the speakers denounced the decision of the United States Supreme Court outlawing segregation in the public schools. Robert H. Patterson, executive secretary of the Mississippi Citizens' Councils, referred to the date of the decision—May 17, 1954—as "black Monday."

Attorney General Eugene Cook of Georgia, picked up the theme and referred to it as the "mulatto decision handed down by the National Association for the Advancement of Colored People."

"This is the first time I have lost respect for the personnel intelligence and character of the United States Supreme Court," he told the cheering audience.

Senator Eastland, the concluding speaker, carried forward the attack.

"The people will not be subjected to judicial tyranny by a nine-man oligarchy that has departed from every precept of honor," he said.

"Anglo-Saxon law is the custom of the people," he said. "Corrupt decisions of a court do not change the law." [fol. 890] His tie loosened, collar unbuttoned, one hand thrust in a side pocket and the other with fist upraised, he shouted:

"We must organize every county and every city and every community into a grass roots organization. Unless we organize in the South and unless we present a united Southern front we are going to be crushed.

"We have got to take the initiative. The Southern states must set up a regional commission and use public funds to present the South's side of this controversy before the bar of public opinion."

His talk was interrupted by shouts interpolated by the high spirited audience, some in praise of what he was saying.

"Where's Big Jim?" was shouted often—a reference to Gov. James E. Folsom of Alabama, Governor Folsom has disapproved of the activities of the white councils, and was not invited to take part in the rally.

Eastland Cuts Speech

The crowd had started to drift out of the coliseum even before Senator Eastland had finished his half-hour address. He discarded the last seven of thirty pages of a prepared address.

Mayor W. A. Gayle of Montgomery and several of the speakers tried to make the point that their demand for segregation did not mean discrimination against the Negro.

"Tonight we meet to re-dedicate ourselves to our way of life in the South," he said. "At the same time we want to maintain peace and harmony. We want all races to share and share abundantly in the good things of life. But we also want segregation."

Mr. Englehardt, at the close of the rally, told the audience to "go home peacefully and orderly and remember all citizens' councils will solve these problems peacefully and legally."

The auditorium is located five miles from the center of the city, on the opposite side of the city from the Negro quarter.

The city of Montgomery has been gripped since Dec. 5 by a Negro boycott of the city bus lines. There have also been bombing incidents involving the homes of N.A.A.C.P. leaders.

[fol. 891] Only passing references were made at the rally to the situation at the University of Alabama. Senator Eastland recalled that he was once a student at the university. And Mr. Cook recalled his states' legal battle to keep a Negro student out of its law school.

"We have so prepared ourselves so it won't be necessary for spontaneous protest," he said, "because we'll close the doors before he gets inside."

He was referring to a law empowering the Legislature to close the law school should the Negro student ever win admittance.

FOLSOM FAVORS 'COUNCILS'

MONTGOMERY, Feb. 10—Governor Folsom said today at a press conference that "nothing based on hate can exist for any length of time in a Christian democracy."

"I favor white councils, red and black councils," he declared. But he added that "I cannot lead this state if I base my thinking on hate."

(One Map Attached to Original.)

[fol. 892]

ALABAMA U. SAYS IT WILL OBEY LAW SCHOOL HEAD ASSERTS CO-ED CAN RETURN IF COURT ORDERS— DENIES HER CHARGE

Special to The New York Times

TUSCALOOSA, Ala., Feb. 10—The president of the University of Alabama today condemned what he called "untrue, unwarranted and outrageous" charges by a Negro woman student suspended this week.

He also said that she could return to the university if a Federal court so ordered.

The student, Autherine J. Lucy obtained a Federal court order in Birmingham yesterday for the university trustees to show why they should not be punished for contempt in ousting her from the university.

In her request for the order she charged that the trustees deliberately had permitted the mob outbursts on the campus as a subterfuge to oust her. She alleged the trustees were acting in concert with outsiders in creating the university disorders.

The rebuttal by Dr. O. C. Carmichael, university president, came today in his first press conference since the disorders at the university.

"From the time of the completely unanticipated demonstrations," he said, "officials of the university were in constant meeting, planning and carrying out plans to meet the critical condition."

Dr. Carmichael in the conference attended by forty news-men, answered a list of written questions they had sub-

mitted in advance. He had previously denied all requests for a meeting with the press, although he had made some statements to individual newsmen.

Miss Lucy's court action, he said, meant that the matter must be decided by the courts. He added that the trustees would take no action to bring her back to the university until the courts ruled.

Federal Judge Hobart H. Grooms set Feb. 29 for a hearing on the contempt order. He also set a preliminary hearing for the same date for a suit brought by Miss Lucy against the university's dean of women seeking facilities on the campus.

[fol. 893] Dr. Carmichael asserted that should the court order Miss Lucy back on the campus he would do everything in his power to maintain order. He said he had been assured of assistance from state and local police authorities.

He also said the university would take disciplinary action against students who were known to have engaged in acts of violence.

Miss Lucy also named in her contempt proceeding four individuals not connected with the university but identified as participants in the rioting. One of them was a leader in the White Citizens Councils in Birmingham.

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 142

THE NEW YORK TIMES

SUNDAY, APRIL 29, 1956

STUDENTS WEIGH SOLUTION ON BIAS

ECUMENICAL GROUP HOPEFUL OF EASING
RACIAL TENSION by 'CHRISTIAN MESSAGE'

By John N. Popham

Special To The New York Times

TALLADEGA, Ala., April 28—A state-wide Student Ecumenical Conference to explore the possibilities of resolving racial tensions through "the Christian message of reconciliation" was started here today.

About 100 white and Negro students from ten Alabama colleges met at Talladega College. They discussed the formulation of methods that would enable students "to make a constructive expression of their sentiment concerning the social upheavals that challenge the Christian community."

The conference was an outgrowth of the Student Ecumenical Conference on the Christian World Mission held last December at Ohio State University in Columbus, Ohio. That meeting was attended by student representatives from eighty nations, including delegates from 506 campuses in this country and Canada.

[fol. 894] The Alabama session adopted the theme of the world-wide conference, "Revolution and Reconciliation." This was described as "the need to look closely at a world in revolution and determine the relevance of the message of reconciliation offered in Jesus Christ."

No Formal Sponsor

Today's Talledega meeting was not sponsored formally by a student organization. Instead, it resulted from informal work by Methodist, Baptist, Episcopal, Presbyterian and Lutheran student groups who have been concerned about the effectiveness of the Christian Church's mission.

The white conferees came from Alabama Polytechnic Institute (Auburn), the University of Alabama, Jacksonville State College, Birmingham Southern College and Southern Union College. The Negro students were from Stillman College, Miles College, Tuskegee Institute, Alabama State College and Talledega College.

The participants emphasized in panel sessions and discussion groups that a primary incentive for holding the conference was "the awareness of the measure of guilt which many Christian clergymen and laymen are experiencing in the face of recent racial conflicts in Alabama.

Two Themes Stressed

The students stressed repeatedly two central themes with respect to the "climate" of reaction that had resulted from recent incidents of mob violence. Those incidents included riots at the University of Alabama over the admission of

a Negro student, the Negro boycott of buses in Montgomery, and the physical attack on Nat (King) Cole, Negro entertainer in Birmingham. The two themes stressed were:

That the fears and prejudices marking such racial conflicts were deep-rooted in behavior patterns. Efforts to change attitudes in the Christian community would require "a deep study of the message of reconciliation" and would face a multitude of barriers.

That there were considerable indications that Christians in Alabama "are even now beginning to assert their adherence to belief in reconciliation through love of Christ."

[fol. 895] Several of the students emphasized the "important discovery" that many students on the University of Alabama campus had rejected vigorously the "conduct of the mob."

The Rev. Dan C. Whitsett, pastor of the First Methodist Church in Syulacauga, told the conference that "strangely, there are many who ask that the voice of the church be silent about any discussion of the racial issue, but the same people never ask the politician or the spokesman for the White Citizens Council to be silent."

Dr. Arthur D. Gray, president of Talledega College, said that "the main issue of the church is to open the door of communication between white and colored people in the South."

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 143

THE NEW YORK TIMES FRIDAY, APRIL 27, 1956

NEGROES TO KEEP BOYCOTTING BUSES

MONTGOMERY MEETING VOTES TO CONTINUE
PROTEST AS CITY FIGHTS INTEGRATION MOVE

By John N. Popham

Special to The New York Times

MONTGOMERY, Ala., April 26—A Negro mass meeting unanimously endorsed tonight the continuance of a boycott against this city's transit system.

Approximately 2,000 Negroes gave a standing vote in support of a formal resolution to "carry on our mass protest." This was in answer to recent declarations of Montgomery city officials that bus drivers or passengers who violated state or city segregation statutes would be subject to arrest.

The resolution slated that the five-month boycott would continue until there had been a "clarification" of the position taken by the city officials.

[fol. 896] The resolution also authorized the board of directors of the Montgomery Improvement Association, which is the organization directing the operations in the boycott, to "do any and all acts that it deems necessary to perfect our desires."

The Rev. Martin Luther King, Jr., president of the association, read the resolution to the crowd.

"We are always ready to do only the right thing and we can't afford to make any mistakes," he said.

The boycott leaders have declared that an "acceptable solution" would require the bus company to give "equal consideration" to Negro applicants for jobs and to put some Negro drivers on predominantly Negro routes.

They also have asked that in lieu of the "Jim Crow" custom of reserving certain rear seats for Negroes, the bus company adopt a policy of permitting Negro passengers to take any seats as they become available from rear to forward. Similarly, the white passengers would occupy any seats available from forward to rear.

The practical effect of such a seating arrangement would be to allow the allotment of seats among the races to occur pretty much in accordance with the racial pattern of the neighborhood in which the bus was traveling.

The participants in the mass meeting gave a thunderous vocal acclaim to the statement of the Rev. B. D. Lambert, made from the crowded floor, that "the Negroes of Montgomery will never go back to Jim Crow laws."

The resolution noted that on Monday the Supreme Court was reported to have outlawed segregation on intrastate public transportation in connection with a suit originating in Columbia, S. C.

It further stressed that in the last twenty-four hours there had been reports that buses had been desegregated in Richmond, Little Rock and Dallas "without mishaps."

The resolution then called attention to the fact that on Tuesday the bus company officials had instructed their drivers to cease enforcing city and state segregation laws and that the city commission had countered that they would "use all means available" to uphold such laws. The [fol. 897] city officials maintain that the Supreme Court ruling does not yet apply specifically to Alabama laws.

Mr. King told the mass meeting "we are grateful to the bus company for their stand and our action now is not aimed at putting the bus company out of business, but only at putting justice in business."

City officials and representatives of the bus company remained deadlocked today after a two-and-one-half-hour conference behind closed doors. They said that they had been unable to resolve their differences over the interpretations given to the present status of the segregation laws and would resume their conferences either tomorrow or Saturday.

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 144

THE NEW YORK TIMES

THURSDAY, APRIL 26, 1956

BUS BOYCOTT FIRM IN ALABAMA CITY

MONTGOMERY OFFICIALS STICK TO
SEGREGATION—UTILITY COMBATS THEIR STAND

By John N. Popham

Special to The New York Times

MONTGOMERY, ALA., April 25—This city's boycott by the Negro population of the local bus line remained constant today. The City commission continued to be adamant in demanding compliance with custom. And another round of maneuvers by spokesmen for the various disputants was scheduled for tomorrow.

The local controversy was heightened this morning by a press conference called by an executive of the transportation company that operates Montgomery bus lines.

B. W. Franklin, vice-president of National City Lines, Inc., the Chicago parent organization of Montgomery City Lines, Inc., which handles the local transit system, said his company would stand behind any of its Montgomery bus drivers who might be arrested for refusing to enforce [fol. 898] city and state segregation laws.

Mr. Franklin also said the company would stand by its order of yesterday that buses it operated in Montgomery and other Southern cities were no longer subject to segregation statutes in view of the Supreme Court ruling on Monday.

The City Commission, whose three members all belong to the White Citizens Council, an organization with an avowed aim of preserving the South's racial segregation traditions, soon issued a statement that the bus company would have to abide by city and state segregation laws if it continued to do business here.

The city officials took the stand that transportation segregation statutes were still valid locally. They held that the Supreme Court decision was binding only on the parties to the suit that originated in Columbia, S.C.

Mayor W. A. Gayle asserted that while the city's contract with the bus company said nothing about racial segregation it was the commission's belief that the contract could be canceled "if one party breaks any local laws."

Meanwhile, the Rev. Martin Luther King, Jr., one of the leaders of the Negro boycott movement, said that a mass meeting would be held tomorrow night to discuss the "future course" of the boycott in the light of the latest developments.

Late this afternoon it was reported in newspaper dispatches from Washington that there was some doubt among Government lawyers as to whether the Supreme Court ruling actually concerned an interpretation of the constitutionality of transportation segregation laws or whether it dealt mainly with a technical matter of appeal solely concerning the South Carolina action.

RACES MIX IN SOME BUSES

MONTGOMERY, Ala., April 25 (UP)—Negroes sat freely with whites on buses in some Southern cities today, but the same hard core of resistance that has delayed school integration kept the races separated in many others.

[fol. 899] Some cities in Virginia, North Carolina and eastern Tennessee, where faint beginnings have been made in integrated education, put up no barriers against first come, first-served seating. But in most of them, Negroes, continued to take seats toward the rear.

The unyielding segregation stand was found in South Carolina, Georgia, Alabama and Mississippi although bus lines serving some cities instructed drivers not to enforce segregation further.

Florida and Louisiana lately have taken position in the bank of unyielding Southeastern states. No change-over to integrated buses or schools was detected in Florida. All candidates for Governor in a heated campaign have trumpeted continued segregation.

Louisiana, which has made a start toward integration of graduate and parochial schools, was operating under the state segregation law on the question of public transportation.

Some negroes sat in the front with whites in Richmond and Norfolk, Va.

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 145

THE NEW YORK TIMES

SATURDAY, MARCH 24, 1956

CONVICTION SPURS NEGROES' BOYCOTT

ACTION AGAINST MINISTER ONLY ADDS TO
GRIEVANCES IN DISPUTE OF BUSES

By Wayne Phillips
Special to The New York Times

MONTGOMERY, Ala., March 23—Montgomery's Negroes have dug in all the more firmly because of the court con-

iction of their leader for conducting an illegal boycott of the city bus lines.

Far from having helped to break the protest, which is rounding out its sixteenth week, the conviction of the Rev. Dr. Martin Luther King, Jr. only has added to the long list of grievances on which the protest has fed.

[fol. 900] The judge, the circuit solicitor, the transportation superintendent of the bus company and the company attorney all left for a week-end of rest.

But the buses still traveled the streets today almost empty, while Negroes went to and from work in a well-organized car pool.

Dr. King was back at work as pastor of the Dexter Avenue Baptist Church and president of the Montgomery Improvement Association, which has directed the protest.

Meetings Stir Interest

The only change was the increased determination of the Negroes.

The enthusiasm of the Negroes has been sustained with the help of meetings that are conducted like religious revivals. Two are held each week in the Negro churches.

Great crowds turn out for them, filling all available pews, and sitting on steps, floors, aisles and window ledges.

Bus after bus moved today through Court Square in the center of Montgomery to take and discharge a few white passengers.

A few blocks away at a parking lot in the central downtown pick-up station, carload after carload of Negroes came and went on a well-kept schedule.

Far out on the edge of Montgomery in an inconspicuous building named the Citizens Club was the operations center. There clerks answered telephones, directed automobiles to passengers who were not able to reach pick-up stations and kept the fleet of private cars running smoothly.

A battery of bookkeepers and secretaries worked at long tables handling correspondence, bills for gasoline and repairs, payments to drivers for the use of their cars, and the hundreds of details involved in running a public—and voluntary—transportation system.

The protest, as Dr. King had said it would, went on.

[fol. 901]

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 146

THE NEW YORK TIMES MARCH 23, 1956

NEGRO MINISTER CONVICTED OF DIRECTING
BUS BOYCOTT

By Wayne Phillips

Special to The New York Times

(One picture attached to original.)

MONTGOMERY, Ala., March 22—The Rev. Dr. Martin Luther King, Jr., was found guilty today of leading an illegal boycott against the Montgomery city bus lines. Circuit Judge Eugene W. Carter fined the 27-year-old Negro Baptist minister \$500 and \$500 court costs.

The fine and costs were converted into a jail sentence of 386 days because Dr. King chose to appeal rather than to pay the money. However, the sentence was suspended after the defense lawyers served notice of appeal.

Dr. King was released on \$1,000 bond. The cases of eighty-nine other Negroes arrested in connection with the protest against the bus lines were continued pending appeal.

The protest began Dec. 5 over the arrest of Mrs. Rosa [fol. 902] Parks, a 43-year-old seamstress, for refusing to give up her seat on a city bus to a white person.

Nearly all of Montgomery's 50,000 Negroes have refused to ride the city buses since then. They have used a pool of 300 automobiles organized by the Montgomery Improvement Association, which is headed by Dr. King.

The protest movement went on without interruption or incident today. There was every indication it would continue to do so until some agreement was reached with the city and the bus company.

Arthur D. Shores, one of the eight lawyers who defended Dr. King in the four-day misdemeanor trial, estimated

that it would take three years for the case to come up in the Alabama Court of Appeals.

There was every indication that the case would go from there through the Alabama Supreme Court to the United States Supreme Court on the ground that the conviction violated the constitutional rights of Dr. King under the state and Federal constitutions.

The conviction was under a 1921 statute forbidding the hindering of a lawful business without "just cause or legal excuse."

There was no sign of emotion from the predominantly Negro audience as Judge Carter delivered his finding at 3:35 P.M. as soon as arguments were completed.

Judge Carter announced that he was finding Dr. King guilty, but would fine him only half the possible penalty because he had continually urged his followers to observe a policy of non-violence.

Prepared for the 'Worst'

"I was optimistic enough to hope for the best but realistic enough to prepare for the worst," Dr. King told those who gathered around him a few minutes after the verdict.

"This will not mar or diminish in any way my interest in the protest," the young minister said. "We will continue to protest in the same spirit of non-violence and passive resistance, using the weapon of love."

When Dr. King emerged with his wife at 4:30 P. M. there was a crowd of about 300 Negroes outside the courthouse. [fol. 903] As he appeared, the crowd applauded and shouts went up "Behold the king," and "Long live the king." The Rev. Ralph D. Abernathy one of the other defendants, called to the crowd:

"Don't forget the mass prayer meeting tonight."

"You gonna be there?" a Negro in the crowd shouted, and the gathering choroused back, "Yes."

"You gonna ride the buses?" the same Negro cried, and the crowd roared back, "No."

Dr. King spoke at the prayer meeting, which was held in the Holt Street Baptist Church. This was the scene of the mass meeting at which it was decided to extend a

spontaneous one-day boycott until the bus company bettered conditions.

"This conviction and all the convictions they can heap on me will not diminish my determination one iota." Dr. King said. "God is using Montgomery as his proving ground, and maybe here in the Cradle of the Confederacy the idea of freedom in the southland will be born."

The 2,000 Negroes who crowded the church and overflowed on to the street outside, whooped and shouted and clapped at his declaration that the "protest is still going on."

Dr. King's lawyers presented nine witnesses this morning in a parade of thirty-four who told of verbal abuse, courtesy, threats, shooting and other mistreatment at the hands of drivers for the bus company.

Circuit Solicitor William F. Thetford presented six bus drivers as rebuttal witnesses. All testified that they were courteous to Negro passengers.

Judge Carter, who has been on the bench for twenty-one years, teaches the men's monthly Bible class at the Dexter Avenue Methodist Church, almost across the street from Dr. King's church.

The judge is a member of the official board of the church, and as such concurred in a recent decision by the board that Negroes who came there should be asked to worship in their colored churches.

In World War I he served as a first lieutenant in the [fol. 904] infantry. He is a Mason, a Shriner and a member of the American Legion.

**LEGISLATORS ACCUSED
FOLSOM SAYS RACIAL STAND IS VIOLATION
OF OATH**

MONTGOMERY, Ala., March 22 (UP)—Gov. James E. Folsom charged today that the Alabama Legislature "collectively and individually" violated its oath to the United States Constitution by passing a resolution declaring the United States Supreme Court's anti-segregation decrees null and void.

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Mr. Folsom told a news conference that "the only way an elected official can be relieved of his oath to the Constitution of the United States is by a constitutional convention."

"Until the people say otherwise, I'm going to uphold my oath to the United States Constitution, come hell or high water, he said.

"The Legislature has violated its oath to the Constitution, and now it should be heard by the people," says Mr. Folsom.

AUTHERINE LUCY TO WED
SHE IS IN DALLAS PLANNING HER MARRIAGE
THERE APRIL 22

DALLAS, MARCH 22 (AP)—Miss Autherine Lucy, the Negro student expelled from the University of Alabama after campus racial riots, was in Dallas tonight making plans for her marriage to a young ministerial student.

The Rev. Ernest Estell, pastor of St. John's Baptist Church of Dallas, said the Birmingham secretary and the Rev. H. C. Foster would be wed in his church April 22. Mr. Foster is a social science student and studying for the ministry at the Negro college at Tyler, Tex. He and Miss Lucy were classmates in a college in Alabama.