

[fol. 905]

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 147

THE NEW YORK TIMES
MONDAY, DECEMBER 24, 1956
SHOT HITS HOME OF BUS BIAS FOE
MINISTER WHO LED BOYCOTT IN MONTGOMERY
TELLS OF NIGHT SHOTGUN ATTACK

By George Barrett

Special to The New York Times

MONTGOMERY, Ala., Dec. 23—A shotgun blast was fired early this morning into the home of the Negro minister who led the successful fight to abolish racial segregation on Montgomery's buses.

The Rev. Martin Luther King, Jr., said that he and his family had been asleep when the shotgun pellets pierced the front door at about 1:30 this morning.

The Kings live in a small bungalow in an upper middle-class Negro section. The house was the target of a bomb several months ago.

This morning panes of glass were shattered, but the damage was slight and no one was hurt. Mrs. King said that she had looked out over the front lawn, where flood-lights have been shining since the integration fight started here a little over a year ago, and had seen a taxi turning around at the corner.

Dr. King's policy of non-violence has set the pattern for the Negro community in the struggle for bus segregation, made no report to the police.

His disclosure of the shooting was in keeping with his campaign for understanding and love between Montgomery's whites and Negroes and with his pleas to the community's 50,000 Negroes always to turn the other cheek.

New Struggle Planned

Meantime, at a rally held tonight at one of the Negro churches, to commemorate the victory in the bus battle,

Dr. King told several hundred persons that the fight for racial integration would be extended to the public schools and recreation areas here.

[fol. 906] "We cannot rest in Montgomery until every public school is integrated," Dr. King told a quietly jubilant audience.

He predicted that some of the white people who had supported the battle to integrate the buses would turn against the Negroes on the school fight. But he stressed that the Negroes had to wage battle for the principles upheld by the Supreme Court.

At his regular Sunday morning service at the red brick Dexter Avenue Baptist Church, Dr. King softly and without emotion told his congregation about the shooting.

He included the shooting announcement among others about the need for Christmas baskets for the poor—both white and Negro—and the plea to make sure that those who were sick would not go unvisited.

He told his congregation that he would have liked to meet those who had done the shooting to tell them that surely they must know they could not solve problems that way. Still without raising his voice, he said he would have liked to point out that even if he were killed his attackers would have 50,000 other Negroes to "get."

Dr. King went on to say that as the walls of segregation continued to crumble in the South "it may be that some of us may have to die." But he called on his congregation never to falter, never to forget that in the midst of changes in life, of chances in man, even "if the stars no longer bedeck the heavens," God's love for all things and for all men would continue.

There was no stir in the congregation, no sign that anyone was surprised.

They said virtually all the other Negroes in Montgomery have subscribed to Dr. King's rule to practice Christian love in their everyday conduct. After their pastor's announcement of the attack, the congregation calmly picked up the hymnals and sang "Silent Night, Holy Night."

Montgomery's Negroes have been riding on desegregated buses for three days without a major incident. Dr. King

suggested that there was a higher law than the South's insistence that the Negro "keep his place."

"The glory of God that puts man in his place will make [fol. 907] brothers of us all," Dr. King declared.

In Birmingham, Negroes have announced their resolve to sit where they choose in that city's buses.

The Rev. F. L. Shuttlesworth, pastor of the Bethel Baptist Church there and head of the Alabama Christian Movement for Human Rights, said that "some" Negroes probably would sit in seats reserved for whites starting Thursday.

The Negroes have served notice on the City Council there that they intend to challenge segregation.

The expectation is that the Council, which meets on Wednesday, will contend that Birmingham is not affected by the Supreme Court ruling.

Mr. Shuttlesworth predicted that the first Negro who attempted to sit in the front of a bus would be arrested. He said that after the arrest their legal battle to desegregate Birmingham's buses would begin.

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 148

THE NEW YORK TIMES

SUNDAY, DECEMBER 23, 1956

WHITE DISSIDENTS STIR BUS CLASHES

SOME INCIDENTS ATTRIBUTED TO A
MONTGOMERY PLOT BY SEGREGATIONISTS

By George Barrett

Special to The New York Times

MONTGOMERY, Ala., Dec. 22—The number of white passengers riding Montgomery's newly integrated buses increased today. However, there were signs that some white supremacists were trying to incite racial fights to "prove" that Jim Crowism must still be maintained in practice—if not by law—on the local buses.

This was the second day that Montgomery's buses ran on a desegregated basis, following a direct order from the Supreme Court. The mood of general unconcern over the issue was reflected in the way whites and Negroes mixed [fol. 908] almost without incident as they took the buses to town for Christmas shopping.

But the phrase "almost without incident" contains the real danger that confronts Montgomery as each day passes with no public outcry against desegregation. Small groups of white segregationists, disturbed over the easy transition from long established customs, apparently are plotting to foment trouble.

Passive Resistance

One incident occurred this morning on a bus that starts in a Negro section and runs through a neighborhood of upper-class white families. A Negro man boarded the bus and took a seat in the front, which used to be reserved for whites. A white woman immediately stood, charged that he had "muttered" at her, and began belaboring him with a book.

He took the attack in silence. Six other Negroes sitting in the bus said nothing and did not move to his defense, adhering to the Negroes' resolve here never to meet violence with violence. Finally, they all rose and quietly left the bus.

Several cars occupied by white men had pulled up behind and in front of the bus. The woman looked at the white bus driver, but he simply asked if she wanted to make a formal complaint. She retorted that "she might have known that's all that would happen" got out of the bus and entered one of the cars.

Negro leaders did not report that incident to the police. They are deliberately "playing down" all such provocations, determined not to give the white supremacists any chance to exploit the transition process.

Senator Makes Charge

Later, State Senator Sam Engelhardt, Jr., Secretary of the White Citizens Council in the state, telephoned the

newspapers here to charge that a Negro man had winked at a white woman and invited her to sit down beside him.

Witnesses of the incident said, however, that the Negro's wife had followed him into the bus and was paying the fares when the white woman began striking her husband. The White Citizens Council did not explain why any [fol. 909] Negro would invite a white woman to sit with him in a town like Montgomery, or why he would offer her a seat his wife would expect to use.

It is this kind of a created incident that the Negro leaders here fear could set off racial rioting despite their efforts to give no offense.

A "prayer for guidance" has been distributed by the Rev. Dr. Martin Luther King, Jr., leader of the Negroes' year-long struggle to abolish Jim Crow on the buses. He has called upon Montgomery's 50,000 Negroes to display a "calm and loving dignity" through the critical days of the transition.

"If cursed, do not curse back," the Negroes have been instructed. "If pushed, do not push back. If struck, do not strike back. Evidence love and good will at all times."

Most of the passengers on the buses today were Negroes, but a tally made by the bus drivers for the company showed that there were more whites on the buses than there had been on Saturdays during the past few weeks.

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 149

THE NEW YORK TIMES
SATURDAY, DECEMBER 22, 1956
BUS INTEGRATION IN ALABAMA CALM
MONTGOMERY QUIET ON FIRST DAY—SLAPPING
OF NEGRO WOMAN INCIDENT

By George Barrett

Special to The New York Times

MONTGOMERY, Ala., Dec. 21—The Negroes of Montgomery, victors in a year-long boycott to end segregation

in public transit here, quietly and in determined numbers went back to the city's desegregated buses today.

For the first time in this "Cradle of the Confederacy" all the Negroes entered buses through the front door. They sat in the first empty seats they saw, in the front of buses and in the rear. They did not get up to give a white passenger a seat. And whites sat with Negroes.

[fol. 910] As one of the oldest race barriers in this deep South community fell this morning, following a formal order from the Supreme Court to abolish segregation in local buses, nothing happened to indicate that Montgomery's 75,000 whites and 40,000 Negroes looked upon the historic event as anything but a natural development.

There were no special details of police on duty, nor were they needed. Despite alarms by city officials and members of the White Citizens Council during the last year that bus desegregation in Montgomery would bring riots and bloodshed, only one minor incident marred today's changeover from long established custom.

A negro woman who was one of the first to board the newly desegregated buses this morning was slapped in the face by a white youth as she stepped out of a bus into the street. She reported that her assailant then jumped into a car with an out-of-state license plate and sped away with a group of white men.

In a couple of instances, carloads of white men were seen to follow some of the buses, but no overt attempt was made to interfere with the bus company's decision to carry out the Supreme Court order.

Aboard the buses, as the Negroes and the whites for the first time sat where they both chose to sit, the talk was rarely about integration. At first there was no exchange between whites and Negroes as they took up the strange pattern of mixed seating. But often the stiffness gradually disappeared.

A Negro turned in one bus to ask a white passenger sitting behind him—the mark of the new order—what time it was and got a quick courteous reply. A white man who had been sitting next to a Negro, said later he did not understand what all the fuss and the difficulty had been about.

The Rev. Dr. Martin Luther King, Jr., the 27-year-old Negro minister who was a leader in the boycott, rode one of the city buses today—accompanied by a white minister, the Rev. Glenn Smiley.

Minister Optimistic

While there was still fear in the community that efforts [fol. 911] might be made to disrupt the bus integration process, Dr. King stressed the harmony that had marked the crucial first day desegregation and predicted no major trouble in the future.

"If any trouble does occur I feel the proper authorities will take cognizance and that it will be stopped immediately," he added.

In some cases white passengers made sneering remarks, but Dr. King's emphasis on the Christian theme of love between all men has been adopted by the Negro community not only as a tenet, but as a tactic in their struggle for racial equality.

Two white men in one bus today found themselves sitting behind a Negro, and one of the whites said, loudly: "I see this isn't going to be a white Christmas."

The Negro looked up, and smiled. He said, with good humor but firmness: "Yes, sir, that's right." Everybody in the bus smiled, and all rancor seemed to evaporate.

There was no mass turnout of Negroes today to exploit their victory. For the most part, only those who had planned already to go to town took the buses. They made nothing special of it, simply abandoned their year-long custom of walking, or joining in a car pool, and quietly boarded the bus.

There had been speculation that the whites might start their own bus boycott now, rather than ride with Negroes. Yet many whites were among today's passengers.

The Negroes, under Dr. King, held almost 100 per cent to their campaign, and consequent losses to the midtown area had brought quiet pressures from merchants and many other responsible groups of Montgomerians to end the fight.

1508

[fol. 912]

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 150

THE NEW YORK TIMES DECEMBER 16, 1956

MONTGOMERY: TESTING GROUND

THE K. K. K., THE WHITE COUNCIL AND THE 'NEW NEGRO'—all ARE INVOLVED IN A TEST ARISING FROM THE SUPREME COURT ORDER ON BUS DESEGREGATION.

By George Barrett

Montgomery, Ala.

Three white-robed, white-hooded figures, their feet moving slowly and out of step, appeared suddenly on a main street here three Saturdays ago. The cloaked trio kept eyes straight ahead, walked in silence past the A&P. Supermarket, past Perry's Sandwiches, past "War and Peace" at the Paramount.

There had been rumors that the Knights of the Ku Klux Klan were coming to town to hold a council of race-war, to set wooden crosses ablaze in Negro neighborhoods in protest against the Supreme Court's Nov. 13 decree barring segregation in buses. That decree was directed at Montgomery, specifically at the local bus system, which, the high tribunal ruled, must end its Jim Crow practices. The K.K.K. that Saturday had decided the "niggers" needed an old-style Southern reminder and not to start taking the Supreme Court seriously, here in Montgomery.

A Negro mother and her 8-year-old son were about to enter Montgomery Fair, the city's big department store on Court Square when they spotted the three hooded Kluxers; the Negroes stopped short in the doorway and stared. A Negro couple had just come out of Liggett's drug store; they, too, halted and stared. Two teen-age Negro boys had stepped off the curb at the green "Walk" sign to cross Dexter; they stood rooted at the curb. And stared.

A moment of suspended movement, a moment of puzzlement and disbelief. Then all of them looked unflinchingly at the robed men—and began to smile, then to laugh.

There were whites too, on the corners of Court Square and grins of amused incredulity were on most of their [fol. 913] faces. One of them scratched his chin as he watched the hooded Klansmen, and said: "Looks like they been lost outa one of them old movies."

One man, a white man, did not laugh. He was an airman in town on pass from Maxwell Air Base. He walked up to the three cloaked Kluxers, stood in their path and spat on their shoes. His hands clenched into fists. The Klansmen gave way, moved around him, and walked swiftly up the street.

That recent incident on Montgomery's main square captures in a way the many-faced story of this Deep South community as it takes up the challenge of the Supreme Court's ruling ordering the end of segregation on the local bus system.

Montgomery's 50,000 Negroes have just passed the first anniversary of their year-long and phenomenally successful bus boycott, a boycott that "kind of just burst out," as one woman puts it.

The Negroes here decided suddenly last December to stand up against Southern Jim Crow—against paying fares at the front door but having to enter the bus by the rear door to avoid contact with white passengers, of walking along the outside of the bus—after paying their fares—and being deliberately abandoned by grinning white drivers, of suffering in silent humiliation epithets from the drivers like "black ape," "black cow," and "dirty nigger."

So, on Dec. 5, 1955, Montgomery's Negroes, who make up 40 per cent of the town's population but about 70 per cent of the paying bus traffic, simply decided to stop riding the buses. Four days before that decision, a 42-year-old seamstress, Mrs. Rosa Parks, had been arrested under city and state segregation laws for refusing a bus driver's order to give up her seat and move back in the bus. For all the community's Negroes, Mrs. Parks' arrest was the determining blow.

Resentments in the making for more than one hundred years crystallized into collective action. Most of the white community pooh-poohed the Negro boycott, and predicted that "them shiftless, no-account niggers," would not last the week out before they would start climbing back into the buses—at the back end.

Ironically, the Negroes of Montgomery had not asked [fol. 914] originally for non-segregated buses; they were ready to accept segregation, in the Southern tradition, but wanted only assurances of courtesy from drivers and a "first come, first served" policy, with themselves sitting to the rear of the bus as they entered. It was the resistance of the white community to these requests that eventually brought on the court action leading to desegregation.

For most of the past year Montgomery Negroes operated their own transit service with "pool" cars and station wagons, maintaining better schedules than the city system had established. Before an injunction was issued ordering the Negroes to discontinue their own system—the injunction was issued on the same day as the Supreme Court ruling—the fleet totaled 300 private cars and twenty station wagons, many of them lent to the Negroes by churches and organizations throughout the country.

But during much of the year, and particularly during the last few weeks, many of the Negroes walked to work, some of them six miles each way, getting up at 3 A. M. to do it. The whites now express amazement at—and a reluctant admiration for—the year-long campaign.

The boycott has been very close to 100 per cent effective. Buses with one occupant, the driver, or with only two or three white passengers, have been traveling through town like ghost stages, and the company has lost more than \$750,000. Downtown white merchants report substantial losses, while Negro storekeepers and white proprietors located a distance from downtown Montgomery have doubled and tripled their business.

Today, after a year of boycott, many of the 75,000 white residents of Montgomery confide—usually in private, however—that they are giving agonizing reappraisals to their Dixie-conditioned concepts of the black man.

Nothing more vividly illustrates the change in basic race attitudes in this "Cradle of the Confederacy"—where Jefferson Davis took command of the secessionist cause for the entire South—than the disregard and amused contempt that the Negroes and, it must be emphasized, most of the whites now express openly for the K.K.K. This attitude, [fol. 915] incidentally, is shared by most members of the White Citizens' Council, which has mobilized much of the South's officialdom to defend Jim Crow. (Not so incidentally, the white supremacy group here frankly confesses it has lost 1,000 of its members in the past year.)

On that Saturday three weeks ago, when the pictures the photographers were snapping of hooded "Montgomery" Klansmen shocked much of the nation, Montgomery was, in fact, giving the K.K.K. the bum's rush. The Klan was told to get out of town if it wanted to hold a rally and was expressly forbidden to hold a parade within city limits. And, in spite of the year-long struggle over desegregation, the white community this year cooperated with the Negroes as usual on their annual parade here marking the Tuskegee-Alabama College football game on Thanksgiving Day.

The rebuff to the Kluxers underlines one of the most significant developments in Montgomery; there is a tacit agreement by the bulk of both the Negro and white communities that violence must not erupt, that at all costs the campaign for and against Jim Crow must be confined to the propaganda forums, to the courts, to any peaceful channel.

This accent on peace will get its first real test during the next few weeks. They will be crucial weeks for Montgomery, as it moves to follow up the formal order of the Supreme Court.

Some uncertainty remains. The big fear now is the presence of "goons" of both races, particularly the bigots and malcontents who whip up emotions and prejudices and frighten the majority of law-abiding men anywhere. It takes only a few men to plunge a peaceful community into a racial war, though 98 per cent of the population want no part of it.

Nevertheless, this writer failed to find a single person in Montgomery—Governor, kitchen maid, minister, cabbie,

lawyer, bootblack, State Senator, housewife, or merchant—who believes that any violence will take any form but the isolated, occasional clash that is certain to happen. As the new test period now unfolds, the mood of Montgomery, the mood of the emerging Southern Negro here who has seen the Supreme Court back up his right, the mood of the white Southerner here who still bitterly resents and opposes the Supreme Court stand on desegregation, [fol. 916] can all be put into two words—watching, waiting.

But beyond these words, and beyond the determination of most of those here to keep violence from exploding, there are forces at work indicating that this “hard core” Deep South community may already be well on the way toward a form of desegregation that its residents, black and white, would have considered impossible a year ago.

For one thing, it is a common fallacy to assume that places as Deep South as Montgomery must be Deep South in all measurements.

“It’s the stock images—what we call the mildew-and-magnolia approach—that depress us,” a native of the city says. The reality is that outside of a few trees and hanging moss, the “Heart of Dixie” tourist slogans on the license plates and the brass star imbedded on the front portico of the Capitol to mark the spot where Mr. Davis became the First Confederate President, Montgomery, Ala. could just as easily be Hartford, Conn., or Des Moines, Iowa.

Cars jam and parking battles around plants and shipping points tell the story of Montgomery’s gradual emergence from a rural economy to an industrial-agricultural way of making a dollar. In the last nine years the state led all southeastern states in the percentage of industrial employment increases, and in the last ten years manufactured products showed an 80 per cent rise.

But even cotton and cattle and manufacturing are minor economies compared with the United States Air Force. The biggest “industry” in Montgomery is Maxwell Air Base, Gunter Air Base and the Air University; somebody counted thirty-three full colonels clustered one day at the local depot.

"That means a chunk of spending money in our town," a storekeeper says. That also means quite a number of visits to town of men in blue from all parts of the country, men who march in non-segregated ranks, black men and white men share the same barracks.

There is a general belief here that the buses will keep running, only now on a non-Jim Crow basis. And perhaps the most revealing sign that Jim Crow may not ride on Montgomery buses is a remark that one hears privately all over the town—a remark express by officials like Mayor [fol. 917] W. A. Gayle who are still making public pronouncements about maintaining segregation but in private say: "Look, I'm not fixin' to go to Atlanta" (that part of Atlanta, Ga., where the Federal penitentiary is situated.)

The Federal court is the real key to what will probably happen here in Montgomery. Nobody is fixin' to go to the Federal "pen."

This is the kind of town where open-and-shut cases of peonage—where a Negro has been in effect sold to an employer who takes over the Negro's debts—have been thrown out of court because of the local jury system. But the feeling in Montgomery is that contempt of a Federal court is something else, and there are few who feel deeply enough about desegregation to go to jail over it.

It is almost as though a master button had been pushed to hear the same phrases come from every lip:

"Well, you know, my wife and I don't use buses anyhow, so this whole thing doesn't affect us personally."

"Frankly, I'll tell you, I figure the 'niggers' will just get right back into them buses like they always done before this trouble and they'll move right to them back seats like always."

"Shoot! The whites will just stay off the buses, that's all."

"Now, this school mixing stuff, that'll be coming next, and I'm telling you, mister, that's sure where we're gonna draw our line."

Significantly, the symbol of resistance to racial integration has been transferred, by the whites, to the schools.

"Let's admit it, we're just resigned to the bus question," a gray-haired lawyer says.

1514

The fact is that school desegregation has not even been brought up by the Negroes here. A year ago nobody ever mentioned schools here; the talk was all of the buses, and it was the bus desegregation issue that was the symbol of white resistance.

Of all the forces subtly or obviously at work breaking down old racial patterns, clearly the most dramatic and most far-reaching is the force represented by the "new Negro," the Negro that the Old South never knew.

[fol. 918] At the Sunday church services, in the blue rooms, the club rooms and the ranch houses and the dilapidated shacks in Washington Park, Mobile Heights and North Montgomery, the Negroes discuss the future with evangelical faith, making plans to demonstrate that the buses can be run on a non-segregated basis from now on, safely, harmoniously. They have pledged themselves to display no attitude, commit no act to give the white offense over the integration victory. "Victory," incidentally, is a word the Negroes are prudently avoiding.

The man who led the Negro community in its first unified campaign for civil rights is a soft-spoken, 27-year-old scholar of Hegel and Kent, a doctor of divinity and a doctor of philosophy. The Rev. Dr. Martin Luther King, Jr., pastor of this historic Dexter Avenue Baptist Church, a simple but quietly handsome structure of red brick near the Capitol, is a man who has shattered traditional concepts here as profoundly as his famous name-sake shattered sixteenth-century concepts in Europe.

Dr. King's approach combines a practical application of Christ's appeal to all men to love all men, a practical application of Hegel's view that development evolves from struggle and that it is "natural and necessary" to accept the tension of change, and a practical application of Mahatma Gandhi's passive-resistance technique—a combination, in all, that has made a profound impact on the white community.

And on the Negro community.

Under constant harassment from city officials and city police during this past year, under threats of killing and expulsion, under threats of job firings (and scores of

1515

(THE REMAINING PART OF ARTICLE
NOT LEGIBLE)

(ONE PHOTOGRAPH ATTACHED TO ORIGINAL)

[fol. 919]

(FOUR PHOTOGRAPHS ATTACHED TO ORIGINAL.)

[fol. 920]

(TWO PHOTOGRAPHS ATTACHED TO ORIGINAL.)

—
[fol. 921]

PLAINTIFF'S EXHIBITS Nos. 151, 152 AND 153

—
(THESE EXHIBITS ARE NON-EXISTENT AND VOID
DUE TO ERROR IN MARKING BY COUNSEL.)

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 154

THE NEW YORK TIMES
SATURDAY, JANUARY 10, 1959
DEFIANT JUDGE TOLD TO YIELD VOTER ROLL

By Claude Sitton
Special to The New York Times

MONTGOMERY, Ala., Jan. 9—Circuit Court Judge George C. Wallace defied the Federal Civil Rights Commission for a second time by denying it access to voter registration records, the agency's chairman contended today.

In answer to a petition filed by a Justice Department lawyer at the commission's request, Federal District Judge Frank M. Johnson, Jr. immediately ordered the Clayton, Ala., judge to permit examination of the Barbour and Bullock County voters' records next Monday and Tuesday.

1516

He also directed those involved in the controversy over the investigation to return to court Wednesday and report whether the commission's investigators had been given the information.

Judge Wallace declined to say whether he would comply with the order. Failure to do so is likely to bring a contempt citation from Judge Johnson, a close personal friend and former law school classmate of Judge Wallace.

Judge Wallace, who ran unsuccessfully last spring for the Democratic gubernatorial nomination, issued a statement contending that he had shown the investigators the records pertinent to their inquiry. In granting the order Judge Johnson pointed out that Judge Wallace, through his attorneys, had agreed to a court-approved compromise throwing [fol. 922] open the records to the commission.

This provided that investigators had "the right to inspect official voter registration records in Barbour, Bullock and Macon Counties to the extent they are relevant to the commission's inquiry."

An attorney for Judge Wallace, Preston C. Clayton, said that Judge Wallace believed that he had the right to determine what records were relevant. However, Judge Johnson held that the agreement covered all the Barbour and Bullock records that had been impounded by the Circuit Court before the commission's hearing here last December.

Macon Aides Cooperate

That hearing was adjourned after Judge Wallace had refused for the first time to relinquish the records. At the same time the four registrars in Barbour and Bullock and two others from Macon declined to testify. Judge Johnson then ordered them to comply with the commission's subpoenas, but modified the order after the compromise was reached.

The Macon registrars resigned. However, they cooperated earlier this week in an examination of their files.

The compromise stated that the other registrars would not be required to testify if investigators, through a review of the records, gathered all information necessary for the commission's report to the President and Congress.

However, Dr. John A. Hannah, commission chairman and

president of Michigan State University, told a news conference that when the investigators met with Judge Wallace yesterday in Clayton they got "precious little" information.

Dr. Hannah's statement followed a two-hour closed hearing in which he and four other members of the six-man panel heard testimony from the four staff aides on what they had learned from the inspection of the Macon documents.

Silent on Findings

Dr. Hannah declined to say whether any violations had been found. But he pointed out that under the law the commission was required to go into executive session to [fol. 923] receive testimony that "may tend to defame, degrade or incriminate any person."

The commissioners left Montgomery after the hearing, Dr. Hannah said he would determine later whether another hearing here would be necessary.

He also announced that the commission would hold its next field hearing in New York on Feb. 1, 2 and 4 to look into complaints of racial discrimination in housing.

Judge Wallace, who goes out of office on Jan. 19, issued a statement tonight declaring that the commission's contention was "false."

He said that a Circuit Court official, at his request, had accompanied the investigators to Union Springs for examination of "what I considered relevant records in Bullock County."

He then asserted that Judge Johnson's modified order had not defined "what were and what were not relevant records."

1518

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 155

THE NEW YORK TIMES
WEDNESDAY, DECEMBER 10, 1958

RIGHTS UNIT ASKS U. S. WRIT FOR
ALABAMA VOTING DATA

CALLS ON JUSTICE DEPARTMENT TO FORCE
6 DEFIANT REGISTRARS TO COMPLY—
HEARINGS ENDED ON SECOND DAY

By Claude Sittin
Special to The New York Times

MONTGOMERY, Ala., Dec. 9—The Civil Rights Commission today answered the first challenge to its power by seeking court action against registration officials in six counties.

The registrars had refused to testify or to surrender their records for the commission's investigation into the alleged denial of Negro voting rights in central Alabama.

[fol. 924] The commission recessed its first field hearing indefinitely after asking the United States Attorney General for "such action as he deems appropriate" to force the officials to cooperate.

The Justice Department announced in Washington that a complaint would be filed in the Federal District Court here seeking an order against the officials. Refusal to comply with such an order likely would bring a contempt citation.

John Patterson, State Attorney General and Governor-elect, indicated in a statement that the state would oppose this move. Mr. Patterson, who appeared at the commission hearing as legal adviser to the registrars, said:

"We will take advantage of every means we have available to represent our judicial offices (the registrars) and protect them from this invasion by the Legislative and Executive branches of the Government."

The six-man bi-racial panel heard forty-four witnesses during the session, which began yesterday in a crowded courtroom of the Federal Building and ended shortly

before noon today. Included were thirty-seven Negroes and seven white officials.

The testimony disclosed that there were apparently no Negroes registered in either Lowndes or Wilcox Counties, only four in Bullock, 125 in Dallas and 1,110 in Macon. Negroes outnumber whites in all of them.

No Negro registration figure was established for Barbour, but three complainants from that county told the commission that although they were fully qualified, they had been denied certification repeatedly.

Records Withheld

Circuit Judge George Wallace, five probate judges and the six boards of registrars failed to produce records yesterday that had been subpoenaed for the hearing.

The lone exception to this pattern of defiance was Probate Judge William Varner of Macon County. He turned over his list of qualified voters to the commission.

[fol. 925] Five of the eight registrars who appeared, refused to take the oath and a sixth declined to testify about his duties.

Following the adjournment of the hearing yesterday, the Commissioners conferred with their legal aides on the situation and decided to ask the Attorney General's help.

Dr. John A. Hannah, chairman of the commission and president of Michigan State University, said today after announcing the decision that it was unanimous. However, John S. Battle, a panel member and former Governor of Virginia, called it a "majority" decision. He declined to say whether he had voted for it.

Dr. Hannah made the following statement shortly before the hearing recessed indefinitely:

"This commission regrets the failure of certain persons to appear at this hearing after having been formally subpoenaed to appear in accordance with the provisions of the law creating this commission, and the failure of others who have appeared in person to produce certain records that they were subpoenaed to produce, and the refusal of some who were physically present to be sworn as witnesses

when requested to do so ; and the failure of others to answer questions that were asked of them.

"In accordance with the terms of the law creating it (Public Law 85-315, enacted by the Congress of the United States on Sept. 9, 1957), this commission respectfully referred the complete records of this hearing to the Attorney General of the United States for such action as he deems appropriate to the end that will assist this commission to have made available to it the information that is required to enable it to carry out the mandate of the law."

Efforts to Register Cited

One of the ten Negroes who testified today, S. W. Boynton, a Selma, Ala. real estate broker, said that in the last five years more than 800 Negroes had sought to register in Dallas County and only two had been certified. Mr. Boynton is registered.

A Barbour County resident, George R. Morris, said he had tried three times to register without success. The owner of a sixty-five acre farm, he won four battle stars [fol. 926] while serving in the European Theatre during World War II.

Asked why he wanted to vote, he replied:

"I want to vote because I want to be a citizen. On my discharge was marked 'American citizen.' I had a hard time (during the war) and I figure I ought to be a registered voter."

Aaron Sellers, owner of a 240-acre farm in Bullock County, testified that he had applied unsuccessfully six times. On one occasion when he and five other Negroes were waiting in the office of the Board of Registrars, he said, a white man—not one of the registrars—advised them to "go on home—you all are citizens already."

Later Mr. Sellers added, the old man returned and said, "I thought I told you all to get the hell out of here." They left.

1521

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 156

THE NEW YORK TIMES
TUESDAY, DECEMBER 9, 1958.

ALABAMANS DEFY U. S. RIGHTS BOARD
AT FIRST HEARING

(Photograph Attached to Original.)

[fol. 927]

REGISTRARS WITHHOLD VOTING DATA—
6 REFUSE TO TESTIFY ON
NEGROES' COMPLAINANTS

By Claude Sitton
Special to The New York Times

MONTGOMERY, Ala., Dec. 8—Voter registrars in six counties defied the Civil Rights Commission today in its first field hearing by refusing to surrender their records.

Six registrars from four counties took their defiance a step further by refusing to testify before the six-man, bi-racial panel which is looking into alleged discrimination against Negro applicants in central Alabama.

Circuit Judge George Wallace of Clayton, Ala., who had been subpoenaed after impounding records in Barbour and Bullock Counties, refused to come here for the hearing.

"They had no right to subpoena me away from my circuit and ask me to bring records that have been legally impounded by this court," he said in statement.

Advice of Counsel

The registrars' challenge came on the advice of John Patterson, State Attorney General and Governor-elect.

Eight registrars and five probate judges appeared at the hearing. Five of the registrars refused to take the oath. A sixth would not testify on the ground that the commission had no right to interrogate an official of the state judiciary.

All the probate judges answered questions, but were of

little help to the commission since they are merely custodians of the list of voters already certified by the registrars.

When these officials were asked why they had not brought their records, they replied that the documents had been subpoenaed by state authorities.

The commission then pointed out that with the exception of Barbour and Bullock the state orders were served after the Federal subpoenas.

[fol. 928] Cooperation Asked

In the morning session, twenty-seven Negro residents of Macon County, home of Tuskegee Institute, testified that they had been denied certification. Most said they believed this had been done because of their color.

The defiance of the registrars drew a plea for cooperation from John S. Battle, former Governor of Virginia and a member of the commission.

In a statement read at the end of the day's session he cited his Southern background and asserted that there were few white citizens in Alabama who believed more strongly in segregation than he.

He pointed out that the information gathered by the commission would be used in recommending new civil rights legislation to Congress. He implied that the registrars' conduct would strengthen the case of advocates of more stringent measures.

The hearing brought out that no Negroes were registered in Lowndes County. This was disclosed in the testimony of Harrell Hammonds, the County's probate judge.

J. Ernest Wilkins, former Assistant Secretary of Labor for International Affairs and the commission's only Negro member, asked Mr. Hammonds if it were not true that he had no Negroes on the voting list although they outnumbered whites about three or four to one.

"That's what they say," the official replied.

"Don't you think that this is rather unusual or peculiar?" Mr. Wilson asked.

"It might be unusual or peculiar in some places," said Mr. Hammonds.

The hearing was opened at 9 A.M. in a crowded courtroom of the Federal Building by Dr. John A. Hannah, commission chairman and president of Michigan State University. After having read a statement on the agency's mission, he turned over the chair to Robert G. Storey, vice chairman and dean of Southern Methodist University Law School in Dallas, Tex. Mr. Storey also read a statement.

The first witness was William P. Mitchell of Tuskegee, [fol. 929] an employee of the Veterans Administration Hospital there and secretary of the Tuskegee Civic Association. The organization has pressed a campaign to obtain full voting rights for Negroes.

He testified that for the years 1956 through October of 1958, a total of 1,585 Negroes had sought registration. Of this number only 510 were certified.

Mr. Mitchell described tedious, time-consuming procedures followed by the Macon registrars in testing Negroes' applications to determine whether they met the state's requirement that voters be able to read and write.

Among those who were unable to obtain certification were Tuskegee Institute faculty members with the degree of Doctor of Philosophy. Nearly all had been registered in Northern and Western states.

The afternoon session opened with the surprise surrender of the Macon County voting list by William Varner, probate judge, over the objection of Attorney General Patterson. The Macon documents were the only ones handed over to the commission during the day.

Mr. Patterson placed in the record a letter advising Mr. Varner that he could not, under Alabama law, take the records in his custody out of the county.

The records of the Macon Board of Registrars, which contain information on why various applicants had been turned down, were impounded earlier in the day by the circuit solicitor of the county.

Essentially the same procedure thwarted the commission in Dallas, Lowndes and Wilcox County.

(One Photograph attached to Original.)

1524

[fol. 930] TEXTS OF STATEMENTS AT ALABAMA
CIVIL RIGHTS HEARING

MONTGOMERY, Ala. (Dec. 8—UP) Following are the texts of statements today at the Federal hearing on voting right, by Dr. John A. Hannah, chairman of the Civil Rights Commission, and Robert G. Storey, vice chairman:

(One Photograph Attached to Original.)

Dr. Hannah

The Commission on Civil Rights was established under the Civil Rights Act of 1957. Under the act the commission is required to "investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion or national origin * * *." In order to carry out that explicit duty, the commission is authorized to "hold such hearings * * * as the commission may deem advisable."

The Civil Rights Act of 1957 is mandatory in providing that the commission shall investigate voting complaints. Numerous complaints having been received by the commission from certain parts of the State of Alabama, a preliminary investigation of these complaints were authorized and the results of the investigation were brought to the attention of the commission at its recent meetings. After careful consideration of the information before it, the commission unanimously agreed that a hearing should be scheduled for the purpose of gathering all of the facts about the voting situation in certain counties of Alabama.

I would like to emphasize that the Commission on Civil Rights is an independent agency of the Government in no manner connected, even administratively, with the Department of Justice or with any other enforcement agency. The commission is a fact-finding body which has the duty to determine what the facts are about voting in the United States and to report those facts to the President and to the Congress on or before Sept. 9, 1959. Prosecutions, indictments—indeed, matters of law enforcement in any form whatsoever—are beyond the power of this commission.

The emphasis of the commission and its staff is on objectivity, and, as the commission views it, objectively presupposes getting all of the facts. The commission does not consider itself a protagonist for one view or another.

'Reason and Light'

In that connection, I would point out that of the six members of the commission, three are from the south and three are from the north. Politically, the commission is composed of three Democrats, two Republicans and one independent. The commission was established in the hope that a thorough dispassionate evaluation and appraisal of the facts some sort of reason and light could be brought to bear upon problems of national importance which have up to now been frequently and passionately debated but seldom soberly assessed.

The commission is keenly aware of the forward strides that have been taken throughout the South in recent years in admitting Negroes to the exercise of the voting franchise. Not too many years ago in many parts of the South only white citizens were permitted to vote. I am told that now almost a million and a quarter Negroes are registered to vote throughout the South. That includes and indicates [fol. 932] that progress is being made in that direction.

This hearing is a serious attempt to determine what the facts are about voting in Alabama. The location of this hearing was not selected because of any predisposition on the part of the commission to single out the State of Alabama for criticism or censure. It was selected because the act under which we operate required that we investigate valid voting complaints, and, the largest number of complaints came from Alabama. It is not unlikely that the information we derive from the hearing will be useful in the event future hearings are conducted elsewhere.

I am asking our vice chairman, who is a distinguished attorney, former president of the American Bar Association and the Dean of the Law School of Southern Methodist University in Dallas, Tex., to preside at the hearing. Three other members of this commission are distinguished attorneys—John S. Battle, formerly Governor of Virginia;

1526

Doyle E. Carlton, formerly Governor of Florida, and J. Ernest Wilkins of Chicago, formerly Assistant Secretary of Labor, Father Hesburgh, the president of the University of Notre Dame, and I have decided that we may participate in the questioning of witnesses from time to time—but in general we will rely upon the lawyer members of the commission to bring out the facts.

Vice Chairman Storey, in accordance with the unanimous desires of the commission, will you please take over and conduct this hearing.

By Mr. Storey

First may I add a word to the chairman's statement assuring everyone that we're here on a mission to ascertain facts about an issue that is vital to every American citizen. We are here performing a duty that is for some of us unusual, a duty delegated to us by the Congress and the President. We did not seek this responsibility, but when the President appointed us to join in a nonpartisan mission to seek the facts of this complex human and legal problem commonly known as civil rights, we felt obligated to serve.

This is a difficult assignment, at least for me, because it is raising fundamental questions about the political [fol. 933] process of my own region. My father was born and educated in Alabama. I have close relatives and good friends in this state. My grandfathers were Confederate soldiers, so there are many thoughts and memories going through my mind as we meet in Montgomery, the cradle of the Confederacy. But history moves on, we are one nation now. Hence this bipartisan commission composed of two presidents of great universities and four lawyers have a solemn duty to perform. We are sworn to uphold the Constitution of the United States.

Our sole purpose is to find the facts. We hope that a thorough understanding and evaluation of the facts will contribute to sound recommendations. As the President said when the commission was created, these problems of civil rights can only be solved "by understanding and reason." Similarly, the Democratic leader of the Senate, Senator Lyndon Johnson of my state, commented that this

commission "can be a useful instrument. It can gather facts instead of charges; it can sift out the truth from the fancies; and it can return the recommendations which will be of assistance to reasonable men." It is in this spirit that we are here.

Each witness received a copy of our rules of procedure when served with a subpoena. Fair and informal procedure will be followed. Constitutional rights of witnesses will be protected in this proceeding, as provided by the statute reading, "Witnesses at the hearings may be accompanied by their own counsel for the purpose their constitutional rights," a copy of which has been delivered to each witness with his subpoena. This hearing or inquiry is not in any sense an adversary proceeding. The complaining parties who have submitted sworn statements will be called first. Then we will ask the appropriate public officials to testify. All testimony will be under oath. Any citizen who knows facts relevant to the issues is welcome to submit a sworn statement subject to our rules of procedure.

A transcript of the testimony of all witnesses will be made, and each witness shall have the right to inspect the record of his own testimony.

Let me conclude by restating the issue before us: Are [fol. 934] certain citizens of the United States being deprived of their right to vote and have that vote counted by reason of their color, race, religion or national origin?

Now, we will call the first witness.

1528

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 157

THE NEW YORK TIMES JUNE 27, 1957

EXPERT ATTACKS MISSILE SECRECY

DR. VON BRAUN SAYS ARMY POLICY IMPEDES
NATIONAL SECURITY—BACKS JUPITER

By Russell Porter
Special to The New York Times

HUNTSVILLE, Ala., June 26—Dr. Wernher von Braum, head of the Army's team of scientists at near-by Redstone Arsenal, a highly secret rocket and missile center, today criticized the Army's security policy as too strict. He said it was so strict it actually impeded national security.

Testifying as a defense witness at the Army court-martial of Col. John C. Nickerson, Jr., Dr. von Braum said that Army security had resulted in withholding of information needed by the public and Congress to enable them to support development of new weapons.

He said that the Air Force and Navy had been smarter, had told the public more, had received more money and had gained priority for their programs. He asserted that the Army's Jupiter was far superior to the Air Force's Thor, but that the Defense Department had taken operational use of the Jupiter away from the Army and had given it to the Air Force.

It was the Army-Air Force feud over the Jupiter and Thor, both intermediate range (1,500 mile) ballistic missiles, that led to the Nickerson court-martial.

[fol. 935] Missile Expert

Colonel Nickerson, 41-year-old missile expert and war hero, pleaded guilty yesterday to having violated Army security regulations. He admitted he had failed to safeguard defense missile information he had kept in his home and having leaked it to persons not cleared to receive it too. Earlier yesterday the Army had withdrawn a more serious charge involving espionage and perjury.

The court found him guilty of the lesser charge. It then began taking defense testimony in extenuation and mitigation presented in the hope of lightening the sentence that is yet to be imposed.

Dr. von Braum, 45, is chief of the Development Operations Division of the Army Ballistic Missle Agency here, in which Colonel Nickerson, until January, was chief of the Field Coordinating Office.

A German-born naturalized United States citizen, Dr. von Braun came to the United States after World War II. He was among 120 missile experts who had developed the v-2 used by the Germans against England. He testified today that he had had twenty-seven years' experience developing rockets and missiles, including eight years on the v-2 and seven years at Redstone.

"I have no doubt whatever," he told the court, "That the Jupiter is far superior to the Thor."

He said that the Army's security policy had made it impossible for the public to realize the importance of encouraging the Army team to stay together. It also had prompted Colonel Nickerson to sacrifice himself by technical violations to inform the public and promote true national security, the witness added.

"The Jupiter involves several hundred million dollars of the taxpayers' money," he testified. "One hundred per cent security would mean no information for the public, no money for the Army, no Jupiter. That would be to the detriment of any new weapon. It would be so secret you could never develop it.

"The ideal thing would be 100 per cent security and all the money you want. But the world is not built that way. The Army has got to play the same game as the Air Force and Navy.

[fol. 936] "The only place where 100 per cent security can work is in a country like Russia, where the Government does not have to tell the public anything."

Dr. von Braun said the classification or declassification of defense documents was largely a matter of judgment with many borderline cases as well as those where hard and fast rules could be applied. He also testified that only 10 per cent of the information in the most secret of the

documents involved in the Nickerson case was truly secret.

The witness said that he knew Colonel Nickerson intimately. He said he was convinced that the colonel was actuated by the most patriotic motives in circulating the documents among unauthorized persons who, he thought, could help persuade Charles E. Wilson, Secretary of Defense, to change his order taking operational use of the Jupiter away from the Army.

Dr. von Braun said that Colonel Nickerson was a "faithful, loyal" American citizen who was not seeking personal gain or self-glorification but only wanted to promote the interests of the Army and the country. He conceded that the colonel had made mistakes of judgment, but said that he had done nothing dishonorable.

He said Colonel Nickerson had acted under stress, strain and frustration resulting from the Wilson order and in the belief that it was necessary to keep the von Braun team working together at Redstone on further development of Jupiter for the good of the country. The colonel's concern was increased, according to the witness, by knowledge coming to Redstone of progress in missile developments made by the Soviet Union.

He said that Colonel Nickerson "hated" communism and wanted to keep the free world ahead of the Communists in missile development.

According to the witness, Colonel Nickerson is a "dedicated" soldier who has made great contributions to the work of the Redstone missile team.

Under Cross-Examination, Dr. von Braun was asked whether he knew Eric Bergaust, editor of the magazine *Rockets and Missiles*, to whom Colonel Nickerson held out and sent secret documents, had applied for a pass-[fol. 937] port to the Soviet Union in the last year. The witness said no, but he had no reason to believe Mr. Bergaust had ever acted as a carrier for any foreign nation.

Dr. von Braun said that Mr. Bergaust had had legitimate business and scientific reasons for visiting Europe several times in recent years and had given much help in promoting American missile development. He said that Dr. Bergaust was born in Norway and was a naturalized

American citizen. He also said that he believed Mr. Bergaust to be a completely loyal citizen.

Late this afternoon the court went into closed session and Dr. von Braun completed his testimony there.

Dr. von Braun took the witness stand in open court in mid-afternoon after Dr. Ernest Stuhlinger, an associate on the missile team, had testified as the first witness for the defense. Dr. Stuhlinger, who testified in open court yesterday, appeared this morning and early afternoon behind closed doors.

Before court opened today, Colonel Nickerson held a press conference to explain a statement he had made yesterday. He had told a reporter that he did not think he deserved any sentence more severe than a reprimand. Today, the colonel said he had not intended to imply any suggestion to the court regarding its sentence.

He realized, he went on, that only the court had the power to decide what sentence to impose and he was not trying to usurp its power. The court can impose a maximum prison sentence of thirty years at hard labor—two years for each of the fifteen specifications in the charge against him.

Defense counsel said that Colonel Nickerson would be called to the stand in open court to state his case as fully as possible, probably tomorrow. They added that other defense witnesses might follow him on the stand.

It was indicated that the trial might end early next week, possibly Monday.

1532

[fol. 938]

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 158

THE NEW YORK TIMES MONDAY, JUNE 24, 1957

SECURITY MARKS NICKERSON TRIAL

COURT-MARTIAL ROOM SEALED FOR TOMORROW,
WHEN CASE OF MISSILE OFFICER OPENS

By Russell Porter
Special to The New York Times

HUNTSVILLE, Ala., June 23—Security regulations were imposed today for the court-martial of Col. John C. Nickerson, Jr., which begins Tuesday morning at near-by Red Stone Arsenal.

The case is linked to an executive order issued by Charles E. Wilson, Secretary of Defense, last November. The order barred the Army from operational control of intermediate-range ballistic missiles such as the Junipter, which had been developed at Red Stone.

Colonel Nickerson is charged with writing and distributing memorandums to several unauthorized persons last December in which he opposed the order. According to the Army, he distributed secret defense information, which, had it fallen into wrong hands, could have harmed the country.

The colonel has denied that any information circulated by him was of such a nature. He is also charged with making false statements to Army investigators.

The military policemen sealed off the courtroom where the 41-year-old missile expert will be tried. It will remain closed until a few minutes before the trial, and will be searched for hidden recording devices.

Army security experts have assigned to the prosecution and the defense to advise when executive sessions are needed to protect secret information.

On such occasions the court will move to an adjoining room to consider classified testimony. When such testimony is to be taken, the court will go to a third room a mile away.

Reporters, photographers and the public will be admitted [fol. 939] only to the main courtroom and adjacent sections of the arsenal's administration area. The military police have set up roadblocks to bar them from restricted areas.

The restricted areas constitute most of the 40,000-acre tract where 15,000 persons work on secret rocket and missile programs. It is situated ten miles south of Huntsville.

A platoon of thirty-five military policemen from Camp Gordon, Ga., arrived to supplement the regular force at Red Stone.

Colonel Nickerson and his four lawyers held a news conference at a hotel here. His counsel termed it a "very unusual procedure" to assign security experts to both sides. They said that it indicated that much of the testimony might be taken behind closed doors.

The colonel said he felt confident that the outcome would be favorable to him.

His two civilian lawyers are Ray H. Jenkins of Knoxville, who was counsel for the Senate committee that investigated the Army-McCarthy case, and Robert K. Bell of Huntsville, former law partner of Senator John J. Sparkman, Democrat of Alabama.

His military counsel are Lieut. Col. Charles R. Zimmer, Post Judge Advocate at Fort McClellan, Ala., and Lieut. Lewis G. Cole of New York, also from Fort McClellan.

1534

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 159

THE NEW YORK TIMES MARCH 3, 1957

'JIM CROW, HE'S REAL TIRED'

SO SAYS A MONTGOMERY SEAMSTRESS, ONE OF
 THE SOUTH'S 'NEW NEGROES' WHO, IN A POLICY
 OF QUIET RESISTANCE, SEE FINAL TRIUMPH
 FOR THE CAUSE OF DESEGREGATION.

By George Barrett

(George Barrett, a reporter on The New York Times staff,
 has covered various aspects of the South's reaction to
 desegregation.)

[fol. 940]

(ONE PHOTOGRAPH ATTACHED TO ORIGINAL.)

Not yet where the tar road ends and the mud ruts start, but for enough out the whites never go, a Negro seamstress looked for a moment in silence at the folds of velvet that divided the choir the front row pews in her church, and the threads holding it to the brass rings around the choir rail were broken in many places. Sections of the drape yawed over, gave peep-hole views of the organ's pedal clavier and the choir's heating vents. Abruptly, she pushed aside her sewing kit, began pulling away at the drape. She talked to the drape as she pulled:

"Velvet, I'm sorry. But you're tired. And we've put up just about long enough with tired things. You gotta go." And down came the velvet. Then she turned the talk to Jim Crow, spoke without rancor, without defiance, without raising her voice: "I guess that's our answer. Jim Crow, he's more than 100 years old, and real tired, and like you just hear me tell this velvet, we figure we've about put up [fol. 941] long enough with tired things."

That seamstress, a 57-year-old grandmother who left school before the eighth grade and still refers to her employer as "my white lady"; her Negro neighbor, a handy-

man who says "Yes, sir, Boss" and spends his evenings drafting and re-drafting an essay on the duties of citizenship so sound that the white man's election board will no longer dare to hold back his ballot; their community leader, the 28-year-old Rev. Martin Luther King, Jr., whose fusion of Christianity, Hegelianism and Gandhism has spurred Montgomery's Negroes and set back Montgomery's whites in the opening battle here to end racial segregation; indeed, each of Montgomery's 50,000 Negroes shares an identical distinction.

Each is the South's "new Negro."

While the white man—the Northern white man—speaks, as he often does these days, of the "new Negro," he generally means the Dr. Kings, the Negroes who have left their back-hollow birthplaces, the "Jim Towns" and "Shanty Villages" in the Deep South, and gone North to collect their master's degrees and their doctorates from integrated universities. He means the Negroes who have found their first day-to-day reality of racial democracy in the armed services and in foreign duty, and are now coming back to mobilize and stay-at-home Negroes for the big march against the bastions of the Old South.

When the white Southerner speaks of the "new Negro" these days he means the same thing, except that if he's a reputable member of the community he will probably fiddle uneasily with a paper clip on his desk and say, "That communistic N.A.A.C.P. is spending them back down here to stir up our decent Nigras," and if he is not so educated or prosperous he will spit at the dirt in angry silence, or he will say with unprintable interpolations, "That communistic N.C. double A P or whatever it's called is sending them back down here to stir up our niggers."

Example Number One here in Alabama, in fact in the entire Deep South, is Dr. King, according to most of the Southern whites who are fighting each new attempt to carry [fol. 942] out the Supreme Court's mandates to segregation. They are convinced that the Dr. Kings—and particularly the Dr. King, who they are certain is regarded by most Negroes as a kind of latter-day Messiah—are basically causing All The Trouble.

But visit Negro night spots in Montgomery, attend mid-week prayer meetings, go with them to their pep sessions, join them in their parlors; the "new Negro" is not only the Dr. Kings but the seamstress, the handyman; in fact, most of Montgomery's Negroes, who never went North. Negroes here who have traveled in the Deep South or have received letters from their friends and families in other Southern states say that the forces that unified Montgomery's Negroes in the remarkable year-long bus boycott, the passive resistance campaign that broke down the first racial barriers in this "Cradle of the Confederacy" a few weeks ago, are emerging also in other areas across the Southern tier.

The "new Negro," in fact, is a phrase that brings quick looks between Negroes here, then good-natured grins. A Negro mail carrier put it this way: "New Negro? It's just us old Negroes, the same old folks. It's not the "new Negro"—it's the "new times." Only we know it, that's all, and the white folks here, haven't caught on to it yet."

The "new times," of course, means today, the culmination of long years of better Negro education, of a fast-narrowing world with its ready exchange of ideas and closer living patterns, of the Negroes' emerging economic power, of spreading industrialization throughout the Deep South, of the day-by-day absurdities involved in sectional segregation in a nation tending naturally and swiftly toward integration on all levels, and finally of the Supreme Court's parade of bans against Jim Crow, which for the Negroes here meant, as a quietly jubilant Negro housewife said: "Before, we only thought we were right—now we know we are right."

But the point they emphasize, a point which most of the Southern whites fail to see and refuse to consider, is that there are many Montgomerys in the Deep South; there are [fol. 943] other Dr. Kings and other communities also acutely aware of the "new times" and waiting now for just the right moment to move as Montgomery moved. Dr. King, Georgia-born and Boston-educated, is a cardinal example of the aspiring Negro who reached the scholastic heights of North (he is a doctor of divinity and a doctor of philosophy) and resolutely came back to segregation in

the Deep South to fight it. But he is convinced that Montgomery's Negroes would have made their challenge without him.

In the living room of his small, white bungalow, as Beethoven's Sixth played softly inside and searchlights played garishly outside to protect him from night attackers, Dr. King recalled that Montgomery's Negroes "arose spontaneously" over the bus-segregation issue, that for the whole Negro community a tired seamstress who was asked to give up her seat to a white passenger suddenly became a symbol.

"Actually, I was catapulted into the leadership," Dr. King said. It was a matter of choosing him to direct a defiance that had already erupted. During the early days of the bus boycott, before the Negroes had organized their car pools and when every one of them walked, and people like the president of Tuskegee left their cars at the city limits to walk also, the ministers and professors who began to take over the direction of the boycott were often accosted on the streets of Montgomery by Negroes who said they had been wondering how long it would take them to catch on and act.

From the pulpit, Dr. King has warned softly, those who have three times now bombed or shot up his home: "Kill me, but know that if you do you have 50,000 more to kill."

Two and a half years ago, Dr. King turned down two higher-salaried ministerial offers in the North to become the minister of Montgomery's neat, red-brick Dexter Avenue Baptist Church, at the broad approach to the State Capitol. As he puts it "I wanted to turn my talents to our Negro cause down here, to do my part in this tense period of transition." He came here at the age of 26, brimming over with an intellectual eagerness that was in vivid contrast to the kind of Biblical bombast still popular in many Negro churches. He was not so much concerned with the happy [fol. 944] crossings of the River Jordan, but preached sermons that drew lessons for his congregation from Toynbee, Shakespeare, Benedict, Hegel, Aristotle, Galileo, Socrates and Mydal. Yet he is the first to deny that he is any more the "new Negro" than the "old style" folks who

worked, often dangerously, toward the integration that is now beginning to evolve.

His congregation loves to tell the story of the minister who preceded Dr. King, a more old-fashioned man of God who some years ago decided suddenly to sit in a front seat of a Montgomery bus when front seats were still being segregated by law for white passengers. The white driver looked at him, told him to get up and sit in the back of the bus. The Negro minister said, "No," and did not move. A block later, the driver looked again, his face reddened, and he said, "Preacher, I thought I told you to get to the back of the bus."

The minister glared back, answered, "And I told you I was going to sit right God-damned here."

The driver was flabbergasted and subsided into silence for the rest of the trip. The minister later told his congregation, "I looked up, and I said, 'God, You know I meant no blasphemy,'" and I kind of suspect that God, He just looked down and He said to Himself, 'Now there's a real comer, yonder in Montgomery, I better keep an eye out on him.'"

Most of the whites here, who see nothing unusual about a member of the board of trustees of Tuskegee working as a chauffeur for his living, have never got past the porches of Negro homes, except on occasional paternalistic visits to see if Cora is coming along all right. If they had, they would have discovered that in the past as well as in the present minister of the Dexter Avenue Baptist Church, in the Jasons and the Rubys and the Anna Maes and the Sams who scrub their kitchen linoleum and change the oil in their cars, there has been for a long time a determined—if very quiet—resolve to get rid of Jim Crow.

"Funny thing," one Negro girl said recently after a prayer meeting, while other Negroes in the pews nodded in agreement, "our white families say to us it's such a terrible [fol. 945] thing that a man like that Reverend King comes here and gets the colored people all stirred up, and we say, 'No, ma'am, the Reverend, he didn't stir us up, we've been stirred up a mighty long time,' but our white folks, they just don't seem to hear us, because later at the dinner table they'll be talking to their friends and saying

what a terrible thing it is for that Reverend King to come in here and stir up all us colored people and how they were just that morning talking to their maid, only they never say what it was we answered.

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 160

THE NEW YORK TIMES JANUARY 18, 1957

A DYNAMITE BOMB FOUND IN ALABAMA

DEVICE HIDDEN UNDER BRIDGE
LIKE ONE LEFT ON LAWN OF
MONTGOMERY MINISTER

By Phillip Benjamin
Special to The New York Times

MONTGOMERY, Ala., Jan. 17—The police revealed tonight that an unexploded dynamite bomb had been found here last Sunday.

The bomb, consisting of three sticks of dynamite wrapped in tape and encased in a brown paper bag, was found under a bridge on North Court Street by three boys. Blasting caps and fuses were fixed to the dynamite. The police said it appeared that the bomb had been abandoned.

Police Chief G. J. Ruppenthal and Detective Capt. E. P. Brown said there was "some similarity" between the bomb found Sunday and an unexploded bomb discovered on the front lawn of the Rev. Robert Graetz, a white minister who opposes segregation. The latter bomb consisted of eleven sticks of dynamite set in an aluminum frame. It was found during a series of explosions a week ago.

[fol. 946] Suspects Released

Chief Ruppenthal and Capt. Brown said the police had questioned a number of suspects, both white and Negro, about the bombings, but that all had been released.

Captain Brown said he had gone to Birmingham last

1540

Tuesday with two other investigators to try to trace the origin of the dynamite. Other detectives, he said, went to various areas in Alabama. All that was discovered, he said, was that the dynamite was of a type used exclusively in south Alabama.

Captain Brown said W. L. Allen, a state investigator, had given him the names of two white men "well known in Birmingham as trouble makers." One of the men, he added, was suspected of being a member of the Ku Klux Klan.

However, there was nothing to indicate that the man had been in Montgomery at the time of the bombings and they were not arrested, he said.

Bus Run During Day

Meantime, buses continued operating during the daylight hours only, with police cars accompanying them on their final runs at 5 P. M.

In another development, the Alabama Court of Appeals took under advisement today a plea by the Rev. Martin Luther King, Jr. to void his conviction last March for leading the year-long boycott of city buses.

Mr. King and eighty-nine other Negroes were indicted on the boycott charges, but only he was brought to trial. He was fined \$500 and court costs.

(One Photograph Attached to Original.)

[fol. 947]

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 161

THE NEW YORK TIMES JANUARY 1, 1957

A SNIPER FIRES ON 4TH ALABAMA BUS

4 UNHURT AS BULLET STRIKES VEHICLE
IN MONTGOMERY INTEGRATION DISPUTE

By Clarence Dean
Special to The New York Times

MONTGOMERY, Ala., Dec. 31—A Montgomery City Lines bus was fired on early today. The incident was the fourth since segregated seating was eliminated ten days ago under a Federal court order.

As a result of the shooting, Police Commissioner Clyde Sellers announced tonight that twenty more patrolmen would be sought Wednesday morning. Commissioner Sellers said that funds for adding these men to the force of 155 would be found even though they are not in the budget.

In today's shooting, at 6:20 A.M., neither the driver nor the three white persons aboard the bus were injured. A bullet, believed to be of .35 calibre, struck just below the driver's seat.

The driver was W. H. Fullilove. His bus was fired on last Friday at 6:35 P.M. Today's shooting occurred in approximately the same neighborhood.

On Friday, Mrs. Rosa Jordan, a 22-year-old Negro laundry worker, was shot in both legs. She is in a hospital now.

Night Service Suspended

Mr. Fullilove told the police today that he had seen a gun flash as he approached an oncoming car.

The City Commission on Saturday suspended bus operating in Montgomery daily after 5 p. m. through tomorrow. A meeting to determine further action will be held Wednesday morning.

1542

No change, however, was made in the 5 A.M. starting hour. On New Year's Day tomorrow, bus lines will be operated only to Maxwell and Gunter Air Force Bases.

After a boycott of more than a year, Negroes returned to [fol. 948] buses with the Federal court order ending segregation. The boycott had been led by the Montgomery Improvement Association and the Rev. Dr. Martin Luther King.

Two buses were fired on last Wednesday. One was empty except for the driver. Another carried four Negro passengers, all in the rear of the bus. No one was injured.

On Friday when Mrs. Jordan was shot, Mr. Fullilove drove his bus to police headquarters and then resumed his run. As he passed the place where the shooting had occurred, the bus was struck again, by a bullet or some other object.

BLAST AT NEGROES' HOME

Special to The New York Times

BIRMINGHAM, Ala., Dec. 31—A dynamite explosion here today damaged the home of a Negro, who less than a month ago had moved into a white neighborhood. Eight days ago a cross was burned in his yard.

The police said the blast had caused heavy damage to the home of Otis Flowers and slightly injured his 12-year-old son, Arthur Lee, who was cut on the hand by flying glass. His wife, and another son were not injured. Mr. Flowers was not at home at the time.

The bomb was described by the police as having been made of a bundle of at least four and possibly six sticks of dynamite. It went off at about 9 P.M.

Mr. Flowers, a 35-year-old industrial worker, purchased the five-room structure in Birmingham's east side on Dec. 3. He and his family are the only Negro residents of the block, although Negroes live on near-by streets.

Six Held in Birmingham

BIRMINGHAM, Ala., Dec. 31 (AP)—Six Negro boys were charged today with shooting at a trolley bus with air rifle pellets last night.

Police Commissioner Robert E. Lindbergh said he was convinced that the incident had nothing to do with Negro efforts to end bus segregation here.

[fol. 949]

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 162

THE NEW YORK TIMES

SATURDAY, JANUARY 12, 1957

VIOLENCE STOPS IN MONTGOMERY

CITY QUIET 2d DAY AFTER HALT OF INTEGRATED
BUS RUNS—N.A.A.C.P. IN APPEAL

By Philip Benjamin
Special to The New York Times

MONTGOMERY, Ala., Jan. 11—White residents of Montgomery are involuntarily experiencing what the Negroes of Montgomery went through voluntarily for a year.

For the second day in a row no city buses operated here. Whites having business in town took taxis, organized car pools or walked. So did the Negroes. But they were used to it after their year-old bus boycott. The boycott ended last Dec. 21 following an order by the Supreme Court to end segregation on the Montgomery City Lines.

The Montgomery bus company shut down yesterday after early morning bomb attacks on four Negro churches, the home of a Negro minister and the home of a white anti-segregation minister with an all-Negro congregation. The City Commission ordered the shutdown.

Montgomery, a town of 75,000 whites and 50,000 Negroes, was a peaceful-appearing town today. But merchants along the town's main shopping streets were far from content. The consensus was that many potential shoppers

1544

were staying home as a result of the lack of public transportation.

Meanwhile, the possibility of a new all-white private bus system for Montgomery was raised.

It was reported that two city attorneys and a state representative had met with Federal Judge Frank M. Johnson, Jr. to learn whether such a system might be set up without violating a Federal injunction against segregation on the existing lines.

Today the Montgomery Advertiser carried an editorial calling for the resumption of bus travel even "if they run [fol. 950] empty." It urged that special police details be assigned to the buses.

"The issue now is no longer segregation," the editorial said. "The issue now is whether it is safe to live in Montgomery, Ala."

N.A.A.C.P. IN APPEAL

The National Association for the Advancement of Colored People called on President Eisenhower yesterday to issue a personal rebuke to those who bombed four Negro churches in Montgomery.

KLAN LEADER ADAMANT

Birmingham, Ala., Jan. 11 (AP)—A Ku Klux Klan leader last night said the organization would "not give another inch or another concession" in its fight to maintain segregation in the South.

The statement was made by the Rev. Alvin Horn of Talladega, Ala., to about 235 robed men, women and children.

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 163

THE NEW YORK TIMES
FRIDAY, DECEMBER 28, 1956
BIRMINGHAM DEFIANCE ENDS

By Clarence Dean
Special to The New York Times

BIRMINGHAM, Ala., Dec. 27—Negro leaders called off tonight, pending a court test, their open defiance of a city ordinance requiring segregated seating in public buses.

The Rev. F. L. Shuttlesworth, president of the Alabama Christian Movement for Human Rights, emerged at 7 P.M. from a two-hour meeting of the executive board and announced:

"Since the issue is properly one for the courts, we now believe that all purposes can be settled in the courts.

[fol. 951] "It is not necessary for our citizens to ride unsegregated buses further at this time."

The effort actually had been suspended prior to the statement. Comparative quiet had returned to this industrial city of 330,000, where the Negroes' organized challenge of the ordinance has caused the bombing of one house and the arrest of twenty-two persons.

In contrast to yesterday, when at least forty Negroes took seats in the forward part of buses—reserved under the City Code for whites—only a handful did so today. There were no incidents, and up to 7 P.M., there had been only one arrest in addition to the twenty-one yesterday.

Mr. Shuttlesworth said that yesterday's demonstration had served its purpose and little was to be gained now by further mass action.

Two actions had been achieved, he said. "We showed we had the courage to do it," and a vehicle had been provided for getting the issue before the United States District Court.

The test here followed a Federal Court order that went into effect in Montgomery, Ala., last Friday. A similar city ordinance there was declared void.

1546

The persons arrested here were freed under \$100 bonds, furnished by a near-by bail bond concern, for trial before Recorder Ralph E. Parker Jan. 3.

SHOTS HIT 2 BUSES

MONTGOMERY, Ala., Dec. 2 (AP)—Unidentified gunners fired on two city buses last night but no one was injured.

One of the newly integrated buses was peppered by a load of birdshot at close range. The tiny pellets hit the metal part of a window and did not penetrate the glass.

Nine .22 caliber bullets were pumped through windows of the other bus, which was empty except for the driver.

Four Negroes were riding the bus that was struck by the shotgun blast. They refused to give their names to the [fol. 952] bus driver and left the scene before investigating officers arrived.

A City Commissioner, Frank Parks, observed that if such acts continued and someone was killed or hurt he would vote to suspend the city transit service.

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 164

THE NEW YORK TIMES

WEDNESDAY, JANUARY 14, 1959

(ONE PHOTOGRAPH ATTACHED TO ORIGINAL.)

ALABAMA JURORS OFFER VOTE FILES

CIVIL RIGHTS UNIT REVIEWS BARBOUR COUNTY
DATA, BUT STUDIES BULLOCK'S TERMS

By Claude Sitton
Special to The New York Times

CLAYTON, Ala., Jan. 13—The grand juries of Barbour and Bullock Counties invited the Civil Rights Commission today to examine voter registration records turned over to them by State Circuit Judge George C. Wallace.

[fol. 953] Four of the agency's representatives immedi-

ately began a review of the Barbour County files in the courthouse here.

However, a commission spokesman declined to say whether the Bullock invitation would be accepted. The strong wording it used in pointing out that access to the files was a privilege granted by the jury and not a right was seen as possible ground for rejection.

The development came as a surprise in the month-long controversy over the commission's investigation into complaints from would-be Negro voters. It marked a reversal in the pattern of outright defiance set by Judge Wallace.

Judge Bars Inspection

The judge refused to allow inspection of the documents while they were in his custody despite a Federal District Court order issued by Judge Frank M. Johnson, Jr. last Friday in Montgomery.

Judge Johnson is expected to decide tomorrow whether to hold the state judge in contempt and possibly sentence him to jail. He had set a hearing for 9:30 A.M. to receive a report from a Justice Department attorney representing the commission as to whether the records were made available.

The latest instance of defiance by Judge Wallace came this morning in near-by Union Springs when he again refused to turn over the Bullock County files to commission investigators. Instead, he placed them in the hands of a hastily called grand jury.

As he told the jurors yesterday, he fully realized that he might be penalized severely for his refusal to obey the court's order.

Ignored the Subpoena

"I ignored the subpoena," he said in reference to a commission summons directing him to bring the records to the agency's first hearing in Montgomery last Dec. 8. He also pointed out that he had not complied with subsequent attempts to obtain the files. He said:

"I made a statement that I would turn the records over to you (the grand jury), and I'm doing what I told you

[fol. 954] I would do. I'm willing to take whatever consequences result from that action."

Meanwhile, the jury here was called back into extraordinary session this morning. It then issued a report in which it offered to permit the commission to see the Barbour County files in the presence of Sam A. LeMaistre, a court official.

The jury's report, directed to Judge Wallace, praised the stand taken by him in the controversy and "the manner in which you handled these records in an attempt to keep them inviolate and to maintain the integrity of your court."

The commission investigators arrived at the courthouse from Union Springs shortly before noon and began their check of the records about 1 P.M.

At 4 P.M., the Bullock County grand jury recessed and issued its invitation to the commission by telephone. The foreman, Roy C. Holmes, said that A. H. Rosenfeld, director of the commission's division of complaints, information and surveys, had told him that he would give him an answer later.

As in the case of Barbour County, the Bullock jurors noted that the records had been impounded by Judge Wallace for an investigation into alleged fraudulent attempts to register. They also said they did not feel that their investigation would be hampered if the commission examined the files in the presence of the foreman and Richard B. Stone, circuit solicitor.

However, the Bullock grand jury added,

"Since these records are in our custody we say to the commission: "These records may be used by you by reason of our permission rather than your right. You may see them only under the rules set by us."

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 165

THE NEW YORK TIMES

WEDNESDAY, APRIL 13, 1960

RACE ISSUE SHAKES ALABAMA STRUCTURE

By Harrison E. Salisbury
Special to The New York Times

[fol. 955]

BIRMINGHAM, Ala., April 9—Under the corrosive impact of the segregation issue, Alabama's political and social structure appears to be developing symptoms of disintegration.

The lines between legality and extra-legality are becoming blurred. The police force is not the only power frequently utilized to terrorize the citizenry, both white and Negro. The distinction between exercise of state power and mob power is being eroded.

In this crisis demands are raised more and more frequently for the conventional apparatus of the state—the educational system, the political machinery and governmental organs—to be dissolved, deliberately paralyzed or distorted beyond recognition.

Such proposals began with demands for the dissolution of the state educational system. Legislation to achieve this has been approved but not implemented.

But proposals have spread to the core of the state political apparatus itself. There is rising talk of dissolving county governments rather than permitting Negroes to play even a token role in them. There are proposals to substitute a convention system for the State Legislature rather than let Negroes sit in the same body with white men.

The integrity of the electoral system is being undermined by schemes under which electors named on the Democratic ticket would pledge themselves to work against the election of the Democratic candidate.

In this kind of political atmosphere there is little or no barrier to the growth and influence of organizations and movements dedicated to hate, intolerance and terror.

1550

Since early March, when a Negro church demonstration nearly precipitated a blood bath on the steps of the Capitol at Montgomery, there has been a rapid spread through Alabama of a new extra-legal device, volunteer organizations of mounted deputies.

The volunteer horse patrols have appeared in five counties—Shelby, adjacent to Birmingham, and four so-called Black Belt counties. The Black Belt counties are a bank of central Alabama counties so-called for their fertile black [fol. 956] soil. They were the heart of the old cotton-slave-plantation economy and their legacy is the state's highest concentration of Negro population.

500 Sworn In

In one small Black Belt county seat, Selma, more than 500 special deputies have been sworn in. They provide their own horses and guns. The Sheriff gives them badges. They are the rough equivalent of vigilantes of the Wild West vigilantes of the Wild West. One Alabaman who has watched the development closely expressed concern that the posses might assume the character of legalized night riders.

"In many of the areas where the mounted units have been formed," this man said, "the only persons with horses and riding experience are the plantation men, many of them already members of night-riding organizations. This gives legal license to their activities."

Another observer, however, suggested that deputization of the riders might put them under some measure of control since violations of civil rights by law enforcement officers were subject to inquiry by the Federal Bureau of Investigation.

Ku Klux Klan groups, always an influence in Alabama, flourish in the present atmosphere. The burning of crosses as an intimidation or threat occurs daily in one locality or another.

There is little secrecy about membership. A Birmingham suburbanite readily points out that Klan members who live in his block, their meeting place is well known in the community. Klan members have called openly on

Gov. John Patterson in the Governor's mansion in Montgomery.

According to a reliable source, there are four principal Klan groups operating in the state. One, the "U. S. Knights of the KKK," is an organization with headquarters in Atlanta. Its Alabama branch is headed by Robert Shelton of Tuscaloosa. The "Dixie KKK," concentrated mostly in northeastern Alabama, is headed by Kenneth Adams of Oxford, Ala. The "Original KKK of the Confederacy," a newly organized outfit, leader unknown, functions largely in Montgomery and Birmingham, and the "Gulf KKK" has headquarters in Mobile.

[fol. 957]

A Familiar Sight

Alabama has a law against the wearing of masks. However, the sight of the hooded, night-shirted klansman, often wearing a mask, is becoming familiar in Alabama and to its citizens.

While Klan terror is directed principally against Negroes and against whites thought to have some sympathy with Negro aspirations it also carries strong anti-Semitic undertones. Sometimes there are overtones.

In the opinion of a highly competent Jewish observer who has lived in the South most of his life, the Jew, rather than the Negro, is the most hated target of the extremist wing of the segregationist movement.

After 16-year-old Jerry Hunt tossed a fire bomb at a synagogue two weeks ago at Gadsden, Ala., and then opened up with a rifle on the congregation, a large number of crosses were burned in adjacent Calhoun County.

The Fayette County Times commented:

"Such a display is indicative of the belief that some people thought the youngster was right and it might be considered a 'warning' to those who would prosecute."

The Birmingham Jewish community was disturbed to read in a local newspaper sympathetic articles about the youth, describing him as a "clean-cut, crew-cut blond" youngster, devoted to his parents and his stamp collection.

Although evidence indicated the youngster had associates, none was apprehended. Last week he was admitted

to bond and released. The presiding judge said he saw no reason to call a special grand jury in the case, which has been put over to July. There is skepticism in some quarters that the youngster will ever stand trial.

An open and active link between anti-Negro racism and anti-Jewish prejudice is provided by such men as retired Admiral John C. Crommelin, self-styled "white man's candidate" for public office. He calls Jews the real enemy of "white Christian Alabamians," asserting that they control the National Association for the Advancement of Colored People.

[fol. 958] Viewpoint Deplored

The Crommelin viewpoint is deplored even by many violent segregationists. But it seems to have wider acceptance than many Alabamans will publicly admit.

A policeman investigating the attempted dynamiting of a Birmingham synagogue was asked if he did not think it a terrible. "It is bad all right," he replied. "But you have to admit that you Jews brought it on yourselves by encouraging the Negroes to integrate."

John Temple Graves, editorial columnist for The Birmingham Post-Herald, last week expressed probably a more widespread Alabama viewpoint on anti-Semitism. He wrote:

"Even if it made sense or were civilized or Christian or American anti-Semitism is simply too big and ugly a load for Southerners to carry with their already big and ugly Negro problem."

Birmingham's loud-voiced Police Commissioner, Eugene Connor, insists that he is just as opposed to anti-Semitic activities as he is to the Negro rights movement. His men apprehended two young men with an old-fashioned hearse in which dynamite and anti-Semitic literature were found. They had parked beside a synagogue and told a Negro watchman they were going to blow the place up.

But the young men did not go to prison. They were freed on their own cognizance by the judge when the witness did not appear. Neither the witness nor the rabbi of the synagogue had been told the case was coming up.

It does not seem likely the state structure in Alabama

will actually disintegrate under the pressure of the situation. But the disintegrative pressures are severe and increasing.

If the Federal registrar plan actually enables Alabama Negroes to vote in large numbers many Black Belt citizens are ready and willing to pull the whole state apparatus apart to thwart them.

Macon County in the heart of the Black Belt, with 84 per cent of its population Negro, has already obtained legislative permission to dissolve. It proposes to split itself among neighboring counties in order to prevent Negroes from winning control of it. The neighboring counties are not pleased at the prospect.

[fol. 959] Gigantic Gerrymander

However, it is not inconceivable that the whole county structure of the state might be modified in a gigantic gerrymander, or redivision of boundaries, to create stable white majorities in each county unit.

In the state as a whole the white population in this year's census is expected to be about 70 per cent, an enormous rise from the 54.7 per cent white population of 1900. But whites are greatly outnumbered in the Black Belt counties. In many of them, such as Greene County (83 per cent Negro) and Wilcox (70 per cent Negro) no Negroes now vote.

Even if Alabama had the political will to achieve positive solution of its problems it would be badly handicapped by existing disfranchisement, which affects whites almost as severely as Negroes.

The state has not been legislatively reapportioned since 1901. In the interim there have been enormous population changes—the growth of the 600,000 metropolitan community of Birmingham, the enormous population increase in the Tennessee Valley, the rise of Mobile and Gulf Coast industry and the exodus of both whites and blacks, particularly from the Black Belt counties.

In recent years Alabama has been lagging behind the population parade, barely holding even and failing to maintain the rate of increase of more politically livable and economically attractive regions.

This has produced extreme disparities in political power. The Black Belt areas with the smallest white vote have the greatest relative political weight. North Alabama and the metropolitan areas are almost as badly under-represented as the Negroes.

Jefferson County (Birmingham), with 600,000 population has seven members of the state House of Representatives out of 106 for the state's total population of 3,000,000. Mobile and Montgomery, with 500,000 population, have only three representatives each.

Even so, the Black Belt counties would not be able to maintain their stranglehold on state government and their [fol. 960] retrograde influence on state policy were it not for a powerful ally, the big industry of Birmingham. The biggest of Birmingham's so-called "big mules" is United States Steel, whose subsidiary Tennessee Coal and Iron, dominates the city economically and, to a considerable extent, politically.

The "big mules" and the Black Belt cooperate and, together, usually run the state. The long years of big-company dominance have stultified Birmingham's political development. The relationship between company and city is suggested by the local nickname for T.C.I.'s modernistic new headquarters building situated on a commanding ridge overlooking the great Fairfield steel works. It is called "Fort Weible" after Arthur Weible, the chief executive of T.C.I.

"So long as the alliance between the big mules and the Black Belt can be maintained," A Birmingham political observer said, "there isn't much chance for any change in the climate of Alabama politics."

But changes may be in the making. Alabama will lose at least one Congressman in the redistricting that will follow this year's census. Governor Patterson is threatening to use this as a whip to reapportion the Legislature. He has said he might allow the state to elect Congressmen at large, giving them all to northern Alabama because of the population concentration, unless the legislators agree to reapportionment.

This might set in progress positive political forces. Northern Alabama is far more liberal and progressive

than the ultra-reactionary Black Belt. Or if the Alabama Negro actually got the vote (only 70,000 now vote) this could set in motion forces of change.

Whether either of these events could evolve quickly enough to spare Alabama the consequences of spiraling erosion of state power structure may be open to question. "Things will get better some day," a philosophical Alabamian said. "But first, I'm afraid they will get a lot worse."

[fol. 961]

E L E C T

JOHN G. CROMMELIN

"The Whiteman's Candidate"

to the

UNITED STATES SENATE

As your senator I will ATTACK and EXPOSE the Anti-Defamation League of B'nai B'rith (ADL), the malarial mosquito of integration and real hidden enemy of White Christian Alabamians. THIS MUST BE DONE.

The ADL (all jew) is the mosquito; the NAACP (jew controlled negro) is the germ.

**YOUR VOTE AND INFLUENCE WILL
BE APPRECIATED**

Subject to Democratic Primaries May 3 and 31, 1960

(Box 441, Wetumpka, Ala. (Pd. Pol. Adv. by John G. Crommelin)

ACTIVE LINK IN RACISM: Anti-Negro and anti-Jewish prejudice in poster is provided by John G. Crommelin, the "white man's candidate" in Birmingham, Ala. Viewpoint is deplored by many violent segregationists.

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 166

THE NEW YORK TIMES APRIL 12, 1960

FEAR AND HATRED GRIP BIRMINGHAM
RACIAL TENSION SMOLDERING AFTER
BELATED SITDOWNSBy Harrison E. Salisbury
Special to The New York Times

BIRMINGHAM, Ala., April 8—From Red Mountain, where a cast-iron Vulcan looks down 500 feet to the sprawling city, Birmingham seems veiled in the poisonous fumes of distant battles.

On a fine April day, however, it is only a haze of acid fog belched from the stacks of the Tennessee Iron and Coal [fol. 962] Company's Fairfield and Ensley works that lies over the city.

But more than a few citizens, both white and Negro, harbor growing fear that the hour will strike when the smoke of civil strife will mingle with that of the hearths and forges.

It is not accidental that the Negro sit-in movement protesting lunch-counter segregation has only lightly touched brooding Birmingham. But even those light touches have sent convulsive tremors through the delicately balanced power structure of the community.

The reaction has been new manifestations of fear, force and terror punctuated by striking acts of courage.

No New Yorker can readily measure the climate of Birmingham today.

Whites and blacks still walk the same streets. But the streets, the water supply and the sewer system are about the only public facilities they share. Ball parks and taxicabs are segregated. So are libraries. A book featuring black rabbits and white rabbits was banned. A drive is on to forbid "Negro music" on "white" radio stations.

Every channel of communication, every medium of mutual interest, every reasoned approach, every inch of middle

ground has been fragmented by the emotional dynamite of racism, reinforced by the whip, the razor, the gun, the bomb, the torch, the club, the knife, the mob, the police and many branches of the state's apparatus.

In Birmingham neither blacks nor whites talk freely. A pastor carefully closes the door before he speaks. A Negro keeps an eye on the sidewalk outside his house. A lawyer talks in the language of conspiracy.

Telephones are tapped, or there is fear of tapping. Mail has been intercepted and opened. Sometimes it does not reach its destination. The eavesdropper, the informer, the spy have become a fact of life.

Volunteer watchmen stand guard twenty-four hours a day over some Negro churches. Jewish synagogues have floodlights for the night and caretakers. Dynamite attempts have been made against the two principal Jewish [fol. 963] temples in the last eighteen months. In eleven years there have been twenty-two reported bombings of Negro churches and homes. A number were never reported officially.

Community of Fear

Birmingham's whites and blacks share a community of fear. Some Negroes have nicknamed Birmingham the Johannesburg of America.

"The difference between Johannesburg and Birmingham," said a Negro who came South recently from the Middle West, "is that here they have not yet opened fire with the tanks and big guns."

"I have lived in Alabama all my life," said a newspaperman. "Birmingham is going to blow one of these days. And when that happens that's one story I don't want to be around to cover."

"Remember," a businessman said, "Birmingham is no place for irresponsible reporting. Be careful of what you say and who you mention. Lives are at stake."

"I'm ashamed to have to talk to you off the record," said an educator. "It is not for myself. But these are not ordinary times. The dangers are very real and people up North must realize that."

"Excuse me," an educated Negro woman said. "But I

just don't understand the white people around here. They seem to act so crazy. It doesn't make any sense. Don't they know there is a limit to what people will stand?"

"If you sow hate, you reap hate," said a Negro pastor.

The Birmingham of another era, that of the happy-go-lucky, ignorant Negro, the serio-comic dramas of Eighteenth Street (the Harlem of Birmingham), and the setting of Octavius Roy Cohen and his Florian Slappey stories, has vanished. Gone with it is Birmingham's fabulous Judge Abernathy, who let Negro prisoners determine the length of their stay in the Birmingham jail with a roll of the dice.

Quiet in Early Phases

When the Negro student sit-in movement reached Birmingham ten days ago it set in motion a sequence of events almost reflexive in character.

[fol. 964] Birmingham has been quiet during the early phases of the student protests. Two months ago a dozen Negro students went to a public park and began a brief "prayer for freedom." It was curtailed when the police arrested the students on a charge of public disorder.

Then on Thursday, April 2, ten Negro students went two by two into five downtown Birmingham stores. They made small purchases and sat at the lunch counters. All were arrested immediately on charges of trespassing. They were held eighteen hours before being able to make bond.

The next seventy-two hours were busy ones for the Birmingham police. They arrested three Negro ministers, the Rev. F. L. Shuttlesworth, the Rev. Charles Billups and the Rev. C. Herbert Oliver. Mr. Shuttlesworth was arrested twice on successive days.

Each of those arrested was charged with "vagrancy." In addition, Mr. Reeves and Mr. Oliver, who was hauled barefooted and in his bathrobe from his home, were charged with "intimidating a witness."

By Birmingham custom, persons charged with vagrancy are not admitted to bail. They are held incomunicado for three days. In actual practice, such a prisoner is sometimes permitted to make one telephone call. But not always. A person arrested on a vagrancy warrant simply disappears

for three days. His friends and family may not know what has happened to him.

A Favorite Technique

This is a favorite technique of Birmingham's Police Commissioner, Eugene Connor. Mr. Connor is a former sports broadcaster known as "Bull" because of the timbre of his voice. He served as Birmingham Police Commissioner for sixteen years in the late Nineteen Thirties and Nineteen Forties. His administration was a stormy one.

He went into eclipse for several years but made a comeback in 1958, running on a platform of race hate.

"Bull is the law in Birmingham, like it or not," a business man said.

Mr. Connor is the author of many widely quoted aphorisms. He once said:

[fol. 965] "Damn the law—down here we make our own law."

On another occasion he declared:

"White and Negro are not to segregate together."

"Only legitimate hold-ups will be investigated," he announced after evidence had been uncovered that some Birmingham robberies were inside jobs.

Mr. Shuttlesworth has been a frequent target of Mr. Connor's men. He has three cases on appeal. His church has been bombed twice. In one bombing his home was destroyed. Both he and his wife were injured and a white pastor was badly manhandled by a Birmingham mob when the three of them sought to use the white waiting room of the local bus depot.

A test of the forces symbolized by Mr. Connor is now in the making—a product of the seismic Birmingham reaction to the Negro student sit-ins.

It centers on young Reeves. He is a slight youngster weighing about 137 pounds and standing five feet eight inches. He wears horn-rimmed glasses, suffers from asthma and is noticeably shy and diffident.

Centers on Student

He has been charged by the police with "intimidating a witness." The witness presumably was one of the ten Negro students arrested for sit-ins.

1560

The parents of young Reeves have received threats of death. The youth has been restricted to the campus of Birmingham Southern, technically on administrative probation. Actually, the step is for his physical protection.

A cross was burned on the Birmingham-Southern campus, possibly because of Reeves case, possibly because ninety-seven Birmingham Southern students had signed a petition to Gov. Patterson protesting his action in forcing Alabama College to expel Negro sit-in demonstrators. The petition did not protest segregation. It protested political interference with the academic process.

Dr. Henry King Stanford, president of Birmingham [fol. 966] Southern, has been subjected to extraordinary pressures. But he has not buckled under. He supported the right of his students to send their petition to Governor Patterson on the ground of academic freedom. When he was confronted with threats and demands that young Reeves be expelled he again stood his ground. He declined to pre-judge the case.

The Price of Courage

In Birmingham this kind of courage does not come cheaply. Dr. Stanford has been told that the college's position in the Reeves case will cost it a minimum of \$1,500,000. This is the amount that the college had hoped to raise in a drive for badly needed building funds this year.

But as one Birmingham citizen said, "You weigh the situation. You take the counsels of caution. You listen to the voices which say don't rock the boat. But finally the time comes when a man has to stand up and be counted."

If fear and terror are common in the streets of Birmingham, the atmosphere in Bessemer, the adjacent steel suburb, is even worse.

On the night the Birmingham police arrested Mr. Shuttlesworth a band of floggers went to work in Bessemer.

The victim was a white woman, Barbara Espy, 19 years old, a former WAC. She was seized by four or five men, dragged into a car, beaten until she signed a confession that she had been "dating" Negroes.

She has since sworn out warrants charging that she was

abducted and beaten by a sheriff's deputy, an alderman and three other persons.

The sheriff repeatedly refused to entertain charges against his deputy. The Federal Bureau of Investigation has been asked to look into the case for possible violation of civil rights.

One of the students who participated in the "prayer for freedom" lived in Bessemer. An evening or two later seven carloads of hooded men roared into the street where the youngster lives with his mother and sister.

Armed with iron pipes, clubs and leather blackjack into which razor blades were sunk the men attacked the boy and [fol. 967] his mother and sister. The mother and sister protected the boy with their bodies. The men broke a leg of the mother, smashed open her scalp and crushed her hands.

Forty-five minutes after the alarm had been given, the police arrived, but the band had fled. The next day two deputies visited the mother in the hospital. She recoiled in horror. They were two of those who had beaten her, she said. No charges were lodged.

"She is afraid to say anything," a man familiar with the case declared.

A year ago a Negro girl and a white girl, both elementary pupils, quarreled on the way to school. A white man emerged from a nearby house with a bull whip and flogged the Negro girl. The police failed to respond to a call from the Negro school principal.

For weeks Negro children had to go to school an hour early and were held in school an hour late so they would not come into contact with white children.

The list of beatings, intimidations and violence could be continued almost indefinitely.

But not everything goes according to plan.

At the height of the last week's tension the Harvard debating team came to town. It met in an open and publicly announced contest with the debate squad of Miles College, a Birmingham Negro school.

Whites and blacks talked from the same platform. Whites sat with blacks in the audience in violation of one of Birmingham's most cherished ordinances. No policemen ap-

1562

peared. It could not have been more normal or peaceful had the contest been held in Cambridge, Mass.

[fol. 968]

(Three photographs attached to original.)

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 167

THE NEW YORK TIMES SUNDAY, APRIL 3, 1960

CLERGY EXHORTED TO HELP NEGROES

A CONGREGATIONAL LEADER TELLS
SOUTHERN GROUP TO ENCOURAGE PROTEST

By Harrison E. Salisbury
Special to The New York Times

ANDALUSIA, Ala., April 2—In the heart of Alabama's segregationist belt, Southern Congressional clergymen heard an appeal today to join ranks with Negro students to fight against segregation and discrimination.

The appeal to the Southern clergy was made by the Rev. Dr. Truman B. Douglass, executive vice president of the Board of Home Missions of the Congregational Christian Churches in New York. He spoke before the Southern Convention of Christian Congregational Churches, representing about 200 all-white churches in Alabama, Georgia, South Carolina, Tennessee and Kentucky.

Dr. Douglass made one of the sharpest attacks on the traditional Southern segregationist attitude heard by a [fol. 969] Southern religious body in recent years.

'Alliances with Rebels'

"A church that is alert to its task will frequently find itself making alliances with the rebels, the insurgents, the non-conformists in our society," Dr. Douglass said. "The world cannot survive a perpetuation of interracial injustice and an intensification of interracial strife."

He delivered his remarks in the plain red-brick First Congregational Church of this South Alabama city of 10,000 population.

It was filled with about 200 Congregational ministers and some laymen from Southern Congregational churches.

"The church ought to be on their side (that of the student demonstrators). It ought to support and encourage their rebellion.

"When I consent to the restricting of another person's right to declare his convictions—for example on the pretense that this may be an incitement to riot—I am relinquishing my own right to live by the instruction of my conscience and to be obedient to what I may be able to discern of the will of God."

The Congregationalist Church in the North has played a leading role in the struggle for a reduction of racial tensions. However, in the Southern states the church is segregated. And Alabama, where the convention was held, is in the forefront of the South's drive to maintain segregation of white and Negro races.

However, Dr. Douglass called on his colleagues to support "orderly protest against injustice and discrimination."

Basic Liberty Cited

The right to protest by word and deed against established authority is one of the most basic of our liberties, he said. "Its maintenance is especially precious to the church."

"The church has a basic identity of interest with the non-conformist," he said, "and to fail to support orderly protest is to deny its own prophetic heritage."

He called on Christians to "renew and deepen" their commitment to liberty, which he said was an essential portion of [fol. 970] standing and the Christian creed.

And he urged members of the church to attempt to recover what he called "a true understanding of the nature of the church itself."

"One of the first things to be said," Dr. Douglass declared, "is that in the church I do not choose my brother. In the church my brother is given to me. This brother may be an offensively pious deacon who is a thundering bore. This brother may be a meddlesome president of the ladies'

1564

aid who has a compulsion to manage all sorts of things that are not her business. My brother may be a member of another race toward whom I have a long-standing emotional antipathy."

Dr. Douglass said the church called upon its believers to love "the persons whom they may not like."

He did not limit himself to a discussion of the racial issue in the South. He also attacked the Air Force for the attitude displayed in the issuance of manuals attacking the National Council of Churches and other Protestant groups.

'Cause for Alarm'

Dr. Douglass said it was "a cause for extreme alarm that our country's defenses are in the hands of persons who cannot distinguish between the nation's friends and its enemies."

He continued:

"One also wonders whether the intelligence reports on which the Air Force relies for an appraisal of our military situation are as untrustworthy as the alleged information on which it based its statements about the churches and about church leaders.

"This information was drawn almost entirely from the writings of disgruntled and discredited persons who have attacked responsible church groups and church leaders for having any opinions at all on questions of national policy."

Dr. Douglass said that "in the periods of greatest vitality the church has always been a critical force, an insurgent and even subversive force."

"If the church is to perform this creative redemptive role," he said, "it needs to realize that it has implicit comrades and allies outside itself. A church that is alert to its [fol. 971] task will frequently find itself making alliances with the rebels, the insurgents, the non-conformists in our society.

"We will understand for example, the significance of the involvement of students in all parts of the country in the sit-down protests against lunch-counter segregation. These are rebels against the established order. They want to change it in the name of human decency.

"The church ought to be on their side. It ought to support and encourage their rebellion."

No Sign of Antagonism

The audience received Dr. Douglass' remarks with close attention. There was no visible sign of antagonism. The church was quiet with an almost breathless hush as he spoke on the touchy question of integration.

After the address, questioning of members of the audience produced a variety of responses. One layman from a small Southern Alabama town said, "We have no trouble here with our 'niggers'. It is only those outside agitators who try to stir things up."

However, most of the pastors said the remarks of Dr. Douglass had given them food for thought and were stimulating."

(One Photograph Attached to Original.)

[fol. 972]

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 168

THE NEW YORK TIMES

MONDAY, MARCH 7, 1960

NEGROES DISPERSED IN ALABAMA MARCH;
ATTACKED BY WHITES

By Claude Sitton
Special to The New York Times

MONTGOMERY, Ala., March 6—A riot was narrowly averted today as Negroes sought to march to the State Capitol here for a demonstration.

Patrolmen blocked the Negroes' path as the column crossed the street from a church a block from the site of the planned anti-segregation prayer meeting on the Capitol steps.

As the police pushed the Negroes back to the church steps, a jeering mob of whites charged the marchers. Several blows were struck.

The police separated the two groups, and mounted deputies and fire trucks moved in to prevent further violence.

The Negroes who numbered about 800, left the church in small groups for their homes after a crowd of 5,000 whites had been dispersed. A newspaper photographer was picked up by the police, but later released on bond. There were no other arrests at the scene.

Tension High in City

Racial tension ran high tonight in this city, the first capital of the Confederacy. Strengthened law-enforcement units patrolled the streets.

The trouble stemmed from a demonstration against a segregated lunch counter ten days ago by students of Alabama State College, a Negro institution.

Nine of the thirty-five students involved in the original demonstration were ordered expelled by the State Board of Education the following day.

Negroes from churches here were requested last Friday to meet today at the Capitol for a prayer meeting. Police Commissioner L. B. Sullivan said yesterday that his [fol. 973] forces and those of the state and Montgomery County would disperse them if they attempted to hold the protest.

"Apparently it is the desire and purpose of the Negro troublemakers to further incite the tense situation that exists in Montgomery," he declared.

A crowd began gathering at noon in front of the Capitol. Some onlookers brought their wives and children. Others, in rough country dress, discussed loudly what they would do if the Negroes appeared.

As some passed a group of spectators on a corner, a white remarked loudly, "There's that nigger with the gold teeth."

A few minutes later a police captain wearing a black leather jacket and white crash helmet, shouted toward the church:

"Can't you tell the time? It's 2 o'clock. Somebody loan 'em a watch."

A crippled white man with a cane stood on the sidewalk in front of the church. As the Negroes passed, he shifted

the cane in an obvious attempt to trip them. After about ten minutes of this, the police told him to move on.

A few minutes after 2, two Negroes emerged from the church and took their places at the head of the line. They were the Rev. Ralph D. Abernathy, president of the Montgomery Improvement Association and the Rev. Robert E. DuBose, Jr.

The marchers paused briefly on the sidewalk until a traffic light had turned green, then moved across the street.

"Let them come! Let them come!" shouted a group of whites as the police moved in to shove the demonstrators back toward the church. Jeers went up from the crowd, and several persons rushed toward the Negroes.

The leaders stood firm, but some marchers bolted for the church steps. Several Negroes stumbled and fell. One or two were struck by the whites.

The police encircled the two ministers and moved back across the street with them to the church. Twenty mounted [fol. 974] Sheriff's deputies placed themselves between the white crowd and the church.

Two fire trucks roared up to the church. Firemen connected their hoses and pointed them toward the Negroes, now standing seeming in bewilderment on the church steps. The whites shouted, "Pour it on 'em."

The Negroes began chanting, "We are not afraid." Then they sang the anthem and the "Battle Hymn of the Republic."

The authorities forced the reluctant crowd to leave the vicinity and shortly afterward the Negroes began leaving the church to walk home.

(One Photograph Attached to Original.)

1568

[fol. 975]

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 169

THE NEW YORK TIMES

WEDNESDAY, MARCH 2, 1960

1,000 NEGROES JOIN MARCH IN ALABAMA

By Claude Sitton
Special to The New York Times

MONTGOMERY, Ala., March 1—A thousand Negro students prayed and sang the National Anthem today on the steps of the first capital of the Old Confederacy in a peaceful protest against segregation.

Neither the police nor white hoodlums, one of whom attacked a Negro woman with a miniature baseball bat last week-end, attempted to interfere.

High state officials watched from the entrance to the building, which now serves as Alabama's capitol, with an occasional muttered comment.

The likelihood remained that at least some of the demonstrators would be punished. Gov. John Patterson has strongly implied that their leaders should be expelled from Alabama State College, an all-Negro institution. He had called initially for the expulsion of all involved.

Today marked the one month anniversary of the passive resistance movement, which began with the lunch counter "sit-in" in Greensboro, N. C., and later spread over Virginia, Florida, South Carolina, Tennessee and Alabama.

Orderly March Urged

The students gathered at 8:45 A.M. on the Alabama State College campus. One of their leaders, Elroy Embry, warned that "if anyone thinks that they cannot be orderly they can help us better by staying here."

Then they set out on the march of more than a mile to the stately Colonial building on a hilltop overlooking downtown Montgomery. The students came silently by two's as white-helmeted motorcycle policemen roared ahead of the column or sat watchfully along the way.

[fol. 976] It was Mardi Gras day in Alabama and capitol offices were closed. The students lined up thirty-five abreast on the white marble steps at the front entrance just below the spot where Jefferson Davis took the oath of office as President of the Confederate States of America ninety-nine years ago.

At a word from one youth, they bowed their heads and said The Lord's Prayer in unison. Then the students sang "The Star Spangled Banner."

The students re-formed into a column of two's and marched back to the campus where they were dismissed by a leader. The demonstration had lasted for twenty-five minutes.

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 170

THE NEW YORK TIMES

TUESDAY, JANUARY 27, 1959

U.S. COURT CLEARS ALABAMA JUDGE
IN RIGHTS DISPUTE

FINDS WALLACE OBEYED EDICT TO ASSIST FED-
ERAL INQUIRY WHILE FEIGNING DEFIANCE

By Russell Porter
Special to The New York Times

MONTGOMERY, Ala., Jan. 26—Federal Judge Frank M. Johnson, Jr. freed former state Judge George C. Wallace today on charges of criminal contempt of court in a civil rights case.

Judge Johnson found that Judge Wallace had complied with a court order while pretending to defy it.

On Jan. 15, Judge Johnson ordered Judge Wallace to show cause today why he should not be held in contempt for turning over registration and voting records to "hastily summoned" grand juries, instead of to the Federal Civil Rights Commission.

On Jan. 9 Judge Johnson had ordered Judge Wallace to [fol. 977] make the records available to the commission on Jan. 12 and 13. The commission is investigating charges of discrimination against Negroes.

A Statement Filed

Today, Judge Johnson said the testimony showed that Judge Wallace "through devious methods" had actually helped the commission get the records from the grand juries.

Judge Wallace, whose term expired Jan. 19, did not testify today, called no witnesses, and did not cross-examine any of the five Government witnesses.

However, he filed with the court a written statement that his actions as a state judge had been of a judicial nature and could not be questioned.

After an hour's testimony, Judge Johnson took a three-hour recess for luncheon. He then held Judge Wallace not guilty and discharged him.

Judge Johnson found that Judge Wallace had "attempted to give the impression that he was defying this court's order."

Defiance Ruled Out

He also found, however, that Judge Wallace's action in turning the records over to the grand juries did not constitute defiance or disobedience, "since Wallace, from all appearances, continued to maintain control of said records."

Judge Johnson then noted that the testimony indicated that Judge Wallace had actually helped the commission.

"Even though it was accomplished through subterfuge, Wallace did comply with the order of the court," Judge Johnson said. "If these devious means were in good faith considered by Wallace to be essential to the proper exercise of his state judicial functions, this court could not comment on these methods.

"If these devious means were for political purposes, this court refuses to allow its authority and dignity to be bent or swayed by such politically generated whirlwinds."

Judge Johnson is a Republican and Judge Wallace a Democrat. Judge Wallace ran second on a segregationist platform in the primary for the gubernatorial nomination [fol. 978] last year, losing to another segregationist.

The two judges have been personal friends for years and were classmates at the University of Alabama Law School. Judge Johnson is 40, Judge Wallace, 39.

As Circuit Court judge, Judge Wallace presided over the courts, of highest jurisdictional authority in Barbour, Bullock and Dale Counties.

The courtroom was filled by about 100 spectators, including a dozen Negroes, who sat in the middle of the public area.

Had Hoped to Test Question

MONTGOMERY, Ala., Jan. 26—Judge Wallace later issued a statement saying he had admitted disobeying the Federal order and had hoped his defiance could be taken to a higher authority for ruling.

"It was never my wish to keep the records from the Civil Rights Commission solely for the purpose of hiding anything the records might contain," he said. "It was my position and is still my position that we have here a case of Federal authority against state authority and I was willing to risk my freedom in order to test the question.

"These characters from the Civil Rights Commission and Justice Departments were backed to the wall—they were defied and backed down," he said. "It has been apparent they were hunting a way out. This 1959 attempt to have a second Sherman's March to the Sea has been stopped in the Cradle of the Confederacy."

[fol. 979]

(One photograph attached to original.)

WINNER BY DECISION

George Corley Wallace

(One photograph attached to original.)

[fol. 980]

Special to The New York Times

MONTGOMERY, Ala., Jan. 26—His friends call it determination and his enemies stubbornness, but all agree that the "fighting little judge" of Barbour County is a competitor who seldom gives up.

Man in the News

George Corley Wallace has become at 39 years a symbol of Southern defiance to the Civil Rights Commission's effort to gather information about discrimination against would-be Negro voters. He won another victory today when Federal Judge Frank M. Johnson, Jr. found him not guilty of criminal contempt for refusing the Federal agency access to voter registration records. It was an unusual court appearance, for Judge Johnson, who has been firm in the defense of Federal prerogatives, is a friend and former law school classmate of the defendant.

The Circuit Court judge's six-year term ended just a week ago, on Jan. 19.

Mr. Wallace was born in Clio, the son of a farmer who served for a time as the county's chief administrative officer. The boy's love of a fight came out while he was still in high school. He won the state Golden Gloves championship in 1936 at the age of 15 and repeated the next year. He later fought some preliminary bouts as a professional.

Two Comebacks

He has twice scored a comeback against long odds. His father died while he was in high school, leaving the family with little money. But he finished and then worked his way through the University of Alabama Law School.

In World War II he volunteered for pilot training but was washed out by spinal meningitis. He was soon back in the air as the engineer of a B-29 flying missions over Japan.

His defiance of the commission marks his second challenge to Federal authority since he gave up his House seat in 1953 to preside over the state's Third Judicial Circuit. The first came when he threatened to jail every Federal Bureau of Investigation agent caught interfering with his court.

Although he is a stanch advocate of state's rights and [fol. 981] segregation, he refused to walk out with some members of the Alabama delegation to the 1948 Democratic National convention. He placed the name of Senator Rich-

ard B. Russell of Georgia in nomination for the Vice-Presidency that year.

"Little George," as he is often called, stands 5 feet 7 inches tall and weighs 135 pounds.

Ran for Governor

He was runner-up to incoming Gov. John Patterson last spring in the Democratic primary. But his margin of defeat was not great—314,000 to 250,000—and he is regarded as a certain candidate for 1962.

To Mr. Wallace, the controversy over the voting records involves "a matter of principle."

Mr. Wallace declared himself out of the race for the judgeship when he ran for Governor. He was succeeded last week by his brother, Jack W. Wallace, and has now returned to the Wallace law firm in Clayton.

The job of presiding over the courts of highest jurisdiction in three counties—Barbour, Bullock and Dale—is a busy one. Life off the bench may give him more time at home with his wife, Mozelle, his two daughters, Bobbie Jo, 14, and Peggy Sue, 9, and son, George 3d, 7. It also may mean more time for his hobby, which he says is fishing but his friends say is politics.

(One photograph attached to original.)

[fol. 982]

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 171

THE NEW YORK TIMES

FRIDAY, JANUARY 16, 1959

ALABAMA JUDGE FACES U.S. ACTION

WALLACE CITED FOR CONTEMPT HEARING IN
HIS DEFIANCE IN VOTING FILES INQUIRY

By Claude Sitton
(Special to The New York Times.)

(One photograph attached to original.)

1574

MONTGOMERY, Ala., Jan. 15—Judge George C. Wallace was ordered today to show why he should not be held in criminal contempt for refusing the Federal Civil Rights Commission access to voter registration records.

Judge Frank M. Johnson, Jr. of the Federal District Court directed the state circuit judge to appear for a hearing here Jan. 26 at 10 A. M.

The Federal Judge acted in answer to a petition from Justice Department lawyers representing the commission. It grew out of the agency's first field investigation into com-[fol. 983] plaints from would-be Negro voters.

The lawyers charged that Judge Wallace had "willfully violated" the court's order to permit the agency to examine the registration records of Barbour and Bullock Counties and instead had given them to hastily called grand juries. Judge Johnson declared that these charges showed "good cause" why the jurist "should be prosecuted for criminal contempt."

Faces Jail and Fine

Judge Wallace could be sentenced to forty-five days in jail and a \$400 fine if found guilty by Judge Johnson sitting without a jury. If the Federal Judge ordered a jury trial, the maximum penalty could be raised to six months' imprisonment and a fine of \$1,000.

Judge Wallace declined to comment on the order issued against him by Judge Johnson, his personal friend and former classmate at the University of Alabama Law School.

The State Judge, who was the runner-up to incoming Gov. John Patterson in the Democratic primary, will end his six-year term Monday. He will be succeeded as judge by his brother, Jack W. Wallace, and thus will not appear before the Federal judge as a state jurist.

His refusal to show the records risked the displeasure of a judge who is regarded as a fair but stern disciplinarian.

Judge Johnson, a Republican from Haleyville, Ala., was a member of the three-judge panel that handed down the Montgomery bus desegregation decision.

Documents Examined

Two Justice Department lawyers from Washington, Joseph M. F. Ryan, Jr. and Robert Owen, reported to Judge Johnson that the commission had been able to examine the Barbour and Bullock files despite harassment through "dilatory tactics and other childish conduct." The files were made available by the grand juries.

Mr. Ryan reported that a spot check of the documents had been given although they had been given to the commission in a "jumbled-up form." It was learned that photostats had been made of some of the Bullock records.

[fol. 984] Mr. Ryan said no further relief was sought because the commission's questions had been answered by three voter registrars who had refused to testify at the commission's first hearing here Dec. 8. The civil case against the judge and the registrars was dropped.

Judge Johnson dismissed a civil action with the comment that "although dilatory tactics and formal refusals were engaged in, this court's order was, in fact although not technically, complied with by Wallace."

He then directed the Justice Department attorneys to file petition for a criminal contempt action against the circuit judge and an order directing him to appear.

In the law, criminal contempt refers to acts in disrespect of the court or its process. Vicil contempt involves failure to obey the court in an action for the benefit of another party to the proceedings.

The order, signed by the judge, noted that the commission had charged Judge Wallace with refusing a request for the records on Monday at the Barbour County Court House.

The agency also contended that the judge had turned down a plea for the Bullock County records Thursday. The order stated that it appeared to the court "that good cause had been shown that George C. Wallace should be prosecuted for criminal contempt of this court."

1576

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 172

THE NEW YORK TIMES
THURSDAY, JANUARY 15, 1959
COUNTY IN ALABAMA YIELDS VOTING FILES ON
ITS OWN TERMS

By Claude Sitton
Special to The New York Times

UNION SPRINGS, Ala., Jan. 14—The Civil Rights Commission reluctantly accepted an invitation today to examine voter registration records here under terms laid down by the Bullock County grand jury.

[fol. 985] The agency at first rejected the offer because of the harsh tenor of its wording, but later proceeded with the inquiry under orders from Federal District Judge Frank M. Johnson, Jr. in Montgomery.

The question that remained to be settled in the month-long controversy over the investigation into alleged violation of Negro voting rights was the fate of Circuit Judge George C. Wallace of nearby Clayton.

The state jurist, a runner-up to Gov.-elect John Patterson in the Democratic primary, admittedly defied a District Court order that he turn over the records of Bullock and adjacent Barbour County to the commission.

Instead he gave them to hastily called grand juries on the ground that they were needed for investigations of charges of fraudulent registration attempts.

The commission is scheduled to report tomorrow in Montgomery to Judge Johnson on its efforts to obtain the documents. He is expected to decide then if Judge Wallace, a personal friend and former law-school classmate, should be cited for contempt and possibly sent to jail.

The hearing, however, originally set for today, was postponed at the request of two Justice Department attorneys who are representing the Civil Rights Commission.

Judge Johnson was asked tonight if Judge Wallace had cleared himself since the voter records were made available indirectly to the commission.

"You'll have your answer in a few days," he replied.

The Federal judge said that he had directed the commission's representatives to proceed despite the stipulation of the grand jury because "I assumed that the commission was primarily interested in seeing the records."

Records are Reviewed

A. H. Rosenfeld, director of the Division of Complaints, Information and Surveys, had previously declared that under the terms of the District Court order issued last [fol. 986] Friday against Judge Wallace the agency would not accept the files from the juries.

Mr. Rosenfeld relented somewhat yesterday by reviewing the Bullock records, made available in Clayton by that county's grand jury. However, the invitation came through an official of the Circuit Court.

But until Judge Johnson's statement, the commission's about-face in view of the Bullock County grand jury's attitude was widely regarded here as at least a partial victory for Judge Wallace.

The grand jury stated in the report containing the invitation that the commission could see the records "by reason of our permission rather than your right."

The examination, it held, would have to be conducted in the presence of the foreman, Roy C. Holmes. The jury then praised Judge Wallace's defiant stand and added:

"We feel that the act of the Civil Rights Commission in coming to Bullock County, Ala. and making a respectful request for use of these records rather than making an arrogant demand is evidence tending to show their newfound recognition of state authority for which Your Honor is to be further commended."

David F. Koonce, the agency's public information officer, declared that it had "not in any way bowed to any grand jury or any state judge in Alabama."

"We originally asked through counsel that a way be found for us to inspect the records," he said. "The order of the Federal court provided that way, so we are satisfied."

Mr. Rosenfeld and Mr. Koonce arrived at the courthouse here at 9 A.M. accompanied by Berl L. Bernhard, staff at-

1578

torney, and Burton Stevenson and Charles Clark, legal aides to two of the commissioners.

They conferred with Mr. Holmes and Richard B. Stone, the County Solicitor (prosecutor), for less than ten minutes and emerged from the latter's office for a series of telephone conferences with commission officials in Washington and elsewhere.

Mr. Holmes implied that they had sought to persuade him to delete the offending passages from the order.

[fol. 987] "That's our report and there's nothing I can do about it," he commented later.

Apparently after discussing Judge Johnson's directive with his superiors, Mr. Rosenfeld met with Mr. Holmes and Mr. Stone at 1:30 P.M. and agreed to accept the grand jury's invitation.

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 173

THE NEW YORK TIMES

TUESDAY, JANUARY 13, 1959

U.S. COURT DEFIED ON VOTE RECORDS

ALABAMA JUDGE BARS DATA FROM
CIVIL RIGHTS GROUP

By Claude Sitton
Special to The New York Times

CLAYTON, Ala., Jan. 12—State Circuit Judge George C. Wallace today defied a Federal court order that he throw open the voter registration records of Barbour and Bullock Counties to the Civil Rights Commission.

After refusing to authorize four commission aides to see the files, he turned over the Barbour County records here to a hastily called special grand jury.

Preparations were being made in near-by Union Springs, the county seat of Bullock, to impanel a grand jury there tomorrow for the same purpose.

The Barbour grand jurors declared in a report that they had offered to allow the Civil Rights investigators to look at the records in the jury room, but that this proposal was refused.

A. H. Rosenfeld, director of the commission's Division of Complaints, Information and Surveys, told newsmen that "we have no authority to deal with the grand jury."

Although the state judge declined to comment, it was generally understood that he was fully aware that he risked a contempt citation and a possible jail term.

[fol. 988] Legal experts said that by handing over the records to the grand jury, the judge had left himself powerless to comply with the court directive and thus to purge himself of any contempt citation.

Judge Frank M. Johnson, Jr. issued an order last Friday in Federal District Court in Montgomery directing the circuit judge to make the records available to the commission today and tomorrow from 10 A.M. to 4 P.M.

He told all parties to the dispute over an investigation into complaints that Negro voting rights had been infringed to return to court on Wednesday and report whether his order had been carried out.

Mr. Rosenfeld said that he had made two requests to Judge Wallace in a series of conferences in the courthouse here to permit examination of the document. Both were refused, according to him.

Today's events brought a sharpening of tension in this east-central Alabama community of 2,000. A number of officials privately expressed fears that violence might result if the Federal District Court sought to jail the judge.

M. M. Moulthrop, former Mayor of near-by Eufaula, told the 39-year-old judge, "we're not going to let them take you out of your jurisdiction without some show of protest."

"This thing is not to be taken lightly," he later told newsmen. "It's the greatest insult a county could have slapped up on it."

There also was some horse-play directed against the commission representatives. As they sat parked on the courthouse square awaiting word of the grand jury's ac-

1580

tion, the county tax collector, Stanley Baker, set off eight firecrackers under a car adjacent to the one in which they were sitting.

Mr. Rosenfeld arrived at the courthouse at 10:05 A.M. accompanied by Berl I. Bernhard, staff attorney, and Burton Stevenson and Charles Clark, legal aides to two of the commission members.

In his charge to the grand jury, Judge Wallace pointed out that he was leaving office Jan. 19, and that he had impounded the files in October for investigation of charges [fol. 989] that some voters had registered fraudulently. He said he wanted to "clear the way" for his successor, Jack W. Wallace, his brother.

To Examine Records

"I did the best that I could to protect the records of this county in a lawful and legal manner," he declared, "I have no apologies to make for anything I have done for I acted as a matter of principle."

The grand jury recessed until Thursday after deliberations lasting about an hour and a half. In its statement, the jury said it had found "cause for us to examine the records themselves and we have resolved so to do."

The possibility still existed that the judge might file an appeal from the Federal Court's order. Such an appeal was prepared last night but no action was taken today to place it before Judge Johnson.

Judge Wallace presides over the Circuit Court of Barbour, Bullock and Dale Counties.

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 174

THE NEW YORK TIMES
SUNDAY, JANUARY 19, 1958
SCHOOL FIGHT OPENS IN DEEP SOUTH
TEST CASE IS SET IN ATLANTA SUIT

By John N. Popham
Special to The New York Times

CHATTANOOGA, Tenn., Jan. 18—The filing of a public school desegregation suit in the Federal District Court in Atlanta a week ago today poses the first serious assault on the scaffolding of resistance erected by the hard core of Southern states whose political leadership has steadfastly declared "it can't happen here."

The litigation was instituted in behalf of Negro pupils [fol. 990] by ten Negro parents. Their attorneys were Thurgood Marshall and Constance Baker Motley, both members of the legal staff that serves the National Association for the Advancement of Colored People. The case has not yet been assigned a hearing date.

The selection of Atlanta as a battleground underscores the special dimensions of the integration controversy as it affects the all-out resistance forces, particularly since the Little Rock, Ark. developments last fall in which President Eisenhower ordered Federal troops to enforce classroom integration in that city's Central High School.

Token Integration

In the fullest sense there are four hard-core resistance states. They are Mississippi, South Carolina, Georgia and Alabama. Here the Legislatures and statewide office-holders have been unanimous in shaping a network of last-resort statutes that would shut down any state supported school or college admitting a Negro student.

Similarly intransigent on the public school issue are Virginia, Florida and Louisiana. Florida has no school integration at any academic level, but Virginia and Louisi-

ana have consented to token integration in several colleges without any serious incidents.

Also, in these states there has been public school litigation, in some instances of several years' standing, and in a number of larger cities the public transit facilities have been desegregated in the last year or so.

In terms of the resistance pattern, however, it could be said that the official policy in the seven cities and states is uniformly defiant on the public school front, while the four hard-core states are defiant against any form of integration.

Regional Fight

Moreover, the hard-core state leaders shoulder the main burden of welding resistance throughout the region with imagery, word symbols and even a king of reconnaissance cavalry that sends spokesmen on forays into border states of moderate sentiment where they stir the passions of local recalcitrants.

[fol. 991] In this hard-core area there has been little aggression on the part of integration forces. Mainly, it has taken place in the few large urban centers where the social and political climate is less harsh and where there is a more active leadership among sophisticated Negroes. Considerable impetus has come from the national offices of the N.A.A.C.P. critics charge. On the bigger cities the local Negro leadership generates a good deal of the planning and legal preparation in advance of court action.

Indeed, in this area the only elements militantly supporting integration are to be found in the Negro community. In recent months a segment of the clergy and some human relations organizations have expressed disagreement with the segregationist leadership. But mainly these groups have sought to present a view of moderation and to provide vital lines of communication for the two races.

There have been some opening gambits in this picture. Court suits have been filed in Birmingham and Atlanta to desegregate the buses, a "modified" seating plan for buses in Tallahassee has been installed and a Negro student, Miss Autherine Lucy, was enrolled in the University of Alabama in 1956—although the latter withdrew under threat of harm and there was a subsequent tightening of segregationist sentiment in the state.

Bus Boycott

Most significant was the Federal court-ordered bus integration in Montgomery. Here the Negro community launched its famous boycott under the direction of the Rev. Martin Luther King, Jr., which spawned a whole new leadership stratum for Negroes and had considerable effect throughout the region.

Even so, the hard-core area in any meaningful sense has stood resolute against integration. Its leaders have been very effective in imposing sanctions against those who preach moderation in degree and in truth the differences in degree of intensity with which the issue is often received have been obscured in a smothering blanket of uniform repression.

The key to understanding the intransigent enclave is to [fol. 992] be found in political and socio-economic terms. These are the states with the largest number of blackbelt counties where Negroes outnumber whites, where plantation economies held sway, where the rural element sets the tone for the Legislature and the crucial factor of political leadership is determined by success at the polls in statewide elections.

It is against this background that the Atlanta litigation highlights the Deep South situation and has important bearing on the neighboring states that stand equally firm against public school integration.

For Atlanta is the big urban landmark situated in the very center of the hard-core region, and it is a city where race relations have been relatively harmonious because local government and industrial leaders are prone to negotiate differences, among the disparate elements.

New Tensions

The immediate, short-run impact is certain to be one of turbulence, new tensions, oratory and proposals for new and more stringent resistance legislation. There will surely be calls for state administrative action to stifle the moderate voices in the city, and attacks will be stepped up against neighboring states with token desegregation, which will be pictured as the "horrible example." This will uncover

1584

new political shoals for the Governors in the moderate states.

Thus far the strongest evidence has been that Governors in the hard-core states will close the schools before accepting classroom integration. This sort of thing has never happened before and the big question seems likely to be what will occur when the new urban and the new culture is pitted against the rural Old South that "proclaims" shut 'em down."

At week's end Southern leaders generally were trying to evaluate the impact of the Atlanta action on the over-all integration issue. Many were seeing it as an overt challenge by the Negro leadership to the hard-core leadership, a rejection of the Department of Justice's recent proposal that there be a "cooling-off" period in civil rights.

[fol. 993]

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 175

U.S. NEGRO GAINS HELD SCANT IN '59
TUSKEGEE SAYS ONLY COURTS AND FEDERAL
AGENCIES DID MUCH TO IMPROVE LOT

By Claude Sitton
Special to The New York Times

ATLANTA, Jan 23—Tuskegee Institute declares that, aside from action by the courts and Federal agencies, the nation did little to improve the lot of the Negro in 1959.

Among the basic reasons, according to the institute, was "a hesitancy by America's citizens to face the moral implications of continued segregation." Other factors cited were a lack of inter-racial communication and a tendency to ignore contributions of the minority race to community life.

The views of the institute, a cultural center for the Southern Negro located at Tuskegee, Ala. were offered in its forty-sixth annual report on race relations. The report was signed by Luther H. Foster, the institute's president.

Analysis Covering South

"Race relations in the South did not change appreciably during 1959," the report asserted. "Despite the urgency of America's aspiration to promote peace there was—on balance—little compelling evidence that America itself was able to advance human understanding significantly within its own boundaries."

The report's summary of developments was as follows:

"The year showed further legal support and economically based rationalization for public desegregation, limited extension of desegregation practices, successful action by many state and local governments to avoid desegregation and a hesitancy by America's citizens to face the moral implications of continued segregation.

"The principle of desegregation in public situations was reinforced; and a few instances of additional desegregation [fol. 994] were noted, both in schools and in other public situations.

"With an occasional exception, Federal and state court decisions, as well as the Administrative and investigative actions of Federal agencies, supported the principle of desegregation and sought its implementation. A major contribution was the work of the United States Commission on Civil Rights."

Work on Voluntary Plane

The concern of individuals for "The real—and sometimes imagined—consequences of desegregation," particularly in public schools, was reflected in the work of voluntary agencies, according to the institute.

"Rarely, however, did these organizations include both white and Negro memberships," it continued.

Most public officials in the South delayed desegregation and discouraged discussion of the issues, the report said.

The institute argued that "mass communications media, viewed as a whole, reported and commented extensively on desegregation and tended to highlight the arguments for segregation, either directly or by implication."

Constructive community contributions by Negroes were not publicized, it said.

"As a consequence," it went on, "the general public tended to form opinions of the citizenship role of the Negro based upon the often sensational and negative reports disseminated by the mass media.

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 176

THE NEW YORK TIMES TUESDAY, JANUARY 20

PATTERSON BACKS SEPARATE SCHOOLS

[fol. 995]

ALABAMA GOVERNOR GIVES WARNING AT
INAUGURAL—ELLINGTON SWORN IN

MONTGOMERY, Ala., Jan. 19 (AP)—John Patterson was sworn in as Governor of Alabama today. He said he would preserve segregation even if it meant closing the schools.

The 37-year-old son of a Phenix City crime fighter, Albert L. Patterson, who was murdered, warned Negroes in these words after taking the oath of office.

"If you wish to preserve your public education system and educate your children, you should stand up and speak out against the agitators of your own race whose aim is to destroy our school system.

"If you do not do so, and these agitators continue at their present pace, in a short time you will have no public school system at all. Our public schools once destroyed and closed down may not be reopened in your lifetime and mine."

A four-hour inaugural parade from which Negro college and high school bands were excluded on orders of the new Governor preceded the swearing in of Mr. Patterson and other constitutional officers.

Outgoing Gov. James E. Folsom rode with his successor at the head of the parade, but left the stands before Mr. Patterson took the oath. Mr. Patterson has gone into court on several occasions to get injunctions against what he called excessive spending of the Folsom Administration.

Three former public officials were indicted for the elder Patterson's murder in the cleaning up drive that followed his death. The crippled former State Senator had been nominated on the Democratic ticket for Attorney General in 1954 on a promise to rid Phenix City of vice.

He was shot down outside his Phenix City law office June 18, 1954, just seventeen days after winning the nomination.

Young Patterson was elected Attorney General in his father's place, without opposition. In his first state-wide campaign four years later he was elected Governor.

[fol. 996]

(ONE PHOTOGRAPH ATTACHED TO ORIGINAL.)

PLAINTIFF'S EXHIBIT No. 177

(Newspaper Article, The New York Times, Sunday, March 22, 1959, page 1 and page 40, entitled, "Dixiecrat Move Gains Adherents," by Claude Sitton, Special to The New York Times, datelined Atlanta, March 21, offered in evidence as Plaintiff's Exhibit No. 177, but disallowed and excluded by the Court.)

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 178

THE NEW YORK TIMES TUESDAY, JULY 7, 1959
BIRMINGHAM RESISTS CHURCH INTEGRATION
CITIZENS' GROUPS HARASS LIBERALS
FEW WHITE MINISTERS HAVE TAKEN STAND
ON RACE—FOES ARE ORGANIZED

[fol. 997]

(THREE PHOTOGRAPHS ATTACHED TO
ORIGINAL.)

(This is the third in a series of articles on how churches in the South are facing the question of racial segregation.)

By John Wicklein

Atlanta to Birmingham—140 miles by air—makes the difference between moderation and racism in Protestant church groups. If Atlanta is the most liberal city in the Deep South on the race question, Birmingham is the most conservative.

Here no one in the churches may speak for desegregation without being harassed by White Council members, Ku Klux Klansmen or other segregationists. As a consequence, almost no white minister has taken a liberal stand on race. The Negro ministers who have acted for integration have been arrested, beaten and bombed.

A steel center where 40 per cent of the population is Negro, Birmingham has a large group of working-class whites who regard the Negro as an immediate economic threat. Many whites have joined hoodlum elements of the Ku Klux Klan, which operated openly in the city. Intimidation of Negroes and whites who support them is condoned by Eugene (Bull) Connor, the outspokenly racist police commissioner.

Voice of Churches

About the only laymen speaking publicly on the issue are [fol. 998] segregationists, and within the last four months they have become the voice of the white churches in Alabama.

Organized opposition to integration is expressed through the Methodist Laymen's Union, formed here March 19. This is a group of business men and civic leaders who banded together specifically to prevent the segregated Central (Negro) Jurisdiction of the Methodist Church nationally from being merged with the white conferences of the church that it overlaps.

About 1,800 laymen from all over the state—including stewards, Sunday School teachers and rank and file—came to the organization meeting at Highlands Methodist Church here. A few ministers attended the meeting, but they were asked not to participate.

Circuit Judge Whit Windham, who teaches a men's Bible class at the church, was elected president. Circuit Judge

L. S. Moore of Centreville, who has spoken at White Citizens Council meetings, was chosen first vice president.

In his law-book-lined office in Birmingham's modern, air-conditioned courthouse, Judge Windham took time out between court sessions to discuss the laymen's union.

Sees Determined Effort

His group knows, he said, that a determined effort will be made at the national Methodist convention in 1960 to change the jurisdictional set-up of the denomination. The plan, he said, would be to leave the jurisdictional lines intact, but to have the bishops elected nationally, instead of regionally, and thus send liberal church executives to the South.

"The bishop could exert tremendous pressure on his ministers to integrate," said the judge. "It would take a strong preacher to say he wouldn't do it."

(Bishop Bachman G. Hodge of the Birmingham area has expressed no opposition to segregated jurisdictions. He has transferred to the North two leading pastors who came under fire from their congregations for suggesting some desegregation might be possible.

(When the bishop was asked by phone whether he thought the Negro jurisdiction should be kept as it is, he replied, [fol. 999] "I don't care to discuss it. I don't feel The New York Times should be fooling with it; you fellows take care of your situation up there, and we'll take care of our situation down here," He then hung up.

Judge Windham said that any move by the denomination to force Negroes into white conferences or churches in the South would split it again into a Northern church and a Southern church, as it was before 1939.

'Christian Concern'

The judge said his laymen's group was not acting out of hatred for the Negro, but out of "Christian concern," for white children. He said that although Negroes made up only 10 per cent of the population of New York City, they committed 35 per cent of the crimes.

"If this is so," said the judge, "we can't see how it would

1590

be a good thing for our children to associate with him and his conditions.

"I was raised with nigras—I worked in the fields with nigras. My observation is that when you come to sexual matters and the use of knives, you come to a difference between the races.

"We owe to the Negro a special diligence to try to help him, give him racially his opportunity to improve himself. It's just generally supposed that once again we're treating him wrong on this matter, and that's just not so.

"If people believe it's all right for this to become a nation of mulattoes, that's their right. But I have the right to base my actions on my beliefs and keep anyone, whether the Methodist church nationally or anyone else, from forcing that policy on me."

Nationally, the policy of the Methodist Church is this:

"The teaching of our Lord is that all men are brothers. The Master permits no discrimination because of race, color or national origin.

"To discriminate against a person solely upon the basis of his race is both unfair and un-Christian. Every child of God is entitled to that place in society which he has won by his industry and his character. To deny that position of honor because of the accident of his birth is neither honest [fol. 1000] democracy nor good religion.

"There must be no place in the Methodist Church for racial discrimination or enforced segregation."

The laymen's league is asking white Methodist churches in the area to pass resolutions against changing the jurisdictional system, and intends to send delegates to the general convention who will work to keep the conferences segregated.

Judge Windham said his group has no intention to work outside the church, in fields such as school segregation.

"We have enough to do right in our own church," he said.

Printed Arguments

Judge Windham's group has issued a printed pronouncement embodying arguments against church integration. It states, among other things, that in any such integration

the white members and Negro members would feel uncomfortable and out of place. It said:

"The typical Negro in Alabama is by nature volatile, raucous, and inclined to emphasize his exuberance in personal conflict of some sort. The great majority of them do not regard the social graces as white people usually observe them, and with respect to numerous colored individuals, they become personally unwelcome to those white people in close proximity, for more reasons than one."

A Negro Methodist minister who has served a church in Alabama for twenty-five years said he was deeply hurt when he heard that the white Methodist laymen had organized.

"If I were a few years younger," he said, "I'd probably transfer to another denomination. They imply that our very presence is objectionable."

There is talk that laymen in the Southern Methodist Convention, largest denomination in the region, might organize to oppose the moderate racial policies adopted by "messengers" to its annual meetings.

Economic Motive Possible

From the silence of Southern Baptist clergy at the local level, it could be assumed that they were satisfied with [fol. 1001] segregation. However, in the Deep South, an economic motive may condition the silence—Southern Baptist congregations have the right to dismiss their pastors at any time, for any reason.

At the organization meeting of the Methodist Laymen's Union, the Rev. Thomas Reeves, student supply preacher for a small rural church outside Birmingham, stood up to protest the statements on race in the union's pronouncement. He was shouted down; a man next to him said "you better get out of here, you Commie."

Mr. Reeves left early and started to drive away. A car parked outside the church came after him and followed him back to his rooms at Birmingham Southern College.

A half hour later, fifteen cars in the motorcade appeared and drove around the quadrangle underneath his window.

When he went to his own church the following Sunday, members of its Official Board, told him they had "dis-

1592

missed" him. Under Methodist church law, only the bishop can remove a pastor from his church. When after a month, no word came from Bishop Hodge, Mr. Reeves wrote to ask whether he was still pastor of the church. Bishop Hodge replied by letter that he was.

Threatened by Phone

In the months since his church "dismissed" him, the young pastor has received threatening phone calls from men who identified themselves as members of the Klan. One told him he would be beaten if he ever appeared at the church again. Mr. Reeves is still pastor of the rural church, but he has not been back.

Surprisingly, top officials of the Methodist Central Jurisdiction are not too eager to integrate its conferences. But the reasoning of these Negroes is not segregationist but protectionist.

In New Orleans, where the Central Jurisdiction has its headquarters, the Rev. George W. Carter, its secretary, said in an interview that if it were left to a majority of Negroes in the jurisdiction, the move to abolish this separate organization would not pass.

Methodist Negro bishops believe segregation is morally wrong, and that eventually it must be abolished, he said. [fol. 1002] But if integration of the conferences were done now, they feel, there would be far less opportunity for leadership for Negroes, and they would be swallowed up in the whole."

He said he thought Northern church leaders would be willing to compromise to provide leadership posts for Negroes in the church nationally, but that Southern white church leaders would not accept this at this time.

Among poorly educated and culturally undeveloped Negroes, the minister said, there is a shyness about going among the white people. But educated Negroes and the youth of both races, he said, believe there must be some intermingling. This way, he said, people on both sides would get to know each other and understand each other so they could solve their problems quietly and jointly.

(In Birmingham, a Negro woman operating an elevator was asked if she thought white people and Negroes should go to church together. "No," she said. "I think it ought to be just the way it is." In Birmingham, to ask the question was to beg the answer.)

Mr. Carter said that although most Negroes wanted integrated churches, there would never be any "pushing in" on their part to "get into the homes of white people and socialize with them or intermarry."

What the Negroes of the churches do want, he said, is justice in the economy and along all other lines, such as schools.

A Force for Progress

"Negro ministers," he said, "could be a force of progress in righteousness. They would be radical only in that they were working toward righteousness and peace. We have some who think we can only get this by fighting. But we don't see it that way, as leaders."

The feeling that they would lose status if their conferences were interracial is also held by some Negro officials of the Congregational Christian churches in the South. Although there is more communication between white and Negro conference leaders than in the Methodist Church, steps to merge overlapping Congregational areas have not gone beyond the stage of quiet discussion. White leadership in the denomination, however, leans toward bringing this about.

[fol. 1003] A lonely outpost for desegregation in Birmingham is the Alabama Council of Human Relations, an affiliate of the non-denominational Southern Regional Council. Its executive director is a young Methodist minister, the Rev. Robert E. Hughes. It is the only predominantly white group in the city that has spoken publicly for racial amity.

Less Representation

In May Mr. Hughes put out a newsletter in which he pointed out that even if the Central Jurisdiction of the Methodist Church were abolished, Negro delegates to national conferences would make up no more than 10 per cent of the membership, and Negro officials would have

far less representation in the national convention than they now have. The Episcopal Diocese of Alabama and the (Southern) Presbyterian Synod there have had similar Negro representation in their conferences, he said.

For his statement, he was assailed by Judge Windham in a letter to laymen's union members. Since that time, Mr. Hughes said, he has had phone calls in the middle of the night threatening his life and the lives of his wife and two children.

"There's an all-pervading, stultifying frustration of ministers who feel they should speak out for racial equality but cannot," Mr. Hughes said. He strongly urged national denominations to insist that ecclesiastical officials in the South protect and support the freedom of the pulpit."

"We cannot assume that the Southern Negro's view of orthodox Christianity will indefinitely remain the same as long as the dominant church of this area remains so far divorced from principle."

The Birmingham Ministerial Association, which has a policy of whites only, has never protested violence against Negroes. Mr. Hughes said, "This despite the fact that there have been at least twenty-two bombings of Negro churches and homes in the last ten years."

The only time it issued a statement deplored violence, he said, was when someone attempted to bomb a Jewish temple. Less than a month later on Christmas night, 1957, the home of the Rev. Fred L. Shuttlesworth, a Negro integration leader, was actually bombed. Despite a direct [fol. 1004] request, Mr. Hughes said, officials of the ministers association refused to convene the group to issue another statement.

Harassed but Fearless

Mr. Shuttlesworth is probably the most harassed and the most fearless Negro leader in Birmingham. Although he is described as erratic and a lone operator, the Negro leadership for integration has fallen to him because no one else will take it up.

Besides the bombings, in which he barely escaped with his life, Mr. Shuttlesworth has been beaten for trying to enroll four Negro children in the all-white Phillips High

School. In June, 1958, a dynamite bomb was snatched from the side of his Bethel Baptist Church by a volunteer Negro guard. It exploded a minute later, shattering windows and cracking plaster in the church. No one was hurt.

Last fall, as president of the Alabama Christian Movement for Human Rights, the Negro minister tried to organize a bus boycott similar to the one that helped to defeat segregation on buses in Montgomery, Ala.

Three ministers from Montgomery were arrested for vagrancy by Birmingham police after visiting Mr. Shuttlesworth's home. Commissioner Connor warned that "outside agitators coming to our city and dabbling in our affairs" faced arrest.

Arrest on Bus

Shortly afterward, Mr. Shuttlesworth was arrested for refusing to move to the rear of a bus. He was fined \$100 and sentenced to ninety days in jail. He has appealed the sentence.

The boycott, which had received little publicity, collapsed.

The situation of Negro religious leadership in Birmingham contrasts with that in Montgomery, the state capital. There the harassment of those working for desegregation has been no less great, but Negro leaders have more to show for their work.

The Montgomery Improvement Association, led by the Rev. Dr. Martin Luther King, Jr. organized a year-long peaceful boycott of the city's transit in protest against segregation. The ministers drive, organized through church congregations, has been emulated successfully by Negro [fol. 1005] ministerial groups in other cities of the South.

For his efforts, Dr. King was arrested by Montgomery police on a charge of "loitering." In January, 1956, the porch of his home was blown up; a year later, after the buses were desegregated, a second attempt to bomb his house misfired. About this time, four Negro churches and the home of a white minister who had been active in the boycott were bombed.

Asks Christian Strength

Through all his suffering, Dr. King said in an interview recently, the Negro must have Christian strength to meet hate with love.

"I must say to my tormenter that I hate his evil deed yet love him in the process," said the pastor of the Dexter Avenue Baptist Church. "I must say: I will match your capacity to inflict suffering with my capacity to suffer. I will not abide by your unjust laws, but I will not hate you for making them."

It is this philosophy that he is preaching to Negro church members over the region, trying to enlist them in a drive of passive resistance to segregation.

His vehicle is the Southern Christian Leadership Conference. Its first goal is to get as many Negroes as possible registered to vote.

"Nonviolence is the most potent weapon available to people in the struggle for human dignity," Dr. King said. "The old eye-for-an-eye philosophy ends up leaving everybody blind."

Intellectual Appeal

Words such as these give the short, slight, 30-year-old Ph.D from Boston University a strong intellectual appeal. Yet the soft-spoken, Atlanta-born Baptist minister can build a calm, dispassionate speech to a stirring emotional climax with a barely perceptible raising of his voice and quickening of his words.

The church, he said, should give the philosophy of non-violence strong support because it is part of the Christian ethic. Christians, he insisted, must be concerned with "social conditions that corrupt the soul."

Through the churches, the leadership conference hopes [fol. 1006] to implement the courts' desegregation decisions at the local level.

"There has to be a South-wide undertaking, to get people to use the new laws," Dr. King said. "It won't mean anything if Negroes are afraid to follow through."

"In Montgomery, for instance, the church served as the center of a whole movement for social change. All of the Negro churches supported the bus desegregation moves, through contributions and weekly prayer meetings."

This is the kind of support we'll need to teach people the philosophy of nonviolence. And the Negro ministers would be the best people to do it, because of their unique training in this area."

Dr. King said he hoped white churches and white ministers would join the movement.

Justice and Injustice

He said:

"This would reveal that the conflict isn't between two races, but between justice and injustice. We want to lift it to the level of conflict between forces of evil and forces of good. Then the solution, which it comes, will have a more permanent base rather than if it were a racial solution.

Through this, we can bring about reconciliation and the creation of the beloved community."

Whether they believe with Dr. King that reconciliation between whites and Negroes is a Christian imperative, white churchmen in Alabama have done little or nothing to bring it about.

As elsewhere in the South, the interdenominational United Church Women have worked harder than most for amity between the races. But in Alabama, even for women, harassment and intimidation from the community are great.

Mrs. M. E. Tilley of Atlanta, the Southern Regional Council's representative in the United Church Women, told of one meeting she attended in Montgomery that had a bitter aftermath:

One hundred churchwomen in the city held an interracial prayer meeting in St. Jude's Roman Catholic Hospital [fol. 1007] last September, at which box lunches were eaten. A woman sitting next to Mrs. Tilly took notes on who was there and what was said.

When the group left the meeting flash bulbs popped in their faces and two men were seen taking down license numbers of the women's cars.

Shortly afterward, a small Montgomery weekly paper published their names and addresses and the business connections of their husbands. For several days the white

1598

women were barraged with anonymous phone calls, in which they were threatened and insulted.

A number of the husbands, fearful of economic reprisal, publicly dissociated themselves from their wives' action. Other prominent business men advertised in the daily paper to say that they and their wives had nothing to do with the prayer meeting.

Finally the all-white Montgomery Ministerial Association called on the city's law enforcement agencies to "protect local citizens in their pursuit of freedom of discussion in free assembly."

Mrs. Tilly, who was a member of President Truman's Civil Rights Commission has worked for integration nationally and locally.

Morally Wrong, She says

"Women have much more opportunity to study the race situation than business men do," she said. "Women feel segregation is morally wrong and that it harms their missionary work all around the world."

Because she has not been reticent about her views, she has received threatening letters and phone calls for years and years.

"If they give me their names, I talk to them," she said. But some of them are just vile."

For hate-bearers who call late at night, she has attached a record to her telephone that recites the Lord's Prayer.

"Won't it wear out?" she was asked.

"Oh, no," she replied, "I have it on both sides."

[fol. 1008]

PLAINTIFF'S EXHIBIT No. 179

(Newspaper article, The New York Times, Sunday, November 29, 1959, pages 1 and 44 entitled, "Racial Curbs Eased by Southern Hotels," by Claude Sitton, Special to The New York Times, datelined Atlanta, offered in evidence as Plaintiff's Exhibit No. 179 but disallowed and excluded by the Court.)

PLAINTIFF'S EXHIBIT No. 180

(Newspaper Article, The New York Times, Sunday, March 6, 1960, at page E-3 entitled, "The Mood of the South—And the Status Now on Civil Rights," by Claude Sitton, Special to The New York Times, Atlanta, March 5, offered in evidence as Plaintiff's Exhibit No. 180 disallowed and excluded by the Court.)

PLAINTIFF'S EXHIBIT No. 181

(Plaintiff's Exhibit No. 181 for identification withdrawn by counsel for the Plaintiff.)

PLAINTIFF'S EXHIBIT No. 182

(Newspaper article, The New York Times, Sunday, September 8, 1957, pages E-5 entitled, "Integration: Actions by States," by John N. Popham, Special to The New York Times, Little Rock, Arkansas, September 7, offered as Plaintiff's Exhibit No. 182 for identification and excluded by the Court.)

[fol. 1009]

PLAINTIFF'S EXHIBIT No. 183

(Newspaper article, The New York Times, dated December 1, 1957, entitled "The Southern Negro: Change and Paradox," by John N. Popham, Chattanooga, offered in evidence as Plaintiff's Exhibit No. 183 and disallowed and excluded by the Court.)

PLAINTIFF'S EXHIBIT No. 184

(Newspaper article, The New York Times, dated December 29, 1957 entitled, "Report on Montgomery a Year After," by Abel Plenn, Montgomery, Alabama, withdrawn by counsel for the Plaintiff.)

1600

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 185

THE NEW YORK TIMES

WEDNESDAY, FEBRUARY 22, 1957

ALABAMA U. ALUMNUS URGES BAN ON CO-ED

Special to The New York Times

TUSCALOOSA, Ala., Feb. 21—A former state Senator and past president of the University of Alabama Alumni Association appealed today to friends of the university to take a firm stand to keep the institution white.

J. M. Bonner made the appeal in an open letter to The Tuscaloosa News.

"I proudly take my stand with those students who resisted, and who will continue to resist the admission of a Negress named Autherine Lucy," he wrote, "Their enthusiasm may have carried them a wee bit far; but their actions were prompted by loyalty to and love for our university and the conviction that ours is a white man's college."

[fol. 1010] He asked that the students join in a petition to the board of trustees asking that Miss Lucy never be admitted, that no student be punished for resisting her admission, and that "every member of the faculty, from top to bottom be given to understand that the University of Alabama will continue to be operated for white students only."

IN CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

PLAINTIFF'S EXHIBIT No. 186

THE NEW YORK TIMES

WEDNESDAY, FEBRUARY 1, 1956

NEGRO STUDENT ADMITTED

Special to The New York Times

BIRMINGHAM, Ala., Jan 31—The University of Alabama has agreed to accept the first Negro student when regis-