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THE WALKING CITY, A HISTORY OF THE MONTGOMERY BOYCOTT

By Norman W. Walton

PART III

If the summer weather of 1956 seemed hotter than ever before to the Negroes of Montgomery, Alabama, it was indeed a part of the order of things in this southern city. The intrigue, unrest and foul play which was present almost everywhere, added new fuel to the tension. For the Negroes, the anxiety and the desire to know more about their status in the struggle for the dignity of man increased the strain.

INSURANCE TROUBLE

The car pool, which had operated for months with only slight handicaps, was now under somewhat formal attack. Insurance agents, blaming the high risk involved in insuring taxi service station wagons, refused to insure them. Thus the churches found it difficult to secure insurance for their church station wagons. This action on the part of the local insurance agents provoked Reverend Robert Graetz, one of the white ministers working with the boycott, to charge there was a conspiracy to boycott, by denying liability insurance. However, the Montgomery Advertiser felt that Graetz had developed a persecution complex because of his "loneliness as the only white minister in the boycott."¹ It further declared "the boycott automobiles including these shiny new station wagons masquerading as church cars had been guilty of notoriously bad driving resulting in a number of accidents. . . ." and that the "police in recent months have bent over backwards to avoid arrests for any but the most outrageous examples of carelessness or violation of the law."² After reading these words one Negro sat down in the street, tore his paper into bits and burned it. Another Negro reading the same paper nearby, after witnessing the act, ran over and threw his paper on the fire and exclaimed "take this one too, darn it."

In the meantime, on July 1, the Rev. C. K. Steele, president of the

Negro intercivic Council in Tallahassee, Florida, said that 14,000 Negroes would boycott downtown merchants unless "police intimidation" was halted.³ He felt that the city police had decided to "run us out of town" and that they seem not to recognize that "we are in town to pay bills and to give business and patronage to stores that are friendly to us." A few days later the City Commission of Tallahassee ordered the police to crack down on drivers of automobiles in the car pool. They were to start arresting Negro car pool drivers for any violations of state law governing public carriers. Tallahassee's city attorney, James Messer, said most of the car pool drivers were not carrying the proper license tags, and only a few of the drivers were licensed as chauffeurs.⁴ Negroes of Montgomery felt an evil wind blowing their way.

THE BATTLES OF THE BRAINS

On June 27, 1956, the attorneys for the NAACP filed legal protests in the circuit court to kill the order restraining the operation of the NAACP in Alabama. It charged that the attorney general had no cause for action and the injunction deprived the organization of constitutional rights, including the due process of law, freedom of speech and assembly, and equal protection of the law. The Negro attorneys further said that the Alabama branch was separate and independent from the National Organization.⁵ On the other hand, the Attorney General, John Patterson, continued his attack on the NAACP.

On July 5, he filed a petition seeking to force the NAACP to supply detailed information on its operation in Alabama. He sought to compel the NAACP to furnish a list of all contributors to the Association in Alabama during the past 12 months, including names and addresses of persons authorized to solicit membership and contributions. The petition also sought to secure correspondence

telegrams and other records pertaining to the NAACP and the Negro Women. (Athurine Lucy and Polly Myers Hudson) who sought admission to the University of Alabama.⁶ The attorney general decided the NAACP's records were the best evidence to determine whether the organization was illegally doing business in Alabama.⁷ Patterson had gained a temporary injunction on the grounds that the NAACP never registered as a foreign corporation and is not legally qualified to engage in business in Alabama.

When the argument was heard in the court, the Negro Attorney, Arthur Shores, contended that the production of NAACP records would amount to forcing the organization to give evidence against itself which was prohibited by the constitution. Attorney Shores contended Patterson could not know what records he needed until the hearing. Shores described the effort as a "Fishing Expedition."⁸

Nevertheless, on July 11, Judge Jones ordered the NAACP to produce certain documents by 10 A.M., Monday, July 16, for inspection of state authorities. Included in the information the NAACP was ordered to produce the following: Copies of the charters of Alabama Chapters, a list of all paid members in Alabama, names of all people authorized to solicit funds, a list of all real and personal property owned in the state, and a list of Alabama officers of the NAACP.⁹

Later, Judge Jones gave the Negro attorneys extended time to produce the records of the NAACP, because of the annual meeting of the Alabama Bar Association. The new date was 10 A.M., July 25.

Acting before the deadline set by Judge Jones on July 20, the NAACP filed a petition denying that it was doing business in Alabama in violation of any state law. It further charged that the state was seeking

to prohibit the citizens of Alabama from pursuing their rights which they say constitutes a denial of freedom of speech and freedom of assembly.¹⁰

The NAACP failed to deliver the records as requested by Judge Jones and was immediately fined \$100,000 for contempt of court. It seemed at this point, the Association record would remain a secret.

In the meantime, Negro attorneys asked the Alabama Supreme Court to stay the action of the lower court, but the Alabama Supreme Court declined the request. Negro attorneys argued Judge Jones made 10 errors in his orders starting with the issuance of the injunction and going through with the levying of the fine. On the other hand, state attorneys were busy trying to map strategy to collect the \$100,000 fine, levied on the NAACP. There was to be no sympathy for the Association even though they had offered to surrender some of the records to Judge Jones, but said that its 14,566 Alabama members had to be protected.¹¹

At this time the situation in Montgomery seemed to have reached the breaking point. Gallows were erected on Court Square in downtown Montgomery, to hang the NAACP, and pro-integrationists in effigy. For a while two figures hung high over this square, one the NAACP, and the other was labeled "I talked integration." Of no less importance in understanding the incident was the sign painted on the frame structure which read "Built by union labor." It was reported that passers-by expressed more curiosity than approval of the incident. One small girl apparently enjoying the demonstration, asked, "Mommy, is that all?" When asked by a by-stander if this was a prank or joke, one of the demonstrators replied, "Hell, no. . . . We did this to show how serious we feel about the segregation issue."¹²

On the other hand, struggle between the White Citizen's Council of North Alabama led by Ace Carter and the W.C.C. of South Alabama led by Sam Englehardt, continued, and the gap grew wider between the two sections. Around July 7, 1956 Carter invaded Montgomery to induce members to join the North Ala-

bama Council and promised to put an end to the boycott. When informed of Carter's activities in Montgomery, Englehardt said, "We can't stand to have a rabble rouser like him (Carter) in Montgomery, Alabama."¹³

This action pleased many Negroes for as one old Negro man said, "as long as they fight themselves they can't fight us." So the boycotters continued to walk and protest peacefully for the dignity of Man.

CAR POOL DESTROYED

Following the pattern that had been used in the Florida protest, on October 30, 1956, the City Commission unanimously set in motion machinery to obtain a Circuit Court injunction against continued operation of the car pool. Mayor W. A. Gayle introduced the resolution instructing the City's Legal Department "to file such proceedings as it may deem proper to stop the operation of car pool or transportation systems growing out of the bus boycott."

Negro attorneys attempted to steal the ball from the city lawyers by filing a request for an order restraining the city from interfering with Negro car pool operations, but U.S. District Judge Frank M. Johnson refused to grant the request.

In the meanwhile the city's Legal Department had filed an injunction to halt the car pool. The city's petition was directed against the MIA and several churches and individuals. It asked the court to determine and grant compensation for damages growing out of the car pool operation. The city contended it lost \$15,000 as a result of car pool operations. The city receives 2 per cent of the bus company revenues, which meant the bus company had lost about \$750,000 by November 1956.¹⁴ Moreover the petition alleged the car pool was illegal, that it operated without a license fee, and without a franchise and with poor drivers, further, the car pool created many police problems; it was a "public nuisance" and a "private enterprise" operating without approval of the city.

Attorney Peter Hall of Birmingham raised the question that if the

car pool was illegal, as the city contended, why hadn't the drivers and dispatchers been arrested and tried in city court. Hall told the court, "They would have had the Negroes in jail long ago if it were illegal." The whole discussion boiled down to this: Was the car pool a "private enterprise" operating without a license as the city contended? Or was it a voluntary "share the ride" plan provided as a service by Negro churches without profit or finance? The answer came to the Negroes of Montgomery and the nation when on November 13, 1956, the city won a temporary injunction in State Court to halt the motor pool until further notice¹⁵.

To add to the confusion in November the Supreme Court wiped out Alabama's state and local laws requiring segregation on buses. It affirmed a decision of a special three-judge U.S. District Court in Montgomery which had ruled that enforced segregation of whites and Negroes on Montgomery buses violated the Federal Constitution's guarantees of due process and equal protection of the law. It also cited a subsequent decision outlawing segregation in public parks and playgrounds and public golf links. The Supreme Court acted without listening to any argument, it simply said "The motion to affirm is granted and the judgment is affirmed."

Reactions to the decision were immediate and varied. Mrs. Susie McDonald, a 78-year-old Montgomery woman, said, "We were badly treated on the buses but now they've given us justice." Reverend Martin Luther King called it "a glorious daybreak to end a long night of forced segregation." On the other hand, President Jack Owens of the Alabama Public Service Commission said that "to keep down violence and bloodshed, segregation must be maintained." Senator Lister Hill of Alabama said, "Every lawful means to set aside the ruling should be used."¹⁶ Mrs. Rosa Parks, the 43-year-old seamstress whose arrest started the boycott commented the decision was a "Triumph for Justice." Negro attorneys immediately requested the U.S. District Judge Frank M. John-

son for an order to permit them to continue their car lift until the boycott ended. It was believed by many that the boycott would be called off at the next mass meeting. The Negroes felt there was no basic need to continue the car pool in face of the Supreme Court ruling.

Negro attorneys attempted to speed up the effective date of the mandate ending state and local laws requiring segregation on buses. The high court's mandate would not become effective until formal notice reached the lower court. This would normally take about 30 days. A prompt filing of the court's ruling would have the effect of permitting an earlier and final determination of four anti-segregation cases which were pending in Alabama. One justice of the Supreme Court had the authority to grant or deny the petition. On November 20, 1956, Supreme Court Justice Hugo Black of Alabama, after consulting with eight other Supreme Court Justices, denied the request of the Negro attorneys. The ruling held the bus segregation decision would be handled just as any routine decision.¹⁷

The refusal brought "no real disappointment" to the Negroes of Montgomery. Reverend King decided "we were optimistic enough to hope for the best but realistic enough to know it was possible the court would deny the request." He continued, "The protest will continue. We don't intend to return to segregated buses."¹⁸

On November 15, the boycott ended officially when Negroes at two mass meetings approved the recommendations made by the executive board of the SIA to call the boycott off and return to the buses on a non-segregated basis.¹⁹ The two mass meetings were held to allow a greater number of Negroes to vote on this matter. About 8,000 people crowded the two churches and voted unanimously to end the boycott. However, it was suggested that the Negroes wait for the mandate to come from the Supreme Court to the lower court. This was necessary, King said, to prevent the reactionary element from plunging "us into needless har-

assment and meaningless litigation." King continued, "we must take this not as victory over the white man but a victory for justice and democracy. Don't go back on the buses and push people around . . . We are just going to sit where there's a seat."²⁰

Reverend S. S. Seay broke into tears during the invocation. Many old souls couldn't stand the strain, they began to shout and cry out all over the church. With eyes closed and tears streaming down his cheeks, Reverend Seay said, "wherever the Klans may march, no matter what the White Citizen's Councils may want to do, we are not afraid because God is on our side."²¹

Outside the church thousands stood in the chilly weather. Mothers had many small children wrapped in blankets so, that they too could witness the history making event. The transportation system was no longer operating—The car pool was broken up, but the Negroes pledged to continue to walk and share a ride for a few more days until the mandate reached Montgomery.

Though the Negroes at the mass meeting sang and prayed and voted to end the boycott, it was not the usual atmosphere of a mass meeting. There seemed to be a mysterious strangeness in the air, for this was to be the last of the usual mass meetings. Almost a year of protest had created a new entity in this city—the Mass Meetings. Here, the doctors, maids, preachers drunkards, professors and the coalman prayed together and sang together. Here too, the Baptist, Methodists, Seventh Day Adventists, Presbyterians, Catholics and all other religious denominations had sung together and prayed together as one in a common cause. This apparent mixed emotion of joy and sadness might have stemmed from the fear that this was the end, the end of a movement that had given a new birth to the Negroes of Montgomery.

THE ACID TEST

Although the Negroes of Montgomery continued to walk and protest the injustices, there seemed to have

been a growing need for the religious influence in the movement. Intimidations appeared on every hand. There was no concrete evidence to show that the beating of two or three Negroes by public officials, and the death of at least one were due to the general tension arising out of the situation in Montgomery, but many Negroes were sure that this was the case.

To add to the horror and the problems of the Negroes, was the devilish act of throwing acid on new cars owned by Negroes. This acid would peel the paint off the car and leave an unsightly appearance. Though there were some ten or more cases of such incidents, and although the police promised to investigate the situation, the Negroes were of the opinion that this too could be added to the long line of abuses which they must endure in their struggle for the dignity of man.

Thus by the 15th of December 1956 the jubilant Christmas spirit had not reached the Negroes of Montgomery: they continued to walk and pray. The Non-Violence Institute which had just concluded and which had emphasized the religious and moral power of man, had tremendous influence on the Negroes and seemed to have directed their everyday life.

1. *Montgomery Advertiser*, September 18, 1956.
2. *Ibid.*
3. *Montgomery Advertiser*, July 18, 1956.
4. *Ibid.*
5. *Montgomery Advertiser*, June 27, 1956.
6. *Alabama Journal*, July 5, 1956.
7. *Alabama Journal*, July 9, 1956.
8. *Montgomery Advertiser*, July 9, 1956.
9. *Montgomery Advertiser*, July 11, 1956.
10. *Montgomery Advertiser*, July 20, 1956.
11. *Alabama Journal*, August 1, 1956.
12. *Montgomery Advertiser*, August 5, 1956.
13. *Montgomery Advertiser*, July 8, 1956.
14. *Ibid.*, November 1956.
15. *Alabama Journal*, November 13, 1956.
16. *Birmingham Post Herald*, November 14, 1956.
17. *Montgomery Advertiser*, November 20, 1956.
18. *Ibid.*
19. *Alabama Journal*, November 15, 1956.
20. *Montgomery Advertiser*, November 15, 1956.
21. *Alabama Journal*, November 16, 1956.

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