

# IV ALABAMA

## THE BATTLEGROUND STATE

### *Part One: Birmingham*

ED GARDNER

*"I Wasn't Saved to Run"*

*Fourth Avenue North in Birmingham is a dispirited street of black businesses done in by integration. When the racial barriers fell, they lost a captive clientele. On this street of pool halls, barbecue parlors, and vacant theaters is the storefront office of the Alabama Christian Movement for Human Rights, the Alabama arm of SCLC. Once this office was a command post of a movement which stirred America's conscience. Now elderly women have set up a quilting parlor in the back; they pass the days undisturbed, sewing and watching soap operas. Only the old people who remember come this way anymore. The wall above his desk is papered with clippings. On that wall, police dogs still strain at their leashes, fire hoses spin demonstrators into the gutters, and in one of the most famous of the Birmingham photographs, a gang of policemen hold a fat black woman pinned to the ground, nightsticks poised above her. "She disappeared. I don't know where she went. Now all the people got scattered. Some of 'em left the city."*

*He remains, surrounded by Movement totems, a keeper of the memory of bad days in Birmingham, toughest town in the South.*

Everything in Birmingham was segregated. You could go downtown there in one department [of a store] and spend a thousand dollars and go to the lunch counter and be put in jail. Or you go uptown and get on the elevator that was marked White Only, and get put in jail.

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*Elevators were segregated?*

Everything. Everything from top to bottom was segregated. And then the eating places . . . had two doors. They had to have a sign on there, Colored and White, and then the owner had to have a wall inside there seven feet high so the black and white couldn't see each other. . . . [Laughs]

*Now at that point in the late fifties . . . the average white person in Birmingham would have said that the blacks here were content except for a few troublemakers.*

Yeah, that's right, that's right. "Outside agitators" they called them, like Martin Luther King.

*But what was the case with the black community?*

Well, the black community was fed up with segregation, and only they were waiting to get a leader to lead out. At that time, any man that attempted to lead out here in Birmingham, well, he was put out of business, see. If he had a business, he couldn't operate, because the city would take his license, and the Ku Klux Klan came in, and the police would harass him. If he was in his car, they would charge him with running a stop sign when there was no stop sign. They would charge him with running a red light when there was no red light. . . . We couldn't hardly get a man in business to lead out in the fight, because he knew that his business was gone when he identified himself with the struggle. So we had to get a man that couldn't lose nothing but his life, and we found Fred Shuttlesworth.

*On June 5, 1956, four days after Ruby Hurley was forced to close her NAACP office, he and fellow minister Shuttlesworth called the first meeting of the Alabama Christian Movement for Human Rights.*

That night cars were lined up about six blocks long trying to get into the building, because we felt that John Patterson's scheme was to continue to maintain segregation and discrimination. And anything looked like it was pointing to destroy segregation and discrimination, he sought to put it out of business. So he clamped down on the N-Double A-C-P and put 'em out of business for eight long years. So the Alabama Christian Movement took up where N-Double A-C-P left off and we carried the fight on. . . . We saw it was going to be a fight to the finish and therefore when we started out, we tried to sit down and talk and to get the whites to voluntari-

ly . . . get these segregation laws off the books. But at that time they refused to talk to us.

*He remembers those as lonely days. They tested bus segregation in Birmingham and five hundred blacks went to jail, but national attention was focused on the bus protest in Montgomery, one hundred miles away. The reprisals—evictions, firings, bombings—went unnoticed.*

They came by my place shooting and all like that, so I had two guards to guard my house. Rev. Shuttlesworth had guards guarding his house. We had a lot of laughs about that. I had a Winchester and I told 'em this was a nonviolent Winchester.

The [local] news people wouldn't give us any coverage . . . they played it down. Those five hundred people went to jail; they didn't publicize it. They acted as though nothing was happening, the town was quiet. "Just a few rabble-rousers was agitating and the folks was satisfied and if we can get these few rabble-rousers out of here, there will be good race relations as always been in Birmingham. . . ."

Then we had black informers and we had white informers and people were afraid. They lived under fear, and so our struggle in the fifties was very light, but we kept moving. . . . Then, when we got to the sixties, we decided that these folks wasn't going to give in one inch, and we decided that Birmingham was the Johannesburg of South Africa and that "Bull" Connor was determined whatever scheme he could use, he was gon' use it to maintain segregation. And he says to us, "You all can't fill up my jail. I got enough room for all of you."

So we proved to "Bull" Connor that we could fill his jail up. We gave him a big surprise, the surprise of his life. . . . We invited Dr. Martin Luther King and all his staff into Birmingham and we set up workshops and got these people orientated into what we had in mind and into the doctrine of love and nonviolence. These people were to march, go to jail, and whatever the case might occur in our struggle, they were never to fight back, whatever happened. And those who weren't willing to undertake such an undertaking we eliminated, because at that time the segregationists was armed to the teeth. They were prepared for violence and they could handle violence. But we caught 'em off guard with nonviolence. They didn't know what to do with nonviolence, see.

We went out to test all the segregation laws, because when we went to court, we had to prove that we were segregated and discriminated against. And the only way we could prove it, we had to try and get put in jail. If we hadn't been willing to go to jail, then the segregation laws would have

stood. Because if no one had tried it, then you couldn't prove it in court, even if the judge himself knew it himself, see. . . . The weight of responsibility was on us to prove that we were segregated and discriminated against.

*He was assigned the task of proving that discrimination existed at the Dobbs House restaurant at the Birmingham airport. The management simply locked the doors when the small group of blacks approached the entrance. Later, thinking the would-be protesters had left the airport, the Dobbs House manager unlocked the front door to admit some white customers. The blacks, who had been hiding nearby, charged the door.*

Five of them rushed in. . . . They got a ham sandwich and a glass of iced tea—it was \$10.25. They called me here at the office and asked me what to do about it. I told 'em to go on and pay the \$10.25 and get a receipt and bring it back to the office. So we paid \$51 for five sandwiches. When we went to court the next week, one of the men kept his sandwich. He didn't eat his sandwich. He just wrapped it up and carried it home and put it in the refrigerator and brought that sandwich to court.

*They introduced the sandwich as evidence when the Dobbs House manager took the stand in federal court.*

[The judge asked:] "Now, do all the persons comes into the Dobbs House pay \$10.25 for a sandwich?" The manager said, "Well, naw, sir, Judge." He said, "Well, why did you have to charge these persons \$10.25 for a sandwich?" And the manager said, "Well, they were special guests." [The judge said:] "What made 'em special? Because they were black?"

*How did the decision to ask SCLC in [to Birmingham] come about?*

The way it worked at that time—I think I will be very truthful—SCLC had hit a slump, and they were struggling at that time because they had lost out in Augustine, Florida. They had a big setback.

*Augustine? In Albany.*

Albany. Albany. That's right. Albany. That's right. Albany. They had a big setback, and it was kind of a big slump for 'em, and they were driving in low key because they had run into this slump in Albany.\* So coming to

\*In 1961 and 1962, SCLC and SNCC had waged a long, frustrating campaign in Albany, Georgia. See Laurie Pritchett and Andrew Young.

Birmingham gave them a shot in the arm. It was the very thing they needed, and it was the very thing we needed. They needed us and we needed them, because King was a national symbol. . . . Then the [local] press had to come out because we had the press coming from other places . . . it forced them out.

When Dr. King came to us, he said, "Now what we're going to have to do, we're going to have to center all our forces here in Birmingham, Alabama, because Birmingham is the testing ground. If we fail here, then we will fail everywhere, because every segregated city and every segregated state is watching which way Birmingham goes. We got to, whatever it takes, break the back of segregation here. We got to do it." He instructed all of us to be ready to pay the price. He said, "Some gon' die, but this is the cost. It'll be another down payment on freedom."

So we had these marches. They were tremendous marches. We would have these mass meetings, and then we would leave these mass meetings and march all through the city, one and two o'clock in the morning. Well, the city couldn't rest. It couldn't rest, because the town was stirred up, and "Bull" tried to put out the fire. Those pictures up there show you where he brought his dogs out. He thought the dogs was going to run 'em in. But the dogs just drew a bigger crowd for our marches, and every act he would put on would draw a bigger crowd. . . . Everything that Eugene "Bull" Connor attempted to do, it backfired on him.

*Another trick he tried was the injunction against the march, wasn't it?*

Injunction, yes. You see, they had passed a city ordinance that if three people would gather out there on a sidewalk, he could jail them. Three would constitute a march, even though they was just talking. So when the judge—Judge Jenkins\* was the presiding judge—issued the order that we couldn't march, Dr. King called a meeting at Room 30 at the Gaston Motel and said, "Now, we got a court order here just served by the deputies that we can't march, but if we obey this order we are out of business. We got to violate it."

\*Circuit Judge William A. Jenkins of Birmingham granted the city's request for an *ex parte* injunction forbidding King and his staff to lead further marches. The writ was served on King on April 11, the Thursday before Easter, and King's biographers agree that the ensuing decision to defy the injunction was a major turning point in his life and career, since it committed him once and for all to the philosophy that one had a positive moral duty to violate unjust laws. King's decision led to a landmark 1967 U.S. Supreme Court decision which held that a state court injunction is temporarily binding even though, on its face, it violates rights guaranteed by the U.S. Constitution. Although King lost this litigation, he had by that time long since won the battle of Birmingham.

The lawyer said, "Well, now, I couldn't tell you to march, I couldn't tell you not to march, because as a lawyer that would be a conflict of interests and my license would be taken away from me. The only thing I can say in regard to the injunction, you can't beat it." Said, "Now, if you are willing to pay the fine and whatever is involved, then that's up to you all."

Dr. King said, "Well, we're gon' to pay the fine and we gon' serve the days. Whatever the judge say, we are going to accept it, 'cause we are gonna violate this injunction."

*Was there any opposition sentiment in that meeting?*

There was some that wasn't quite ready to go back to jail. But Dr. King said, "Now this is the only alternative we have. If we obey it, then we are out of business . . . Therefore I am going to march if I have to march by myself."

It was on Friday, Friday morning, and Easter was coming. So Abernathy said, "Well, let me call the church and tell the deacons I'll be in jail Easter Sunday."

Dr. King was co-pastor.\* His daddy was in the meeting. So his daddy said to him, "Son, I've never interfered with any of your civil rights activities, but I think at this time my advice would be to you to not violate the injunction." He said, "Papa, I got to. I got to. You don't quite understand what's involved." His daddy said, "All right, I won't have no more to say."

*Dr. King did go to jail and while there he wrote his famous "Letter from the Birmingham Jail." It was addressed to seven Birmingham ministers who had written him a chiding letter, but its purpose was to explain to the nation the morality of civil disobedience. The letter set the tone for the more dramatic demonstrations to come in the next three weeks.*

Altogether, we demonstrated here forty-five days and forty-five nights, and in those forty-five days and forty-five nights, didn't a drop of rain fall. And we had mass meetings seventy-five nights without a break. That's the way the thing turned out. Not a drop of rain. It was hot and dry. Birmingham was hot.

*Were there some black people in Birmingham opposed to Dr. King . . . ?*

\*With his father at Ebenezer Baptist Church.

Oh, yes, yes . . . some he never did get until the big thing came up, and the big thing was when we had the final demonstration that tied up the whole city.\* We timed this demonstration about five-thirty in the evening, when the traffic was heavy. And everybody in town couldn't get out; those out of town couldn't get in. But this brought the power structure in. See, they had tried to play as though nothing was happening, but when we marched downtown . . . marched in every department store, every eating joint, and tied up everything, all the traffic, everything was at a standstill. We had forty-five hundred folks in jail, and we had about ten or twenty thousand wanted to get in, and "Bull" Connor had filled up the Bessemer jail, had filled up the county jail—had no place in the city [jail]—filled up the Fair Park. He run out of space, and when he ran out of space, he got the firemen and turned the water on, but the more water he would pour, the more they would come. So then the power structure said something had to be done.

I remember one man, Sid Smyer. Sid Smyer said, "I'm a segregationist from bottom to top, but gentlemen, you see what's happening." He said, "I'm not a damn fool." He said, "Now, we can't win." Said, "We can't win. We gon' have to stop and talk to these folks."

\*May 7, 1963.