OF STUDENT UNREST AND CIVIL RIGHTS: A HISTORY OF THE 1960 ALABAMA STATE COLLEGE SIT-IN MOVEMENT AND THE DEMISE OF *IN LOCO PARENTIS*

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ABSTRACT

This study discusses the student activism that led to the legal case that established due process rights for students at state-funded colleges and universities. In 1960, Alabama State College students organized a sit-in demonstration against Jim Crow segregation and subsequently challenged their expulsion from the college for taking part in the demonstration, which became known as *Dixon v. Alabama*. The *Dixon* decision had a substantial and enduring impact on not only the Civil Rights Movement, but also student rights in disciplinary proceedings at U.S. colleges and universities. The few previous examinations of these events have focused on the legal case and, more often than not, the mythology of the history of student services, failing to attend to the fact that due process for college students originated with civil rights protests. Examinations of the actions of the Alabama State College students, and the implications of the ruling in the *Dixon* case on the Civil Rights Movement and student activism are presented. This study details the actions of the students, highlighting their principled commitment to change, as well as the college president who faced unrelenting pressure from the racist Alabama governor and expected strong community response if he complied with the governor's demands to expel the students.

DEDICATION

This dissertation is dedicated to the countless students who cast aside comfortability and risked their futures to stand against power. Your efforts and contributions to creating an equitable society will not be forgotten.

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There are also several co-workers and others who helped through this process. First, I thank my colleague JoAnn Jones for introducing me to the topic. I knew I wanted to write a history of the movement the day she told me about James McFadden's experience at Alabama State. Dr. Brooke Head, I thank you for encouraging me to apply to the program and for all of your advice. Finally, I thank my colleagues in the Coastal Alabama Community College Social Science Division for checking on my progress and offering words of encouragement on a weekly basis. I also owe a debt of gratitude to Alabama State University Archives research assistants Timothy Vassar and Jason Trawick. Your assistance with locating sources certainly eased my apprehension. I am also thankful for Courtney Pinkard, Reference Coordinator at the Alabama Department of Archives and History, who directed me towards pertinent sources throughout the editing process.

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PREFACE

INTRODUCTION TO THE STUDY

Growing up in a family of Alabama State University graduates provided a unique introduction to historically Black colleges and universities (HBCUs) and their connection to the Civil Rights Movement. During my childhood, my grandfather, who graduated from Alabama State in the 1950s and worked in public education for more than 30 years, made it a priority to educate his children and later his grandchildren about Montgomery and the central role Alabama State played in the fight for Black equality. When we attended the Turkey Day Classic (Alabama State's homecoming football game played against in-state rival Tuskegee University) each November, he made sure we visited civil rights sites such as Dexter Avenue Baptist Church, Holt Street Baptist Church, and the State Capitol. Because of this introduction, I developed an interest in the Black experience in the South, focusing closely on the change agents who orchestrated the Civil Rights Movement. As my interest in the subject grew, my family scheduled trips that continued to bring history to life. For example, we attended the 35th Anniversary of Bloody Sunday in Selma, visited Ebenezer Baptist Church and the King Center in Atlanta, and toured the 16th Street Baptist Church in Birmingham.

My enthusiasm for the Civil Rights Movement blossomed in college as I studied how the freedmen's aspirations were partially fulfilled during Reconstruction, but after multiple federal court decisions limited the power of Reconstruction legislation in the 1880s, Blacks were relegated to second class citizenship. The stigma associated with bearing Black skin, evidenced by disfranchisement and racial inequality, led to the modern Civil Rights Movement. By the time

I entered academia in the early 2010s, I considered myself well-versed in the Civil Rights Movement, yet a visit to a colleague's office proved otherwise. During a visit with a colleague, I noticed a copy of the *ASU Today*, Alabama State University's magazine, on her shelf. Curious to find out the connection between my colleague, a Concordia College alumnus, and Alabama State, I quickly grabbed the magazine to examine the cover. The first thing I noticed was the date, May 2010, which caught my attention since my older brother had graduated from the university the December prior. Situated under the date was a picture of a tall, slimmer older gentlemen holding his fist in the air. His face gleaned with pride, triumph, and liberation. From there, I began to question my colleague about the magazine, who by this point noticed I was distracted from our conversation. She kindly explained the gentlemen on the cover had been expelled from Alabama State for participating in a student protest in the 1960s and that the university invited him and the other expelled students back to campus to honor them in May 2010. By the time she finished the story, I was at the edge of my seat taking notes and asking questions about the students, the protests, and what happened after the students were kicked out of school. My colleague continued to share all she knew about the gentleman on the cover, James McFadden, but she did not know much about the rest of the students. At that point, I realized I wanted to write a history of the students and protests that changed their lives. After being introduced to the history of education field in Dr. Philo Hutcheson's History of Higher Education class, the journey to producing a history of the Alabama State sit-in movement began.

In the spring of 1960, student demonstrations swept the South after four Black North Carolina A&T University students in Greensboro revived the sit-in to protest legal segregation. In the following months, college students in Nashville, Montgomery, Atlanta, and several more cities organized demonstrations, exercising their First Amendment rights by demanding equal access to public accommodations. As noted by historian of education Joy Ann Williamson, student activism in the early 1960s "shifted civil rights agitation from the courts to the streets."[1] In Montgomery, a city where local Blacks had a successful history of civil rights challenges, 35 Alabama State College students rejuvenated the movement by staging a sit-in at the Montgomery County Courthouse restaurant on February 25. Like the leaders of the previous local campaigns for social equality, the students were frustrated about being stripped of their dignity by Jim Crow segregation, a system of laws that separated people on the basis of race. Yet, they were also inspired by the Greensboro Four. Following the courthouse demonstration, the leaders who organized the protest were identified by the college president upon the request of the governor and later expelled from the college by the Alabama State Board of Education. Acquainted with local civil rights attorney Fred Gray, six of the expelled students retained his service to legally challenge their dismissals. Winning their case in the appellate court, the ruling subsequently ended *in loco parentis* and established the right to due process in disciplinary cases for students who attend publicly funded colleges. The purpose of this research endeavor is to provide a comprehensive, coherent narrative of the Alabama State student sit-in movement and the legal case that led to the protection of student rights at state-funded colleges and universities. Previous examinations of the Alabama State sit-in movement focused on the legal case, not the student movement. This dissertation focuses on student agency and the participants' commitment to changing the fabric of the American South despite the challenges presented by the governor and Board of Education.

This study expands the body of literature on HBCUs. As argued by historian Frederick Chambers, the study of Black colleges contributes to the understanding of Black identity as these colleges serve as a major producer of Black leadership. Thus, it is paramount to record the history of the colleges' origins, development, and contributions to American life.[2] Although Alabama State College, which is now Alabama State University, is a state-funded HBCU, I used the term or designation sparingly in the study for two reasons. First, at the time of the protest, Alabama State was known as a Negro or Black college, not a HBCU. Secondly, the designation HBCU did not exist prior to the creation of the 1965 Higher Education Act. Finally, the term HBCU does not account for the heterogeneity of Black colleges. While some HBCUs are small private, religious affiliated normal institutions, others are large state institutions. Additionally, there are two-year and four-year HBCUs. Today, each college has a unique mission, one that is often tied to its origins. Thus, as posited by Chambers, "an accurate perception of each institution is lost in the labeling process." Henceforth, it is paramount to study the colleges and universities individually.[3]

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[1] Joy Ann Williamson, "This Has Been Quite a Year for Heads Falling': Institutional Autonomy in the Civil Rights Era," *History of Education Quarterly* Vol. 44, no. 4 (Winter 2004), 558.

Written as a social history, which recounts the experiences of the individuals and communities at the time, I used archival research and oral history throughout the research process. First, I examined newspaper reports, editorials, meeting minutes, memos, state reports, and telegrams, carefully analyzing each using the four-step process recommended by Jordan Humphrey, a historian of higher education. Then, I verified the source's originality and establish the historical position of the document by, when possible, comparing it to similar documents from the era. Next, I determined the genesis of the source, seeking to understand the circumstances under which the document was produced. Once the genesis of the document was found, I worked to understand the authorial authority of the document, meaning whose account is given within the source. An analysis to determine if the perspective offered was truthful and accurate followed. Finally, I assembled the narrative by weaving the perspectives into a history.[4]

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[2] Frederick Chambers, "Histories of Black Colleges and Universities," *The Journal of Negro History* 57, no. 3 (July 1972), 270, 275. In August 11, 2020, California Senator Kamala Harris, a Howard University graduate, was as selected as Democratic Party presidential candidate Joe Biden's running mate, making her the first African American running mate on a major party ticket.

[3] Chambers, "The History of Black Colleges and Universities," 271.

To better understand the experiences of the expelled students and any other parties involved in the movement, oral history was paramount. Oral history has contributed to the "advancement of new interpretations about the lives and struggles of those marginalized, ignored, or misconstrued in the collective record of the past." Moreover, it has "contributed new knowledge about the workings of power and resistance to power and about everyday life in diverse circumstances around the globe."[5] In oral history, unlike written narratives, "the audience to which the narrator directs his or her story is immediate and interactive. The story's dynamic of personal and collective voice and identity emerges as a result of the interaction between historian (the interviewer) and the narrator (the information)."[6] Oral interviews allow historians to construct history from the bottom up by focusing on the perspectives of individuals involved in or impacted by the Civil Rights Movement. According to historian Kim Lacy Rogers,

> In oral history sources, a researcher can find abundant evidence of the local genesis of the Civil Rights Movement, the radicalism of the grass-roots rural base, and the changes in individual and collective consciousness that movement participants produced…. Oral history documents mass mobilization at an individual level. Narratives frequently reveal the changes of heart and mind that movement participation produces. Narrators describe the changing consciousness that accompanies movement activity as they recount their own journeys from alienation to resistance, from a passive anger or fatalism to political action. Often, they describe experiences that led them to reinterpret social reality in ways that affirmed their own histories and perceptions rather than those of the dominant

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[4] Jordan R. Humphrey, "Conducting and Interpreting Archival Research" *The History of U.S. Higher Education: Methods for Understanding the Past*, ed. Marybeth Gasman (New York: Routledge, 2010), 50-54.

[5] Linda Scopes, ""Insights and Reflections": Reflections on the Documentary Tradition and the Theoretical Turn in Oral History," *Oral History Review* 41, Issue 2 (Summer/Fall 2014), 261, 267.

[6] Antoinette Errante, But Sometimes You're Not Part of the Story: Orals Histories and Ways of Remembering and Telling," *Educational Researcher* 29, no. 2 (March 2000), 17.

> political culture. Finally, interviews reveal the psychological growth in the activists—a redefining of human possibilities and capacities.[7]

Though oral history interviews are a critical component of the study, there were varying challenges in finding formers students to interview. Limitations to the study include interviews were primarily conducted with supporters of the sit-in movement. There was difficulty locating and interviewing former Alabama State College students who did not participate in the spring 1960 demonstrations or who did not support the movement. Moreover, gathering meaningful information from non-participants was arduous. As such, the non-participants had vague memories of the events or they did not provide any specific details about the demonstrations or events related to the demonstrations of spring 1960. Additionally, some were defensive although the researcher explained the importance of attaining the perspective of people who were neutral. To overcome the limitations of including varying perspectives, the researcher located and incorporated opinions of non-participants from newspapers in an effort to gain more insight into the mindset of neutral and opposing parties.

The study is organized chronologically from February 1960 to December 1961, with the exception of the first chapter which describes the history of student activism on college campuses, focusing on the progress students from the past created for contemporary collegians. The second chapter describes the events leading to the sit-in at the Montgomery County Courthouse, how the students orchestrated the sit-in, and how White citizens, led by Governor John M. Patterson, responded to the students' militancy. Attention is given to the impact the Montgomery Bus Boycott had on sit-in participants, how fraternity membership influenced the students to seek equality, and how the Greensboro Four inspired the Alabama State sit-in movement. An investigation as to why students joined the movement and how they persisted despite strong White opposition from state and local power is also provided. The third chapter examines how the students and the White community responded to Alabama State Board of Education's decisions to dismiss the students. The chapter also describes the various protests that occurred from March to May 1960, emphasizing the students' relentless pursuit of equality. The fourth chapter focuses on the state board's attack on academic freedom by investigating the harassment and termination of Alabama State Professor Lawrence D. Reddick. The chapter concludes with a discussion of how the sit-in movement impacted President Harper C. Trenholm. Chapter five provides an overview of civil rights cases and higher education legal cases that defined *in loco parentis*, but the primary aim of the chapter is to describe *Dixon*, the legal case that ended *in loco parentis*. The conclusion, chapter six, examines *Dixon* and the sit-in movement's impact on student agency and student affairs. The dissertation ends with an epilogue in which I examine the movement's influence upon its student agents after their departure from Montgomery.

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[7] Kim Lacy Rogers, "Oral History and the History of the Civil Rights Movement," *Journal of American History* 75, no. 2 (September 1988), 568.

CHAPTER 1

REFLECTIONS ON CAMPUS UNREST

"Human progress is neither automatic nor inevitable .…Every step toward the goal of justice requires sacrifice, suffering, and struggle; the tireless exertions and passionate concern of dedicated individuals."

Martin Luther King, Jr.
"The Future of Integration" on February 10, 1961

It seemed to be a normal meeting of the Alabama State Board of Education. The board president Governor Kay Ivey called the May 2018 meeting to order a few minutes after 10:00 a.m. Quorum was established. A local minister gave the invocation, and a recitation of the pledge of allegiance followed. After the approval of the previous meeting's minutes, the board addressed the line items on the agenda. For all intents and purposes, the board seemed pleased with the progress of the 2017-2018 academic year. The previous September, they successfully pressured former Superintendent Michael Sentence to resign from office after clashing with him over a myriad of policy issues. Shortly after the close of his tenure, the board appointed Dr. Ed Richardson to serve as interim superintendent, a decision that gave the board more authority over state operations. After nearly a year of service, this was Richardson's last meeting as superintendent, and he intended to correct a wrong made by the state board nearly a half century earlier.

Once the meeting adjourned, board members, except for Governor Ivey, went directly into their routine work session. Typically, there were several items for discussion during the sessions, but in the late May session, there were only two: a legislative issue and a correction of a historical injustice. As the session drew near its conclusion, Superintendent Richardson addressed a resolution sent months prior by two guests in the audience: Alabama State University President Dr. Quinton Ross and Dr. Derryn Moten, chairperson of Alabama State's History and Political Science Department. As he read a personal letter aloud, both Ross and Moten were aware of the historical, tenuous relationship between the college and the board. However, this occasion was different.

In 1960, Governor John M. Patterson, as ex-officio of the Alabama State Board of Education, recommended Alabama State College President Harper Councill Trenholm expel nine students and place 20 more students on probation for orchestrating a sit-in at the Montgomery County Courthouse restaurant. The expulsions violated the students' basic American rights, and by request of President Ross and Professor Moten, Superintendent Richardson planned to give the students justice. After reading 29 names, Richard declared the following:

> I find the order issued by Governor Patterson and confirmed by the Alabama State Board of Education was improperly issued and improperly based on a lawful demonstration. Therefore, I hereby order that all citations of this action on transcripts or in other documents in above students' files shall be EXPUNGED.[8]

No sooner than clearing the students of any wrongdoing, Superintendent Richardson addressed another party impacted by the governor's overreach of power: the college's faculty. As student demonstrations unfolded at Alabama State in the spring of 1960, several faculty members found themselves the target of the state's investigation for supporting and participating in the movement. The board terminated Professor Lawrence Reddick, chairperson of the history department, in June 1960, and several of his colleagues were pressured to resign upon accusation of disloyalty to the state. Although all of the faculty found work immediately, Richardson expunged their records and apologized on behalf of the current board.[9] Over a half century later, Richardson's symbolic declaration became a positive step in reshaping the legacy of race relations in Alabama and assuring the right to student activism.

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[8] Ed Richardson to Dr. Quinton Ross, May 10, 2018.

On today's college campuses, a charge of social activism has enjoined students to become just as socially conscious as generations of past students. Since 2010, students have been the catalyst of campus unrest, expressing concern about systematic racism, police brutality, gun control, criminal justice reform, and climate change. While much attention has been given to societal problems, students have also championed change on campus. Protests over the lack of LGBTQ curriculum and faculty representatives, the university's negligence toward increased incidents of sexual assault, increased number of racialized episodes, and the unaffordability of college have increased during the Trump administration. Like the Baby Boomers expressed discontent with the university's conservative practices, those known as Millennials and Generation Z have the advantage of social media to connect and use their newfound freedom and access to information to seek change and improvement. They have transformed today's campuses into spaces where their voices will not be silenced by administrators or outside agents. Contemporary students' rights to express their dismay through assembly, petition, and protests are not only protected by college policy, but also, ultimately, the U.S. Constitution.

In the 2010s, collegians created unique ways to voice their displeasure with the university and political climate. For instance, in 2014, Emma Sulkowicz, a senior at New York University, carried a 50-pound mattress around the campus for a year to bring attention to the university's failure to address the rape culture on campus.[10] A year earlier, Asha Rosa Ransby-Sporn, a member of Students Against Mass Incarceration at Columbia University, orchestrated a 16-month campaign which resulted in the university divesting holdings in private state prisons.[11] In April 2017, hundreds of Auburn University students protested against White nationalist Richard Spencer's invitation to speak on campus.[12] Furthermore, thousands of students gathered in Washington D.C. to protest gun violence. The March to End Gun Violence was one of the largest rallies of the decade.[13]

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[9] Ibid; John Sharp, "Alabama Clears Lunch Counter Protesters 58 Years Later: I Don't Regret It At All,'" *Montgomery Advertiser*, May 20, 2018.

Almost every aspect of college life seemed to be touched by protests, including college sports. During the 2016 football season, 25 University of Alabama students sat in protest to police brutality as the Million Dollar Band played the National Anthem at a home football game.[14] In 2014, members of Notre Dame's women's basketball team wore "I Can't Breathe" t-shirts during their warmup period before a game. The shirts were intended to bring attention to the death of Eric Gardner, a Black New Yorker who was choked to death by New York Police for selling cigarettes outside of a convenience store.[15] In the case of the Notre Dame players, their longtime coach and administration supported the cause, but this was the exception. For example, in March 2019, approximately 40 to 50 University of Tennessee students, wearing all Black in a sea of orange, remained seated during the playing of the National Anthem at a basketball game to draw attention to the university president's lack of concern over White students' donning Blackfaces on social media.[16] In November 2019, members of Students Against Racism, a campus organization at Iowa State University, stormed the president's office after the administration failed to address a series of on-campus racist incidents dating back to 2015.[17]

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[10] Zachary Jason, "Student Activism 2.0," *Ed. Harvard Magazine*, Fall 2008, https://www.gse.harvard.edu/news/ed/18/08/student-activism-20.

[11] Dayton Martindale, "How Columbia Became the First University to Divest from Private Prisons," *In These Times*, July 17, 2015.

[12] Travis M. Andrews, "Federal Judge Stops Auburn from Canceling White Nationalist Richard Spencer Speech. Protests and a Scuffle Greet Him," *Washington Post*, April 19, 2017.

[13] Michael D. Shear, "Students Lead Huge Rallies for Gun Control across the U.S.," *The New York Times*, March 18, 2018.

[14] Jake Howell, "UA Students Protest During National Anthem," *The Crimson White*, October 2, 2016.

[15] Stanley Kay, "Notre Dame Women's Basketball Team Wears 'I Can't Breathe' Shirts" *SI Wire*, December 13, 2014.

As early as 2012, a surge of Black student protests occurred as the "Black Lives Matters" movement for social justice spread after a jury in Florida acquitted George Zimmerman for the murder of Trayvon Martin, a 17-year-old Black teenager. The followers of the movement condemned police brutality, systemic racism, Black poverty, and the over incarceration of Black people. On college campuses, previously overlooked students joined the cause, protesting the lack of faculty of color, unaffordable tuition, the student debt crisis, and the disproportionate harassment of Black students by college police.[18] As noted by historian of education Marybeth Gasman:

> What the Black Lives Matter movement shows us consistently is that predominately White institutions need to change, to step up to embrace difference, and to be truly inclusive. And doing so means that some policies need to change, some traditions will need to end, and more oversight will be needed in order to ensure African Americans have choices for their educational endeavors.[19]

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[16] Jeremy Bauer-Wolf, "A Tough Balance," *Inside Higher Ed*, March 7, 2019, insidehighered.com/news/2019/03/07/ut-knoxville-Blackface-incident-calls-question-adminstrator-commitment-diversity.

[17] Elin Johnson, "Iowa State Students Protests Against Racism," *Inside Higher Ed*, November 1, 2019, insidehighered.com/quicktakes/2019/11/01/iowa-state-students-protest-against-racism.

[18] Khadijah White, "Black Lives on Campuses Matter: The Rise of the New Black Student Movement," *Soundings: A Journal of Politics and Culture* 63 (Summer 2016), 87-88.

[19] Marybeth Gasman, "The Black Lives Matter Movement and Historically Black Colleges and Universities," *Perspectives on Urban Education* 14, Issue 1 (Fall 2007)

In the fall of 2015, the Black Lives Matter movement arrived at the University of Missouri when varsity football players refused to play after University President Tom Wolfe failed to address a series of racialized events on campus. Joining Jonathan Butler, a graduate student who went on a hunger strike, the activists demanded mental health support programs for Black students, hiring of Black faculty, diversity in the university's curriculum, and programs to increase Black student retention. The protests led to the resignation of President Wolfe and the chancellor of the university system. Subsequently, the success of the Missouri protests inspired walkouts, rallies, and demonstrations at various Ivy League institutions.[20]

It should be no surprise young people experiencing newfound freedom found a means to address concerns. Historically, the university has been an environment of activism for various reasons. First, for most collegians, the college experience is the first time being outside of parental rule. However, thought to be a place of liberation, collegians learned quickly of the parental role institutions configured through strict rules and policies. Despite stringent rules, the academic experience provided access to new philosophy and doctrines. With the freedom to explore newfound content also came the free time for students to gather for thoughtful discussions and progressive planning. Additionally, the university emerged as a space where students create their identity. Finally, an orientation toward liberalism on political and social issues created a climate for activism.[21] All these factors combined to yield powerful student protests. For millennials, constant increases in college costs living coupled with the belief a

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www.urbanedjournal.gse.upenn.edu/volume-14-issue-1-fall-2017-15-years-urban-education-special-anniversary-edition-journal/Black-lives.

[20] White, "Black Lives on Campuses Matter," 92-93.

[21] Philip Altbach and Robert Cohen, "American Student Activism: The Post-Sixties Transformation," *The Journal of Higher Education* 61, no.1 (January -February 1990), 33; Philo Hutcheson, *A People's History of American Higher* Education (New York: Routledge University Press, 2019), 143-144.

college degree may only lead to debt, not employment, breeds a sense of hopelessness and fuels an attitude of unrest.[22]

Only a half a century earlier, Black college students in the segregated South collectively challenged the legal system that relegated them to second-class citizenship. Unlike today's student protestors who are protected by established disciplinary procedures, the student civil rights activists were not only subject to jail time in the judicial system but were also subject to disciplinary action from the college officials and boards for participating in the movement. Whereas today's students are granted due process, the civil rights student protesters were subject to the arbitrary actions of White board members who were dismayed at the students' actions. To understand the process by which students were granted due process in disciplinary procedures at tax-funded colleges and universities, an examination of the Civil Rights Movement, particularly the sit-in movement of the 1960s, is necessary.

Since the inception of American higher education, colleges and universities have been hotbeds of student unrest and discontent. In the colonial era, young men, many of whom had left home for the first time, found themselves on campuses with rigid rules. Despite having free time, college policies restricted freedom of expression, banned alcohol consumption, prohibited card playing, and required worship service attendance. Seeking a break from *in loco parentis* and the extreme oversight of the administrators, students found opportunities to protest in various forms. Likewise, during the Revolutionary War, students boycotted British goods and desecrated the effigies of British leaders.[23]

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[22] Danielle Douglass-Gabriel, "Million Student March Fights for Debt-Free College," *Washington Post*, November 12, 2015.

[23] Christopher Broadhurst, "Campus Activism in the 21st Century: A Historical Framing," *New Directions in Higher Education* 167 (Fall 2014), 4.

Throughout the late colonial and antebellum periods, student protests paralleled the increase in college attendance. In 1766, Harvard students orchestrated the first recorded student protest in American higher education history. Protesting the sour butter served for dinner, students left campus and ate in town.[24] In 1836, University of Virginia students attacked faculty homes after university officials demanded the students turn over their guns.[25] Furthermore, six student rebellions occurred at Princeton between 1800 and 1830.[26] Altogether, from 1800 to 1875, student revolts happened at Amherst, Brown, the University of South Carolina, Miami University, Georgetown, Yale, Harvard, Dartmouth, DePauw, City College of New York, Williams, and Dickinson. Most of the protests were not politically driven. Instead, students rebelled to show discontent with subpar living quarters, strict college policies, and poor food. The protests yielded varied results as suspended students were sometimes reinstated, but in other cases, the university hardened its policies.[27]

In the early 20th century, student protestors fought to reform campuses and society for social and political reasons. During World War I, protestors fought a perceived military takeover of campus life. Throughout the peacetime 1920s, students objected to a curriculum that marginalized their identity and needs. As the Great Depression set in and World War II loomed, anti-war sentiment swept through the university campus. In 1932, the National Student League held the Student Congress Against War convention in Chicago. Approximately 680 student representatives from 89 colleges and universities in 30 states attended.[28] In February 1933, students at Oxford University created the "Oxford Pledge," committing heavily to the anti-war stance. American students from the National Student League soon adopted the pledge, becoming an integral part of an international movement. In April, approximately 1,500 students walked out of their classes in protest to the war.[29] Despite student resistance put forth during the Depression and on the cusp of World War II, the courts continued to rule in favor of colleges who enforced policies based *in loco parentis*.

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[24] Hutcheson, *A People's History of American Higher Education*, 138.

[25] Kellie Crawford Sorey and Dennis Gregory, "Protest in the Sixties," *The College Student Affairs Journal* 28, no. 2 (2010), 186-187.

[26] Broadhurst, "Campus Activism in the 21st Century," 4.

[27] Sorey and Gregory, "Protests in the Sixties," 186-187.

Student activism staggered to some degree as male student college attendance decreased due to mandatory military service during World War II. However, at the University of California, Berkeley, female students continued to fight racial inequality, promote civil liberties, and protests the internment of Japanese Americans while the men served overseas. Women at the university matriculated into male-dominated fields such as chemistry and engineering, challenging the social norm and asserting their political voices.[30] After the war, the composition of the college attendees changed as an influx of veterans employed the Servicemen's Readjustment Bill to pursue degrees. Unlike the students of the previous generation, the students of the 1940s and 1950s focused on earning a degree to start a career. The Silent Generation, the generational cohort born between 1925 and 1942, viewed the federal government and university administrators as authority figures.[31] They favored conservatism and a return to normalcy during an age of rising anti-communist sentiment.

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[28] Robert Cohen, *When the Old Left was Young: Student Radical and America's First Mass Student Movement, 1929-1941* (Oxford: Oxford University Press, 1993), 86.

[29] Broadhurst, "Campus Activism in the 21st Century," 5-6.

[30] Charles Dorn, "A Woman's World": The University of California, Berkeley, During the Second World War," *History of Education Quarterly* 48, no. 4 (Nov. 2008), 534-535, 541.

In the 1960s, the culture of college campuses changed dramatically as a result of student activism. By the 1960s, the college students—who grew up under the influence of television, radio, and newspapers—felt compelled to challenge the status quo. The Silent Generation, who experienced the hardships of the Great Depression and World War II during childhood, were restrained by the doctrine of *in loco parentis*, a Latin term meaning "in the place of the parent" as college students. In contrast, the Baby Boomers, the generational cohort born between 1945-1964, asserted their rights as citizens. As campus enrollment increased from 3.6 million in 1960 to 8.5 million by 1970, institutions became to hold classes in large auditoriums to accommodate more students and use federal dollars to produce research—practices that left Baby Boomers feeling disconnected from the colleges. Additionally, administrative policies which regulated hair length, interaction between the sexes, and "proper" conduct and dress were deemed too rigid by this new generation.[32] This generation believed government should act in citizens' best interests, and if government did not enhance one's quality of life, the citizens should actively seek change.

During the 1960s, students peacefully protested systematic racism, America's involvement in Vietnam, the draft, and mandatory ROTC participation. Acting on ideology and principle, demonstrators hoped to reform society for the betterment of all. Student protests, in part, persuaded President Lyndon Johnson not to seek re-election, and by the end of the decade, student discontent with the pace at which change occurred resulted in violence. Subsequently, local and state police, and occasionally the National Guard, were called upon to control student demonstrations. Campus unrest, according to several public opinion polls, was the most significant concern amongst the American public. The college campus, once the location of social conformity, gave way to political and social unrest.[33] While students waged campaigns on predominately White institutions, Black colleges were not exempt from student discontent.

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[31] Edward Sampson, "Student Activism and the Decade of Protest," *Journal of Social Issues*, Vol. XXIII, no. 3 (1967), 2-3; Crawford and Gregory, "Protests in the Sixties," 187.

[32] Broadhurst, "Campus Activism in the 21st Century," 7.

From the establishment of Black colleges starting with Lincoln University (then the Ashmun Institute) and Wilberforce College before the Civil War and then in the rest of the nineteenth century into the early 1900s, Black institutions have served as one of the few spaces where Black students could mature intellectually under the guidance and protection of educated faculty. Whereas the outside world constantly reminded Black students of their supposedly racial and intellectual inferiority, Black colleges nurtured the mental, spiritual, and physical well-being of Black students through liberal arts and vocational education. Indeed, colleges were one of the few spaces in the Black world where students' dignity and self-worth were reinforced. [34] In the post-World War II era, Black students welcomed the message of self-improvement and controlling one's future. By the 1960s, an onset of student protests swept the South as Black collegians sought to pave their path to dignity and respect.

Black student activism emerged in the early twentieth century as Black collegians challenged Jim Crow segregation practices which produced a negative outcome for the world in which Blacks lived. For example, in 1923, students at Florida A&M College for Negroes (now Florida A&M University) in Tallahassee initiated a series of protests which including boycotting classes and breaking curfew. During the three-month protest, a building was set ablaze. Ultimately, the students hoped to force the new president, who followed the board's segregation policies, to resign.[35] In Nashville, Fisk Institute students, with the support of one of their most prominent alumnus W. E. B. DuBois, protested against their racist president for 10 weeks in 1925.[36] Additionally, more than 500 Black students met in Richmond, Virginia, in 1937 to form the Southern Negro Youth Congress, whose mission was to improve workers' plight and increase Black voting.[37]

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[33] Altbach and Cohen, "American Student Activism," 32; Crawford and Gregory, "Protests in the Sixties,"188.

[34] Walter R. Allen and Joseph O. Jewell, "A Backward Glance Forward: Past, Present, and Future Perspectives on Historically Black Colleges and Universities," *The Review of Higher Education* 25, no. 3 (Spring 2002), 242-243, 247-248.

Throughout the 1930s and 1940s, college students utilized the Legal Defense Fund of the NAACP to bring legal challenge against school segregation. Disproportionate funding between White and Black institutions created inequality. When Black students sought entry into graduate and professional schools, college registrars generally denied admission based upon race. However, by the 1950s, Hernan Sweat entered the University of Texas Law School and George McLaurin was admitted to the University of Oklahoma upon two respective U.S. Supreme Court rulings.[38] By the early part of the 1960s, however, Black students supplemented the legal attack on segregation with direct action. Throughout the national sit-in movement—when thousands of college students participated in direct action protests in demand of equal service at segregated public establishments—and the Freedom Rides, a movement launched by the Congress of Racial Equality (CORE) to test the validity of the U.S. Supreme Court's ban of segregated terminal facilities for interstate passengers, Black students exhibited their discontent by employing the knowledge attained from the university to fight an unjust system. The greatest decade of student unrest soon followed.

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[35] Antonio F. Holland, "Education over Politics: Nathan B. Young at Florida A&M College, 1901-1923," *Agricultural History*, 65, no. 2 (Spring, 1991), 146-147.

[36] Lester C. Lamon, "The Black Community in Nashville and the Fisk University Student Strike of 1924-1925," *The Journal of Southern History* 40, no. 2 (May 1974), 234-240.

[37] C. Alvin Hughes, "We Demand Our Rights: The Southern Negro Youth Congress, 1937-1949," *Phylon* 48, no. 1 (First Quarter, 1987), 39.

[38] Mark Tunshnet, *The NAACP's Legal Strategy against Segregated Education, 1925-1950* (Chapel Hill; The University of North Carolina Press, 1987), 125-128, 132; *Sweat v. Painter* (1950); *McLaurin v. Oklahoma State Regents of Higher Education* (1950).

Building on the foundation of the 1940s and 1950s Civil Rights Movement, in 1960, college students across the South peacefully demanded equal service at segregated eating establishments. Primed with the knowledge and power of nonviolent civil disobedience, Black students in Montgomery soon emerged as a place of social unrest. By February 1960, Alabama State students joined the nationwide sit-in movement, a decision that reshaped the landscape of American higher education by redefining the relationship between administrator and student. A quest for equal access to public accommodations led to rights for all American students. This study looks beyond Montgomery's history as the Cradle of the Confederacy and the home of the Montgomery Bus Boycott. The Montgomery sit-in movement is significant because it cultivated student leaders, refined the skills of the students' legal team, and most importantly, the Montgomery sit-in movement led to the securing of students' rights.

CHAPTER 2

THE REVIVAL OF CIVIL DISOBEDIENCE

"If the injustice is part of the necessary friction of the machine of government, let it go, let it go: perchance it will wear smooth--certainly the machine will wear out. If the injustice has a spring, or a pulley, or a rope, or a crank, exclusively for itself, then perhaps you may consider whether the remedy will not be worse than the evil; but if it is of such a nature that it requires you to be the agent of injustice to another, then I say, break the law. Let your life be a counter-friction to stop the machine. What I have to do is to see, at any rate, that I do not lend myself to the wrong which I condemn."

Henry David Thoreau
"On the Duty of Civil Disobedience"

In the mid-nineteenth century, American transcendentalist Henry David Thoreau popularized the concept of civil disobedience after local officials arrested him for refusing to pay poll taxes, which were used to fund the nation's involvement in the Mexican-American War and subsequent expansion of slavery in the southwest. Civil disobedience involves individual's refusal to obey an unjust rule or law.[39] Nearly a century later, Indian nationalist Mahatma Gandhi led a campaign to overthrow British colonialism in his home country by refusing to obey the Salt Act, which forced Indians to buy heavily taxed salt from the British. Using satyagraha, translated as truth force, Gandhi's form of civil disobedience led to India's independence.[40] Thoreau and Gandhi alike influenced a young Morehouse College alumnus and Crozer Theological Seminary student, Martin Luther King, Jr. in the late 1940s. Throughout his fight for Black equality, King championed civil disobedience as a way to reform society and create revolutionary change.[41] King, who believed violating the law brought awareness to the immoral situation, contended that non-violent civil disobedience "exposed the opponents moral defenses; it weakened his morale and at the same time it works on his conscience."[42] In 1960, a spirit of civil disobedience swept the American South as college students used the sit-in, a non-violent, direct action protest to confront Jim Crow segregation. The 1960s student sit-in movement represented a continuum in the struggle for racial equality that began in the 1940s. During the decade, America's involvement in World War II galvanized the modern Civil Rights Movement as the nation's outright racism became world known. As military campaigns in European and the Pacific theaters ensued, Blacks answered the national call to support the war effort by joining the armed forces, purchasing war bonds, and joining the workforce. While many viewed German leader Adolf Hitler as the world's most prominent racist, Jim Crow segregation at home relegated African Americans to second class citizenship. In 1942, the Black press, led by newspaper editor Ira Lewis of the *Pittsburg Courier*, encouraged Black Americans to pursue the "Double V," victory over international enemies on the warfront and victory over segregation at home. The Double "V" campaign was a direct response to letter written by James Thompson, a young Black cafeteria worker, to the *Pittsburg Courier* in which he questioned if Blacks should seek to protect a country where they were mistreated. Ultimately, Thompson called upon Black Americans to seek “victory over our enemies without” and “within.”[43] As a result of this newfound activism, NAACP membership increased from 50,000 to half a million participants in the 1940s.[44]

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[39] George E. Carter, "Martin Luther King: Incipient Transcendentalist," *Phylon* 40, no. 4 (Fourth Quarter, 1979), 321.

[40] King, *Stride toward Freedom*, 96.

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[41] Carter, "Martin Luther King: Incipient Transcendentalist," 321.

[42] K. P. Karunakaran, "Martin Luther King and Civil Disobedience," *Indian International Centre Quarterly* 3, no. 2 (April 1976), 96, 101.

On the home front, discrimination in defense industries was prevalent as industry owners failed to hire Black American workers, and when employed, Black Americans received lower pay than their White counterparts. In response, civil rights leaders pressed the Roosevelt administration to open war industries jobs to Black Americans. In 1941, A. Philip Randolph, president of the Brotherhood of the Sleeping Car Porters, and Bayard Rustin, an essential civil rights protest strategist, threatened to march on Washington, D.C. for equality opportunity in federal contracts. In response, President Franklin Roosevelt issued Executive Order #8802 which created the Fair Employment Practice Committee, a body that ended discrimination by government defense contractors. After the war, the Truman administration issued an executive order to desegregate the armed forces and created a civil rights committee to investigate America’s race problem.[45] Additionally, throughout the 1950s, the work of the NAACP yielded several court victories over segregation in education.

Still, from the student perspective, the impetus for their activism came from the lack of speed at which the older civil rights leaders and the litigation strategy brought progress. Litigation often lasted months and occasionally years. Though the court often ruled in favor of Black plaintiffs, southern politicians found ways to maneuver around or delay implantation of the rulings.[46] For example, during the Jim Crow era, the Florida Board of Control, which governed higher education, in addition to the states' governors, state legislators, and court system maneuvered to keep the state's higher education system segregated after the court handed down *Brown*. Throughout the early 20th century, the state operated a dual educational system in which White students attended the University of Florida and Florida State University while Blacks attended the underfunded Florida A&M University with limited program options. After Black students applied for admission into the University of Florida School of Law, the state responded by created a Black law school at Florida A&M. If Blacks attempted to initiate desegregation efforts, the Board of Control considered creating stricter standards for admissions, which aimed to deter Black college attendance and possibly shut down Florida A&M. Finally, in 1957, the Florida Supreme Court affirmed the denial of a Black applicant into the University of Florida's law school, in opposition to *Brown II*, arguing the student's presence would cause a disturbance on campus and a loss of revenue as White students would withdraw from the university.[47] White opposition at the state level persisted throughout the Jim Crow South despite federal court rulings in favor of Black plaintiffs.

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[43] Pat Washburn, “The Pittsburg Courier’s Double V Campaign in 1942,” *American Journalism* 3, Issue 2 (1986), 73.

[44] Sitkoff, *The Struggle for Black Equality*, 11-13.

[45] Denton Watson, “Assessing the Role of the NAACP in the Civil Rights Movement,” *The Historian* 55, no. 3 (1993), 457; Sitkoff, *The Struggle for Black Equality*, 11.

Yet, building on the successes of the 1940s and 1950s Civil Rights Movement, college students across the South peacefully demanded equal service at segregated public accommodations that included lunch counters, theaters, and hotels, willfully violating Jim Crow laws. By the beginning of the sit-in movement, southern segregationists had exhausted several means to maintain the racial order and the success of their efforts were evident in the lack of

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[46] Christopher Schmidt, "Divided by Law: The Sit-Ins and the Role of the Courts in the Civil Rights Movement," *Law and History Review* vol. 33, no. 1 (February 2015), 93-94.

[47] Larry Johnson, Deidre Cobb-Roberts, and Barbara Shircliffe, "African Americans and the Struggle for Opportunity in Florida Public Higher Education, 1947-1977," *History of Education Quarterly* 47, no. 3 (August 2007), 329, 333, 344.

Black equality. For example, despite the two *Brown v. Board of Education, Topeka* decisions, only six percent of segregated public schools in the nation had been desegregated by 1960, with none in the state of Alabama.[48] By confronting segregation through direct action and breaking the law, the students hoped to accelerate the rate of desegregation and to attain the dignity of the law.[49]

Exasperated with the slow pace of desegregation and by the tactics White opposition used to uphold Jim Crow, the Greensboro Four started the sit-in movement in February 1960 to eradicate a phrase White business owners said all too frequently: “We don’t serve Negroes.” A simple request for coffee and doughnuts at an establishment where Blacks readily purchased school supplies yielded cries such as “Nasty, dirty niggers,” and “You know you don’t belong here at the counter” from White patrons. Despite receiving no service the first day of the Greensboro sit-in, participation grew as 25 students from North Carolina Agricultural and Technical College and Bennett College returned to the lunch counter the following week. By the end of the week, approximately 300 students joined the cause. Within weeks, collegians in Durham, Winston-Salem, Charlotte, Nashville, Tallahassee, and Montgomery sat down at local eateries, demanding equal access to public accommodations.[50] As the editor of the *Journal of Negro Education* wrote, the Greensboro movement “started a brush fire which in the brief period of two months has assumed the proportions of an unquenchable conflagration.”[51] The actions of the Greensboro Four prompted established civil rights leaders to make equal access to privately owned establishments a top priority. As the movement grew regionally, 27 southern cities desegregated their lunch counters by August 1960.[52] The students built on an important history of sit-ins.

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[48] Harvard Sitkoff, *The Struggle for Black Equality* (New York: Hill and Wang, 2008), 75; “Courts Will Vindicate Sitdowns, Says King,” *Alabama Journal*, April 18, 1960.

[49] Sitkoff, *The Struggle for Black Equality*, 86.

[50] Ibid, 64-66; Theodore Carter Delaney, “The Sit-in Demonstrations in Historic Perspective,” *The North Carolina Historical Review* 87, no. 4 (2010), 431. By February 1961, sits-ins occurred in approximately 100 cities in the South.

[51] Charles H. Thompson, “Desegregation Pushed Off Dead Center,” *Journal of Negro Education* 29 (1960), 107.

On February 1, 1960, Joseph McNeil, Franklin McCain, David Richmond, and Ezell Blair, Jr., four Black students who attended North Carolina A&T College in Greensboro staged a sit-in protest at the all-White lunch counter at a Woolworth's store. Although there is some debate about what motivated the Greensboro students to use the sit-in, a non-violent direct action form of protest, the Greensboro Four were not the first demonstrators to employ the sit-in.[53] In April 1942, James Farmer, Jr. and the Congress of Racial Equality (CORE) members gained equal access to the once segregated Jack Spratt Coffeehouse in Chicago after employing a peaceful sit-in. In April 1943, the National Association for the Advancement of Colored People (NAACP) sponsored Howard University students who staged sit-ins in Washington, D.C. In Louisiana, Southern University students in Baton Rouge tried to desegregate downtown restaurants from 1954 to 1960.[54] Furthermore, from 1957 to 1960, civil rights activists orchestrated sit-in protests in at least 15 cities: Kansas City and Wichita, Kansas; St. Louis, Missouri; Enid, Oklahoma City, Stillwater, and Tulsa, Oklahoma; Charleston, West Virginia; Sumter, South Carolina; East St. Louis, Illinois; Durham, North Carolina; Nashville, Tennessee;

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[52] Schmidt, "Divided by Law," 101.

[53] Theodore Carter Delaney, "The Sit-in Demonstrations in Historic Perspective," *The North Carolina Historical Review* 87, no. 4 (2010), 431. Delaney also argued students chose the sit-in because they were unsatisfied with the passive approach older civil rights leaders employed; William Chafe, *Civilities and Civil Rights: Greensboro, North Carolina, and the Black Struggle for Freedom* (Oxford: Oxford University Press, 1980), 82-86.

[54] Delaney, "The Sit-in Demonstrations in Historic Perspective," 432; James Farmer, *Lay Bare the Heart: An Autobiography of the Civil Rights Movement* (Forth Worth: Texas Christian University, 1985): 106-107.

and Miami, Florida.[55] In the case of Miami, CORE activists protested at a Woolworth's lunch counter less than a year before the Greensboro protests.[56]

The use of nonviolent, direct action differentiated the student movement from previous civil rights campaigns. James Robinson, the executive secretary of CORE, defined direct action as "action which involves an opponent who is in a position to make the change that the action is directed toward."[57] Instead of waiting patiently for the legal challenge to inhumane segregation laws to bring justice, through the sit-in, the students sought to bring about reform locally with the hope of change spreading abroad. The success, meaning the pace at which White and Black southerners joined the cause, showed that many were not willing to wait on change.[58] Since the segregationists controlled the legal system, sit-in demonstrators were willing to stay in jail instead of pay bail or quit the movement. By filling the jails, the demonstrators hoped to cause the oppressor to evaluate the practicality of segregation.

The student sit-in movement was neither spontaneous nor completely independent of the Civil Rights Movement. Although early historians of the Civil Rights Movement argued that college students initiated the sit-in movement and only after the fact did the NAACP, CORE, and Southern Christian Leadership Council (SCLC) support the students' cause, well-established organizations such as the NAACP Youth Councils, CORE, the SCLC, and the Nashville Christian Leadership Council (NCLC) trained or financially supported students who participated in sit-in protests prior to their being initiated. Furthermore, many of the movement's participants turned to the establishment of the Black church and congregants for support.[59]

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[55] Aldon Morris, "Black Southern Student Sit-in Movement: An Analysis of Internal Organization," *American Sociological Review* 46 (1981), 748.

[56] Delaney, "The Sit-in Demonstrations in Historic Perspective," 432.

[57] Robinson, "The Meaning of the Sit-ins," 2.

[58] Ibid, 1.

From 1955-1960, Black clergy enjoined their congregations to support the bus boycott, pursue the franchise, and employ Gandhian non-violence to destroy *de jure* segregation in Montgomery, Baton Rouge, Nashville, and Durham. Often, college students of the movement attended such churches where they heard sermons about the Social Gospel, equality before God, and the power of forgiveness. The energized spirit of the Black church and pre-existing internal organization, created by clergymen, provided a foundation for the sit-in movement in the 1960s.[60] The pre-1960 sit-in movement failed to garner mass support because the White media provided little coverage of the demonstration, and without the internal organization—the network of organizations, ministers, and church members—the pre-1960 movement was too isolated and sporadic.[61] When the Greensboro Four revived the sit-in, following a form of protest Black activists used in the 1940s and 1950s, they inspired students across the South to take direct action against segregation. Inspired by sit-in participants in Greensboro and Nashville, nine Black students from Alabama State College in Montgomery led a sit-in demonstration at a courthouse restaurant in February 1960. (Appendix A provides a detailed chronology of the events in Montgomery and the *Dixon* court cases in 1960 and 1961).

Located on the Alabama River in the middle of the Black Belt, Montgomery was known as the Cradle of the Confederacy as it served as the first capital of the Confederate States of

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[59] Morris, "Black Southern Student Sit-in Movement," 751-753. For example, Howard Zinn, a historian and eyewitness of the movement, wrote: "Spontaneity and self-sufficiency were the hallmarks of the sit-ins; without adult advice or consent, the students planned and carried them through."

[60] Morris, "Black Southern Student Sit-in Movement," 753.

[61] August Meirer and Elliot Rudwick, *Along the Color Line* (Chicago: University of Chicago Press, 1976); Morris, "Black Southern Student Sit-in Movement," 753-754.

America. Prior to the Civil War, the state legislature voted to move the capital from Tuscaloosa to Montgomery because of its centrality. By the mid-20th century, the racial city became the birthplace of the modern Civil Rights Movement despite Alabama State Attorney General John Patterson's lawsuit and victory which prohibited the NAACP from operating in Alabama. Resisting Patterson's ploy, Black Montgomerians' turned to local leadership and began to pursue equal rights through grassroots community action.[62]

With a mission of educating the freedmen during Reconstruction, Alabama State College (known today as Alabama State University) was founded as a normal school in Marion, Alabama, in 1867 by nine freedmen who were aided by the American Missionary Society. Initially known as Lincoln Normal School, the college witnessed dramatic growth under the supervision of the State Board of Education. In 1887, the college held its first classes at its new location in Montgomery, and by 1928, the college completed a transition from a junior college to a baccalaureate-awarding institution. After a year, the state approved the college's name change. Known as State Teachers College, Alabama State College for Negroes, the college received SACS accreditation in 1935, and in 1948, the legislature approved another name change to Alabama State College for Negroes. Adding multiple buildings and programs under President Harper C. Trenholm, the college's name changed to Alabama State College in 1954.[63]

The Alabama State community knew all too well the impact of segregation on the city and the Black community. Montgomery's economy centered on two major federal installations: Maxwell and Gunter Air Force bases. In the latter part of the 1950s, one in every fourteen working citizens worked at one of the bases, while one of seven families were connected to the U.S. Air Force in some capacity. Although the bases provided economic mobility and an integrated space for locals, 48 percent of Black men worked as laborers or domestics–whereas 68 percent of Black women worked as domestics. Black families earned $760 less in annual earnings than White families, and to compound the economic woes, Jim Crow stigmatized the Black community while uplifting White families.[64] This stigmatization could be found in the "Whites Only" water fountain signs, the manner in which White store owners required Black patrons to pick up their food from the kitchen instead of the lunch counter, and disparity in funding between White and Black schools.

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[62] Mark V. Tushnet, *Making Civil Rights Law: Thurgood Marshall and the Supreme Court, 1936-1961* (Oxford: Oxford University Press, 1994), 283.

[63] Karl E. Westhauser, Elaine M. Smith, and Jennifer A. Fremlin, eds. *Creating Community: Life and Learning at Montgomery's Black University* (Tuscaloosa: University of Alabama Press, 2005), 5-10.

The city also housed the State Capitol building, a symbol of racial order and White supremacy. In 1901, on the site where Jefferson Davis gave his inaugural address as president of the Confederacy, 155 White state delegates rewrote the state constitution with the aim of ending Reconstruction initiatives and disenfranchising Black voters. By adopting the literacy test, poll tax, and residency clause, in 1955, White government officials ensured that only 10 percent of the Black voters in Alabama were eligible to vote. In Montgomery, only 2,000 of 30,000 Blacks were registered voters.[65] In response, the segmented Black community collaborated to challenge the city's racialized social order.

With the NAACP barred from operating in the state, in December of 1955, the local Black community came together to overcome the racialized social order. Longtime civil rights advocate E. D. Nixon, among other community leaders, suggested the Black citizens boycott the city bus line after police arrested longtime NAACP secretary Rosa Parks for refusing to move out of the White section of the bus. Black residents, including members of Alabama State's faculty and student body, rallied quickly to support the cause. In advance of a mass meeting, the Black clergy selected Dr. Martin Luther King, Jr., the new pastor of Dexter Avenue Baptist Church, to lead the movement. During a yearlong bus boycott, the students made their voice heard by disseminating English Professor JoAnn Robinson's leaflets which explained the purpose of the bus boycott to the Black community, attending church rallies, and boycotting the city bus line. Alabama State student James McFadden thought of the Montgomery Improvement Association (MIA) office as a second home, recalling the times he and his friends hung out there during the boycott. "We used the Montgomery Improvement Association like the library," McFadden recalled. "We would just hang out there because that was the place to be."[66] King taught the community the power of nonviolent resistance and agape love. One group who benefitted from his tutelage was the student participants.

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[64] Martin Luther King, Jr., *Stride toward Freedom: The Montgomery Story* (New York: Harper & Row Publishers, 1958), 27.

[65] King, *Stride toward Freedom*, 29.

It was no accident students responded to the call to participate in the movement as Alabama State students have a history of campus activism. In 1948, while serving as the college's student council president, Ralph Abernathy led a wave of student strikes to improve housing and food services.[67] During the Montgomery Bus Boycott, students eagerly contributed to the cause, as many were drawn to King's youthfulness and charisma. "Dr. King was only 10 years older than us students….so he was able to relate to us very well and we related to him, particularly those of us that was in the movement," James McFadden explained.[68] By 1960,

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[66] James McFadden, Interview with Kouri Allen, Thomasville, May 25, 2019.

[67] Gerald L. Smith "Ralph David Abernathy and the Civil Rights Movement," in *The Human Tradition in the New South*, ed. James C. Klotter (Lanham: Rowman & Littlefield Publishers, 2005), 176.

[68] James McFadden, Interview with Kouri Allen, Thomasville, May 25, 2019.

Alabama State had the largest enrollment of Black colleges in the state. Nestled next to Interstate 85 off of Jackson Street south of downtown, the 50-acre urban campus was surrounded by small industry and suburban housing. Comprised of nine academic buildings, a library, athletic fields, five residence halls, and a five-year old administrative building, the college served as one of the premiere normal institutions in the Black Belt community. Most of the college's faculty and the city's small class of Black professionals and businessmen lived in the neighborhood surrounding the college.[69] On campus, students and faculty alike enjoyed swimming in the college pool, attending the annual homecoming parade and Turkey Day Classic, a rivalry football contest against Tuskegee Institute, and participating in Founder's Day celebration each February. With a mission of preparing its 2,400 students to become educators, the college offered four undergraduate degrees and a master's degree in education.[70] Although the fervor that King once stirred throughout the bus boycott had settled, the fire he and the MIA lit still glimmered in the heart of the students who were not willing to give up on equality.

The relationship between the community and students was cemented through one key activity: church attendance. In 1955, many students attended Dexter Avenue Baptist Church, where King served as pastor. Even after his departure from the church in January 1960, students frequented the Dexter Avenue Baptist, led by Herbert Eaton, for Sunday morning service.[71] Church attendance was almost mandatory, according to Alabama State student St. John Dixon.

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[69] J. Mills Thornton III, *Dividing Lines: Municipal Politics and the Struggle for Civil Rights in Montgomery* (Tuscaloosa: University of Alabama Press, 2002), 29. The majority of working-class Blacks lived in west Montgomery.

[70] Ann Lyle, "Negro College Remote to Most Montgomerians," *Alabama Journal*, March 3, 1960.

[71] Garrow, *Bearing the Cross*, 125. King submitted his resignation to Dexter on November 29, 1959. In the morning service, King informed the congregation he planned to resign so SCLC could expand its equality campaign regionally.

After visiting a few local churches, Dixon settled on Dexter Avenue despite King's departure. "This guy seemed sincere, and that's what I saw in him," Dixon said about King." He was also back and forth from Atlanta to Dexter Avenue. So anytime he was in town, I never missed church because I know he had a message."[72] Students also frequented First Baptist Church, where Ralph Abernathy served as pastor. They built bonds with Rev. Solomon S. Seay who served as a mentor while pastoring multiple churches in the African Methodist Episcopal Zion denomination. Reverends W. J. Powell, the former transportation director of the boycott, and L. Roy Bennett were also AME ministers who connected with the students. Furthermore, Dr. A. W. Wilson, who pastored Holt Street Baptist from 1939-1989, the epicenter of the Montgomery Bus Boycott, welcomed students to worship. Finally, in the years leading up to the sit-in movement, James McFadden recalled attending Hutchinson Baptist Church several times a week. The church, just two blocks away from campus, was led by civil rights veteran Rev. H. H. Johnson.

When news of the Greenville and Nashville movements made its way to Montgomery, the student body mobilized to join the cause. According to historian J. Mills Thornton, there were no major integration attempts in the state capital from 1956, the end of the bus boycott, until November 1961, the year in which bus and train terminals were desegregated.[73] Thus, the movement returned Montgomery back to its roots of civil disobedience. Initially, the students met at the Cabin Inn, a bar and club a few blocks away from campus, and the Hornet Grill on campus, with attendance at the first secret meetings numbering well beyond fifty students, but as the day of the demonstration came closer, participation slowly decreased. On Monday, February

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[72] St. John Dixon, Interview with Kouri Allen, September 2, 2019.

[73] J. Mills Thornton, *Divided Lines*, 112. Notwithstanding, Thornton acknowledges the Montgomery sit-in in his work.

22, in an interview with *Newsweek* reported by the *Alabama Journal*, King announced sit-ins would occur in Georgia, Louisiana, and Alabama. Arguing the demonstrations proved Blacks were not satisfied with token desegregation, King heralded the movements that had already taken place in North Carolina and Virginia as emblematic of the peaceful principles of the Montgomery Bus Boycott and a way for locals to fight segregation without violence. He believed the sit-in movement provided "people an opportunity to act, to express themselves, to become involved on the local level with the struggle….it might be the answer to know how we can meet delaying tactics that come through litigation."[74] By the end of the month, Montgomery emerged as one of the 78 communities stretching from Texas to Virginia where students turned to the sit-in to get the attention of their oppressors. By early April, student demonstrators nationwide understood the will of southern segregationists after watching White mobs in Nashville curse, punch, spit on, and burn students with cigarettes as they sat defenseless at segregated lunch counters. Vanderbilt University student James Lawson, who served 11 months in jail for refusing to serve in the Korean War and who studied the ideas of Gandhi in India as a missionary after his release from jail, trained the students in nonviolence. Lawson's nonviolent approach in Nashville was later incorporated into student demonstrations throughout the South. Despite frequent arrests and expulsion from college, more than 4,000 students participated in the Nashville movement, sitting at lunch counters, attending a mass meeting, and marching in peaceful protests. They did not falter in their commitment to NCLC's non-violent philosophy.[75]

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[74] "King Expects 'Sitters' In 3 More States," *Alabama Journal*, February 23, 1960.

[75] Linda T. Wynn, "The Dawning of a New Day: The Nashville Sit-Ins, February 13-May 10, 1960," *Tennessee Historical Quarterly* 50, no. 1 (Spring 1991), 44-47.

In addition to the powerful influence of the Black church, as Alabama State students prepared to follow the path of the Nashville students, fraternity involvement played a significant role in their preparation. It must be noted that since their inception, Black Greek Letter Organizations (BGLOs) have served as bastions of racial uplift through community service and education. Created in the Jim Crow era, Alpha Phi Alpha Fraternity, the longest continuous organization, and Kappa Alpha Psi Fraternity, both established in 1906 and 1911 respectively at predominately White northern universities, provided outlets where Blacks students found fellowship and support in the midst of isolation perpetuated by White students and institutional policies. Additionally, the first Black sorority Alpha Kappa Alpha, which was founded at Howard University in 1908, had a similar mission of increasing racial and gender uplift.[76] As the Black community pushed for equality in the early 20th century, BGLOs contributed to the cause. In 1924, Phi Beta Sigma Fraternity, founded at Howard University in 1914, started its Bigger and Better Business program to teach financial literacy, entrepreneurship, and promote Black-owned businesses, and in 1930, Alpha Phi Alpha Fraternity created a voter registration program to educate the Black community about voting rights.[77] As the Civil Rights Movement gained momentum, BGLOs exhibited unwavering support by challenging unfair federal policies and contributing financially to the cause. Created in the 1950s by Alpha Kappa Alpha's National

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[76] Michael H. Washington and Cheryl L. Nuñez, "Education, Racial Uplift, and the Rise of the Greek-Letter Tradition The African American Quest for Status in the Early Twentieth Century," in *African American Fraternities and Sororities: The Legacy and the Vision,* eds. Tamara L. Brown, Gregory S. Parks, and Clarenda M. Phillips (Lexington: University of Kentucky Press), 141-142; Kathleen E. Gillon, Cameron C. Beatty, Cristobal Salinas, Jr. "Race and Racism in Fraternity and Sorority Life: A Historical Overview," *New Directions for Student Services* no. 165 (Spring 2019), 11-13. Currently, there are nine BLGOs that are members of the National Pan-Hellenic Council (NPHC). The organizations are Alpha Phi Alpha Fraternity, Inc., Alpha Kappa Alpha Sorority, Inc., Delta Sigma Theta Sorority, Inc., Omega Psi Phi Fraternity, Inc., Phi Beta Sigma Fraternity, Inc., Zeta Phi Beta Sorority, Inc., Sigma Gamma Rho Sorority, Inc., and Iota Phi Theta Fraternity, Inc.

[77] Wendy D. Laybourn and Devon Goss, *Diversity in Black Greek Letter Organizations: Breaking the Line* (New York: Routledge, 2018), 23.

Nonpartisan Council on Public Affairs, the American Council of Human Rights (ACHR) fought racial inequality by evaluating and protesting unjust federal practices and policies. Six BGLOs—Alpha Phi Alpha, Alpha Kappa Alpha, Kappa Alpha Psi, Delta Sigma Theta, and Zeta Phi Beta—joined the ACHR. Through its workshops, the ACHR provided education about voting rights, school desegregation, and housing and employment discrimination to over 500 students between 1956-1960, and in 1960, the ACHR raised $7,500 for the Greensboro Four. Compelled to support the Civil Rights Movement, in 1958, in an address at the 44th Annual Conclave, the past president of Phi Beta Sigma championed members to be "eternally vigilant" in the fight for equality.[78] Two years later, the fraternity brothers of Phi Beta Sigma's Gamma Beta chapter at Alabama State followed his lead.

Prior to marching to downtown Montgomery for the sit-in, members of the Alabama State's Gamma Beta chapter of Phi Beta Sigma Fraternity, Inc. discussed the importance of following the lead of the Greensboro students. Members who joined the protests included St. John Dixon, James McFadden, Marzette Watts, Joseph Peterson, Cornelius Benson, Floyd Coleman, Theophilus Moody, Jonathan Hicks, Edward Lee McSwain, and William Renfroe. It is no coincidence that the fraternity brothers asserted their voices in the name of equality as there were members of the college's staff who served as examples and mentors in the campaigns against inequality. Recounting his relationship with Phi Beta Sigma Fraternity members who worked at the college, McFadden stated:

> The professors that were Sigmas on staff like Jerome Auls and Lawrence Reddick protected us. They instructed us. They wanted to make sure they knew that young Sigmas

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[78] Mary Beth Gasman, "Passive Activism: The Push for Civil Rights," in *Black Greek-Letter Organizations 2.0: New Directions in the Study of African American Fraternities and Sororities*, eds. Matthew W. Hughey and Gregory S. Parks (Oxford: University of Mississippi Press), 27-28, 31-32.

> were going to move. It was not like we did not have anybody to go to because we were a fraternity. We had that kind of support. So they were very helpful.[79]

Cornelius Benson, another fraternity member, recalled the important role the fraternity had in the planning of the first Montgomery sit-in:

> Floyd Coleman [the chapter president] called a fraternity meeting and he told us he talked with Rev. Abernathy about a sit-in…when we had the frat meeting, Coleman told us that Abernathy asked him when did he want to do this? And he said, "Well, in another month or two." He [Abernathy] said, "In another month or two, everybody will know about it."

After several meetings, Floyd Coleman discussed the best date and time to host the protest. Rev. Abernathy, a former dean of men at Alabama State, advised the group to strike as soon as possible and suggested the protest take place at a publicly owned establishment. On the matter of selection of a location, Benson remembered:

> When Reverend Abernathy was talking, he said that "You pay taxes here. But if you go to a private place you have to abide by their rules and regulations, but when you go to the courthouse, then you pay taxes so they can't say anything to you." So that was the reason we were at the courthouse in the beginning.[80]

St. John Dixon, who joined the fraternity as a sophomore, and a group of his friends responded to the Greensboro protests by attempting to desegregate a few local businesses after the sit-in movement began in North Carolina. Dixon explained:

> Now we had gone to other little places…. some dime stores. We had little demonstrations there, but they were small. We had a demonstration at the movies too. We were doing little stuff…. It wasn't well documented or anything like that. They just figured, "Hey, there's a few people uptight with the system," and they didn't even address it that much. You never heard about the little demonstrations that were going on before the major one.

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[79] James McFadden, Interview with Kouri Allen, Thomasville, May 25, 2019. Mr. Auls served as an instructor in the Commerce and Education Department. He also worked as the faculty advisor for the Gamma Beta chapter of Phi Beta Sigma Fraternity.

[80] Joseph Peterson, Interview with Kouri Allen, Birmingham, November 1, 2019; Cornelius Benson, Interview with Kouri Allen, Birmingham, November 8, 2019.

Realizing the previous attempts drew lackluster results, Dixon shifted his focus and prepared to try to desegregate a more popular and publicly owned location, one that would draw the attention of White Montgomerians.[81]

Had the students selected a privately-owned establishment, the owners could have refused service since the law afforded property owners the right to choose whom they wanted to serve. The courthouse lunch counter, in contrast, was part of a state-funded building which meant all citizens had a right to access it. After selecting the location, the fraternity members recruited more students and gave them the instructions over a series of meetings.[82]

On Thursday, February 25, only three weeks after the success of the Greensboro campaign began, 35 Alabama State College students staged a sit-in protest at a segregated lunchroom in the Montgomery County Courthouse. The students assembled at the courthouse eatery just before the lunch hour. Anticipating media coverage, all agreed to wear their best suits, ties, and overcoats. Over the past weeks, the young men decided to demonstrate peacefully, adopting the nonviolent practices taught by King. After the demonstrations, state police, in collusion with Governor John Patterson, identified the following students as the leaders: Bernard Lee, St. John Dixon, James McFadden, Joseph Peterson, Edward English Jones, Leon Rice, Howard Shipman, Elroy Emory, and Marzette Watts.[83] All of the identified leaders risked their future careers to White reprisal.[84]

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[81] St. John Dixon, Interview with Kouri Allen, September 1, 2019.

[82] During the Greensboro Movement, the legal issue revolved around the perceived right of a business owner to determine whom he or she would serve. To avoid the issue, the students chose a public facility. To learn more about the legal issue, see Christopher Schmidt's *The Sit-Ins: Protest and Legal Change in the Civil Rights Era* (2018).

[83] Philip Lee, "The Case of *Dixon v. Alabama*: From Civil Rights to Students' Right and Back Again," *Teachers College Record* 116 (2014), 5.

[84] Gibson, "Student and Faculty," 233.

Located on the first floor of the courthouse, the county leased the eatery to Mrs. Mary Pugh. A Whites-only establishment, the majority of the restaurant's patrons were elected officials or public servants who worked near the Capitol. Generally, Thursday's lunch special was southern fried chicken, a choice that brought several members of the legislature to eat. Amongst the patrons—who included a handful of legislators and two city detectives—sat a reporter from the *Alabama Journal* whose presence was not coincidental. Rev. Solomon Seay, at the request of the students, called the press before the sit-in occurred. Additionally, Rev. Abernathy alerted the *Montgomery Advertiser-Journal*, the *Associated Press*, and the *United Press International*.[85] At 11:30 a.m., just before the midday rush, the students entered the restaurant and sat at nine of the twelve tables. Soon after the students sat down, Mrs. Mary Pugh immediately notified the police. Under the orders of Detective C. W. Jones, Mrs. Pugh closed the restaurant doors, leaving the students at the tables in the small eatery in the dark. Moments later, Maury Smith, the assistant circuit court solicitor, decided it was best to close the restaurant altogether. No reporters or photographers were permitted to take pictures of the students seated at the tables. Soon afterward, the city police chief, G. J. Ruppenthal, arrived. While it might seem shocking that he did not seek to arrest the students, in actuality the courthouse fell under the jurisdiction of Montgomery County Sheriff Mac Butler.[86]

Once the county deputies arrived, the students peacefully moved into the hallways where Sheriff Butler allowed the students to remain in the basement corridor as long as they did not block the hallway.[87] Three of the students entered the nearby men's White-only restroom, but the majority stood against the wall reading their textbooks and looking at the reporters. Of the event, Dixon recalled, "When they [the police] got to me, they said, 'Boy, are you communist?' and I said, 'What is communist? Is that a disease or something?'"[88] Some of the students asked to simply purchase a cup of coffee. When the White patron asked the student if he could buy coffee at Alabama State, the student responded: "Sure, but we think we're American citizens and we like to shop around."[89] Because the courthouse was public property, not a privately-owned establishment, the students could lawfully remain. When a White patron complained about the students blocking the hallway, Sheriff Butler instructed them to line up single file in the hallway or face arrest. Whereas police in Nashville arrested sit-in participants for violating segregation laws, the students in Montgomery were not arrested because the lunch counter fell under the supervision of Sheriff Butler, not the Montgomery Police Department. According to Fred Gray, a local Black attorney who became one of the most successful civil rights litigators in American history, Sheriff Butler supported segregation, but he only arrested Blacks who participated in the Montgomery Bus Boycott when the grand jury indicted them.[90] An hour and a half later, the students left the courthouse.

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[85] Rev. Abernathy informed the press that MIA did not sponsor the demonstrations, but they supported the students' efforts. See "MIA Leader Tipped Newsmen before Lunchroom Sitdown," *Montgomery Advertiser*, February 26, 1960.

[86] Gene Kovark and Maylon Nicholson, "Sitdown Plan Foiled at Courthouse Café: Negroes Ousted as Lunchroom Order Closed," *Alabama Journal*, February 25, 1960.

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[87] Kovark and Nicholson, "Sitdown Plan Foiled at Courthouse Café," *Alabama Journal*, February 25, 1960.

[88] St. John Dixon, Interview with Kouri Allen, September 1, 2019.

[89] Dick Hines and Bob Ingram, "Expel Negro Sitdowners, College Told: Alabama State President Given Mandate in Governor's Office," *Montgomery Advertiser*, February 26, 1960.

[90] Fred Gray, *Bus Ride to Justice: The Life and Work of Fred Gray* (Montgomery: New South Books, 1995), 166. Fred Gray's career as a civil rights attorney has spanned over seven decades. In the 1950s, Gray emerged as one of Montgomery's premiere civil rights attorneys after representing NAACP secretary Rosa Parks, who was jailed for refusing to give up her seat on a segregated city bus. Gray, with the backing of Montgomery's Black community, challenged Montgomery's segregated busing in a legal suit, winning the case in 1956. In the 1960s, he challenged the redrawing of Tuskegee municipal boundaries, an action made by the Alabama State Legislature to keep Blacks excluded from municipal elections. The gerrymandering case, known as *Gomillion v. Lightfoot*, went the U.S. Supreme Court in 1961 where the Warren Court ruled in the plaintiff's favor. Furthermore, in 1972, Gray won a large settlement for the Black victims of the Tuskegee Syphilis Experiments, a study conducted

Prior to the courthouse demonstration, rumors circulated that protests were planned for Wednesday, but nothing occurred. Although Montgomery's White leaders did not know where the demonstrations would take place, they suspected protests were forthcoming. Heeding King's warning, on Thursday morning, Montgomery Commissioner L. B. Sullivan, who was in charge of the police and fire departments, reassured the public of his commitment to enforcing municipal segregation laws if sit-ins occurred. Even then, Sullivan expected the protestors to target lunch counters at department stores as the students in Greensboro, North Carolina.[91] After the courthouse protest, someone also reported seeing a group of Blacks marching to Morrison's Cafeteria, but there was no second confirmation.[92]

In terms of participation, college students, particularly Black males, were most suitable because most had no full-time jobs or family responsibilities. With no employer who could possibly terminate the students who decided to protest, students were more likely to involve themselves directly in the Civil Rights Movement. Furthermore, college students were ideal because their perception of what were realistic goals for the movement were not constrained by family responsibilities.[93] Although the protesters from Alabama State seemed to be in a position where they were free from repercussions for their actions, this was not the case.

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for four decades to determine the effects of untreated syphilis. During the experiments, Black men in Macon County were untreated for the disease, resulting in long-term health issues and death.

[91] Hines and Ingram, "Expel Negro Sitdowners, College Told," *Montgomery Advertiser*, February 26, 1960, 2a. Montgomery's municipal government was run by a three-person commission which consisted of an elected mayor, an elected commissioner of public affairs, who oversaw the police and fire departments, and an elected commissioner of public works, who oversaw operations of city libraries, parks, and sanitation services. See Thornton, *Dividing Lines*, 22.

[92] Kovark and Nicholson, "Sitdown Plan Foiled at Courthouse Café," *Alabama Journal*, February 25, 1960.

[93] Morris, "Black Southern Student Sit-in Movement," 763.

Before the students left the courthouse, State Representative Junius "Junie" Pierce, who was there on lunch, inquired if the state could stop Alabama State's funding. Pierce was one of the Alabama legislators who appropriated the college $1,078,411 for the 1960 academic year under Act No. 110.[94] Like other Black public colleges, the college depended heavily on the funds to operate. Amid the demonstration, Floyd Mann, the head of Alabama's Department of Public Safety, informed Governor John Malcolm Patterson of the students' actions at the courthouse. Mann and the Alabama State Troopers remained on site in a support role until the students dispersed.[95] At the time of the event, Patterson was clearly viewed as one of the South's premiere segregationists. Elected on a pro-segregationist and populist platform, Patterson employed Negrophobia, a unwarranted fear and hatred for Black people, to pit Alabama Democrats against then moderate George C. Wallace of Barbour County, his opponent.[96] In 1959, Patterson went before U.S. Congress to denounce the federal government's effort to create fair elections in the South. Indeed, the stalwart racist was prepared to make an example of the college students.

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[94] Act No. 110, Session of 1959 (Ala. 1959). Alabama Department of Archives and History, Montgomery. According to the act, which appropriated all state colleges funds for the 1959-1960 and 1960-1961 academic years, the state legislature allotted ASC, which had 2,400 students, approximately $1.1 million in 1960. In contrast, the legislature appropriated normal institution Alabama College (now the University of Montevallo) $732,000 for 1960-1961 academic year. Other normal colleges such as those located in Livingston, Troy, and Jacksonville were granted less than $300,000 from the state. Whereas there were large financial disparities between White and Black K-12 schools in throughout the South, there was a level of equity in state funding for public higher education institutions. Yet, Black colleges were vulnerable to heavy state oversight and interference due to race. For further reading on the disparities in K-12 education during Jim Crow, see Adam Fairclough, *A Class of Their Own: Black Teacher in the Segregated South* (Cambridge: Harvard University Press, 2007).

[95] Warren Trest, *Nothing but the People: The Life and Times of Alabama Youngest Governor* (Montgomery: New South Books, 2008), 307. Born in Tallapoosa County, John Malcom Patterson defeated George C. Wallace of Barbour County in the 1958 gubernatorial election. Elected a segregationist and populist platform, two Alabama newspapers claimed Patterson had ties to the Ku Klux Klan. Years later, Charles M. Meriweather, Patterson's campaign manager, confirmed the pair colluded with the Grand Dragon of the Alabama Klan, a partnership that could land almost any candidate an office in the 1950s. Patterson's father, Albert, who won the Democratic nomination for state attorney general after promising to clean up the corruption in Phenix City, was brutally murdered in 1954. After his death, Patterson became attorney general. During his tenure as attorney general and then governor, more bombings of Black church and residents occurred in Alabama than any other state. See Anne Permaloff and Carl Graft, "John Patterson, 1959-1963," in *Alabama Governors: A Political History of the State*, eds. Samuel Webb and Margaret E. Amrbrester (Tuscaloosa: University of Alabama Press, 2014), 245.

[96] "Defiant Governor: John Malcolm Patterson," *New York Times*, May 22, 1961.

As mentioned, the media's coverage of the sit-in was no coincidence. In fact, local Black leadership forewarned the press about the courthouse demonstration. Still, Lieutenant Governor Albert Boutwell was taken aback by the students' boldness. Addressing the press, Boutwell asserted:

> No good can be accomplished by the sit-downers. The purpose is to agitate, gain notoriety, create racial strife, and strengthen their organizations. They must have racial strife to continue in existence. It is obvious that they are trying for publicity because the press is always tipped off in advance of demonstrations.[97]

Two unnamed female students delivered a statement to the *Montgomery Advertiser* explaining the students' motives for the demonstrations around midnight of the day of the sit-in. Eleanor Moody-Shepherd, one of the students who dropped off the press release, explained: "We would jump out of the car, give it to them, and run back in the car because we didn't want them to put a tail on us."[98] In the statement, the students explained neither President Trenholm nor any other college officials had prior knowledge of the planned sit-in, vowed the protests would not stop until the student had full rights as equal citizens, and declared they would apply to other state universities if expelled from Alabama State. They assured the public they were law-abiding citizens who sought to gain full equality as guaranteed in the U.S. Constitution. Furthermore, as taxpayers, the students had a right to eat at a restaurant funded by public money. Finally, they affirmed an unwavering commitment to nonviolence. In one excerpt, they expressed their dismay with White Montgomery, stating, "It is disappointing to students of an institution of higher learning who have been taught democracy that there are still those who will threaten us and look upon us as criminals because we are trying to put into practice the ideals we are being taught, and the principals [sic] on which our nation was founded."[99]

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[97] Perry Mullen, "How Sit-Downs Grew, Spread Across the Land," *Huntsville Times*, April 27, 1960.

[98] Eleanor Moody-Shepherd, Interview with Kouri Allen, May 31, 2020.

Upon receipt of the students' actions, Governor Patterson had every intent of suppressing any future protests. He immediately called President Harper Council Trenholm, the longtime president of Alabama State, and demanded he identify the students, find out if any faculty were involved, and report his findings.[100] A slender man with a calm demeanor, President Trenholm knew the difficulty of serving at the will of a racist governor. The son of George W. Trenholm, the fourth president of Alabama State, and Ellen Brown, Trenholm earned a A.B. degree from Morehouse College in 1920, a Ph.B. and an A.M. from the University of Chicago in 1921 and 1925, respectively. In 1937, Allen University conferred him an honorary Doctor of Laws degree, and in 1942, Morehouse College awarded him the same credential. Tied for the longest tenure as the college's president, his professional career including serving as the Executive Secretary for the American Teachers Association for 25 years, president of the Alabama State Teachers Association, recording secretary for the Alabama State Teachers Association and the Joint Committee on National Education Association and the American Teachers Association. Additionally, Trenholm was a devoted member and deacon at Dexter Avenue Baptist Church.[101] Recalling President Trenholm's devotion to the college, former dean of students Ralph Abernathy wrote:

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[99] "Statement Asserts Negroes to Continue 'Rights' Fight, *Montgomery Advertiser*, February 26, 1960.

[100] Hines and Ingram, "Expel Negro Sitdowners, College Told," *Montgomery Advertiser*, February 26, 1960.

[101] H. Councill Trenholm and Albert N. D. Brooks, "Martyr: On Alabama Racial Tightrope," *Negro History Bulletin* 26, no. 3 (May 1963), 230-232; "Twenty-Fifth Anniversary of the Presidency of H. Councill Trenholm," *Negro History Bulletin* 14, no. 4 (January 1951), 80-81, 91.

> He habitually worked from before dawn until after midnight trying to solve the many problems of the university…. He regularly reviewed every student's academic progress during the course of the semester, and he even made out the schedule for all three thousand at the beginning of each term. So he was both academic dean and registrar as well as university president and his wife often complained that he came home to a late supper each night, only to fall asleep at the table and remain there until breakfast, too exhausted to come to bed.[102]

President Trenholm was the product of his father's conservatism, understanding the power Whites wielded over Black public educational institutions. Yet, Trenholm followed the New Negro Movement of the 1920s, evidenced by his willingness to condemn Jim Crow when necessary. As president, he promoted a curriculum which focused on idealism and race consciousness. Shortly after becoming president, Trenholm gave a speech in Huntsville on the anniversary of the Emancipation Proclamation in which he described the condition of living in the Deep South with a solidified color line. Speaking boldly in a time when racial denouncements could lead to a Black man's death, Trenholm expounded:

> I would find only too many instances of whole disfranchisement by clever laws and by violence. Of peonage and other labor difficulties; of proscription, segregation, lynching and mob violence which made the lot of the Negro precarious and disheartening; and of vicious propaganda through tongue and pen designed to discredit the possibilities of the Negro and the brand the aspirations of his supporters as visionary and a total failure when measured by the first twenty years of freedom."[103]

Under his leadership, the college embraced a new national celebration, Negro History Week. Furthermore, students were privy to meet Black crusaders such as Carter G. Woodson, whom Trenholm befriended, John Hope Franklin, and Horace Mann Bond during Trenholm's tenure.[104]

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[102] Ralph David Abernathy, *And the Walls Came Tumbling Down: An Autobiography* (Chicago, Lawrence Hill Books, 1989,) 84.

[103] Jelani M. Favors, *Shelter in a Time Storm: How Black Colleges Fostered Generations of Leadership and Activism* (Chapel Hill: The University of North Carolina Press,) 104-105.

[104] Ibid, 105, 108.

For more than half a century, Trenholm and his father worked tirelessly to keep the college afloat despite limited financial resources and threats from White officials. Despite these challenges, Trenholm "was no accommodationist, but as the leaders of a school in the heart of the Black Belt that was dependent on state funds, he practiced conservatism when it was personally and professionally expedient."[105] For instance, in 1931, a Birmingham law firm who sought to defend the Scottsboro Boys, a group of nine Black Alabama teenagers accused of raping two White girls on a train, asked the Alabama chapter of the Commission on Interracial Cooperation, a moderate biracial coalition to whom Trenholm belonged, to support the case. The attorneys preferred to place the Commission of Interracial Coalition as the lead on the case instead of the NAACP because of its unpopularity among White Alabamians. Gaining Trenholm's backing could lead to more support in the Black community and persuade the organization to support the case. In sum, Trenholm agreed to support the case if he remained anonymous.[106] After the sit-in took place, Trenholm's conservatism prevailed as siding with the students would have only brought more threats against the college.

Reaffirming the fallacy that Black protests for equality were the product of "outside agitators," the governor immediately ordered President Trenholm to expel all of the nonresident students who took part in the sit-in, stating, "[If] action is not taken to expel them by the college then I will call upon the State Board of Education to take such action."[107] Later, Trenholm told reporters he had no alternative but to adhere to Patterson's directive. After issuing the directive,

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[105] Ibid, 107

[106] Favors, *Shelter in a Time Storm*,107-108. In the end, the legal defense team of the American Communist Party represented the Scottsboro Boys.

[107] Hines and Ingram, "Expel Negro Sitdowners, College Told," *Montgomery Advertiser*, February 26, 1960.

Patterson made it clear that “Alabama taxpayers had no intention of educating students to be lawbreakers.”[108]

In the afternoon, Montgomery Mayor Earl James released a statement on the protest via the radio, TV, and newspapers after receiving news of demonstrations while giving a speech in Anniston. The mayor commented, “It is regrettable that this group of Negro students from Alabama State College has been fit to take part in a demonstration that cannot possibly accomplish any good for their race.” Fully supporting Patterson’s decision to find and expel the student agitators, Mayor James warned the Black community that “the tempers of the White citizenry of our city is [sic] being pushed beyond their power to control.” He then called upon Black leaders to “counsel their race to discontinue this harassment.”[109] Assistant Attorney General Edwin Strickland believed the Greensboro and Montgomery demonstrations were not the spontaneous actions orchestrated by the student body, but the movement was in fact a large part of CORE’s strategy to incite southern Blacks. Strickland further suggested that CORE had simulated sit-ins with Black college students prior to the Greensboro movement.[110]

With the intent of restoring the racist order and discovering the basis for the sit-ins, police presence transformed the college campus into a surveillance zone following the first wave of demonstrations. Police identified two of the students, Theophilus Moody of Camden, Alabama, and Johnathan Hicks, during traffic stops. As far as the rest of the protestors, the investigators planned to use pictures taken during the demonstration since the students would not provide reporters their names.[111] Day and night, police on motorcycles and in patrol cars ventured through the campus, seeking to intimidate students through noisy gestures and spin-outs. Instead of protecting college employees and students, the police increased the rate at which they wrote tickets, generally for false or minor traffic infractions. In the city, the police intensified the climate by harassing and insulting Black citizens. Those who were brave enough to travel the city in the late evening were subject to being stopped, frisked, questioned, and possibly arrested by Montgomery's supposed finest.[112] Still, Rev. Fred Shuttlesworth, a leader of the Birmingham civil rights struggle, applauded the students' courage and called the governor's proclamation "totalitarian in spirit" and equated obedience with protests to the governor's order as "cooperation with dictatorship."[113]

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[108] “Schools, Students Told: Stop Sit-Downs, Or Else!” *Norfolk Journal and Guide*, March 5, 1960.

[109] “City Leaders Issue Words of Warning,” *Montgomery Advertiser*, February 26, 1960; Reddick, Lawrence, “The Montgomery Situation,” April 1960, 3.

[110] Perry Mullen, “‘Abused’ Boy Grows Up to Lead First Sit-Down,’” *Huntsville Times*, April 26, 1960. The article describes the events that motived Ezell Blair, Jr., one of the Greensboro Four, to take part in a sit-in on February 1, 1960. According to the article, Blair was abused by a group of White boys at the age of seven. The abuse, in addition to contending with the constant humiliation of Jim Crow segregation, motived him to fight for racial equality. In an interview, Blair contended the sit-ins were spontaneous, but Alabama Assistant Attorney General Edwin Strickland rejected the claim.

Thursday night, President Trenholm asked college staff members to distribute his statement calling for clear thinking to students in the dormitories and classrooms. Printed on half sheets of paper, Trenholm reminded students that "every member of the college family has the inescapable obligation to protect our college and to refrain from activities which may have a damaging effect upon the reputation and the relationships of the college."[114] His warning went unheard. The next day, 250 Alabama State students orchestrated another demonstration at the Montgomery courthouse in support of Harold Marco Stoutermire, a fellow student who was accused of attempting to register to vote by providing false information to the White voter registrars. By 1960, the poll tax and literacy test had proven useful to southerners who opposed Black voting, which is evident in the previously noted fact that less than five percent of the Black Montgomery population were eligible voters. The city court charged Stoutermire for falsely stating that he had never been turned down for voter registration. In actuality, the entire situation stemmed from a misunderstanding of a question on the voter registration form. Regarding the question: “Have you previously applied and been denied registration as a voter?,” Stoudemire only answered “no” because he was unaware his first application had been denied since the registration board provided no notification.[115] Although Stoutermire pled guilty for attempting to commit perjury and was fined $100.00, the momentum of student activism continued. After the court rendered its verdict, the students marched back to campus and held a mass rally. On the way to campus, the students were so peaceful that the police only arrested one student for jaywalking.[116]

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[111] Hines and Ingram, "Expel Negro Sitdowners, College Told," *Montgomery Advertiser*, February 26, 1960.

[112] Reddick, "The Montgomery Situation," 3-4.

[113] "Shuttlesworth Protests Threat of Expulsion," *Alabama Journal*, February 26, 1960.

[114] "Dr. Trenholm Asked for Clear Thinking," *Montgomery Advertiser*, February 27, 1960.

William Gibson, a professor of history at Alabama State, described the people involved in the movement in a *Dissent* article titled “Students and Faculty.” Examining the composition of the demonstrators, Gibson noted the diversity of the group. Students came from rural and urban backgrounds, northern and southern Alabama. Although upperclassmen led the charge initially, freshmen and sophomores formed the core of the group since upperclassmen feared reprisal that may have kept them from graduating. Of the nine expellees, seven were upper classmen.[117]

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[115] Reddick, “The Montgomery Situation,” 4.

[116] Ibid, 4.

[117] William Gibson, “Students and Faculty,” *Dissent* 3, no. 3 (Summer 1960), 233. Born in Northfork, West Virginia, Gibson held a B.A., M.A., and Ph.B. from Toledo University. He had served Alabama State College for seven years with one-year leave for study by 1960.

Motivations for joining the demonstrations included the belief in the right to American freedoms, particularly the right to vote, and the right to assemble, and the right to protest without repercussions from state authorities. James McFadden's Christian foundation played a part in his reason for protesting. He described his upbringing, explaining:

> My parents were true Christian. They believed in our Lord and savior Jesus Christ, and they believed in practicing those Christian principles. It wasn't just a title for them, but it was a real practice; making sure that one's life was guided by those principles that the Christian religion is based upon like "Do unto others as you would have them do unto you." So much so that that was my influence. I was just raised that if something was wrong we had a responsibility to do something about it, regardless of wherever it was. If it was a system that was wrong, we had some responsibility.[118]

Bravery prevailed, but it was not due to the absence of fear. The students knew they may be jailed, lose their campus jobs, or be killed, but the prospect of enjoying full equality overpowered their apprehensions. Another student, Eleanor Moody-Shepherd was also motivative by Christian beliefs to join the movement. Moody-Shepherd explained:

> There were two sides of the coin. There was a fear because we were under terror. We lived in a terrorist state. So there was internalized fear. All of us had it. But at that point, some of us were saying that walking in fear was like walking-dead because you did not have a will. You had to find your agency, and we had to find that power to be able to use it. We had it, and we claimed to be Christians. As Christians, if you feel that way, you need to walk in your strength.[119]

St. John Dixon expected to be beaten, but he said, "one of the things that motivated me was I knew that things could change, but it's not going to be easy." Participating in the demonstrations placed their future teaching careers and their parents' job at risk, especially when news of the protests reached their hometowns.[120]

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[118] James McFadden, Interview with Kouri Allen, Thomasville, May 25, 2019.

[119] Eleanor Moody-Shepherd, Interview with Kouri Allen, May 31, 2020.

[120] St. John Dixon, Interview with Kouri Allen, September 1, 2019; Gibson, "Students and Faculty," 233.

Most participants interviewed for this dissertation agreed the slow rate at which the legal system dismantled Jim Crow was frustrating, but personal experiences also motivated the students to stage protests. When Bernard Lee heard about the movement, he recalled "It made me so proud. I never had to think about whether to get involved."[121] Another student, Joseph Peterson served as a military policeman in the United States Army before attending Alabama State. During his three years of service, he experienced more liberty in Germany than all of his years in the South. Recalling his time in Germany, "After coming out of the South and having an opportunity to be in Europe and being free, then coming back to South to a segregated society….I had a feeling it was time for a change." As a military veteran at Alabama State, he became politically active after learning about the economic disparity between Whites and Blacks in Dr. Lawrence Reddick's *Economic History of America* course.[122] Like many Alabama State students, he regularly attended MIA meetings on Monday nights, meeting local pastors like Rev. Ralph Abernathy and King. As previously noted, Professor Reddick heavily influenced Gamma Beta chapter members.[123]

Growing up in Mobile, Alabama, James McFadden was a second-generation Alabama State student. His mother, a Garveyite, attended Alabama State's Mobile campus and created a kindergarten in Prichard, Alabama. Marcus Garvey, a Jamaican who emigrated to the United States in the early 1900s, preached the ideas of Pan-Africanism, self-worth, and self-determination with his organization, Universal Negro Improvement Association and African Communities League (UNIA). In McFadden's words:

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[121] Sitkoff, *The Struggle for Black Equality*," 78.

[122] Joseph Patterson, Interview with Kouri Allen., Birmingham, November 1, 2019.

[123] Joseph Patterson, Interview with Kouri Allen., Birmingham, November 1, 2019; James McFadden, Interview with Kouri Allen, Thomasville, May 25, 2019.

> My mother was a very astute woman, an active woman, and very progressive in a lot of ways…. but very Christian-oriented. She would muster up [money] and send it to the [UNIA] headquarters. She was very aware of the situation not only in America, but the world. That's the orientation of fact you cannot move by yourself. You need a group and you need to be a part of a group. I remember my mother talking to us as children about the movement of Marcus Garvey and how Marcus was working for the development of African Americans and Africans together, and hoping that America would get the sense of knowing where they came from and what they should be doing.[124]

McFadden also recalled the day he realized the power of Jim Crow and racism: the day his parents told him about the brutal murder of 13-year-old Emmett Till. In August 1955, Till, who was in the Mississippi Delta for the summer visiting relatives, was taken from his uncle's home, beaten, shot, and throw into a Tallahatchie River for supposedly whistling at, or by some accounts flirting with, a local White woman. After the authorities recovered his body from the water, Till's mother requested an open casket funeral so the nation could see what happened to her son. *Jet*, an African American weekly magazine, with the person of Till's mother, featured photos of the 13-year-old's mutilated face, showing the world the power of the South's hatred.[125] Of the tragedy, McFadden explained:

> When Emmitt Till was assassinated, it was less than 100 miles from where I was living. Till and I were the same age so my mother and father knew the kind of things that happened to him could happen to other children…. particularly your male children. You really had to be careful and watch yourself and watch your actions. We were instilled with that.[126]

When McFadden arrived in Montgomery as a freshman in September 1956, the bus boycott had been in place for several months. McFadden's Christian values and upbringing motivated him to join the bus boycott. His mother, who was a teacher, stressed the importance of combining theory and practice, making every situation as a teachable moment. When he heard of the boycott, he thought of it as an opportunity to practice his beliefs. He and future fraternity brother St. John Dixon joined the cause, meeting King as they delivered the leaflets which informed the boycotters of mass meetings. Living in fear was not an option, so when Governor Patterson announced students in Alabama knew not to partake in protests, McFadden felt compelled to prove him wrong. Recalling the governor's comments, McFadden asserted, "He [Governor Patterson] did not know the mentality of Sigma. He did not know the mentality of the McFadden family and my upbringing. He did not know that was in our hearts and in our genes there were people who were going to make a change... his dehumanizing comments pushed us forward."[127]

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[124] James McFadden, Interview with Kouri Allen, Thomasville, May 25, 2019.

[125] Stephen J. Whitfield, *A Death in the Delta: The Story of Emmett Till* (Baltimore: John Hopkins Press, 1991), 18-19. Emmitt Till was amongst the many Black men lynched in the South to protect White womanhood, a myth created by White Redeemers during Reconstruction. See Robert L. Zangrando, *The NAACP Crusade against Lynching, 1909-1950* (Philadelphia: Temple University Press, 1980), 4-6.

[126] James McFadden, Interview with Kouri Allen, Thomasville, May 25, 2019.

Two females held prominent roles in the origins of the Montgomery protests, Aner Ruth Young, a physical education major from Union Springs, Alabama, and Eleanor Moody-Shepherd. Both agreed to serve as the secretaries of the movement, a position critical to previous civil rights campaigns in Montgomery. A native of Shorter, Alabama, a city 25 miles west of Montgomery and 20 miles east of Tuskegee, several of Moody-Shepherd's uncles attended Tuskegee Institute, but she followed her mother's path by attending her alma, Alabama State. During adolescence, Moody-Shepherd's mother attended the Montgomery Industrial School for Girls, also known as Miss White's School, where she was a peer to Rosa Parks. Her father worked as a mechanic in Montgomery, and Moody-Shepherd spent part of her childhood visiting her aunt Eleanor in the city, in addition to visiting Montgomery's African Methodist Episcopal Zion churches. Living in Shorter gave her access to two of the state's premiere Black colleges and two civil rights campaigns. Moody-Shepherd described her time at Tuskegee Institute, stating:

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[127] James McFadden, Interview with Kouri Allen, Thomasville, May 25, 2019.

> I had my first entry into higher education at Tuskegee Institute. I was a freshman at Tuskegee when [Charles] Gomillion was the dean of students. When the Daughters of the Confederates would not allow the African Americans to walk through the square in Tuskegee, there was a concern about the movie theater. Dean Gomillion led a boycott in Tuskegee, and that's what struck down Tuskegee. Then people stopped buying and food rotted in the stores. Tuskegee never rebounded.[128]

The transition to Alabama State was seamless as Montgomery was a second home, and many of her family members worked at Alabama State or had close ties to President Trenholm. “Alabama State was our family school,” she explained. “I had family members, the Campbell's, who were the administrators. He [E. B. Campbell] was one of the administrators and was really against it [the sit-in movement]. Because he had administrative position, he knew what would happen if he backed us.”[129] On February 25, the day of the first courthouse sit-in, she planned to participate, but Rev. Solomon Seay, Sr. stopped her from going.

> That day, Dr. Seay was the one in charge. He was my father’s cousin. Dr. Seay said, “If something happened to you, Van [Moody-Shepherd’s father] would never forgive me.” He said, “I know if you go, you'll be alone when they probably arrest us. You’ll be vulnerable to whatever could take place and there will not be a witness. And so, no, you cannot go." You know I threw all kind of tantrums.[130]

As the number of demonstrations increased, some Black parents pulled their children out of Alabama State due to pressure from Whites in their hometowns. Other Black parents simply felt the children’s primary aim was to attain education, not civil rights. For example, several Whites in a small town called a student’s grandparents, and said they thought the student “had better sense" than to be involved in demonstrations.[131] According to the *Montgomery Advertiser*, as one female demonstrator walked back to campus from the courthouse, her father publicly scolded her for taking part in the movement. The young lady was one of the two women who delivered the students' manifesto to *The Montgomery Advertiser* office a day earlier.[132] In reality, Eleanor Moody-Shepherd, the young lady referenced in the newspaper article, was on her way the courthouse to support fellow student Harold Marco Stoutermire. However, before going, the person who the newspaper reported as her father, Alabama State's superintendent of grounds E. B. Campbell, a relative, tried to persuade her from attending the trial because he feared a woman might be assaulted if isolated from the group. Recalling the event, Moody-Shepherd said:

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[128] Eleanor Moody-Shepherd, Interview with Kouri Allen, May 31, 2020

[129] Ibid.

[130] Ibid.

> I was at the top of the line with the rest of the leaders who were marching into the courthouse. Mr. Campbell stopped me, and he said you should not be down there. It was in the paper the next day that one student's father tried to stop her. They were the administrators, and he tried to stop me because he felt that he was responsible for me. He had parental responsibility for me, and I told him, "No, this is what I'm going to do." I justified myself and kept moving.[133]

Other parents, some from small towns where jobs were hard to maintain, continued to privately support their children.[134] When Ku Klux Klan members asked Floyd Coleman's father about his whereabouts, he protected his son. As soon as they were gone, Floyd's father called and encouraged his son to remain active in the sit-in movement, but he instructed him not to come home.[135]

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[131] Gibson, "Students and Faculty," 233-234.

[132] "Negro Father Berates 'Marching' Daughter," *Montgomery Advertiser*, February 27, 1960.

[133] Eleanor Moody-Shepherd, Interview with Kouri Allen, May 31, 2020.

[134] Gibson, "Students and Faculty," 233-234.

[135] Menachem Wecker, "Music and Civil Rights Activism Unite Artists Floyd Coleman and Hayward Oubré," University of Maryland Global Campus Global Media Center. https://globalmedia.umgc.edu/2018/10/16/music-and-civil-rights-activism-unite-artists-floyd-coleman-and-hayward-oubre/

Reactions to the protests came from an array of entities. No sooner than the protests began, Chairman C. H. Lancaster, Jr. of the Montgomery White Citizens' Council urged city leaders to identify, fingerprint, and publicly expose the student demonstrators. Robert "Tut" Patterson, a former captain of the Mississippi State University's football team, formed the first White Citizens' Council in Indianola, Mississippi, in July 1954 after the U.S. Supreme Court handed down the *Brown Decision*. Patterson, who was sickened by the idea of White and Black children attending the same school, and 75 white members of the Indianola community, most of upper-middle class status, agreed to use means other than violence to impede desegregation.[136] Viewed by White segregationists as a respectable alternate to vigilante groups such as the Ku Klux Klan, the organization sought to combat desegregation, using "interposition," interfering with the implementation of federal court orders, and "nullification," rejection of federal court orders, as apparatuses to uphold their social order.[137] Claiming White Montgomerians were tired of Black agitators, Lancaster insisted the White people of Montgomery would use economic retaliation to punish the Black community.[138] Just a day earlier, a sign reading "White People Fire Your Nigger Workers" appeared on a tree on Highland Avenue.

Early Saturday morning, upcoming violence could be sensed in the city as carloads of White men gathered at a city park. When highway patrol chief Joe Smelly questioned the out-of-towners about their intentions, the men stated they were in town on standby if needed, but were not there to initiate trouble.[139] At the same time, Alabama State students met at Rev. Ralph

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[136] John Dittmer, *Local People: The Struggle for Civil Rights in Mississippi* (Urbana: The University of Illinois Press, 1995), 45.

[137] King, *Stride Toward Freedom*, 50. As noted by King, violence, terror, and other extralegal actions were not beyond the scope of methods employed by the Montgomery White Citizens' Council.

[138] "Citizens Council Ask for Fingerprinting," *Montgomery Advertiser*, Feb. 27, 1960.

[139] Trest, *Nothing but the People*, 308.

Abernathy's Negro First Baptist Church for a four-hour mass meeting. Abernathy, the current president of the Montgomery Improvement Association, a founding member of the Southern Christian Leadership Conference (SCLC), and a close ally of King agreed to allow the students to meet at his church after President Trenholm asked the students to no longer meet on campus.[140] Just a day earlier, it was Abernathy who admonished the police chief, mayor and governor to be cognizant of their statements to the public as their words may "give the fringe element a green light to take the law into its own hands."[141] The pre-1960 established network supported the new sit-in movement, contrary to some claims in the literature as previously noted.[142]

After the meeting, Bernard Lee sent a telegram and petition to Governor Patterson explaining that he and the students only sought to exercise full privileges guaranteed in the Constitution and Bill of Rights.[143] Lee also requested a meeting with Patterson to discuss issues in Montgomery, but Patterson did not oblige.[144] Lee, who became the official student spokesperson for the Montgomery movement, recalled reading Gandhian concepts of nonviolence and writing a term paper on civil disobedience just before the Greensboro sit-in occurred.[145] Because of his's maturity and rhetorical skills, Dixon, McFadden, and the younger activists considered him well-prepared to lead the students' campaign. After serving in the U.S.

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[140] Lee, "The Case of *Dixon v. Alabama*," 3.

[141] Reddick, "The Montgomery Situation," 3.

[142] Morris, "Black Southern Student Sit-In Movement," 746.

[143] "Statement Asserts Negroes to Continue 'Rights' Fight," *Montgomery Advertiser*, February 26, 1960; Reddick, "The Montgomery Situation," 3.

[144] Lee, "The Case of *Dixon v. Alabama*," 3-4.

[145] Sitkoff, *The Struggle for Black Equality*, 74.

Air Force during the Korean War, Lee entered Alabama State in 1958 at 25 as husband and father. When the protest began, Lee took the responsibility of maintaining the calm amongst the group. It seems the governor could have learned a lesson in character from Lee. Instead, Patterson contended the telegram was evidence the students had “no sense of shame or regret” for disrupting the peace.[146]

As news of the potential student demonstrations at the lunch counters of the downtown five and ten cent stores reached the White community, that evening, a group of 25 White men, many who were members of the Ku Klux Klan, took action to uphold the status quo of Jim Crow. Patrolling the downtown Montgomery sidewalks outside the businesses with miniature baseball bats, the men intended to use any means to end the sit-ins and affirm the students’ status as second-class citizens. As the students picketed, two White men assaulted Christine Stovall, a 22-year-old Black Montgomerian and Alabama State student, with a bat. Although the blow to Stovall’s head did not leave her unconscious, it led to a brief physical altercation between the mob and demonstrators.[147] Additionally, a man slapped three Black women on Dexter Avenue, and two White men hit a 14-year-old Black girl in the face on Montgomery Street that night.[148] No arrests were made after the skirmishes.

Late Saturday evening, Montgomery Fire Chief C. C. Strane reassured the fire department they were ready to wet down any rioters if called upon to act.[149] Because the Montgomery police were prone to ignore White violence, particularly when mobs urged violence to enforce Montgomery's racial system, Abernathy called for restoration and law and order in the city. He recommended the students refrain from protesting in front of the downtown establishments. He also warned demonstrators to consider the repercussions of boycotting the downtown stores.[150]

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[146] Trest, *Nothing but the People*, 309.

[147] “Negro Woman Beaten with Bat: White Men Roam in Montgomery,” *Chicago Daily Tribune,* February 28, 1960.

[148] John Coombes “Two Demonstrations Staged by Negroes,” *Montgomery Advertiser*, February 28, 1960.

[149] “Firemen Stand Ready to Spray Rioters,” *Montgomery Advertiser*, February 28, 1960.

While the students planned their next demonstration, President Trenholm found himself in a quandary. If he attempted to protect the students from the governor, the Alabama State Board of Education might terminate him or retaliate by reducing funding to the state-operated college. However, if he did not stand in support of his students, Trenholm might lose the support of not only the student body, faculty, and staff, but also the support of the alumni and Black community. Trenholm indeed wanted to protect the students from expulsion, but to satisfy the governor and the Alabama State Board of Education required a more severe punishment. Instead of expelling the students like Southern University President Felton Clark had done, Trenholm recommended probation for the students.[151]

By Monday, February 29, the weekend's violent events and negative publicity prompted a change in the governor's disposition. Governor Patterson, in statements to the press, called for the expulsion of the ring leaders of the protests only. He later denied the claim he threatened to end the college's funding, but he added that "if my brother had done anything like this in college, my daddy'd have gone and gathered him the same day."[152]

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[150] "Abernathy Telegrams Urge Official to 'Restore Order,'" *Montgomery Advertiser*, February 28, 1960. "Racial Tensions Erupt as Sit-Down Protests Spread: Montgomery Negro is Clubbed; Shots Fired into Georgia Homes," *Atlanta Constitutional*, Feb. 28, 1960.

[151] Delaney, "Essay," 435.

[152] Harry Golden, "North Carolina's Harry Golden Sees Negroes' New Tactics Winning Struggle," *Time* (March 14, 1960): 26.

Despite Patterson' rhetoric, initially, several White Montgomerians were displeased with the authorities' handling of Saturday's mayhem. One White resident questioned if the police would have allowed Black protestors to carry weapons like the police allowed the White mob. He also made it clear that the White mob did not represent all Montgomerians. Concerning the local and state officials, he warned that "hotheadedness" by officials who opposed desegregation would empower segregationists to employ more violence. He asked if the governor planned to micromanage the presidents of Auburn University and the University of Alabama as he had President Trenholm.[153] Another White local, who asked to remain anonymous for fear of retaliation, questioned if she lived in Nazi Germany or Montgomery. She found it deplorable that a group of rabble rousers could carry bats and patrol the streets without any police intervention.[154] Finally, another letter writer argued that White Montgomerians favored reasonable mindedness from city officials instead of dealing with incoming NAACP attorneys.[155] However, as the protests continued in the upcoming months, more locals shifted their attitudes and professed their opposition to the demonstrations and ultimately to the disruption of the Montgomery's racial order.

The same day Patterson called for swift action against the demonstrators, King, who was in town for arraignment in a perjury and income tax evasion case, officially endorsed the movement. According to King biographer David Garrow, the sit-in vitalized the city's Black residents more than they had been in three years.[156] That night, the newfound spirit of the city resonated at Hutchinson Baptist Church as three balconies and a floor full of students and local supporters sang “The Battle Hymn of the Republic” before King entered the pulpit. In typical King fashion, the former Montgomery minister beseeched the students to commit solely to nonviolence, stating, “You have now presented the opposition with a technique that they don’t know what to do with.”[157] The meeting foreshadowed a week of activism which culminated in bitter disappoint.

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[153] Allen Rankin, Jr., Letter to the Editor, *Montgomery Advertiser*, March 1, 1960.

[154] Mrs. N. S. T., Letter to the Editor, *Montgomery Advertiser*, March 2, 1960.

[155] Oliver C. Wiley, Letter to the Editor, *Montgomery Advertiser*, March 3, 1960.

[156] David Garrow, *Bearing the Cross: Martin Luther King, Jr. and the Southern Christian Leadership Conference* (New York: William Marrow and Company, 1986), 130.

The following day, a cool, crisp morning Tuesday morning, as the Montgomery city police watched, a two-mile line of approximately 1,000 students from Alabama State marched silently, two-by-two, to the State Capitol in support of the sit-in leaders.[158] Wearing their Sunday best, the students took 20 minutes to assemble on the Capitol steps. The night before, the students agreed to boycott classes if the board expelled the sit-in leaders. At the top of the Capitol steps, the students recited the Lord’s Prayer while Aner Ruth Young, one of the marchers, sang “Our Father, Who Art in Heaven.” Although state and local offices were closed for Shrove Tuesday, several state officials, including Attorney General MacDonald Gallion, watched from the Capitol’s entrance. After prayer, the students remained on the steps for another half hour, singing the National Anthem. After the demonstration, satisfied with the message sent to state officials, the students peacefully marched through the Black neighborhood back to campus and prepared for a board meeting. Attorney General Gallion later lamented that the demonstrations were “highly inflammatory and dangerous” considering the racial tension at the time.[159]

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[157] Julius Duscha, “1200 Negroes March to Capitol, Pray, Sing Anthem in Alabama,” *Washington Post,* March 2, 1960.

[158] Ibid.

[159] “Students March on Capitol in Alabama with Silent Protest,” *Atlanta Daily World,* March 2, 1960.

Though the initial protest shocked the city because it was unexpected and was a clear rejection of the South's legal, political, and social norms, Tuesday's events showed city leaders that the students were committed to continued action and demonstrated the influence of the student leaders. The police commissioner, flustered and red-faced, announced on television:

> We do not use outside forces to create, provoke or otherwise incite any racial incident here in our city….The Montgomery Police Department is under instruction to enforce existing laws and to take whatever action that is necessary to suppress agitation and prevent violence….I want to assure the citizens of Montgomery that we are prepared to take whatever actions that might be necessary to maintain and preserve the honored traditions and customs of the South.[160]

Rev. Abernathy responded to the commissioner's comments, arguing that inflammatory language may provide the impetus for the fringe element to take matters of law into their hands.[161] Carl Bear, president of the Montgomery Chamber of Commerce, demonized the protests on *NBC Today*, calling the demonstrations "coldly deliberate, calculated move to... goad and provoke the Southern White man to the very limits of his patience and endurance."[162] The sit-in movement placed agency in the hands of the students. Judged as inferior under Jim Crow, the movement provided an opportunity to gain respect and equality before the law. Pioneering journalist and author on African American culture Louis E. Lomax noted:

> The demonstrators have shifted the desegregation battle from the courtroom to the marketplace and have shifted the main issue to one of dignity, rather than civil rights. Not that civil rights are unimportant—but, as these students believe, once the dignity of the Negro individual is admitted, the debate over his right to vote, attend public schools, or hold a job for which he is qualified becomes academic.[163]

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[160] L. D. Reddick, "The State v. The Student," *Dissent* (Summer 1960): 221.

[161] Reddick, "The State v. The Student," 221.

[162] Thornton, *Dividing Lines,*114.

[163] Louis E. Lomax, "The Negro Revolt Against 'The Negro Leaders,'' *Harpers*, June 1960, 41. Dr. Lomax was a notable journalist who rose to fame after co-producing a documentary on Malcolm X and Nation of Islam entitled "The Hate that Hate Produced" in 1959. He hosted *The Louis E. Lomax Show* from 1964 to 1968, a program that exposed Americans to the Black Panthers, the women's rights movement, and Vietnam Conflict. See Dale G.

The events of those several weeks established the dignity of the protestors and also showed the great divide within the city. The originators of the Montgomery protest were convinced that the 14th Amendment, particularly the Equal Protection Clause, and the logic of the *Brown* decisions guaranteed all Americans the right to dine in any restaurant. The sit-in emerged as their means to win an immediate victory over segregation. In contrast, White city officials felt segregation laws provided White store owners' the right to refuse service as they deemed necessary. Though a publicly owned establishment, Governor Patterson and the city's White establishment were convinced that the students were agitators who needed to be corrected. The next day, Governor Patterson used his position to show the strength of the state.

Leathers, "Louis E. Lomax," in *African American Orators: A Bio-Critical Sourcebook,* ed. Richard W. Leeman (Westport: Greenwood Press, 1996), 239-247.

CHAPTER 3

HONING THEIR AGENCY

"There were two sides of the coin. There was a fear because we were under terror. We lived in a terrorist state. So there was internalized fear. All of us had it. But at that point, some of us were saying that walking in fear was like walking-dead because you did not have a will. You had to find your agency, and we had to find that power to be able to use it."

Dr. Eleanor Moody-Shepherd
Student Activist at Alabama State College

When the Alabama State Board of Education convened in early March 1960, the fate of the demonstrators had been decided. In accordance with the Alabama state constitution, the president of the college answered directly to the Alabama State Board of Education. The governor served as the president of the board, and the superintendent of education served as the board's secretary and chief executive. The board's nine members and the governor were responsible for supervising the operations of the state's six public higher education institutions, the secondary schools, and the elementary schools. Threatened with the prospect of losing its funding, the students and the college's future rested with the all-White board.[164]

The future of the student demonstrators was the last topic of discussion at the monthly board meeting. As requested by Governor Patterson, President Trenholm gave a report regarding the sit-in demonstration at the courthouse restaurant, indicating that the students' actions were disputing the order of the college and negatively influencing the student body. After his report,

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[164] Robert Van Waes, "Academic Freedom and Tenure: Alabama State College," *AAUP Bulletin* 47, no. 4 (December 1961), 304. The nine members of the State Board represented Alabama's nine congressional districts. The governor appointed members to serve six-year terms, respectively.

Mr. Floyd Mann, Director of the State Department of Public Safety, informed the board he concluded nine students led the demonstrations. Seeking to protect the students, Trenholm agreed the participants should be punished, but he asked the board to allow them to take winter quarter exams first, which subsequently allowed James McFadden to graduate without returning for the spring quarter. In a unanimous vote, the board decided to expel the nine leaders and place 20 more students on probation, effective Friday, March 4. After the vote, Trenholm reassured the board he could control the students and campus in the future and asked again for probation for all. The governor disagreed as "the situation was much too tense and the danger of life and bloodshed too perilous to pass up lightly the matter of punishment of the participants."[165] In the letters sent to the nine expelled students, the state board claimed to have expelled the students for exemplifying "conduct prejudicial to the school and for conduct unbecoming of a student or future teacher in schools of Alabama, for insubordination and insurrection, or for inciting other pupils to like conduct."[166] Board member Larry M. Ayers of Anniston told the *Anniston Star* he supported the expulsion because the students "violated the laws of Alabama... about the separation of the races."[167] In less than a week, the students learned an unforgettable lesson in southern justice. Like the lynch mobs of the South, the state board acted as the judge and juror, and similar to the mob, the verdict was always guilty.[168]

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[165] Minutes of the State Board of Education of the State of Alabama, Mar. 2, 1960, Box SGO14005, Folder 5, James Patterson Administrative Files, Alabama Department of Archives and History, Montgomery.

[166] Lee, "The Case of *Dixon v. Alabama*," 5.

[167] "Governor Patterson Defends the Expulsion of Nine Negro Students," *Huntsville Times,* August 23, 1960.

[168] E. M. Beck, "Judge Lynch Denied: Combatting Mob Violence in the American South, 1877-1950," *Southern Cultures* 21, no. 2 (Summer 2015), 118-119.

Acting *in loco parentis*, or "in the place of the parent," Alabama State College, like many higher education institutions, was granted discretion in the way it disciplined students.[169] Because of *in loco parentis*, the students did not receive a hearing, have the opportunity to review the charges brought against them, or have the option to prepare a defense. After the expulsion, Governor Patterson informed board members expulsion was necessary "to prevent bloodshed in the city." Recalling student demonstrations a few weeks prior, the governor added, "If we ever bow to the threat of a mob, we are on our way and they'll get more arrogant every day." He further expressed that if the demonstrations continued, the uproar in Montgomery could lead to "riot, violence, and possible death."[170]

The prospect of not finishing college weighed heavily on the student leaders. Joseph Peterson, who was a junior at the time, dropped out of high school years prior, but was encouraged by his friends on a temporary construction job to take the GED exam. After passing the exam on the first attempt, he went to college to improve his chances of finding gainful employment. When he heard about the expulsions, Peterson lamented,

> I was kind of devastated because I didn't have a high school diploma, and now I wasn't going to have a college degree. Then my other problem was, where am I going to work? The year before I was expelled, I had spent time working on construction jobs, and it didn't work out.[171]

St. John Dixon was distraught by the board's decision. Dixon, who was the oldest of nine children, overcame financial challenges to become the first person in his family to attend college. Although he graduated valedictorian of his high school class, he worked for a year to earn money to pay for college before enrolling at Alabama State. With the financial support of family, community members, and close friends, he was successfully matriculating and enjoying student life, having joined the student government association and elected vice president of the Vesper Club, a student-led Bible study group. Now his college career was over:

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[169] Jack Byrom, "To Love and Die in *Dixon*: An Argument for Stricter Judicial Review," *The Review of Litigation* 31, no. 1 (Winter 2012), 150-152.

[170] Julius Duscha, "Alabama Expels 9 Negro Students," *New York Times*, March 3, 1960.

[171] Joseph Peterson, Interview with Kouri Allen, Birmingham, November 1, 2019.

> When this [the board's decision] came around, I was a full-fledged junior. They said, "Well, we're going to get the leaders out here," and I told them "I'm no leader." They said, "You've been in every rally that they had," I responded, "I don't have to be a leader because I'm at the rally." Then they told me why they were taking the action, but until that time, I had no problems at Alabama State. In fact, I had thought I fitted in and I was ready to continue.[172]

The expulsion of the Alabama State 9 turned the city into mayhem for two weeks. Demonstrations took place downtown. Black students met the force of White mobs. Police exerted absolute power with no regard to citizens' rights. Their actions were so severe that Democratic Congressman Michael Charles Diggs, Jr. of Michigan petitioned the U.S. attorney general to investigate tactics used by law enforcement to "create an atmosphere of terror and tyranny" to prevent peaceful protests.[173] The city seemed out of control as the students were determined to vindicate the expulsion of their classmates. Additionally, the expelled students took it upon themselves to fight for their rights.

After the state board handed down the expulsions, hundreds of students held another mass meeting in which they agreed to boycott winter quarter final exams unless the nine students were reinstated. Instead of attending class, students marched throughout campus chanting "On to Auburn. On to Alabama."[174] The mass meeting served not only as a space for planning, but a venue where students found support and inspiration. Eleanor Moody-Shepherd attended them frequently, using the preacher's words to keep up her spirit. "We had mass meetings and people would come," Moody remembered, "but let me tell you who would come and fire us up, [Fred]Shuttlesworth. King and Abernathy were nice, quiet, and peaceful, but Fred would come by and it would be like the thunderbolt! He could put fire in our mind, body and soul."[175]

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[172] St. John Dixon, Interview with Kouri Allen, September 1, 2019.

[173] "Montgomery Probe Asked," *Alabama Tribune,* March 18, 1960.

[174] "Over 1,000 Student Bolt Exams at Alabama State, Talk of Quitting," *Alabama Tribune,* March 11, 1960.

As the students made plans to demonstrate, the courthouse restaurant reopened with two stipulations: first, only courthouse employees and their guests would be served; second, Black employees could be served if they gave orders at the counter and took the food outside.[176] Rev. Abernathy, who called the expulsions "one of the worst blunders in the history of education in Alabama," commented he had "continued faith and confidence" in President Trenholm who was "seeking to be loyal to his superiors as well as his school and students."[177] That same day, William Fidler, General Secretary of the American Association of University Professors (AAUP), who was aware of the governor's threat to expel student leaders, wired the governor warning, "If such an order has been given by you, it is an unwarranted intrusion by public authority upon academic jurisdiction. Action against students on your order would constitute gross violation of academic freedom." The General Secretary also informed President Trenholm that the AAUP supported the college's right to institutional freedom. Neither party responded to the secretary's communication.[178] The County Wide Registration Drive of Birmingham, a panel consisting of Black ministers and businessmen, composed a resolution condemning the students' expulsion. The panel declared that "freedom imbedded in the hearts of Negro students is beyond the power of any governor or board of education to expel."[179] The panel pledged their full support, continuing:

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[175] Eleanor Moody-Shepherd, Interview with Kouri Allen, May 31, 2020.

[176] "Courthouse Grill Reopens with Restricted Patronage," *Montgomery Advertiser,* March 3, 1960.

[177] "Student Ouster Sparks Negro College Walkout," *Montgomery Advertiser,* March 3, 1960.

[178] Van Waes, "Academic Freedom and Tenure: Alabama State College," 304; On the AAUP's response to impediments of academic freedom, see Philo Hutcheson, *A Professional Professoriate: Unionization, Bureaucratization, and the AAUP* (Nashville: Vanderbilt University Press, 2000), 55-56.

> Orderly and peaceful protests against a denial of equal opportunity is a stand which we as free and freedom loving Americans applaud rather whether it comes from students or others who are restricted in the enjoyment of rights which their citizenship and American being entitled them to have. Racial segregation is wrong and evil.[180]

As support for the students came from organizations nationwide, the student protestors decided to take their final exams since "many students had come to far to ruin their hard work," according to Bernard Lee.[181] After taking final exams, the collegians staged another demonstration on campus. Following the protest, Lee explained the reasoning behind the sit-in movement and demonstrations that took place February 25 to February 29 in a formal press release. He also called upon the students and community leaders to support the movement. Indeed, the governor's call for the expulsion of the students and his mistreatment of President Trenholm spurred more than 85 percent of the student body to take up the call to action.[182]

The evening of March 4, King addressed more than 900 Alabama State students at a gathering at Beulah Baptist Church, challenging them to continue in the struggle for equality, despite the obvious obstacles presented. King also promised full support from SCLC, in addition to giving scholarships to the nine expelled leaders. It was during this meeting that Abernathy informed the crowd that Black churches planned to march to the Capitol on Sunday afternoon in support of the students.[183] The same night, Bernard Lee asked students to participate in a walkout on campus.[184] The students also agreed to a strike of spring quarter registration.[185]Although an advocate of direct action, in a few months, Lee and the expelled students would also take the indirect approach to the injustice served upon them by the State Board of Education by challenging their expulsions through the courts.

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[179] "Resolution Hits Expelling of Alabama State College Students," *Alabama Tribune*, March 11, 1960.

[180] Ibid.

[181] Over 1,000 Student Bolt Exams at Alabama State, Talk of Quitting," *Alabama Tribune*, March 11, 1960.

[182] William Gibson, "Students and Faculty," *Dissent* (Summer 1960): 232.

As King and SCLC added support to the movement, White state and local opposition increased. Additionally, as Governor Patterson employed more divisive rhetoric, local Whites became more radicalized, as evidenced in the letters to the newspaper. In a letter to the *Montgomery Advertiser*, one White local called for the White community to stop retreating and to stand up to King and other desegregationists for the sake of the current generation and the next. He encouraged the segregationists to show Blacks that they can function without them. Finally, he admonished Blacks to remain in their place in society and to stop allowing the NAACP to rob and manipulate them. Another letter writer referred to the students as instigators who felt empowered to act outside the law by the recent desegregation Supreme Court rulings. Instead of protesting, he believed the students should have been grateful to have good schools funded by White tax dollars.[186] Still, support for the demonstrators came from local and national agencies. For example, the U.S. National Student Association (NSA) urged Patterson and Trenholm to reconsider their actions and rescind the expulsions. In a wire to the governor, the NSA representatives wrote, “Today marks the beginning of a tragic era in Alabama if students showing non-violent protest to segregated facilities are repaid with expulsion or probation." The organization also asked Trenholm to support the students and their tactics.[187]

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[183] Trest, *Nobody but the People*, 310.

[184] Lee, “The Case of *Dixon v. Alabama*,” 6.

[185] Trest, *Nobody but the People*, 310.

[186] J. J. Morrison, Letter to the Editor, *Montgomery Advertiser*, March 6, 1960; James C. Myer, Letter to the Editor, *Montgomery Advertiser*, March 3, 1960.

From the initial sit-in at the courthouse until the Alabama State 9's expulsion, the students controlled the movement, which kept Governor Patterson, the mayor, and the police chief confused. However, the movement changed during the second week of March as Montgomery's established civil rights leaders assumed a more prominent role. Additionally, at the request of Lee, students from nearby Tuskegee Institute joined the demonstrations. Before the March 6 protest, the Montgomery Improvement Association asked local churches to join the students at the Capitol on Sunday. In response to the request, Commissioner Sullivan, now aware of the exact time and location of the next demonstration, coordinated local, county, and state police to stop the demonstration. For the first time in the city's history, mounted police were used for a public disturbance. Later under oath, Sullivan and Sheriff Butler admitted the collective units amounted to the largest number of policing powers assembled in a time of peace.[188]

By the end of the week, the students' persistence and outright disobedience to the city's segregation statutes weighed even more heavily on the pro-segregationist community. As the governor's and police commissioner's remarks became more disparaging, the comments in the newspaper editorials followed the same pattern. Essentially, the more challenges to the power structure, the more aggressive the power structure, in multiple forms, became. In an letter to the editor of the *Montgomery Advertiser*, one segregationist argued the students instigated and provoked the White mobs by demonstrating, blaming the students' defiance on the Supreme Court's recent decisions implementing desegregation, which empowered Negroes to act outside of the law. Instead of protesting, he contented the students should have been grateful for their good schools, which were funded by White citizen's tax dollars.[189] Another frustrated White citizen urged the White community to stand up for their way of life, reminding them that Southern leaders appeased the freedmen and outsiders from 1865-1880 to no avail. Then, White southerners "took the bull by the horns!"[190] If the students continue demonstrating and supporting economic boycotts, wrote one segregationist, White business owners should replace all Negro employees with White workers. He buttressed his argument in a thoroughly segregationist manner, "The White man has given the Negro far more than the Negro has ever given the White man."[191] These statements mirrored the sentiment of state and local White officials.

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[187] "Protest Kicking 9 Out of School," *Daily Defender*, March 8, 1960; Hutcheson, *A People's History of Higher Education*, 150. Formed in 1947 at a conference in Madison, Wisconsin, the NSA emerged as representative body for student government associations nationwide. With a mission of supporting student governments, promoting higher education, and helping students navigate college, the NSA served as the premiere national governing body for students until 1978.

[188] Reddick, "The State v. The Student," 223.

On Saturday evening, White opposition moved into action as police stood by as White demonstrators assembled at the Capitol. Additionally, the police watched mobs of angry Whites as they paraded through the streets carrying signs that read "Preserve Our Rights—Fire Your Negro," "Act Now—Fire Your Negro," and "Remember Our Rebel Forefathers."[192] The White meeting was the reaction to Black church leaders' planned mass meeting at the State Capitol on Sunday at 1:30pm in support of the expelled students.[193] In response, Commissioner Sullivan issued a statement informing the public there would be no more demonstrations and the city police would stop any future mass meetings like the one planned Sunday at the Capitol.[194] Sullivan contended Blacks had churches and facilities at Alabama State for meetings, alluding in the notice that he believed the church leaders hosted mass protests "under the guise of religious services."[195]

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[189] James C. Myers, Letter to the Editor, *Montgomery Advertiser*, March 3, 1960.

[190] E. D. Dieck, Letter to the Editor, *Montgomery Advertiser*, March 4, 1960. Reconstruction occurred from 1865-1876. During this era, Southerners fought the progressive reforms implemented by the Radical Republicans in Congress. Such reforms were meant to bring about equality to the newly free slaves. As Southern states created Black Codes to relegate the freedmen back into bondsmen, the Radical Republicans took over Reconstruction, divided the South into five military districts, and provided the voting franchise to the freedmen, and disfranchised many ex-Confederates. Southern Democrats deemed the era a time of incompetent Negro rule. In response to the influx of Black political activism, White Democrats used violence and intimidation to keep Blacks from voting, which led to the redemption of the White South. Alabama was officially "redeemed" with the election of Democrat George S. Houston as governor in 1874.

[191] R. M. Gwaltney, Letter to the Editor, *Montgomery Advertiser*, March 3, 1960.

Sunday morning, the city waited to see if the Black community would affirm their commitment or retreat. Committed to justice and equality, from the pulpit, several pastors encouraged their congregants to attend the mass meeting. Barbara Garrett Benson, a freshman from Birmingham who attended Monday mass meetings regularly, felt compelled to attend the rally. When Benson arrived at Alabama State in August, she was drawn to the movement by dynamic speakers such as Rev. Abernathy and King. She recalled:

> We would go to the meetings on Mondays and Martin Luther King was such a speaker. He could make you just get out of yourself and made you feel important…. He did not put himself above you. He put you right along with him, and made you feel like you were important.[196]

However, when the sit-ins began, she decided to refrain from participating because of King's frequent advice: "If you feel like you cannot be nonviolent, stay back and pray for the

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[192] Ellsworth Janifer, "We Are Not Afraid," *Dissent* (Summer 1960): 230.

[193] Janifer, "We Are Not Afraid," 229. Janifer served as a professor in ASC's music department. A native of Washington, D.C., Janifer held a B.A. from Howard University, a M.A. from the University of Michigan, and a Ph.D. from University of London. He was a Fulbright Scholar for two years. Janifer joined the college in 1959 after teaching at Morris College in South Carolina, Florida A&M University, and Albany State College.

[194] Trest, *Nothing But the People*, 311.

[195] Ibid, 311.

[196] Barbara Garrett Benson, Interview with Kouri Allen, Birmingham, November 8, 2019.

ones that's going because it's something that everybody can do."[197] For some reason, Benson thought the rally would be peaceful since the students only wanted to pray at the Capitol and leave. No one could have predicted the next hours' events.

At 1:00 p.m., the demonstrators, most of them students, convened at Dexter Avenue Baptist Church. As Rev. Abernathy came to the pulpit to give instruction, Ellsworth Janifer, a professor of music at Alabama State, who attended the event with his friend Samuel Green, recalled the congregation's response. In an uplifting roar, the crowd of 5,000 gathered sang: "We are not afraid, we are not afraid, we are not afraid today. For deep in my heart, I do believe, we are not afraid." At the conclusion of the song, Abernathy informed the crowd of the demonstration's purpose, and that the demonstration violated no state law. Therefore, the plan was to march peacefully to the Capitol. If the police or the White onlookers tried to stop them, the demonstrators would return to the church.[198]

After Rev. Abernathy's remarks, Father Robert E. DuBose, clinching his Bible, led the procession out of the church. As he passed through the doors, the all-White crowd shouted, "Come on niggers, make your move" and "Alright niggers, come on!" Upon exiting the church, police pushed DuBose back into the church as the White crowd fought viciously to reach those assembled in the church. St. John Dixon described the mob, saying "they were throwing objects in the church at Dexter. They had a mob out there about 2000 people. They had baseball bats and had chains wrapped around their wrists."[199]

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[197] Ibid.

[198] Janifer, 230; "Negro Rally Broken Up in Alabama," *Atlanta Constitution*, March 7, 1960

[199] St. John Dixon, Interview with Kouri Allen, September 1, 2019.

Ultimately, the marchers were forced to remain inside Dexter Avenue Baptist Church while the police controlled the White mob. As the police separated the two groups, the ministers gave orders for the demonstrators to turn back into the church. In the church, fear, anxiety, pain, and frustration filled the air as no one knew what the White crowd would do next. Finally, the unbridled emotions were calmed as a minister convinced the congregation to take their seats and focus on the day's mission.[200]

With peace within the congregation, student leader Bernard Lee led the assembly in prayer for those who protested outside and for the governor. Throughout the service, the older Black leaders, who had been raised in Jim Crow Montgomery, prayed for peace into the hearts of their oppressors. Ellsworth Janifer, a professor who attended that day, recounted he was most encouraged by the support the older community gave to young people who fought for their basic rights of dignity and humanity.[201]

With no one injured, the congregation reaffirmed their commitment to spiritual supplication as they sang "I Need Thee Every Hour" while the crowd outside shouted obscenities in the midst of singing "America," "The Star Spangled Banner," and "The Battle Hymn of the Republic." Once Abernathy came to the pulpit, he assured the crowd that they had reached their goal of making a stance in support of the students. After the mob dispersed, the police suggested the congregants break into small groups to leave the church. Ironically, while the police were prepared to maintain the peace with night clubs and pistols and the firemen readied with high pressure hoses, neither group was willing to defend the Black community's freedom to assemble or to speak. Furthermore, the event was a double success for the police coalitions. First, they prevented a successful Black demonstration. Second, they appeared to be the defenders of peace and segregation to White supporters.[202]

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[200] Janifer, "We Are Not Afraid," 230-231.

[201] Ibid, 231.

Reactions to Sunday's events came in denigrating forms from *Montgomery Advertiser* letter writers. Rev. Robert Moody, a White Presbyterian minister from Selma, condemned the actions of the Black pastors, referring to them as hypocrites who "talked piously of 'passive resistance' when they are militantly aggressive, inciting ill-will and resentment and even provoking violence." If the demonstrators were devout in their worship, they would have remained at the church, God's house of worship, instead of parading to the Capitol for a public prayer. Moody advised the Black ministers to heed Jesus' warning to hypocrites provided in the *Sermon on the Mount*.[203] Another local believed Sunday's demonstrators should be thankful the Montgomery police protected them. Had the police not been present, the demonstrators, whom he referred to as mockers of Christianity, would have "entered the kingdom" because Whites from Elmore, Jefferson, Tallapoosa, Lee, and Tuscaloosa counties did not travel to the capital for their health.[204] One Dale County resident felt the uncontrolled movement would lead to the fall of America's democracy, equating the student movement to the student protests that helped bring Fidel Castro into power in Cuba. He also speculated that the Kremlin orchestrated the sit-in movement.[205]

The nadir of the student movement occurred the following Tuesday, March 8, when defenseless students clashed with local police. The power clash occurred at the intersection of

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[202] Reddick, "The State v. The Student," 223.

[203] Robert Moody, Letter to the Editor, *Montgomery Advertiser*, March 10, 1960.

[204] C. W. Crowe, Letter to the Editor, *Montgomery Advertiser*, March 9, 1960.

[205] J. Victor Evans, Letter to the Editor, *Montgomery Advertiser*, March 10, 1960.

Jackson and Thurman Streets, near the campus. Despite the Montgomery city commission's decree, students and a faculty member held another demonstration.[206] Two accounts of the demonstrations were recorded. According to Professor Lawrence Reddick, 30 or more students marched peacefully holding placards that read "1960 or 1860," "9 down, 2000 to go," and "Who's President of ASC-Patterson or Trenholm?," until the Alabama State's superintendent of grounds and maintenance forced them to disperse.[207] As the demonstrators walked toward a church where they planned a mass rally, the police arrived. The police responded by arresting 35 students and one faculty member, Olean Underwood, and her husband on campus during a demonstration for failure to obey an officer and disorderly conduct. The arrested were primarily freshmen and sophomores who were inspired by the bravery of the expelled nine.[208] While waiting on the paddy wagon, one officer, hoping to incite a violent response, walked through the students, shouting: "I want the meanest nigger in the crowd to step out!" Fortunately, no demonstrators felt compelled to respond directly.[209] Reddick, who witnessed the mayhem, described the event as "the current racial war in Alabama: book-carrying Negro students versus armed White policemen."[210]

In contrast to Reddick's account, the White press reported a more tumultuous event.[211] According to E. B. Campbell, Alabama State's superintendent of grounds, a group of students driving a green station wagon drove up to the entrance of campus around 10:00 a.m. He identified several of the students as the recent expellees. The students in the car proceeded to call out to students and hand them placards. Campbell tried to remind the group of the no-demonstration edict, but the students pushed him aside. He also noted that some of the students were carrying knives. At that point, a campus security guard drew his firearm and fired a shot to warn the students and called the police. When Captain D. H. Lackey of the city police arrived, the students had blocked the sidewalk and the streets. When Lackey ordered them to disperse, the students refused, yelling and cursing while the police tried to bring order. Then the police began to arrest the sign-holding students and one faculty member. During the arrests, Professor Underwood, a physical education instructor, urged students to "make them get another one," referring to a paddy wagon.[212] While another 1,000 students watched the arrests, protestors supposedly promised to host a demonstration so large the next day that police would "need trucks to carry them way."[213] For the next six hours, the arrested students and their teacher were fingerprinted, photographed, and interrogated. They made bond after dark.

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[206] Trest, 312.

[207] Reddick, "The State v. The Student," 223. The superintendent of grounds and maintenance was following Trenholm's directive which prohibited further demonstrations.

[208] Gibson, "Students and Faculty," 233.

[209] Reddick, "The State v. The Student," 224.

[210] Ibid, 219

[211] Dick Hines and Arthur Osgoode, "City Police Arrest 37 Negro Agitators for Demonstrations," *Montgomery Advertiser*, March 9, 1960.

Tuesday afternoon, a group of 600 students met at Beulah Baptist Church to show support for the arrested group. During the meeting, Lee inspired the students, telling the students by Friday, the North would be in full support of the movement, just as it had supported the Civil War. He also promised financial aid and out-of-state tuition assistance for students who refused to register for spring classes. Also addressing the crowd were Rev. Fields and Juanita Abernathy, the wife of Rev. Abernathy.[214]

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[212] "As Negroes Delay March—Whites Rough Photographer, Take Exposed Film in Row," *Birmingham Times*, March 9, 1960.

[213] Ibid.

[214] Ibid.

The following Friday, the accused from the March 8 protest stood before Judge Eugene Loe in Recorder's Court with Fred Gray as legal counsel. Due to a city order that restricted attendance to press and people involved in the case, the massive crowds of the prior demonstrations stayed away. Throughout the trial, the defense attorneys claimed the police had no reliable way to identify each of the accused students. Despite the argument, Loe found 32 of the 35 students guilty of failure to obey an officer and disorderly conduct, convictions finable at $100.00 plus court costs. Loe also found Professor Underwood guilty of disorderly conduct, which stemmed from her shouting at officers as they arrested five female students, and her husband guilty of failure to obey an officer. None of the guilty served jail time. Two of the students were acquitted because they were sitting on a porch when the protests occurred. The third student acquitted was instead retained for a violation of his parole. During the sentencing, Loe warned the students who may not have taken part in the demonstrations to be wary because there was such a thing as "guilty by association."[215] An editorial from the *Birmingham News* praised Loe as a preserver of the peace, stating the right to assembly in public must not derail the right of "the common populace to preserve law and order."[216]

Early the next morning, reporters located an arsenal of trailers, trucks, horses for mounted police, and other equipment at Orr Park, just three blocks away from the Alabama State campus. Apparently, Sullivan had planned a surprise showdown with the collegians. When reporters tried to take pictures of the equipment, his officers quickly rushed them off. The students indeed planned another demonstration, but they were forced to reschedule due to inclement weather.[217]

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[215] "32 Students Given Fines; File Appeal," *Montgomery Advertiser*, March 12, 1960.

[216] "Judge Loe Handled It Well," *Montgomery Advertiser*, March 16, 1960.

[217] Reddick, "The State v. The Student," 224.

In the mayhem, a group of five to six White men attacked a newspaper photographer from the *Montgomery Advertiser*, twisting a camera around his neck. The attackers also stole film from another camera man. Later, the attackers released the reporter upon the arrival of the assistant city police chief.[218] Acts of overt intimidation continued through March. One night, a White mob sought out the student leaders who were making plans for another demonstration. Eleanor Moody-Shepherd was among the students at First Baptist Church. She described one of the scariest nights of her life.

> I remember one night that was the turning point in my life. It was the point that made me understand what martyrs are made of. We were in Abernathy's church and somebody got the message to us. We were in the basement, and there was no light. You could not see that we were there from the outside. So somebody got the message that the nightriders were looking for us. I was a young child. Most of us were still teenagers. We were still very young. And even though I had faced death before, I was too young to really feel it as deeply as I did this time. I knew that they would kill you. I know that. Because I lived with that terror. I lived with that fear. So Dr. King had us gather and join hands. I'll never forget; I can see it now. And he had in that modulated voice he led us in saying that 23rd Psalm.[219]

When Moody-Shepherd was a child, a group of White locals lynched her father's best friend in her front yard. "The local doctor, the sheriff, and the merchant were there because we recognized their voices," she shared. "The only reason they didn't kill us was because the doctor said you have done what you came for so do not harm these people." Both of those moments gave her courage and strength to fight injustice. "You can threaten me, but I will speak my truth. I went through life that way."[220]

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[218] "As Negroes Delay March—Whites Rough Photographer, Take Exposed Film in Row," *Birmingham Times*, March 9, 1960.

[219] Eleanor Moody-Shepherd, Interview with Kouri Allen, May 31, 2020.

[220] Ibid.

Such blatant acts of violence prompted King to ask President Eisenhower to intervene against Commissioner Sullivan and the Montgomery police's "Gestapo-like tactics" used against student demonstrators.[221] Roy Wilkins, Executive Secretary of the NAACP, wrote Senators John Sparkman and Lester Hill, urging them to "act promptly to protect the Negro citizens there Montgomery)" Wilson informed the senators that "the Alabama news media show clearly that the Montgomery police are joining in persecution of Negro citizens instead of protecting them their constitutional rights."[222] At the same time, Rev. Uriah Fields, the former recording secretary for the MIA during the bus boycott and president of the Montgomery Restoration and Amelioration Association, a rival civil rights organization to MIA, publicly urged the students to cease demonstrating and end the spring registration boycott.[223]

As the police presence increased around the college, the will of the students grew stronger toward the end of the week. Holding signs that read, "They Kicked Them out Because They Wanted to Be Free," protestors at the campus continued to decry segregation under the watchful eye of the police. Focusing on non-violence, the students sang patriotic songs in front of the main campus buildings.[224] Aware of the police jurisdiction, students employed a skillful marching strategy: march directly toward the end of state property, and as police prepared to intervene, the students parted left or right, remaining on campus. Frustrated with his lack of ability to control demonstrations, Commissioner Sullivan urged the state to close the college, believing Trenholm had lost control of the student body after Thursday's event. He claimed Alabama State created "graduates of hate and racial bitterness."[225] With his reputation at stake, Governor Patterson immediately called for an investigation into the faculty who were thought to aid the students.

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[221] "King Urges Intervention by President," *Montgomery Advertiser*, March 10, 1960.

[222] "Ike Urged to Look into Alabama Terror: Wilkins Also Asks Two Senators for Protection," *Alabama Tribune*, March 18, 1960.

[223] "Sit-Down Action Wins Two Victories," *Daily Defender*, March 9, 1960. Rev. Fields pastored the all-Black Bell Street Baptist Church in Montgomery. He created the Montgomery Restoration and Amelioration Association after leaving the MIA. The organization's mission was to restore peace and harmony between the Black and White races in Montgomery. See "Negro Group Changes Name, but Not Aims," *Alabama Journal*, August 14, 1957.

[224] "Alabama State Is Under Inquiry: Police Charge Faculty Can't Control Negro Student—Unrest Goes on in South," *New York Times*, March 11, 1960.

As the demonstrations became front page news, the White community's concern came to the forefront, evident in letters to the *Montgomery Advertiser*. One White local condemned the Black preachers for coaxing young people to disobey laws and "force hatred on themselves by the White people." The writer did not advocate violence, but if the demonstrations continued, he predicted President Eisenhower's paratroopers would not be able to stop the inevitable. Another local contended King pretended to be Gandhi, and he recently "passed the Gandhian diaper" to Abernathy. One wrote that 99% of the money used to build the school came from White taxpayers. Arguing that White taxpayers should not bear the burden of educating Black troublemakers, a position Governor Patterson claimed early in the movement, the board should therefore close the school and fire the teachers or ban out-of-state students from enrolling.

Local White opposition also favored Blacks who historically humbled themselves to the White power structure. For example, a University of Alabama alumnus criticized students for seeking equal access to public accommodations via a court order. Instead, he encouraged them to seek an education and work hard, the example set forth by Booker T. Washington who "proved that recognition is gained by deeds," not passive resistance or forced integration. Despite the court decisions that brought forth desegregation, the alumnus contended Blacks will still be undesirable in White establishments, and they will be prouder by establishing their own institutions. Although the writer supported the right for Blacks to vote, he disavowed the idea of Blacks forcing themselves into establishments where they were unwelcomed. Another White local applauded the sensible southern Blacks for trying to maintain the peace and harmony. She recalled that after the Civil War both Whites and Blacks worked diligently to rebuild the South, but they both understood Washington's assertion: "The races are all as separate as the fingers on the hand, but all are as united as one great hand in brotherhood and understanding under God." She believed most Blacks valued "separate but equal" since the doctrine gave them "equality of opportunity" and the chance to achieve psychological "integration" instead of forced physical "integration."[226] Among the White community, finding an ally of the students seemed a grim prospect as the divide continued. With the notion of only a handful of Blacks disavowing segregation and since he had the backing of the White voters, Patterson ordered Superintendent Frank Stewart to conduct a full investigation into the school because he could not permit "a handful of agitators to disrupt classes, assault school officials, and prevent conscientious students from studying."[227]

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[225] "Close Negro College, Alabama Chief Asks," *The Atlanta Constitution*, March 11, 1960.

The week's events had a detrimental effect on the college's operations. College officials had to work throughout the weekend to register students for the spring term. Of the 1,200 individuals who were expected to register for the spring quarter, only 820 had registered. Reasons for the lack of enrollment included intimidation of racial agitators and prompted moderate students to withdraw and the college to increase in academic standards, which led to lower enrollment. Based upon the statements from students, the demonstrations were at a stopping point since the expulsion and arrests of the "radical" students.[228] When asked about the recent events, one senior commented, "Our College cannot afford unwholesome activities." The student insisted that parents ordered their students to withdraw and avoid the demonstrations or to withdraw from classes. He also hinted that students who opposed the demonstrations faced intimidation on campus.[229] On Wednesday night, Trenholm reported the racial demonstrations, financial reasons, and threats from the desegregationist students to support the movement caused a 200-student decrease in the spring enrollment. Furthermore, the college planned to evaluate the academic future of the 32 students found guilty in the Recorder's Court.[230] Nevertheless, pleased with the success of the movement, King, speaking at the SCLC student training conference, summed up the impact, saying:

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[226] Zeke Calhoun, Letter to the Editor, *Montgomery Advertiser*, March 14, 1960; Dan O. Dowe, Letter to the Editor, *Montgomery Advertiser*, March 9, 1960; Mrs. B. L. M. Letter to the Editor, *Montgomery Advertiser*, March 10, 1960; Thomas J. Joiner, Letter to the Editor, *Montgomery Advertiser*, March 7, 1960; Mary McGehee Greene, Letter to the Editor, *Montgomery Advertiser*, March 27, 1960. It is no small irony that Whites remember the Atlanta Compromise speech and not the final decade of Washington's life when he was much more an advocate of equality. See, for example, Marybeth Gasman and Michael Scott Bieze, *Booker T. Washington Rediscovered* (Baltimore: Johns Hopkins University Press, 2012).

[227] "Patterson Orders Probe of School after Officials Suggests Shutdown," *Mobile Register*, March 11, 1960.

> More Negro freedom fighters have revealed to the nation and the world their determination and courage than has occurred in many years. They have embraced a philosophy of mass, direct, non-violent action. They are moving away from tactics which are suitable merely for gradual and long-term change.[231]

For two weeks, the city remained relatively calm, but the state officials continued their fight to uphold the racial order. To do so, the police continued their harassment of any person associated with the movement. On Monday, March 21, Bernard Lee was arraigned in the Recorder's Court on vagrancy charges. While traveling with Juanita Abernathy, police arrested

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[228] John Coombes, "ASC Works Overtime to Register Students," *Montgomery Advertiser*, March 13, 1960.

[229] Ibid.

[230] "Student Enrollment Drops at Alabama State," *Montgomery Advertiser*, March 17, 1960.

[231] Claude Sutton, "Dr. King Favors Buyers' Boycott: National Campaign a Must, Negro Leader Says at Sit-in Strategy Talk," *New York Times*, April 16, 1960.

Lee after he admitted to having no job since his expulsion. Arraigned on vagrancy charges, the judge postponed the case for a week, but required Lee to prove he would seek employment immediately.[232] A week later, the judge dropped the charges after Lee attained employment as the Youth Director at Abernathy's First Baptist Church.[233]

By Tuesday morning, March 22, the students were pushing the social boundaries of segregation once again when a group of students showed up to apply for spring quarter admission to the all-White University of Alabama Center in Montgomery, one of the university's six satellite campuses. Located on 435 Bell Street, the center offered day and night courses towards the progression of the bachelor or master's degree. One applicant, Marzette Watts, had been expelled from Alabama State and two, Floyd Coleman and Theophilus Moody, were on probation.[234] Although there was no crowd, the center director dispatched the police, but no arrests were made. It was the second attempt at integrating the university and the first at the center.[235] The next day, four more Blacks applied for admission at the University of Alabama Center. Since the applications lacked transcripts, the center director did not forward the files to Tuscaloosa for review.[236] By the end of the week, a total of thirteen Black students had applied before the April 4 late registration deadline.[237] Actions such as the aforementioned astonished White citizens who claimed they brought the Black race out of the jungles, gave them civilization, and Christianity. Although the Black race contributed nothing to civilized society, they now sought to run and control the state.[238]

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[232] "Court Withholds Judgement for Expelled ASC Student," *Montgomery Advertiser,* March 22, 1960.

[233] "'Sit-Down' Leader Takes Local Job; Vagrancy Dismissed," *Alabama Journal*, March 28, 1960.

[234] "Applications Taken: 6 Negroes Seek Entry to University Center," *Montgomery Advertiser*, March 23, 1960. The other applicants were Bessie Ruth Cole, Gwen Lucretia Rudolph, and Eleanor Jane Sheppard.

[235] "7 Negroes Apply at UA Center: Application Forms Handled 'Normally,'" *Alabama Journal*, March 22, 1960. The first attempt, discussed earlier, was Autherine Lucy's effort in 1957.

[236] John Coombes, "UA Center Gets 4 More Negro Bids," *Montgomery Advertiser*, March 24, 1960.

[237] "Negro Bids Rise to 13," *Montgomery Advertiser*, March 25, 1960.

Tuesday afternoon, March 22, Commissioner L. B. Sullivan introduced three proposed ordinances to the city commission. Approved unanimously, the new city ordinances were designed to deter anti-segregation demonstrations. One ordinance outlawed public demonstrations, parades, and processions without permission from the city while the second prohibited unwanted persons from entering buildings. The latter ordinance was meant to deter interracial dining. The third ordinance redefined disorderly conduct to align with the state's 1959 disorderly conduct law.[239] As news of the demonstrations and desegregationist attempts made their way around the state, some openly criticized the students' actions. Sam Moore and Sensible Approach of Negro Efforts Inc. of Birmingham, a Black organization that objected to mandated desegregation, asked the state superintendent to review the academic standards and attendance requirements of Alabama State as they had "grave doubts" that Black college standards were equal to those of White institutions. The organization was concerned that out-of-state students outnumbered in-state students, a situation that may have led to more protests. They also asked for a full investigation into history professor Lawrence Reddick and any faculty who caused "strife, disunity, and racial unrest." [240]

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[238] C. C. Robinett, Jr., Letter to the Editor, *Montgomery Advertiser*, March 27, 1960.

[239] Eugene Kovarik, "Power to Curb Demonstrators Given to Police," *Alabama Journal*, March 22, 1960; Dick Hines, "3 City Laws Place Curb on Protests," *Montgomery Advertiser*, March 23, 1960. The City Commission was composed of Montgomery Police Commission L. D. Sullivan, Mayor Earl D. James, and Frank W. Parks.

[240] "Negro Bloc Asks Probe at ASC," *Alabama Journal*, Mar. 24, 1960; "Negro Group Seeks Probe of Alabama State Standards," *Montgomery Advertiser*, March 25, 1960.

On Friday, March 25, no students showed up to the University of Alabama Center to register for the first time all week.[241] Still, the abuse of state power revealed itself once more at the monthly State Board of Education meeting. Although the meeting started at 2:00 p.m., the governor waited to the last part of the meeting to address the demonstrations. Governor Patterson discussed Commissioner J. B. Sullivan's recommendation to close the college. With an influx of the press in attendance, Superintendent Stewart moved for the board to go into executive session to review the investigation. Despite board member Mr. Skidmore's second, the governor objected, which likely was a political ploy. The superintendent did not want to offend any attendees, so they voted to allow the press to remain if they agreed to omit the names of the students in any press releases since it was an ongoing investigation.

With the press issue resolved, Governor Patterson explained he had evidence that CORE sent sit-in instructions to local students. At one point, Superintendent Stewart reported he knew at least 11 faculty members who had not helped the college maintain order. Three members had participated in the March 6 mass meeting in protest of the student expulsions.[242] After bringing the evidence forth, Patterson ordered President Trenholm to place all 31 students arrested on March 8 for a campus demonstration on probation. The board approved unanimously.[243]

In the next order of business, Governor Patterson ordered President Trenholm to dismiss any faculty who were "not loyal to Alabama State in matters of discipline and of rules and regulations pertaining to the proper function of the College."[244] At the time, Patterson claimed there were at least 11 faculty members who were determined disloyal after an investigation, three of whom participated in the demonstration at the state capitol on March 6. Trenholm, threatened by possible termination, agreed to cooperate with the faculty purge.[245] Very soon, several of the professors would see the worst side of the governor's racism. Despite the mutual agreement between Patterson and Trenholm, Patterson assured the board that Trenholm must maintain order, but if he could not, Trenholm would be replaced. In response to the questioning of Trenholm's ability to lead the college, the Alabama State Teachers Association publicly endorsed the college leader.[246]

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[241] "No New Attempts Made by Negroes to Enter Center," *Alabama Journal*, March 25, 1960.

[242] Van Waes, "Academic Freedom and Tenure," 304.

[243] There is a discrepancy regarding the number of students who placed on probation for demonstration on the March 8. According to a *Montgomery Advertiser* article published on March 27, the college placed 33 students on probation. However, Lawrence Reddick reported 30 or more students participated in the March 8 demonstrations.

Over the weekend, the students' frustration with the governor and the state board increased. On Monday, decrying President Trenholm's decision to prohibit former students from registering late for the spring quarter, hundreds of students boycotted classes. It was the first major demonstration since the beginning of the month. At least 100 students tried to register after the deadline. During a church rally, Bernard Lee encouraged the students to continue the fight for racial equality. However, he never urged them to walk out of class. Trenholm told reporters his decision was supported by college policy, not based upon the recent protests or the board's pressure.[247]

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[244] Carol Polsgrove, *Divided Minds: Intellectuals and the Civil Rights Movement* (New York: W. W. Norton & Co., 2001), 117.

[245] "State Board Order: Trenholm Plans Purge of Disloyal Faculty," *Montgomery Advertiser*, March 27, 1960.

[246] "Negro Teachers Affirm Faith in Dr. Trenholm," *Alabama Journal*, March 26, 1960.

[247] "College Heads Study Boycott by Students," *Alabama Journal*, March 29, 1960.

The following day, approximately 40-50 students boycotted afternoon classes and held a two-hour rally on the drenched campus. Marching under umbrellas, the students carried weathered signs that read: “Who is Our President?” “It’s a Shame,” “We Want Education with Dignity,” and “Nine to 300.” Students from nearby Tuskegee Institute also joined the group. In usual fashion, the weatherproof demonstrators sang hymns and walked the campus sidewalks peacefully while onlookers congregated under porches to avoid the rain. Trenholm told reporters he had a close watch on the situation. No city police were alerted.[248] This proved to be the last campus demonstration of the semester as the students began to look to alternative methods to make their point.

The March protests became controversial national news as a result of an editorial advertisement printed in the *New York Times* entitled, “Heeding their Rising Voices.” Written by the Committee to Defend Martin Luther King and the Struggle for Freedom in the South, the editorial brought attention to the Montgomery student demonstrations, King’s upcoming perjury trial, and the fight for Black voting rights in the South. Intended as a fundraiser to help the aforementioned parties in the struggle for equality, the writers incorrectly depicted a series of events at Alabama State. Describing the Montgomery police’s brutal tactics, the following statement appeared: “After students sang “My Country, ‘Tis of Thee” on the State Capitol steps, their leaders were expelled from school, and truck-loads of police armed with shotguns and tear-gas ringed the Alabama State College Campus. When the entire student body protested to state authorities by refusing to re-register, their dining hall was pad-locked in an attempt to starve them into submission.”[249] More than twenty civil rights leaders, including Alabama residents

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[248] Maylon Nicholson, “40 Students Stage Damp Parade at ASC,” *Alabama Journal*, March 29, 1960; “50 Hymn-Sing Students Parade in Rain on Campus,” *Montgomery Advertiser*, March 30, 1960.

[249] “Heeding their Rising Voices,” *New York Times*, March 29, 1960.

Ralph Abernathy, Fred Shuttlesworth, Joseph E. Lowery, and Rev. S. S. Seay, Sr.—signed the document, in addition to a number of national celebrities. After reviewing the editorial, Montgomery Police Commissioner L. B. Sullivan asked the newspaper to print a retraction, to which the newspaper declined. Although Sullivan's name did not appear in the advertisement, as supervisor of the police force, he claimed his reputation was harmed by the false information. Then Sullivan, along with four more White state and local officials, filed libel suits against the *New York Times*.[250]

Litigated in a state court before an all-white jury, Sullivan won a $500,000 settlement from the *New York Times* and Alabama signees. Soon after, the Alabama Supreme Court affirmed the ruling. In January 1964, lawyers representing the *Times* appealed the decision to the U.S. Supreme Court, and in *New York Times Co. v. Sullivan*, one of the most significant First Amendment cases brought before the Court, the justices ruled 9-0 in the newspaper's favor. In the landmark ruling, the Court contended false statements printed about public officials do not constitute libel. Instead, the public official must prove the publisher of the statement knew and intended the statements toward the officials to be malice. The decision essentially protects newspapers even when they print false statements. [251]

Nationally, the sit-ins were placing local and state officials in a quandary. While local business owners simply wanted the demonstrations to stop, as they hurt revenue, local and state holders saw the suppression as an opportunity to convey a message of power and dominance to the Black community and to the pleasure of the White constituents.[252] The news of the student demonstrations drew attention from White liberals who had an interest in studying the movement. One such group ventured to Montgomery towards the end of March, only to be met with less than southern hospitality. Professor Richard Nesmith, head of the Sociology Department at MacMurray College, a Methodist school in Illinois, and a group of students ventured to Montgomery to meet those involved in the civil rights campaign. While there, Alabama State students and Montgomery Improvement Association members gathered with visitors at Regal Café to discuss the Black students' experiences during the Montgomery Bus Boycott. Although the Regal Café was a Black-owned restaurant located within walking distance of Alabama State, once police heard of the interracial meeting, they arrested all parties involved for disorderly conduct, which was defined as partaking in acts to provoke a breach of peace.[253] In reality, the police arrested the integrated group for sharing a meal together. As one White local expressed later, the White visitors should focus their attention on the "Chicago Jungles" instead of prodding into Montgomery's issues. That year, the Chicago Board of Education paid 29 teachers who were injured at the workplace. According to reports, one teacher was assaulted while fighting off a rapist and another was hit in the face by a student.[254]

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[250] Howard W. Wasserman, "A Jurisdictional Review of *New York Times v. Sullivan*, *Northwestern University Law Review* 107, no. 2 (January 2013), 904-905. Joining Sullivan's suit were Montgomery city mayor Earl D. James, Commissioner Parks, Governor Patterson, and Clyde Sellers, a former commissioner.

[251] Ibid, 905; *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964)

In court, Clifford Durr, a prominent local White lawyer who sympathized with the movement, represented the White students, while the seven Black students retained Fred Gray. Of the seven plaintiffs, two expellees eventually named in the *Dixon* case were involved in the

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[252] Schmidt, "Divided by Law," 140-148.

[253] "Fines are Levied for Mixed Dining," *Huntsville Times*, April 3, 1960. In retaliation for permitting interracial dining, the city shut down the café as it was deemed a fire hazard. The Alabama Alcoholic Beverage Control Board also rescinded the café's beer license. See "Montgomery Business Loses License to Sell Beer," *Alabama Tribune,* April 22, 1960.

[254] "Chicago's Jungle Schools," *Alabama Journal,* April 6, 1960.

Regal Café incident. The court also tried them for vagrancy.[255] The accused faced a maximum sentence of six months, with an additional $100.00 fine if convicted. At trial, David Crosland, the prosecutor, argued that Nesmith and his students dined with the Black students to further incite racial tension in the city, which was evidenced by the estimated 100 people who gathered in and outside the restaurant the day of the event. Professor Nesmith, in response, refuted the claim, telling the court he and the students only came to Montgomery to study the power of passive resistance.[256] Durr also argued that no one proved the students were disorderly.

Initially, both the White and Black plaintiffs were convicted in the recorder's court.[257] During sentencing, Judge Eugene Loe praised the police for breaking up the crowd at the restaurant before violence erupted. After the trial, the city ordered the café to close due to several violations of the city fire code. The city also opened a case of investigation by the health department.[258] On appeal, the Montgomery Circuit Court overturned the White students' conviction, but upheld that of Professor Nesmith. He was eventually exonerated by the Alabama Court of Appeals. However, the Black students experienced a different fate.[259]

Denied the right to a jury, Gray pushed the court to find an alternative to the two sitting court judges. The city and Gray agreed to allow Sam Rice Baker to serve as special judge. During recess of the case, the Black defendants went next door in time to hear the White defendants receive a “not guilty” verdict. When Gray and his legal team asked for the case to be thrown out based on the White jury’s decision to exonerate the White defendants, Baker denied the request and eventually upheld the court recorder’s decision. Although the Alabama Court of Appeals later exonerated the Black defendants, the rulings showed how much White Montgomerians detested Alabama State students and racial equality.[260]

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[255] The expellees were Elroy Emory and Marzette Watts, two of the named leaders of the county courthouse lunch counter protest on February 25. Both continued their activism in the student movement after dismal from the college. This particular case was known as *City of Montgomery v. King and Embry*. Aner Ruth Young, Bessie Cole, James Richburg, Rev. Solomon Seay, Sr., and Rev. R. E. DuBose, Jr. were the other Black defendants.

[256] Gene Kovarik, "Judge Convicts Whites, Negroes," *Alabama Journal*, April 1, 1960.

[257] Ibid.

[258] Ibid.

[259] Gray, *Bus Ride to Justice*, 170-171.

Two of the defendants from the Regal Café incident found themselves in another legal battle in June 1960. Elroy Embry, one of the expelled students, joined Edwin White, a White MacMurray College student, for lunch at the Jefferson Davis Hotel’s café. King was staying at the hotel while on bond for another disorderly case. When spotted by the White authorities, both young men were jailed for disorderly conduct. While the café personnel had no problem with the two, their lunch meeting violated Montgomery’s segregation ordinance. Represented by Gray, both men were convicted, but the decisions were overturned by the Alabama Court of Appeals.[261]

The impact of the sit-ins drew the attention from public officials. In April, before speaking at Cornell University, former President Harry Truman told the press that communists orchestrated the current sit-ins. Truman based his position on the fact that a senate investigation during his presidency found the 1937 automobile industry sit-ins were led by communists. Although he favored equal access to public accommodations, he disagreed with the direct-action approach of entering a private establishment and “shutting up a man’s place of business.”[262] When asked about his previous comments, Truman explained: “If anyone came into my store and tried to stop business, I'd throw him out. The Negro should behave himself and show he's a good citizen. Common sense and good will solve this whole thing."[263]

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[260] Ibid, 171.

[261] Ibid, 171-172.

[262] Clayton Knowles, “Truman Believes Reds Lead Sit-Ins,” *New York Times*, April 18, 1960.

It is worth noting President Truman, who became known as a friend of the Civil Rights Movement, had a complicated perspective on civil rights. Truman grew up in Independence, Kansas, a majority Democratic city with an active chapter of the United Daughters of the Confederacy. His mother's close relative fought for the Confederacy which led her to follow the tenets of the Lost Cause, a late 19th century movement which glorified the Confederacy, its contributors, and their attempt to protect states' rights. When Truman became president, his mother rejected his offer to sleep in the Lincoln Bedroom at the White House, retorting she would rather sleep on the floor. Throughout his childhood, Truman did not pay much attention to Kansas's racialized system. After serving in World War I, he started a career in politics, serving as a commissioner and judge with the support of Tom Pendagest, the boss of the Kansas Democratic Party machine. When he ran for U.S. senate, Black voters showed support as he treated them fairly during his judgeship.[264]

As a U.S. senator, Truman voted to cloture, albeit unsuccessfully, when southern Democrats filibustered a vote on an anti-lynching bill. He also supported an amendment to the Selective Service Act, seeking to ban discrimination against Blacks in the armed services.[265] In 1945, Truman, who had served as vice president for less than four months, assumed the presidency after Franklin Roosevelt's death. Nearly two months in office, Truman urged the chair of the House of Representatives Rules Committee to allow the House to vote on a bill creating a permanent Fair Employment Practices Commission, writing that racial discrimination in employment was un-American.[266] Two years later, Truman became the first U.S. president to speak before the NAACP, doing so at the Lincoln Memorial. Speaking before an audience of 10,000, he reassured a commitment to Black equality, declaring, “We must make the Federal Government a friendly, vigilant defender of the rights and equalities of all Americans. We cannot wait another decade or another generation to remedy these evils. We must work, as never before, to cure them now.”[267] After receiving reports of Black veteran’s mistreatment in the post-World War II South, Truman created the President’s Committee on Civil Rights in 1946 to investigate the violent incidents and other civil rights issues. A year later, the Committee issued a critical report entitled *To Secure These Rights*. The report recommended the creation of a national anti-lynching law, the abolition of the poll tax, laws against police brutality, and a guarantee to the franchise. In February 1948, Truman sent a comprehensive plan of civil rights legislation to Congress, much of it based upon the report. However, his plan was rejected. Ultimately, Truman won the 1948 presidential election with votes from Black migrants to the north who supported his push for civil rights.[268]

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[263] Perry Mullen, "Reactions Have No Patterns," *Atlanta Journal*, April 28, 1960.

[264] David Goldfield, "Border Men: Truman, Eisenhower, Johnson, and Civil Rights," *Journal of Southern History* 80, Issue 1 (February 2014), 13.

[265] Ibid, 14.

A day after learning of Truman’s accusations, King wrote him a letter expressing his disappointment with a leader many once viewed as an advocate of the Civil Rights Movement. Bishop C. Ewbank Tucker, head of the 10th Episcopal District of the AME Zion Church, condemned Truman’s comments, calling them “a gratuitous insult.” Although Truman claimed to have written the Democrat Party’s 1948 civil rights platform, Tucker claimed Truman “never lifted a finger against discrimination or segregation."[269] Conversely, former President Dwight Eisenhower, who told the media that appointing Earl Warren as chief justice of the U.S. Supreme Court was his worst mistake as president and who only federalized the Arkansas National Guard on the behalf of the Little Rock 9 to uphold federal law, supported the sit-in students, contending, "I am deeply sympathetic with the efforts of any group to enjoy the rights of equality that they are guaranteed by the Constitution."[270]

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[266] Monroe Billington, “Civil Rights, President Truman, and the South,” *Journal of Negro History* 58, no. 2 (April 1973), 127.

[267] Ibid, 21.

[268] Ibid, 23-24.

Additionally, presidential candidate John F. Kennedy believed in the students' right to protest, saying, "It is in the American tradition to stand up for one's rights—even if the new way is to sit down."[271] Still, as noted by civil rights historian Harvard Sitkoff, after Kennedy won the presidency, he thought of the Civil Rights Movement as a "conundrum to be managed, not a cause to be championed." The Freedom Rides, from his perspective, were an annoyance and distraction from America's true threat: the spread of communism. Instead of intervening on the behalf of the innocent interracial coalitions of student riders during the Freedom Rides, Kennedy favored minimal intervention. However, by 1963, Kennedy's position changed after the media exposed the brutal beatings and savagery Birmingham Public Safety Commissioner Eugene "Bull" Connor ordered upon the children protestors.[272]

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[269] "Truman 'Sitdown' Remark Labeled Insult to Negroes," *Montgomery Advertiser*, March 21, 1960.

[270] Todd S. Purdum, "Presidents, Picking Justices, Can Have Backfires," *New York Times*, July 5, 2005; Sitkoff, *The Struggle for Black Equality*, 30-31, 81. President Truman said the selection was "the biggest damn fool mistake I ever made." His position was based on his displeasure with Warren's rending of the *Brown Decision*.

[271] Sitkoff, *The Struggle for Black Equality*, 81.

[272] Ibid, 96, 144-145. Although Kennedy played an instrumental role in the creation of the Civil Rights Act of 1963 and allied with King, he only began to support the movement out of political and partly moral conviction. By appeasing King and the moderate civil rights leaders, he hoped to keep the radicals at bay. He also needed to satisfy new White supporters who changed their position after witnessing the terror of the Birmingham movement.

Spontaneous demonstrations continued through April, despite the departure of several student leaders. The University of Alabama Center finalized the students' admissions decisions, rejecting the applications of all 13 Black students who sought admission for spring quarter. Marzette Watts, one of the original expellees, was among the group. According to the center director, although five students submitted transcripts, the documents arrived after the April 4th deadline.[273]

By mid-April, two of the original 13 Blacks who attempted to enroll at the University of Alabama Center tried once again. Looking for new venues, for the first time in the Montgomery movement the students sought to integrate the Montgomery library and a museum. On a Friday afternoon, ten Black students, who were possibly associated with Alabama State and Tuskegee Institute, attempted to integrate the library at Perry and Adams Streets and an all-White museum on McDonough.[274] The library, like the county courthouse, was funded by both White and Black taxpayers. Therefore, the protestors had a right to use the facility. As noted by historian John Dittmer, protesting at a library in the Deep South was much safer than demonstrating at a lunch counter as White mobs could converge on lunch counters quicker.[275] The library and museum desegregation attempts were the first protests since the arrests of the integrated group at the restaurant on March 31.

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[273] Dick Hines, "Deadline Foils Negroes' Entry," *Montgomery Advertiser*, April 7, 1960. By 1960, the University of Alabama had admitted only one African American, Autherine Lucy, who was later expelled for accusing university administrators of inciting a dangerous White protest upon her entrance to campus.

[274] City Library Integrated," *Alabama Journal*, Apr. 23, 1960; "10 Negroes Enter Library, Museum without Incident: Facilities Used Denied Students," *Montgomery Advertiser*, April 23, 1960. The author of the *Montgomery Advertiser* article noted that a "new beautiful" library building for Negroes was under construction and due to be completed shortly.

[275] Dittmer, *Local People*, 87.

Entering the library around 4:00 p.m., eight students sat in the reading room while two others waited for service at the checkout desk. Immediately, White employees instructed them to use the branch library for Blacks since the students did not have library cards to the Whites-only facility. After leaving, the students walked six blocks to the local museum, viewing the exhibits before officials banned them. When asked if Alabama State students were involved in the desegregationist attempt, expellee Elroy Embry said he was not at liberty to comment.[276]

Toward the end of April, there was still tension in the city, despite the lack of protests. Tuesday night, police arrested two White men and three Blacks for visiting each other at one of the arrested men's home. Two of the men were military officers stationed at Maxwell Air Force Base. Although they met to discuss a governmental research project, the police speculated the group was socializing.[277] A day later, Governor Patterson solidified his commitment to fighting the recently passed 1960 Civil Rights Act, which aimed to increase Black voting. Deemed "the greatest mistake the country ever made," Patterson and Montgomery viewed the law as a federal overreach and a Black takeover. [278] Furthermore, during a Governor's Day celebration at the University of Alabama, the governor informed the audience he did not know what the demonstrators in Montgomery wanted. In response, the chairman of Executive Committee of the Student Movement of Alabama State College released a statement to the press, contending "we and other Negro citizens want to have full and free access to public facilities…. the right to attend any public supported school or colleges in our state for which we have academic qualifications," and "the right to assemble peacefully and bring the public's attention to our protest against what we believe to be social evils."[279] It was evident the governor did not take notice of students' previous messages.

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[276] "City Library Integrated," *Alabama Journal*, Apr. 23, 1960; "10 Negroes Enter Library, Museum without Incident: Facilities Used Denied Students," *Montgomery Advertiser,* April 23, 1960.

[277] "Integrated Visit Cases Dismissed," *Alabama Journal*, April 27, 1960.

[278] Donald F. Martin, "Patterson Vows Rights Fight," *Alabama Journal*, April 28, 1960.

By May, the last phrase of the demonstrations was concluding as the of the quarter approached. In the early portion of the month, an all-White circuit court jury convicted Kenneth McMillian and Pitts Edward Jefferson, Jr., both Alabama State students, who were arrested during the March 8 demonstration, of disorderly conduct. Under the advice of Fred Gray, McMillian was the first of 32 students to appeal the city court's previous ruling. Gray planned to request a new trial and appeal the conviction if denied a trial.[280] Racial tension was still high in the city as evidenced by the anonymous bomb threat called to the women's dormitory at the college. According to the female who answered the call, the caller, who claimed to be a Ku Klux Klan member, stated a bomb would detonate at 11:05am. Fortunately, the incident was a hoax.[281]

On May 17, the anniversary of the first *Brown* ruling and the first day of King's perjury trial, the city police expected a large group of students to swarm the courthouse in support of beloved minister. However, the student precluded the authorities. At an early morning meeting, they decided to send two students to desegregate the cafeteria at the state Capitol. The students selected were expellees St. John Dixon and Elroy Embry. At 11:00 a.m., a student spokesperson announced the desegregation attempt, prompting a host of police to rush to the Capitol. They arrived too late.[282] Shortly after 11:00 a.m., Dixon and Embry entered the cafeteria and sat for a while. After realizing the eatery was self-serve, they picked up lunch trays and joined the line. While waiting to be served, the expellees talked with the female attendants. When the cafeteria operator told them state identification cards were required for service, Dixon, described as the little one by the cafeteria operator, asked if all patrons presented cards before eating. Then two guards forced them to leave.[283]

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[279] "Want Every Right Ala. Governor Has, Students Say," *Alabama Tribune*, May 6, 1960.

[280] "Negro Convicted in ASC Cases," *Alabama Journal*, May 10, 1960. At the end of the week, 30 of the 32 students convicted in the recorder's court agreed to plead guilty for in exchange for lower fines. Gray realized it would take two to three weeks to fight the cases, and the outcome seemed inevitable. See Judith Rushin's "30 of 32 Negroes to Plead Guilty," *Alabama Journal*, May 12, 1960.

[281] "Bomb Warning Proves Hoax," *Montgomery Advertiser*, May 3, 1960.

[282] Reddick, "The State v. the Student," 228

Unfazed, the two expellees lingered at the courthouse, reviewing the portraits of state governors in the first-floor corridor while talking to the press. When one reporter asked where he was from, Dixon first said Kansas City, then he said Mobile. While walking around, Emory commented blithely, “Reckon they will arrest us for looking at pictures.” He also told reporters the protest was meant to commemorate the sixth anniversary of *Brown*.[284] Before leaving, they considered visiting the governor’s office located upstairs.[285] Once they left the Capitol, Dixon and Embry ventured to the public library, where they were denied service again. Meanwhile, the Capitol authorities decided to move filing cabinets into the hallway to the cafeteria, hoping to deter more protests. They also positioned a guard at the cafeteria entrance to check identification cards.[286] In addition to the sit-in at the Capitol, attempts to integrate the University of Alabama Center also continued, with no success. On May 18, the University of Alabama Center Director announced two of the 13 Black students who sought spring-term enrollment had re-applied for summer admission. The names of the applicants were not released.[287]

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[283] “2 Negroes Turned Away from Library, Cafeteria,” *Montgomery Advertiser*, May 18, 1960.

[284] Ibid.

[285] Reddick, “The State v. the Student,” 228

[286] “2 Negroes Turned Away from Library, Cafeteria,” *Montgomery Advertiser*, May 18, 1960.

[287] “Two Negroes Again Asking Center Entry,” *Alabama Journal*, May 18, 1960.

At Alabama State, with summer on the horizon, the finals were administered, and on May 16, the 39th Spring Commencement was held at 7:30 p.m. in Arena Auditorium where nine graduate and 185 undergraduate degrees were conferred. It had been a trying semester for the college's administration, but the difficulty did not end with the close of the term. The students showed the city their unwavering commitment to making change. "We demonstrated every day," James McFadden said about the previous two months. "We were going someplace every day since we got expelled…. We had organized some kind of demonstration. We were getting arrested every time."[288] However, demonstrations came with a cost. As an award for years of hard work, the college honored prospective graduates annually during Senior Week. Held the first week of May, the seniors had one more opportunity to make long lasting memories with their classmates at an annual tea, a fashion/talent show, a swimming party, and a banquet in which Mister and Miss Senior were recognized. None of the Alabama State 9 were privy to participate.

As the academic quarter ended, the college administration sought to restore order. In a report commissioned by the AAUP General Secretary, historian C. Vann Woodward found the college required students to sign an Oath of Honor to behave like ladies and gentlemen upon enrollment the following fall. Before making an admissions decision, President Trenholm interviewed each student applicant individually, a process that delayed the start of the 1960-1961 academic year. Of the students readmitted, many were placed on probation, including the student government president.[289] Before the fall quarter began, the AAUP took on a more active role in

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[288] James McFadden, Interview with Kouri Allen, Thomasville, May 25, 2019.

[289] C. Vann Woodward, "The Unreported Crisis in the Southern Colleges," *Harper's Weekly* (October 1962), 86.

Alabama State’s affairs in response to the governor and board’s magnified attacks on college personnel.

CHAPTER 4

PERILS OF A CRUSADER

"College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline … they should remember that the public may judge their profession and their institution by their utterances. Hence, they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution."

1940 Statement of Principles on Academic Freedom and Tenure
American Association of University Professors

The success of Alabama State College not only hinged upon the flexibility of its President, but also the commitment of its faculty. Despite financial hardships, the college attracted respected experts for the normal school mission. Indeed, they were the foundation of the institution, holding dear the charge of preparing young minds to become educators.[290] Despite limited financial resources, they were committed to reshaping the Black condition by investing into the student body. Throughout its transformative years, the faculty groomed leaders such as Rev. Ralph Abernathy and Rev. Fred Shuttlesworth; trumpeter Erskine Hawkins; blues singer Clarence Carter; attorney Fred Gray; trombonist Fred Wesley; educator and activist Idella Jones Childs; and physician Charles H. Wright— among others.[291]

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[290] For example, Dr. John Hope Franklin taught history at the request of President Trenholm in the summer of 1943. Franklin is considering one of the greatest historians of the 20th century, writing more than 20 books throughout his 70-year career in academia. See John Hope Franklin's *Mirror to America: The Autobiography of John Hope Franklin*. Additionally, Dr. Horace Mann Bond served the college briefly in his career. On Bond, see Wayne Urban, *Black Scholar: Horace Mann Bond, 1904-1972* (Athens: University of Georgia Press, 1992).

[291] F. Erik Brooks and Glenn L. Starks, *Historically Black Colleges and Universities: An Encyclopedia* (Santa Barbara: Greenwood, 2011), 33. Erskine Hawkins played trumpet for the Collegians, the most respected musical ensemble on campus. After graduating in 1934, he taught music at the college before going back on tour the

The faculty was just as diverse as the student body. Some members of the faculty were natives of the city, while others were implants such as Lawrence Reddick who moved to Montgomery to teach in the History Department after earning his doctorate from the University of Chicago and working at two other Black colleges in the South. The faculty's reaction to the demonstrations varied as well. In some classes, students found encouragement, but there were faculty members who also made statements in class such as, "You shouldn't be out there marching and holding meetings."[292] In an attempt to deter the demonstrations, students speculated that a small group of faculty lowered the demonstrators' grades. Also, student spies infiltrated student meetings and reported the students' plans to Black leaders who were opposed to the movement.[293]

Despite some faculty objections, the demonstrators found support in college employees, many of whom were experienced in the campaign for Black equality. "Although the teachers wouldn't come out openly and say it, they were backing it," St. John Dixon explained. Supporters included Mary Fair Burks, Jo Ann Robinson, Ellsworth Janifer, Olean Underwood, Dr. James Hardy, and Robert Williams. Mary Fair Burks, associate Professor of English and founder of the Women's Political Council (WPA), had fought Montgomery's segregation practices since the 1940s.[294] In 1950, the WPA and a college community joined Alabama State's football coach and

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newly renamed Erskine Hawkins Orchestra. See Peter Watrous, "Erskine Hawkins, 79, Trumpeter and a Composer of the Swing Era," *New York Times*, November 13, 1993.

[292] Gibson, "Students and Faculty," 234.

[293] Gibson, "Students and Faculty," 234.

[294] Mary Fair Burks, "Trailblazers: Women in the Montgomery Bus Boycott," in *Women in the Civil Rights Movement: Trailblazers and Torchbearers*, ed. Vicki L. Crawford, Jacqueline Anne Rouse, and Barbara Woods (Bloomingburg: Indiana University Press, 1990),72-84. A native of Montgomery, Fair Burks established the Women's Political Council in 1949. Burks held a B. A. in English literature from Alabama State, a masters in English from the University of Michigan, and after leaving Alabama State as a professor, she attained a doctorate in education from Columbia University. As the first president of the Women's Political Council, which recruited young

civil rights activist Rufus Lewis who organized a boycott of Sam Green's grocery store, located in the Black neighborhood near the college. Green, the White store owner, had been accused of raping Flossie Hardman, a fifteen-year-old Black teenager who babysat for his family. Although an-all white jury acquitted Green of all charges after deliberating for less than 15 minutes, the boycott put Green's store out of business.[295] Jo Ann Robinson, an assistant professor in the English department and head of WPA, proposed a bus boycott in the early 1950s after experiencing the harshness of segregation while riding a city bus. During the boycott, she organized students to distribute mimeographed leaflets detailing the movement.[296] Robert Williams, a music instructor who participated in the March 8th demonstration, agreed with the student movement.[297] Outspoken and openly supportive of the movement, the aforementioned faculty members believed in the students' inalienable rights, and many of the faculty were also involved in civic organizations or were once contributors to civil rights protests. Between the jailing and chastisement, faculty fed the students physically and morally. The students did not have the full backing of President Trenholm, but they could rely on some sympathetic faculty in their fight for full citizenry.[298]

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female professionals, Burks worked to improve Black voter registration through education programs. However, by the mid-1950s, the organization shifted its focus to improving conditions on the city bus line.

[295] Favors, *Shelter in a Time of Storm*, 116. Rufus Lewis, Alabama State's head football coach, was educated at Fisk University and came to Montgomery to serve as football coach in 1935. In 1937, he took over Ross-Clayton Funeral Home, his wife's family business, after the death of his in-laws. With the acquisition of the business, he emerged as a prominent businessman. See J. Mills Thornton, *Dividing Lines*, 30.

[296] Jo Ann Gibson Robinson, *The Montgomery Bus Boycott and the Women Who Started It: The Memoir of Jo Ann Gibson Robinson* (Knoxville, University of Tennessee Press, 1987), 168-170. A native Hilton Head, South Carolina, Robinson earned a B.A. from Hampton Institute and her M. Ed. And D. Ed. from Pennsylvania State College. She served as a professor of English at Alabama State for 11 years. She resigned from the college in 1960.

[297] John Sharp, "Alabama Clears Lunch Counter Protesters 58 Years Later: I Don't Regret It at All,'" *Montgomery Advertiser*, May 20, 2018. The state board charged Robinson, Williams, Reddick, and Burks of being disloyal to the state.

[298] Gibson, "Students and Faculty," 234-235.

As the tension between the State Board, President Trenholm and the faculty increased, one unnamed faculty member contacted the American Association of University Professors (AAUP) for assistance in early April. The AAUP, formed in 1915, served as the central body to protect professors' academic freedom. After receiving a letter from an Alabama State faculty member, William Fidler, General Secretary of the AAUP, sent identical letters to State Superintendent Stewart and Trenholm regarding the ambiguous meaning of "disloyal" as reported in the *New York Times* article. The faculty members, Fidler argued, had a right to a hearing and due process if they behaved improperly. The state superintendent, responding April 5, noted the state board had a duty to oversee the administrative functions and educational responsibilities of the state:

> It is most unfortunate that outside agitators for procedures that are not acceptable to an overwhelming majority of people of this State are causing an undesirable undertow that threatens to destroy schools and colleges and to greatly undermine, if not completely destroy, the entire public school system.

Superintendent Stewart, in Patterson fashion, continued:

> It is most discouraging for me to work as hard as I can to educate the boys and girl of this State and to be hindered in such efforts by outside organizations and outside agitators who are able to get some destructive followers within the State, regardless of being wrong in their efforts…. If you will look at the statistical record of the college training of Alabama teachers, the great increase in high school enrollment, and the great increase in college enrollment in Alabama, you should see sufficient facts to encourage you to believe that we are capable of working out our own local destiny if we can just survive the outside interference.[299]

Nor did it take long for the prospect of the faculty's termination or purge to reach King and the SCLC Executive Board. In response to the governor's directive, the Executive Board of SCLC sent a letter expressing their support of the faculty. The members argued the faculty had the right to support the students' peaceful demonstrations, and any penalty brought against them was a violation of academic freedom and rights of citizenship.[300]

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[299] Van Waes, "Academic Freedom and Tenure: Alabama State College," 304-305.

For the next month, the State Board focused its investigation on one professor: Lawrence Reddick. Of all the faculty who suffered the abuses of the governor, he endured the worst chastisement. Reddick, the chairperson of the history department, had long been a supporter of King and the Civil Rights Movement.[301] During the bus boycott, he attended the boycott meetings, took notes, and recorded participants, a task that was rewarded when he compiled the undertakings to write the first biography of the Montgomery leader. Initially, Reddick recommended King write a history of the boycott with Reddick as the author, but King was concerned others would question his ability to write. Therefore, King recommended Reddick write a biography and King write the boycott story. The two worked together to produce King's book *Stride Toward Freedom* and Reddick's biography of King, *Crusader without Violence*.[302] In 1959, Reddick accompanied King and his wife on a trip to India and Paris, and when King was awarded the Noble Peace Prize in 1964, Reddick offered several themes to improve King's acceptance speech. A proud member of Phi Beta Sigma Fraternity, Inc., Reddick also served as mentor to the college's Gamma Beta chapter. He also authored the first histories of the organization. Although he did not participate in any spring 1960 demonstrations, Reddick viewed himself as a historian of the movement, regularly attending mass gatherings for recording purposes. He also was a bystander at the March 8 showdown between the students and the Montgomery police.[303] Moreover, he was labeled as a communist and a race baiter because of his association with King and frequent attendance at civil rights events; it did not take Reddick long to realize he was the next target of the state's overreach.

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[300] Martin Luther King to John Patterson, April 14, 1960, in *The Papers of Martin Luther King, Jr.* ed. Clayborne Carson (Berkeley: University of California, 2005), 425.

[301] Van Waes, "Academic Freedom and Tenure," 305. Born in Jacksonville, Florida, Dr. Reddick earned an A.B. from Fisk, A.M. from Fisk, and a Ph.D. from University of Chicago. Before joining the faculty at Alabama State, he served as an Assistant Professor at Kentucky State College (1933-1935), Associate Professor at Dillard University (1935-1938), Curator of Schomburg Collection of Negro Literature (1939-1948), lecturer at City College of NY (1941-1948), lecture at New School for Social Research in NY City (1946-1948), and chief librarian at Atlanta University (1948-1955). In 1955, he became chair of the History Department at ASC. Additionally, Reddick was a Julius Rosenwald Fund fellow, a member of the *Journal of Negro History's* editorial board, and contributor to several professional journals.

[302] Carol Polsgrove, *Divided Minds: Intellectuals and the Civil Rights Movement* (New York: W. W. Norton & Company, 2001), 108.

On April 12, the seasoned professor decided to directly address the rumors surrounding his employment and association. He sent a letter to President Trenholm to address the lack of job security, considering the governor's actions and students' dismissal. Because of his teaching and research experience, Reddick requested a tenure-track position, instead of his annual contract. He also informed President Trenholm that he wanted to continue working at the college, but he needed to be assured he could continue to participate in civic and social organizations. Trenholm failed to respond to the letter. At the end of the spring semester, the two men met to discuss the previous semester, a meeting that gave Reddick no confidence in his job security. Therefore, Reddick followed the meeting with the submission of a letter of resignation, effective August 31, 1960.[304]

Although Reddick informed Trenholm of his intent to resign at the end of the summer term, Patterson decided to address Reddick in the June meeting of the State Board of Education. For months, Patterson's investigators sought to prove Reddick was a communist. Within the smear campaign, state investigators discovered Reddick lectured at the George Washington

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[303] Polsgrove, *Divided Minds*, 116. Reddick also testified in court on behalf of the students arrested in the March 8 demonstration.

[304] Van Waes, "Academic Freedom and Tenure: Alabama State College," 305-306.

Carver School, a communist-sponsored institution, in 1943.[305] Patterson's probe also indicated Reddick was found guilty of fornication and adultery in a Georgia court in January 1949, sentenced to three months in jail and $25.00 fine. However, the judge suspended the sentence upon payment of the fine.[306] A writer of a confidential letter claimed Reddick signed a statement "condemning" Jim Crow in the military in July 1941. The writer also alleged the New York City Public Library fired Reddick because of his communist activities, and Reddick spoke at a rally at Madison Square Garden given by the American Soviet Friends. Furthermore, Reddick supposedly spoke at the Get Together with Russia Rally in 1946, an event sponsored by the National Council of American-Soviet Friendship. Reddick's name also appeared on W. E. B. DuBois' Testimonial Sponsoring Committee, and he may have attended DuBois' 83th birthday party where numerous communists were present.[307] Professor Reddick vehemently denied the communist accusations, even claiming that the governor knew he was not a communist.[308]

At the July state board meeting, Governor Patterson reported that the Department of Public Safety finished its investigation into Reddick. Patterson stated that he first asked Trenholm for the file, but the president did not cooperate. Trenholm eventually cooperated with the state department's investigation, providing the files located in the report. After discussing the report at length, Patterson motioned the board to allow Superintendent Steward to contact

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[305] Letter from the Police Department of New York City to the Georgia Bureau of Investigation, June 30, 1953, Box SGO14011, Folder 18, John M. Patterson Administrative Files, Alabama Department of Archives and History, Montgomery.

[306] Letter from the Criminal Court of Fulton County to John Patterson, May 31, 1960. Box SGO14011, Folder 18, John M. Patterson Administrative Files, Alabama Department of Archives and History, Montgomery

[307] Confidential Letter to John M. Patterson, Box SGO14011, Folder 18, John M. Patterson Administrative Files, Alabama Department of Archives and History, Montgomery. "Alabama Dismisses a Negro Educator," *New York Times*, June 16, 1960.

[308] "Dismissed Negro Charges 'Smear,'" *Alabama Journal*, June 15, 1960.

Trenholm to inform Reddick of the professor’s immediate termination. All but one member agreed with the termination. The lone dissenter, Robert R. Locklin of Mobile, felt a teacher or public official should not be terminated without a proper hearing and a chance to defend himself.[309]

Like his students, Reddick did not accept the board’s judgment without resistance. Reddick quickly defended his character, calling Patterson’s tactic an attempt to cover up the school’s financial and political problems. The professor claimed it would be difficult to complete his academic duties due to the intense racial climate. He also criticized Patterson for publishing his dismissal without a fair hearing. Ralph Abernathy informed the governor that students were willing to withdraw from the college if Reddick were not reinstated.[310] Following the decision, Reddick reached out to the AAUP for help. By the end of June, Reddick formally petitioned Trenholm and the state board to rescind his termination, grant a formal hearing, and allow the charges to be reviewed. He viewed the state actions as “arbitrary, unfair, and unjust” and claimed they were detrimental to his character as an educator. The AAUP General Secretary also filed a similar claim with the state board, but the board declined to respond. In July, Reddick thought the board would grant him a hearing at their monthly meeting, but they only mentioned his name along with other faculty who departed the college.[311] With the dismissal intact, the AAUP voted to censure the college in 1962, a process that informs the academic community that college administration failed to adhere to academic freedom and tenure policies. It was not until 1982 that the AAUP accepted the Committee A's recommendation to remove Alabama State from censured list after the college's new president Levi Watkins and AAUP staff revised faculty appointment policies.[312]

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[309] Minutes of the State Board of Education of the State of Alabama, June 14, 1960, Box SGO14005, Folder 5, John M. Patterson Administrative Files, Alabama Department of Archives and History, Montgomery.

[310] “Dismissed Negro Charges ‘Smear,’” *Alabama Journal,* June 15, 1960.

[311] Van Waes, “Academic Freedom and Tenure: Alabama State College,” 306-307.

State power seemed to prevail in regard to Reddick's dismissal, but his supporters, particularly those in the civil rights community, were not ready to give up the fight. Whereas the Grand Dragon of the Dixie Klans thanked Patterson and his entire staff for dismissing the Negro agitator for his communist actions, the news of Reddick's termination drew a plethora of supportive responses from the Black and academic communities.[313] King called Reddick's dismissal a "tragic miscarriage of justice and an assault on academic freedom," warning that Patterson's attempt to punish President Trenholm and any faculty who supported the student movement should stand as a warning to all Americans.[314] The Montgomery Restoration and Amelioration Association demanded the governor withdraw the order to fire Reddick or establish a jury or panel of non-politicians to give Reddick a fair hearing before any more action.[315] Rev. Abernathy demanded the governor drop the charges and respect education and democracy.[316] John F. LeFlore of the Mobile Non-Partisan Voters League referred to the firing as a "rash determination" and warned against doing the same to President Trenholm. He admonished the board and Governor Patterson to reconsider their decision and give Reddick a fair hearing.[317] Montgomery's Interdenominational Ministerial Alliance called the dismal "a revival of repudiated McCarthyism." They urged the governor to reverse action and grant Reddick a hearing.[318] Rev. Fred Shuttlesworth responded in shock to Patterson's interference with the college and his violation of qualified teachers' "academic freedoms of thought, speech, and assembly." He asked Patterson to issue a public apology to Reddick.[319]

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[312] American Association of University Professors, "Academic Freedom and Tenure: Alabama State," *Academe* 75, no. 3 (May-Jun.1989), 46-47. The information is located the background section of another AAUP case involving an ASU employee in 1989.

[313] Telegram from Kenneth Adams to John Patterson, June 1960, Box SGO14011, Folder 18, John M. Patterson Administrative Files, Alabama Department of Archives and History, Montgomery.

[314] "Letter from Martin Luther King, Jr. to Patrick Murphy Malin, in *The Papers of Martin Luther King, Jr., Volume V: Threshold of a New Decade, January 1959-December 1960*, eds. Roy Wilkins, Carl J. Egel, and Clayborne Carson (University of California Press, Berkeley), 472.

[315] Letter from the Montgomery Restoration and Amelioration Association to John M. Patterson, June 21, 1960, Box SGO14011, Folder 18, John M. Patterson Administrative Files, Alabama Department of Archives and History, Montgomery.

[316] Telegram from Ralph Abernathy to John Patterson, Box SGO14011, Folder 18, John M. Patterson Administrative Files, Alabama Department of Archives and History, Montgomery.

There were also waves of support from academia. William Fidler of the AAUP referred to the governor's actions as "a blow against elemental justice, detrimental to the cause of racial harmony and higher education in the state." Reddick's immediate reinstatement was the best solution to rectify the situation.[320] Walter Johnson, chairperson of the University of Chicago history department, wrote in support of Reddick, expounding upon the terminated professor's credentials and reputation as a scholar.[321] All of the pleas from the academics fell on deaf ears.

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[317] Telegram from John F. LeFlore to John Patterson Box SGO14011, Folder 18, John M. Patterson Administrative Files, Alabama Department of Archives and History, Montgomery. John F. LeFlore, a postal service worker from Mobile, served as the director of casework for the Non-Partisan Voting League, an organization created in 1956 to serve as a substitute for the NAACP in Mobile. The NPVL guided Black Mobilians in the election process and fought racial discrimination. Unlike Montgomery, there was fewer cases of racial violence during Mobile's desegregation efforts due to LeFlore's efforts. Kirkland, "Pink Sheets and Black Ballots: Politics and Civil Rights in Mobile, Alabama, 1945-1985." (Master's thesis, University of South Alabama, 2009), 31-37, 63, 72, 90-98.

[318] "Montgomery Group of Ministers Hit Reddick's Firing," *Alabama Tribune*, July 1, 1960.

[319] Telegram from Fred Shuttlesworth to John Patterson, Box SGO14011, Folder 18, John M. Patterson Administrative Files, Alabama Department of Archives and History, Montgomery.

[320] Telegram from William Fidler to John Patterson, June 1960, Box SGO14011, Folder 18. John M. Patterson Administrative Files, Alabama Department of Archives and History, Montgomery.

[321] Letter from Walter Johnson to John Patterson, June 22, 1960, Box SGO14011, Folder 18. John M. Patterson Administrative Files, Alabama Department of Archives and History, Montgomery.

As Professor Reddick defended his character and reputation, the Washington Office of the AAUP concluded that Reddick's dismissal was a clear violation of the "1940 Statement of Principles on Academic Freedom and Tenure" which guaranteed accused professors the right to a hearing and access to all evidence used to make a judgement. Additionally, the organization concluded Reddick should have been granted tenure since he had served over seven years at Alabama State and other institutions.[322] A year later, the AAUP concluded Patterson's actions were "in haste and incomplete disregard of the requirement for academic due process." The report also criticized Trenholm for failing to thwart the governor's and board's attacks.[323] Although Reddick did not reclaim his position at the college, he continued his relationship with King, serving on the SCLC's Board of Directors, and other friends in the college.[324]

The situation regarding faculty placed President Trenholm in a precarious position. As head of the college, it was his responsibility to hire, retain, and promote scholars who prepared graduates for teaching careers. Under the watchful eye of an all-White school board, Trenholm also had to find faculty who could withstand the difficulty of working in the Jim Crow South. Trenholm's father, the previous president, earned the respect of White Montgomery by employing faculty who were willing to accept the status quo. However, as the earlier Montgomery Bus Boycott began, the more moderate citizens began to question how much influence King held over the current president.[325] Trenholm's inability to control the faculty during the boycott and later the sit-in movement prompted White Montgomerians to question his ability to lead the college. As early as February 1960, the governor placed Trenholm in a position in which he had to support the college collectively or the student protestors. As faculty support for the demonstrations became known, Patterson pressured the president to retain only those loyal to his segregationist regime. When Trenholm failed to address the situation at the pace of the governor, Patterson went on a course to relieve the long-term president of his duties.

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[322] Van Waes, "Academic Freedom and Tenure: Alabama State College," 309.

[323] "AAUP Assails Negro Prof's Firing at ASC," *Alabama Journal*, December 19, 1961.

[324] Eric Peace, "Lawrence Reddick, 85, Historian and Writer," *New York Times*, August 16, 1995, Garrow, *Bearing the Cross,* 296. After leaving Alabama State, Reddick became a professor at Coppin State Teachers College in Baltimore, Maryland. In 1977 and 1978, he served as a visiting professor in the Afro-American studies program at Harvard. In 1978, he returned the South, accepting a professorship at Dillard University in New Orleans, where he taught until retirement in 1987.

After terminating Professor Reddick, the governor and board turned its attention to Trenholm in the June meeting. To begin, Patterson expressed his dismay at Trenholm's lack of cooperation with the initial investigation and his inattention to screening potential faculty. He then proposed Trenholm create a report regarding the faculty to submit at the next meeting, a recommendation supported by the board. Basing his decision on the president's inability to control the college and lack of support for the board, Patterson asked the board to consider Trenholm's termination.[326] Rev. Abernathy, who attended the meeting, described the governor's mistreatment of President Trenholm, writing: "Trenholm was summoned before a committee of the state legislature, where he was treated like a boy, though he was an elderly man of great dignity and character. Those supporters who witnessed his humiliation could hardly bear to remain through the cross examination."[327]

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[325] J. W. L.., Letter to the Editor, *Montgomery Advertiser*, Mar. 31, 1960. The writer, who lived in Montgomery for 71 years and knew Dr. Trenholm's father, advised Trenholm to ignore Dr. King's tactics to divide the races. Before King, the writer contended there was peace and harmony between the races, but since his arrival and departure, there had been nothing but chaos and distrust. The writer believed King had badly influenced the current college president, something Trenholm's father did not allow.

[326] Minutes of the State Board of Education of the State of Alabama, June 14, 1960, Box SGO14005, Folder 5, John M. Patterson Administrative Files, Alabama Department of Archives and History, Montgomery.

[327] Abernathy, *And the Wall Came Tumbling Down*, 164.

Complying with the governor's directive, Trenholm compiled and submitted a special report on the training and experience of the 121 employees of the Montgomery campus. Excluded were the Mobile branch, members at the Campus Laboratory School, clerical staff, and a few employees in campus maintenance and housing services. Information included the birthplace, education (high school, undergraduate and graduate), and locations of teaching experience, with years, of all faculty. He also informed the board only 11 of the 51 student who were disciplined in the spring quarter registered for summer classes.[328] Still, the prospect of firing Trenholm prompted several responses. A telegram from the Alabama Teachers Association deplored the notion that Trenholm did not work in the best interest of the state.[329] In his well-respected career, Trenholm served as the executive secretary of the American Teachers Association for more than 20 years. The organization warned the governor, "No college president has given more of his time, energy, study and life blood for the educational growth and development of the people of his state than Dr. Trenholm has given to Alabama State and the people of his state and country."[330] The Interdenominational Ministerial Alliance praised Trenholm for "making the college" and contended "it would be a contribution to the peace and harmony of this community if the governor would cease aggravating a grievous situation and leave the control of the college to President Trenholm."[331] In contrast, King, whom Trenholm invited to speak at the 1955 commencement and built a relationship with at Dexter Avenue

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[328] "Trenholm Keeps Job; To Tighten Up," *Alabama Tribune*, July 29, 1960.

[329] Telegram from the Alabama Teachers Association to John Patterson, Box SGO14011, Folder 18. John M. Patterson Administrative Files, Alabama Department of Archives and History, Montgomery.

[330] Letter from the American Teachers Association to John Patterson, June 22, 1960, Box SGO14011, Folder 18. John M. Patterson Administrative Files, Alabama Department of Archives and History, Montgomery.

[331] "Montgomery Group of Ministers Hit Reddick's Firing," *Alabama Tribune*, July 1, 1960.

Baptist Church, felt the longtime president should have been more protective of college employees during the attacks. Expressing his sentiments to Mary Fair Burks, King lamented:

> I hoped that Dr. Trenholm would emerge from this total situation as a national hero. If he would only stand up to the Governor and the Board of Education and say that he cannot in all good conscience fire the eleven faculty members who have committed no crime or act of sedition, he would gain support over the nation that he never dreamed of. And indeed jobs would be offered to him overnight if he were fired. But apparently, he doesn't see this, and realism impels us to admit that he probably will not travel this road.[332]

By August, Trenholm could no longer straddle the line between the state board and faculty-supported student demonstrations. Reddick, while fighting his termination, asked to be compensated for summer term as his resignation was not effective until August 31. Forced to show loyalty to the state, Trenholm deferred the issue to the state board, which ignored the request.[333] Later, Trenholm assured Governor Patterson that all retained faculty were committed to maintaining proper conduct. He also noted that all students and parents had been warned of the consequences for demonstrating.[334] The longtime president's commitment to upholding segregation surprised King who later called upon the governor to release Trenholm from his commitment to rid the college of students and faculty who supported the demonstration.[335]

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[332] Letter from Martin Luther King, Jr. to Mary Fair Burks, in *The Papers of Martin Luther King, Jr., Volume V: Threshold of a New Decade, January 1959-December 1960*, eds. Roy Wilkins, Carl J. Egel, and Clayborne Carson (University of California Press, Berkeley), 407. Mary Fair Burks earned a B.A. from Alabama State College in 1933, and M.A. from the University of Michigan in 1934. After leaving Alabama State College as a professor, she earned an Ed.D. from Columbia University in 1975. In the 1950s, she became the first president of the Women's Political Council. From the beginning of the Montgomery Bus Boycott until the resignation from Alabama State in 1960, she was known as a supporter of student activism.

[333] Van Waes, "Academic Freedom and Tenure: Alabama State College," 308.

[334] "Bridle on Outbreaks Pledged by Trenholm," *Montgomery Advertiser*, July 22, 1960.

[335] Telegraph from Martin Luther King, Jr. to John M. Patterson, in *The Papers of Martin Luther King, Jr., Volume V: Threshold of a New Decade, January 1959-December 1960*, eds. Roy Wilkins, Carl J. Egel, and Clayborne Carson (University of California Press, Berkeley), 496.

The lack of regard for academic and institutional freedom at Black colleges and universities in the South was substantial. For instance, in 1957, South Carolina state officials interfered with the institutional freedom of Allen University, a private African Methodist Episcopal Church affiliated college in Columbia. That year, state officials demanded President Frank R. Veal dismiss three faculty members who were outspoken about racial inequality. When the teachers refused to resign and the college's board would not dismiss them, the South Carolina State Board of Education voted to deny Allen University graduates teachers certificates, essentially barring the graduates of the normal college from gainful employment. Ultimately, the college board president, against the wishes of the African Methodist Episcopal Church and other board members, decided to dismiss the faculty members without due process. In 1961, Tennessee Governor Buford Ellington made sure thirteen Tennessee A & I State University (now Tennessee State University) students were expelled for taking part in the Freedom Rides. Following their dismissal, eight of the students filed a suit against the state and won, resulting in their readmittance. The same year, the president of Albany State College (now Albany State University) in southwest Georgia suspended some forty students who were arrested for participating in mass demonstrations. In 1962, Alabama Governor Patterson dismissed the president of Alabama A &M College (now Alabama A&M University) in Huntsville after 30 students staged a local sit-in.[336] In Mississippi, the White president of Tougaloo College, a private Black higher education institution, found himself the target of the college's board of trustees and the Sovereignty Commission, a pro-segregationist commission formed by the Mississippi legislature in 1964 to protect the state from the "encroachment of the federal government," for his commitment to supporting student demonstrations and the civil rights struggle in Jackson, Mississippi. The board forced him to resign in 1964. At nearby Jackson State College (now Jackson State University), a public state institution, the Sovereignty Commission successfully pressured the college's president to provide the Commission a list of the names and addresses of all student demonstrators. The president also prohibited students the right to form a NAACP chapter on campus and eliminated the student government association after it sponsored a demonstration.[337]

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[336] Woodward, "The Unreported Crisis in Southern Colleges," 86-87.

Alabama State, like Jackson State College and other Black public colleges, relied on the state for financial support, but the relationship was tangential. To boost voter support, the governor had the ability to intervene in the college's operations. Intervention could come in the dismissal of employees, a reduction in state appropriations, or a recommendation of a new hire—particularly someone favorable to the governor's plans. If the college planned to continue its mission, President Trenholm had to comply with the state's orders. By August 1960, Jo Ann Robinson, Mary Fair Burks, Robert Williams, and Lawrence Reddick, all seasoned educators, were terminated or resigned from the college.[338] It was no easy predicament for the Alabama State administration, and as the students prepared to challenge their expulsion within the court system, President Trenholm again found himself aligned with the State, instead of his beloved faculty and students.

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[337] Williamson, "'This Has Been Quite a Year for Heads Falling,'" 559, 566-569. The Sovereignty Commission also operated as a secret police force that used agents to seek out and reprimand Black dissenters. Commission agents and spies alike used wiretapping, bugging, and even infiltrated civil rights organizations through the 1960s. See Dittmer, *Local People*, 58-60.

[338] "Plagues Presented Dismissed, Resigning Ala. State Teachers," *Alabama Tribune*, September 16, 1960. In September, the MIA presented Robinson, Reddick, Fair Burks, and Williams plagues in recognition for their service to the college and the community.

CHAPTER 5

A BOUT IN *DIXON*

"Nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Due Process and Equal Protection Clauses
Fourteenth Amendment of the U.S. Constitution

Understanding the state of Alabama's will to maintain racial order, six of the expelled students turned to the federal courts for relief. The practice of using the courts to fight segregation in higher education started in the early 20th century, and the students knew well the power of the federal system. In the Jim Crow era, no other venue illustrated the severity in the inequality of the races more than public education. Although Black colleges and universities, both public and private, offered liberal arts and vocational training to Black students in the North and South, compared to White institutions, Black institutions were severely underfunded and understaffed.[339] In public higher education, Black colleges that depended upon state resources turned to fundraising as state boards disproportionately allotted financial resources throughout the state. A comparison of faculty salaries, the condition of campus buildings, and the appropriations given showed the drastic disparity between White and Black public educational institutions. As the number of Black high school graduates increased throughout the 1920s, so did the number of Black college undergraduates. States within the segregated South adopted the practice of granting Blacks who sought graduate education out-of-state tuition grants. The grants generally paid the students' tuition, a compromise meant to appease applicants who were rejected from in-state, majority White graduate programs.[340] In many cases, the state grants did not cover the cost of housing, fees, or travel expenses and grants were allotted on a first come, first serve basis. The inequality within the realm of public higher education set into motion a long series of legal challenges by the NAACP.

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[339] Marybeth Gasman, *Envisioning Black Colleges: A History of the United Negro College Fund* (Baltimore: Johns Hopkins Press, 2007), 13, 20.

In 1935, the NAACP created the Legal Defense Fund (LDF), a litigation body whose goal was to fight for Black equality through the courts. The organization's strategy included pressuring state legislatures to appropriate more money to Black colleges and forcing White colleges to admit qualified Black applicants. Once the cost of funding segregated schools proved to be exorbitant, the organization hoped legislatures would push to desegregate. With Howard University Law School Dean Charles Hamilton Houston and his protégé, Thurgood Marshall, at the helm, the LDF initiated cases to change the plight of Blacks in higher education. Challenging inequality in graduate and professional schools, Houston and Marshall represented Donald Gaines Murray in 1935 after the University of Maryland Law School denied him admission twice because of race.[341] Since Maryland provided no comparable law school for Blacks, a Baltimore city court ruled in Murray's favor, ordering the University of Maryland to admit him. Three years later, the LDF presented a similar case before a court in Missouri.

In 1935, Lloyd Gaines, a Black student, applied for admission to the all-White University of Missouri Law School, but the university denied him admission due to his race. Instead, the Missouri legislature provided tuition assistance to send Black students out of state for graduate education. With the help of the LDF, Gaines challenged the decision. In *Missouri ex rel. Gaines v. Canada* (1938), the Supreme Court ruled 7-2 against the university and ordered Missouri to permit Gaines to attend law school in state. Ten years later, the court affirmed the injustice brought against Ada Sipuel, a Black woman who was denied admission into the University of Oklahoma Law School, ruling she had the right to attend any public-funded school in the state if she met the academic requirements.[342]

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[340] Michael Klarman, *From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality* (Oxford: Oxford University Press, 2004), 148-149.

[341] Watson, "Assessing the Role of the NAACP in the Civil Rights Movement," 455; Genna Rae McNeil, *Groundwork: Charles Hamilton Houston and the Struggle for Civil Rights* (Philadelphia: University of Pennsylvania Press, 1983), 138-139.

In 1950, Thurgood Marshall, as lead attorney of the LDF, presented another case before the Supreme Court involving the denial of law school admission. Four years earlier, Herman Sweatt, a Black Texas postal worker, applied to law school at the University of Texas, but the university denied admission because of his race. He then filed a suit asking for admittance into the university's law program. The court judge, having seen the precedent in the *Gaines* case, prolonged the case long enough for Texas to build a separate law school for Blacks. When the six-month period concluded, the judge dismissed the case because Sweatt now had a law school to attend. However, Sweatt's attorneys maintained the new law school was not equal to the University of Texas.[343] Sweatt's appeal reached the Supreme Court in 1950 when they ruled 9-0 in his favor. The same year, in *McLaurin v. Oklahoma State Regents of Higher Education*, the Court struck down Oklahoma's law that required segregating its only Black graduate student, George W. McLaurin, within the classroom, library, and cafeteria. [344]

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[342] Patricia Sullivan, *Lift Every Voice: The NAACP and the Making of the Civil Rights Movement* (New York: The New Press, 2009), 230-235. Although the court ruled in Lloyd Gaines' favor, he disappeared after the decision, never to be seen again.

[343] Klarman, *From Jim Crow to Civil Rights*, 201.

[344] Clewell and Anderson, "African Americans in Higher Education," 63-64.

The NAACP secured its most significant victory in 1954 with the *Brown* ruling by presenting the disparity in funding between all-White and all-Black public elementary and secondary schools. In the case, the Court, headed by Justice Earl Warren, ruled that separate but equal was inherently unequal as legal segregation fostered a sense of inferiority in Blacks and superiority in Whites. The *Brown* ruling outlawed legal segregation in public schools thereby making legal segregation illegal in all public arenas. In response to *Brown II,* which rendered states must desegregated schools "with all deliberate speed," the southern state legislators and courts delayed its implementation, which prompted further legal challenges, marches, and protests. One faction of protests was led by Black students who were disgruntled by the lack of social and legal progress following *Brown*.[345] To achieve the fullness and dream of the court decision, the students had to tear down another staple in higher education, one that governed both White and Black institutions, *in loco parentis*, which rendered the students powerless against the tyranny imposed by college administrators.

From the colonial era until the 1960s, the legal doctrine of *in loco parentis* served as the apparatus universities employed to regulate student conduct. As an educational doctrine, primary schools in England in the 1700s incorporated the principle as parental authority was temporarily transferred from the students' parents to the teacher. In 1770, Sir William Blackstone, an English jurist, first used term *in loco parentis* to describe the role of educators in one of his commentaries on English law. He wrote:

> The father may also delegate part of his parental authority….to the tutor or schoolmaster of his child; who is then in loco parentis, and has such portion of the power of the parent

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[345] Richard Kluger, *Simply Justice: The History of Brown v. Board of Education and Black America's Struggle for Equality* (New York: Vintage Books, 1975), 617-629, 713-718.

> committed to his charge, viz, that of restraint, correction, as may be necessary to answer the purposes for which is employed.[346]

Soon, colleges in colonial America adopted the idea through jurisprudence. Due to the power granted to the university under *in loco parentis,* a Latin phrase meaning "in the place of the parent," the school administrators attained the right to control and punish students as deemed necessary. The college also assumed legal responsibility for the students. As the landscape of higher education evolved, college administrators created codes that governed students' sexual conduct, students' residential choices, students' wardrobe, and their social choices.[347]

Within the parent-student relationship, the college could discipline students through probation, suspension, or expulsion for violating student conduct policy. When a student received admission to a college, he or she became a part of an implied contract with the college. If students broke the rules, they essentially broke the implied contract, which brought about punishment. Minor infractions such as missing curfew or wearing a short skirt could be defined as "conduct unbecoming of a student," leading to student suspension or expulsion. Simply said, the school authority could discipline as it pleased. However, the true power of *in loco parentis* came from the support of the courts that allowed the university to arbitrarily monitor and discipline students with little repercussions.[348]

In loco parentis was first recorded in *Gott v. Berea* (1913), a case in which a local restaurant owner sued Berea College because it prohibited students from eating at his establishment; however, the concept was referenced in another higher education case, *Pratt v. Wheaton College* (1866), in which Wheaton College suspended E. Hartley Pratt without due process for joining a secret society.[349] Through the early half of the 20th century, the courts continued to rule in favor of the schools in disciplinary cases, basing the decision upon *in loco parentis*. In *John B. Stetson v. Hunt* (1928), the Florida Supreme Court sided with Stetson University, which expelled Helen Hunt without granting her a hearing. The same year, in *Anthony v. Syracuse* (1928), the state appellant court upheld Syracuse University's decision to dismiss Shelly Anderson, a student in the domestic science department, for not "being a typical Syracuse girl." Like the Stetson case, Syracuse failed to give Anthony an opportunity to combat the accusations.[350]

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[346] Perry A. Zirkel and Henry F. Reicher, *Is In Loco Parentis* Dead?" *The Phi Delta Kappan* 68, no. 6 (February 1987), 466.

[347] Philip Lee, "The Curious Life of *In Loco Parentis* in American University," Higher Education in Review 8 (2011), 67.

[348] Peter Lake, "The Rise of Duty and the Fall of In Loco Parentis and Other Protective Tort Doctrines in Higher Education Law," *The Missouri Law Review 63*, no. 1 (Winter 1999): 5. See "Private Government on the Campus: Judicial Review of University Expulsions," *The Yale Law Journal* 72, no. 7 (June 1963).

As the Alabama State students prepared to fight their expulsion, there was a staunch divide over the role of the courts and litigation. When the sit-in movement began, Thurgood Marshall viewed the student protests as a threat to the NAACP's existence, but the sit-ins provided a chance to show the civil rights community the organization's usefulness. Under Marshall's lead, the organization initially questioned the legality of the protests, considering the limitations set on the Equal Protection Clause, but they soon became supporters of the movement since the students protested at Their strategy of fighting segregation through litigation conflicted with the students' vision of the movement. Instead of using the "jail, no bail" strategy, the LDF encouraged arrested sit-in participants to plead not guilty, pay bail, and challenge the conviction as the organization needed test cases for litigation.[351] As the movement continued, the students, who sought to win a moral battle, and the LDF remained divided on the strategy. However, when the Alabama State students had no other recourse, they turned to the legal route to restore their dignity.

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[349] Lee, "The Curious Life of *In Loco Parentis* in American University," 68-69.

[350] Columbia Law Review Association, "Expulsion of Students from Private Educational Institutions," *Columbia Law Review 35*, no. 6 (June 1935): 898-905.

[351] Schmidt, "Divided by Law," 118-127.

Six of the Alabama State 9—St. John Dixon, Bernard Lee, Marzette Watts, Edward English, Joseph Peterson, and Elroy Embry—retained Fred Gray, a young, prominent attorney who understood the importance of the movement, to bring suit against the state. An alumnus of Alabama State, Gray attended law school at Case Western University in Ohio with the help of an Alabama Title 52 grant that provided partial tuition assistance to Black students, rather than having desegregated colleges and universities. After graduation from law school, he committed to tearing down the wall of segregation. In 1955, he defended Rosa Parks, and later won in *Browder v. Gayle* (1956), a ruling that ended segregation on buses in Montgomery. While participating in the Montgomery Bus Boycott, Alabama State students became acquainted with and established close ties to him, knowing he was the person to call regarding legal issues. Again, the student sit-in activists turned to the leadership of the previously established Civil Rights Movement for aid.[352] Derrick A. Bell, Jr., a LDF staff attorney who became the first Black tenured professor at Harvard University Law School, also assisted with the case.

State Attorney General MacDonald Gallion, Alabama Assistant Attorney Generals N. S. Hare and Gordon Madison, and Robert Bradley, Governor Patterson's legal advisor, presented for the State of Alabama. At trial, President Trenholm had no choice but to defend the case, for he was legally responsible as the college's president. Trenholm could have prevented any involvement in the case had he refused to comply with Patterson's order to expel the students, but he would have been fired.[353] Argued in the United States District Court for the Middle District of Alabama, Judge Frank M. Johnson Jr., a racial moderate who ruled against segregated busing in Montgomery just four years early, presided over the case. On August 22, 1960, Gray presented *St. John Dixon et al. v. Alabama State Board of Education, et al.* before a federal court.[354]

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[352] Morris, "Black Southern Student Sit-In Movement," 763. In 1956, Judge Johnson ruled city ordinances for segregated busing violated the Equal Protection Clause of the Fourteenth in *Browder v. Gayle*, a decision that dismantled Jim Crow in Montgomery's public buses. Although Johnson ruled in favor of the Black plaintiffs, Gray did not view Johnson as a liberal or judicial advocate. To support his claim, Gray cited Johnson's rulings against him in *NAACP v. Alabama* (1956), a case which sought to determine if NAACP violated an Alabama statute that required corporations to register with the state, and *Gomillion v. Lightfoot* (1960), a Tuskegee gerrymandering case that Johnson dismissed, in addition to another ruling in which Johnson denied a Black student the right to attend all-White Sidney Lanier High School in Montgomery by citing the state's pupil placement law. According to Gray, Johnson interpreted the law as he believed it was then construed by the U.S. Supreme Court as mandated by the Constitution. In *Dixon* and *Gomillion*, Johnson denied relief because the court was without jurisdiction.

Before the trial, the State Board of Education took the opportunity to prepare during its August monthly meeting as some of the members were expected to testify in court. At the meeting, Governor Patterson introduced MacDonald Gallion, the state attorney, and Gordon Madison, the assistant attorney, who prepared the court documents for the day's hearing. Madison discussed the case's background and what to expect in court that day. Patterson read his affidavit and discussed the suit. He told board members they may be asked to appear in court. Madison and Gallion firmly reassured the board that they would stand behind and defend them.[355]

At the trial, the plaintiffs' legal team approached the legal challenge not upon the unconstitutionality of segregation, but the violation of students' due process rights. Gray and Bell argued that the expelled students were entitled to notice of charges and a hearing, which are due process rights guaranteed under the Fourteenth Amendment. The court's primary task was to determine if the students at a publicly funded institution should be afforded due process before expulsion for misconduct. Subsequently, the court had to decide if college attendance was a constitutional right or a privilege.[356] If the Court determined that college attendance was a constitutional right, then the expelled students would have to be granted due process in accordance to the Fourteenth Amendment as the decision of the college administrators or state boards may deprive the students of life, liberty, or property. If the right to attend college was merely a privilege, then the Board of Education did not have to explain their actions to the students.

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[353] Gray, *Bus Ride to Justice*, 167.

[354] 186 F. Supp. 945 (M. D. Ala. 1960).

[355] Minutes of the State Board of Education of the State of Alabama, August 22, 1960, Box SGO14005, Folder 5, James Patterson Administrative Files, Alabama Department of Archives and History, Montgomery.

During the proceeding, St. John Dixon was the only plaintiff to testify. When asked about his rationale for eating at the courthouse lunch counter, Dixon replied he "felt right in going there to get service."[357] Simply said, he remained at the courthouse because he wanted to be served. Then Gray asked if the college informed him that his actions were unbecoming of a student and if he received a hearing before receiving his letter of expulsion. To both questions Dixon replied "no." During cross-examination, Dixon told Assistant Attorney General Gordon Madison that he had not been in a leadership role during demonstrations and that the group only conferred with Ralph Abernathy before the demonstrations, not any out-of-state organizations such as CORE or the NAACP.[358]

During cross-examination, Gray attempted to show that the expulsions were arbitrary and capricious because the decision went against the college's policy for expulsion. When he cross-examined Governor Patterson and asked what was wrong with the students' attempt to seek service at the lunch counter, the governor stated the students should have been in class and that their actions were intended to start a riot. Therefore, the board of education, to protect the reputation of the college and the state, deemed the students' actions inconsistent with the values of the college. Expulsion was the best solution. However, when Gray examined the board members, their rationale for expulsion differed from the governor's. For example, board member Harry Ayers of Anniston stated he voted in favor of expulsion because the students violated the city segregation ordinance.[359]

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[356] James A. McDermott, "Constitutional Law: Due Process: Expulsion of Student from State-Operated College without Notice or Hearing," *Michigan Law Review* 60, no. 4 (February 1962): 500-501.

[357] "6 Ousted Students Re-entry Weighed: Future of ASC Demonstrators Up to Courts," *Huntsville Times*, August 27, 1960.

[358] 294. F. 2d 150 (5th Cir. 1961).

During an exchange between Judge Johnson and Superintendent Stewart, Stewart clarified the basis for his decision, stating that he voted for expulsion because the students demonstrated without the consent of the president. Stewart was not able, however, to show the court the policy which required presidential consent for student demonstrations.[360] In contrast, President Trenholm, who favored probation instead of expulsion, testified he did not know why the students were expelled. Trenholm even testified that the college generally had a meeting with a student in which the student was given the reason for his or her dismissal. During the meeting, the student was given the right to defend his or her actions [361]

Despite Gray's arguments, on August 26, Judge Johnson ruled in favor of the state. Johnson concluded the district court had proper jurisdiction of the students' claims. However, following legal precedent, in which the courts supported a college's right to dismiss students without a hearing, Johnson wrote that due process was not necessary, and the college was within its rights to expel students for participating in demonstrations. Specifically, Judge Johnson ruled "as long as the dismissal is not arbitrary and falls within the classes specified for preserving…moral atmosphere," students had no right to due process. Judge Johnson further concluded that "the right to attend a public college or university is not in and of itself a constitutional right," but a choice made by students. The students' activism corroded the reputation of the college, disrupted its operations, and showed lack of regard for the future of other students. If the students wanted to remain in good standing with the institution, they should have complied with the college's rules.[362] In a press release, Judge Johnson clarified that his ruling was not meant to show favor or disdain for the student demonstrations, as the protests of segregated eating was not the question before the court. Still, the unfavorable ruling prompted the plaintiffs to appeal in a higher court.[363]

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[359] Ibid.

[360] Ibid.

[361] Ibid.

Unsatisfied with Johnson's ruling, Fred Gray appealed to the U.S. Court of Appeals for the Fifth Circuit on September 13, 1960. Joined by NAACP lawyers Thurgood Marshall, James Narbrit III, and Jack Greenburg, the case went before Judges Benjamin Cameron, John Minor Wisdom, and Richard Rives. Reversing the lower court's decision, the Fifth Circuit Court ruled in favor of the students, with Judges Rives and Wisdom as the majority.[364] Rives supported Harvard University professor Warren Seavy's view on the changing relationship between the social vision for higher education and constitutional rights. In the vision, Seavy wrote:

> At this time...when we proudly contrast the full hearings before our courts with those in the benighted countries which have no due process protection ... our sense of justice should be outraged by denial to students of the normal safeguards. It is shocking that the

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[362] 186 F. Supp. 945 (M. D. Ala. 1960).

[363] "ASC Expulsion of Students 'Justified,'" *Alabama Journal*, Aug. 26, 1960. Later in his life, Judge Johnson said, "I didn't like demonstrations, even though I understood the reason Blacks felt they needed to employ them." See Frank Sikora's *The Judge: The Life and Opinions of Alabama's Frank M. Johnson, Jr.*

[364] 294 F.2d 150 (5th Cir. 1961).

> officials of a state educational institution, which can function properly only if our freedoms are preserved, should not understand the elementary principles of fair play.[365]

His opinion on the subject, which Rives read before the case, inspired the judges' decision. In the opinion, the court concluded that the board did not specify for which actions the students were expelled, referring to the inconsistent answers offered by the governor, board members, and president in the district court. Though one board member claimed to have voted to expel the students for participating in the demonstrations, the evidence from the district court case indicated that all of the expelled students only participated in one demonstration, which was the original courthouse sit-in.[366]

In the district court, Judge Johnson found the college had no established rule or policies regarding notice of charges or granting a hearing before disciplinary action. Although the appeals court agreed with Johnson, the court determined when the government's potential action may cause harm to a citizen, the government must provide the citizen due process. The judges wrote that "the minimum procedural requirements necessary to satisfy due process depend upon the circumstances and the interests of all parties involved." Citing *Joint Anti-Fascist Refugee Committee v. McGrath* (1951), the judges agreed that:

> The precise nature of the interest that has been adversely affected, the manner in which this was done, the reason for doing it, the available alternatives to the procedure that followed, the protection implicit in the office of the functionary whose conduct is challenged, the balance of hurt complained of and good accomplished—these are some of the considerations that must enter into the judicial judgment.

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[365] Robert Bickel, "A Commentary on the History of Constitutional Due Process in the Context of Student Discipline," *Journal of Student Conduct Administration*, 1, no.1 (2008), 11. Warren Seavy wrote the response to a case, *People ex rel. Bluett v. Board of Trustees of University of Illinois*, in which the question stemmed from the adequacy of a hearing.

[366] 294 F.2d 150 (5th Cir. 1961).

The court also dismissed the appellees' reliance on *Lucy v. Alabama* (1957) since the plaintiff Autherine Lucy did not "raise the issue of an absence of notice or hearing."[367] Whereas the defendants argued the college had the right to sever a relationship with the student, just as the student could withdraw and end the relationship, the court deemed the plaintiffs did not waive their right to notice or a hearing. The court also rejected the premise that students were not entitled to due process because college attendance was a privilege, not a constitutional right, stating:

> The private interest involved in this case is the right to remain at a public institution of higher learning in which the plaintiffs were in good standing. It requires no argument to demonstrate that education is vital and, indeed, basic to civilized society. Without sufficient education, the plaintiffs would not be able to earn an adequate livelihood, to enjoy life to the fullest, or to fulfill as completely as possible the duties and responsibilities of good citizens.[368]

Arguing the college could not act arbitrarily in matters of student misconduct, the Fifth Circuit Court concluded that charges of misconduct required the collection of facts. Therefore, students have the right to due process at state-funded colleges in disciplinary proceedings. Furthermore, the exercise of due process meant that students must receive a formal notice of all charges and receive the names of witnesses or a written report of the witnesses' testimonies. Students were also entitled to the opportunity to defend their actions before an administrator or board. If the hearing did not go before a board or administrator, the findings of the hearing were open to inspection by the accused.[369] In a sense, the court chastised the board for making a one-sided ruling and harming the future of the students. Essentially, the board should have protected the interests of the students, not its own.

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[367] 294 F.2d 150 (5th Cir. 1961); Autherine Lucy was admitted to the University of Alabama in 1956 and enrolled in 1957. As the first Black student to enroll at the university, her presence caused backlash from the White community. In her second week of class, an angry mob of White students gathered to intimidate her. She was forced to leave campus by hiding in a police car. After the university board of trustees decided to suspend her for safety purposes, NAACP attorneys accused the university of collaborating with the mob to force Lucy off of campus. Although Lucy won the legal challenge to her expulsion, the Board retaliated by expelling her. On Lucy and her dismissal, see Sarah Wever "President Carmichael's Failure to Commit: Challenges of Leadership in the Desegregation of the University of Alabama (PhD diss., University of Alabama, 2019), 87, 92-97, ProQuest (13807604).

[368] Ibid.

Judge Cameron's dissent offered several interesting points. According to the dissenter, the students agreed to abide by all college policies upon signing an application for admission. When the students' conduct became "unbecoming of a future teacher," the college and board were within their right to expel them. Furthermore, since there was no policy regarding a hearing procedure, the state did not have to offer one. Requiring a full disclosure of witnesses and evidence would be cumbersome to any institution and distract the operations and learning.[370]After the ruling, the defendants appealed to the U.S. Supreme Court, but on December 4, 1961, amid direct and indirect national civil rights protests, the Supreme Court declined to hear the case. Therefore, the decision of the Fifth Circuit Court stood. This was indeed a victory for students nationwide.

The *Dixon* ruling is arguably the most significant ruling in higher education because of its impact on student rights and college procedures. As discussed earlier, throughout the 1960s, the pinnacle of campus unrest was student activism, collegians of all ages and ethnicities became involved in protests at colleges and universities. For outwardly supporting the desegregation effort, women's rights, gay rights, and the end of American involvement in the Vietnam War, they became targets of administrative reprisal. To deter social unrest on college campuses, university administrators and educational boards employed suspension and expulsion as the tool to deter student militancy. However, the *Dixon* ruling provided the once defenseless students a means to fight administrative power. With procedural due process guaranteed, students could challenge dismissal for disciplinary reasons. In *Goss v. Lopez* (1975), a case which reaffirmed due process rights for students from publicly funded high schools charged with disciplinary indiscretions, the Burger Court referred to *Dixon* as a "landmark decision."[371] The *Dixon* case did not restructure the racial order of Montgomery, but it provided an avenue by which students could engage in protests with confidence.

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[369] Ibid.

[370] Ibid.

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[371] *Goss v. Lopez*, 419 U.S. 565 (1975); Marie T. Reilly, "Due Process in Public University Discipline Cases," *Penn State Law Review*, Vol. 120, No. 1001 (2016), 1003.

CHAPTER 6

A CATALYST FOR ACTIVISM

Though student demonstrators made their voices heard, through the 1960s, the fight between Governor Patterson and the college had a damaging effect on the institution's viability. Originally appropriated $1,081,935 for the 1961 academic year, Governor Patterson cut the school's funding in retaliation for the demonstrations. As a result of the financial loss, the Southern Association of Schools and Colleges stripped Alabama State of its accreditation in 1961, which it did not regain until 1966.[372] It seemed President Trenholm did not make enough changes to deflect the governor's power. When enrollment decreased in the 1961-1962 academic year, Patterson, blaming the decrease on a recent student protests, took advantage of the opportunity to criticize the president's leadership. As Trenholm's health declined and the college spiraled downward, in November, the state board asked the president to take a leave of absence. Trenholm, with over 35 years of service to the college, stepped down from office January 1, 1962.[373] The pressure of balancing between two worlds was too much to bear. Ultimately, his love and commitment to the college was not enough to withstand the state's blow.

Throughout the rest of the decade, *Dixon* emerged as student demonstrators' defense against state power. Indeed, the Alabama State students' willingness to fight the State Board of

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[372] Ray Jenkins, "Alabama State College Wins Full Accreditation," *Montgomery Advertiser*, December 15, 1966. According to SACS, Black colleges applied for membership after World War II to help their graduates gain admittance into White graduate schools. Prior to the World War II, the White and Black colleges had different accreditation organizations. In 1952, SACS created an "approved" list of Black schools, giving the colleges time to meet requirements for full membership. By 1961, the deadline, Alabama State had not met the requirements, nor did Alabama A&M; Act No. 110, Session of 1959 (Ala. 1959) Alabama Department of Archives and History, Montgomery.

[373] Karl Portera, "Trenholm Told to Take Leave," *Montgomery Advertiser*, November 29, 1961.

Education's decision created an opportunity for students to protest and to fight the retribution by state officials who opposed. In 1961, at the onset of the Freedom Rides, 14 students from Tennessee A & I State Institute (now Tennessee State University) were jailed for breach of peace. The college punished the students without due process. When the students challenged their suspension under *Knight v. State Board of Education*, the Tennessee federal district court used *Dixon* to overturn the university's decision, concluding that the students were not granted due process during the disciplinary proceedings.[374]

In 1963, Patricia Due, a student at Florida A&M University who started a CORE chapter in Tallahassee, fought her suspension from the university in a local Florida court. Due and Reubin Kenon, the plaintiffs, claimed their due process rights had been violated by the president of Florida A&M University. In the ruling, the trial court cited *Dixon* and argued that the students received due process.[375] Gary Dickey, a White Vietnam veteran who sought a career in journalism, was not allowed to re-enroll at Troy State College, a segregated institution, after he published a controversial article in the student newspaper against the college president's wishes. In August 1967, the Student Affairs Committee voted to deny Dickey admission for the upcoming school year. Dickey filed suit upon receipt of the decision, using *Dixon* as his basis. The court sided with the student and ordered the college to readmit him.[376] In 1968, the administration at the University of Wisconsin, Oshkosh, suspended seven Black students who occupied the president's office and demanded more diversity in the college's faculty and curriculum. When the students took their case to trial, the court cited *Dixon*, stating that the university imposed the suspension without granting due process.[377] Finally, in spring 1969, Alabama State students again turned to Fred Gray and *Dixon* for relief after University President Levi Watkins suspended and expelled 50 students for demonstrating at the dining hall, but the court rejected their claim. The school was forced to close for two weeks due to the protests. Subsequent to their punishment, several of the students brought suit against the college, claiming their First Amendment rights had been violated. The students also charged the university's disciplinary procedures did not meet due process standards. The court ultimately rejected plaintiffs' claim, contending the students were given a statement of charges and granted a date for a hearing.[378]

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[374] *Knight v. State Board of Education*, 200 F. Supp. 1174 (1961).

[375] *Due v. Florida A&M University*, 233 F. Supp. 396 (N. D. Fla. 1963).

[376] *Dickey v. Alabama State Board of Education*, 273 F. Supp. 613 (1967).

By 1969, *Dixon* became more universally accepted after Vanderbilt University law professor Charles Alan Wright delivered a lecture in which he praised the work of Judges Rives and Wisdom. In the Oliver Wendell Holmes lecture series, Wright argued that fundamental constitution principles such as the right to freedom of expression are granted at public higher education institutions. He contended that colleges are required to meet due process standards in student conduct dismal cases. Wright rejected the idea that college attendance is a privilege, colleges act in the place of parents, and students are contractually bound to follow the rules when admitted. According to Stetson University law professor Robert Bickel:

> It is noteworthy that Professor Wright saw *Dixon* as a "special" constitutional case in American higher education law. The first nationally significant case declaring that students had basic constitutional rights on campus was a "process case." Moreover, viewing the First Amendment cases which gave substantive protection to student speech and academic freedom, associational rights, and the student press as central to any

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[377] *Marzette v. McPhee*, 294 F. Supp. 562 (W.D. Wis. 1968).

[378] *Scott v. Alabama State Board of Education*, 300 F. Supp. 163 (1969).

> paradigm of student freedom, *Dixon* regarded these substantive rights as meaningless in the absence of procedural safeguards.[379]

The *Dixon* decision also impacted the emerging student affairs profession in the 1960s. Prior to *Dixon*, colleges and universities adhered to *in loco parentis* in student affairs. Starting in the late 1800s, colleges and universities hired deans of men and women to oversee student conduct and discipline. During the University Movement, the proliferation of the position coincided with the notion faculty were meant to teach, research, and develop the intellectual capacity of students, not oversee student behavior. Essentially, student affairs professionals—deans of men and women alike—were viewed as the parents who were to ensure students developed proper behaviors and conduct which aligned with college rules. As more personnel were hired in the 1950s with the increase in student enrollment, student discipline remained the primary responsibility within student affairs. After *Dixon*, students were viewed as adults, thus the student affairs mission shifted.[380]

After the fall of *in loco parentis*, higher education professionals and student affairs personnel formulated and began to adhere to student development theories. These theories were based upon the idea of fostering a comprehensive education in which the students' "cognitive acquisition of knowledge and their development and maturation" were the priority. As college attendance increased and student bodies became more diverse, student development personnel sought new strategies to meet student needs.[381] Student affairs personnel also adopted new theories to improve relations and communication between the student and college. The new focus within student affairs became the holistic development of students. By the 1970s, the unification of theory with practice transformed the student affairs profession into a crucial function of the college. The student development movement hinged upon the idea that "university staff should intentionally introduce proactive programs called interventions, to promote development; the nature and content of these interventions and the outcome could be specified by designing them in conformance with an appropriate theory of human development."[382]

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[379] Bickel, "A Commentary on the History of Constitutional Due Process in the Context of Student Discipline," 11-12.

[380] Kance Hinton, Mary Howard-Hamilton, and Audrey Rentz, "A Historical Perspective of Higher Education and Student Affairs: Transitions and Transformation," in *Rentz's Student Affairs Practice in Higher Education*, ed. Naijing Zhang (Springfield: Charles C. Thomas Publisher, LTD., 2016), 51; Gwendolyn Dungy and Stephanie A. Gordon, "The Development of Student Affairs," in *Student Services: A Handbook the Profession*, eds. John H. Schuh, Susan R. Jones, and Associates (San Francisco: Jossey-Bass, 2011), 67-68; Robert A. Schwartz, "Reconceptualizing the Leadership Roles of Women in Higher Education: A Brief History on the Importance of Deans of Women," *The Journal of Higher Education* 68, no. 5 (September-October 1997), 504-505; Jana Nidiffer, *Pioneering Deans of Women: More Than Wise and Pious Matrons* (New York: Teachers College Press, 1999).

The turbulence of student protests and the fall of *in loco parentis* prompted administrators to look at the student-institution relationship as egalitarian and collaborative. Student affairs personnel, who were once torn between helping students or supporting the aims of the administration, now sought a proactive approach to helping the young adults. Administrators allowed students to join governing boards and establish advisory committees, giving them a voice in the process. As student affairs personnel combined theory with practice, professional conferences and organizations published reports to support the student cause.[383]

While *Dixon* provided protection against arbitrary expulsion for student activists, the ruling also garnered the attention of attorneys who represented colleges and universities. Seeking to create judicial policies that complied with *Dixon*, informal meetings amongst the legal counsels of colleges and universities led to the creation of the National Association of College and Universities Attorney (NACUA), an organization with the mission of educating college administrations and attorneys on campus legal issues.[384] In 1987, member attorneys of the NACUA went on to establish United Educators, an insurance company that provides liability insurance to member universities. Finally, student affairs administrations founded the Association for Student Conduct Administration, an organization that is committed to upholding the standards placed upon universities regarding the student conduct process by *Dixon*.[385]

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[381] Dungy and Gordon, "The Development of Student Affairs," 67-68; Eleanor M. Schetlin, "Myths of the Student Personnel Point of View," *The Journal of Higher Education* 40 (January 1969): 58-63. By late 1937, the emphasis on the student's intellectual, spiritual, and personal development was emphasized at a national level by the American Council of Education in a published reported entitled "The Student Personnel Point of View."

[382] Paul Bloland, "A Brief History of Student Development," Paper presented at the Annual Convention of the American College Personnel Association (Atlanta, 1991).

[383] Hinton, Howard-Hamilton, and Rentz, "A Historical Perspective of Higher Education and Student Affairs," 52-53.

Altogether, the Alabama State sit-in movement and the legal challenge had a significant impact on higher education. The students could not have known a decision to attain dignity could have brought so much change to higher education and the Civil Rights Movement. The activism of Alabama State College students in the 1960s was a continuation in a long procession of Civil Rights protests, and the repercussions to their actions impacted the Civil Rights Movement and students' rights. *Dixon* indeed affirmed one basic civil right granted in the U.S. Constitution, the right to due process. In the winter and spring quarters of 1960 at Alabama State, students continued a tradition as normal as attending an Alabama State Hornet football game: standing up for their rights as American citizens.[386] Today, all higher education institutions have established disciplinary procedures that afford students due process. Equally important, the link between students' rights and the Civil Rights Movement will always be connected through *Dixon*.

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[384] Gray, *Bus Ride to Justice*, 169.

[385] Ibid, 169.

[386] Jane Fiegen Green, "'An Opinion of Our Own': Education, Politics, and the Struggle for Adulthood at Dartmouth College, 1814–1819," *History of Education Quarterly* 52 (May 2012): 173-195. As Dartmouth College experienced a split of over religious tension, which led to the subsequent legal case *Dartmouth College v. Woodward*, students proved they could participate in shaping of America's democracy. Alabama State students did the same in the 1960s.

EPILOGUE

On December 10, 2010, an important chapter in the sit-in movement narrative came to pass. On the 50th anniversary of the movement, Alabama State University President William Harris invited the expelled sit-in students to the fall commencement and granted them honorary degrees. Representing the Alabama State 9, St. John Dixon, James McFadden, and Joseph Peterson proudly accepted the humble gesture on behalf of those wronged as a result of the state's actions. Peterson, who never thought the college would honor the group, was overjoyed and humbled. Dixon, the lead plaintiff, called the ceremony "a dream come true."[387] When expelled, Dixon was only a year away from graduation. The university's gesture was meaningful and heartfelt considering none of the Alabama State 9 re-enrolled at the college after the appeals court reversed the original ruling.

The honorees returned to campus as heroes, but the sit-in movement shaped their lives in different, yet meaningful ways. Though the state of Alabama tried to suppress the movement, several participants became lifelong agents for change and social justice. The lessons of patience, self-control, and sacrifice enabled them to be trailblazers in various fields and professions. James McFadden continued a fight for civil rights after leaving Montgomery. In April 1960, he and the expellees attended a SNCC organizational meeting at Shaw College. McFadden described the difficulties in creating the SNCC, saying:

> They called this conference, the sit-in conference. It was held by Ella Baker at Shaw University in Raleigh, North Carolina. So we went. That is when people who were interested in civil rights, young people, a multitude of people, primarily liberals from all

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[387] Alvin Benn, "Students Earn Degrees Once Denied to Them," *Montgomery Advertiser*, May 9, 2010.

> over the country came…. We were strategizing and trying to decide which city was the best... and Ella Baker was our orchestrator. So we got to the point where we asked where do we go from here? And what do we do? We have had all of these sit-ins in different places throughout the South. Where do we go from here? So we could not come to an agreement on what organization we were going to have. We could not decide that we were going to have an organization. So we struggled all day back and forth with trying to do this. Finally, we came up with SNCC, Student Nonviolent Coordinating Committee. That was the name of the organization, but it was really a committee because we could not come to organization.[388]

McFadden's life took another shift after he returned to Montgomery. "So after we got back from the conference," he recounted, "people [the expellees] began to go their own way. I had been told by a judge that I needed to leave Montgomery, and I needed to go someplace because they were calling me an agitator. All I was doing was participating in demonstrations." Fortunately, at the SNCC conference, he networked with representatives from Fellowship House out of Philadelphia, Pennsylvania. Primarily ran by the Quakers, the Fellowship House was a coalition that brought together people from different races and backgrounds to study, fellowship, and pray together. A week after returning from Shaw, the organization asked him and Elroy Embry to come to Philadelphia to share their sit-in experiences with local reformers. After a short stint in the city, McFadden eventually joined the Fellowship House as a youth director, orchestrating sit-ins and demonstrations in the segregated suburbs of Philadelphia.[389]

In the summer of 1961, he was selected by Operation Roadways Africa to spend a few months in east Africa. McFadden noted he was treated as a celebrity when he shared his sit-in story. He was also welcomed by fraternity brothers Kwame Nkrumah, the president of Ghana, and Nnamdi Azikiwe, Nigeria's president. Recalling his trip, he expounded:

> The invaluable thing about it was Kwame Nkrumah was the president of Ghana. That is where my project was, and Azikiwe was the president of Nigeria. So here I am a Sigma with fraternity brothers as the presidents of these countries. I was welcomed with open

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[388] James McFadden, Interview with Kouri Allen, Thomasville, May 25, 2019.

[389] Ibid.

> arms to hang out with the young politicians…. So that just gave me added inroads into Ghana and Nigeria. Whenever our group would go to these places, I would just let my fraternity brothers know that a Sigma is here. My first experience in Africa was really life changing.[390]

After returning to the U.S., McFadden worked for the state as a youth director and became close friends with Grace and James Boggs. As he built a relationship with the couple, McFadden's outlook changed. Similar to SNCC leaders Stokely Carmichael and H. Rap Brown who transitioned from nonviolent activism to Black Power leaders, McFadden's outlook on the instruments needed to create equality transformed throughout the 1960s. Essentially, he went from civil rights activist to Black Power supporter to revolutionary. As a civil rights activist, McFadden aimed to correct all wrongs, but his perspective on creating equality developed into a radical position. "I recognized that righting wrongs will not give you power. It will not really change the structure. So what we needed was Black Power. We needed to move to the point where we could take power and develop power." His newfound beliefs and friendship with the Boggs resulted in the establishment of the National Organization for an American Revolution in the mid-1960s. "When we had looked around, the Black Panthers were moving and the Black Power movement was raging, but they stopped with nationalism. We were of the belief that you had to go beyond nationalism," McFadden asserted.[391]

Throughout his life, he continued to work with several community action organizations, and he earned a graduate degree from West Chester State University while living in Philadelphia. McFadden spent the rest of his career as a middle school teacher in the Philadelphia school district. Although difficult at the time, McFadden proclaimed, "Getting expelled was probably the best thing that ever happened to me." He was satisfied with his work in the movement, saying, "We were on a mission. We knew we were making history. Everything else was secondary."[392]

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[390] James McFadden, Interview with Kouri Allen, Thomasville, May 25, 2019.

[391] James McFadden, Interview with Kouri Allen., Thomasville, May 25, 2019.

At the beginning of the summer of 1960, St. John Dixon, the lead plaintiff, moved to California where he attempted to enroll at San Jose State College. "So I worked on for a while [after the expulsion] until I finally realized that they had come up with a program where they were going to send all of us [the expellees] to school. The lady that I was to live with at San Jose was from Alabama, and part of my scholarship was that I would have a place to stay, food, and transportation." Dixon's attempt to enroll at San Jose State College was met with controversy. According to San Jose State President John T. Wahlquist, the college rejected Dixon's application because of a "gentlemen's agreement" of denying admission to students who attempted to transfer with a dishonorable dismissal or withdrawal. However, another administrator claimed Dixon was denied admission because he missed the application deadline, not for participating in the sit-ins in Alabama.[393] Although his record followed him, Dixon eventually gained admission through the help of a local professor who pressured California State Attorney General Stanley Mosk to intervene. Returning to his love of activism, in the late 1960s, Dixon served as head of a labor union, supported the Delano Grape Strike and met activist Cesar Chavez. Of the movement's antagonists and President Trenholm, Dixon held no animosity and he felt blessed have been a part of the sit-ins.[394]

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[392] Annette John-Hall, "Fifty Years After Expulsion for sit-in in Alabama, Phila. man gets degree," *Philadelphia Inquirer*, June 4, 2010.

[393] "Official Explanations Called Contradictory: Rejection of Alabama Negro by California School is Probed," *Huntsville Times*, September 28, 1960.

[394] St. John Dixon, Interview with Kouri Allen, September 1, 2019.

Joseph Peterson remained in Montgomery to work with SCLC through the spring quarter of 1960. In April of that year, he and the expelled students drove to Shaw College in North Carolina where over 300 student activists organized SNCC. In the summer of 1960, Rev. Abernathy helped Peterson and Marzette Watts relocate to New York to work for the Harlem chapter of SCLC, under the leadership of Bayard Rustin, a Black civil rights leader who assisted with the planned 1941 March on Washington and who advised King during the Montgomery Bus Boycott. Both Peterson and Watts later graduated with degrees from New York University (NYU). His business administration degree opened the doors to a successful career in manufacturing management. During a 30-year career in New England, he held leadership roles at General Electric Company, Control Data Corporation, and owned a successful manufacturing business for several years. In 1997, Peterson retired and returned to Birmingham. At the time of his expulsion, Peterson admitted he resented President Trenholm's unwillingness to stand up to the governor, but today he has a different perspective. "When I look back, I understand what Dr. Trenholm had to do. He had no choice but to expel us or put us on probation," Peterson affirmed. "He wanted to save the university. He was older and wiser. He understood what people like John Patterson could do to a university or could do to your life. He [Patterson] could destroy you. And he did." Fortunately, thanks to supportive people like Ralph and Juanita Abernathy and Bayard Rustin, Peterson was able to complete his education.[395]

Peterson's close friend Marzette Watts turned to a career in music after completing his degree at NYU. As a child, Watts played the piano, but he pursued a degree in art at Alabama State. At NYU, his interest turned to the saxophone and painting due to a newly created relationship with poet Leroi Jones (later known as Amiri Baraka). After graduating, Watt moved to Paris to study painting at the Sorbonne. His career in music took off when he moved to Denmark to perfect his craft, and in 1966, he recorded his best album upon return to New York. In the late 1960s, he began to write film scripts, and by the 1970s, he produced several records. Living an international life, Watts taught briefly at Wesleyan University, and eventually settled in California. His free-jazz style is still admired today.[396]

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[395] Joseph Peterson, Interview with Kouri Allen, Birmingham, November 1, 2019. Bayard Rustin was also a key organizer of the 1963 March on Washington for Jobs and Freedom.

Bernard Lee, who emerged as student spokesperson, joined the ministry, and became an integral part of Dr. King's personal team. As a founding member of SNCC in 1960, he proposed the organization fall under the leadership of SCLC.[397] He and King were arrested in May 1960 for participating in an integrated Freedom Ride from Atlanta to Montgomery. After leaving SNCC, Lee joined SCLC where he became Dr. King's personal assistant. In Atlanta, Lee attended Morris Brown College and participated in the Atlanta sit-in movement. His work with SCLC continued in the Albany Movement in 1961 and the march from Selma to Montgomery after Bloody Sunday. During the Albany Movement, Lee, King, and SCLC joined SNCC students, the NAACP, the Negro Voters, and Albany locals to protest segregation policies and increase the Black franchise within the southwestern Georgia city. For nine months, the organizations used sit-ins, boycotts, mass demonstrations, and court cases to challenge Jim Crow. Although more than one thousand Blacks were jailed, the campaign was considered a failure since the Kennedy administration was reluctant to intervene on the behalf of the protestors.[398] After King's assassination, Lee continued the Poor People's Campaign in

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[396] Gary W. Kennedy, "Marzette Watts," Oxford Music Online (Oxford University Press, 2003).

[397] Garrow, *Bearing the Cross,* 132.

[398] Sitkoff, *The Struggle for Black Equality*, 115-116. During the movement, Albany Police Chief Laurie Pritchett turned the city into a police state, jailing more than a thousand Black activists. To deter nationwide sympathy for the Black protestors, he controlled the White mobs and kept the violence out of the media.

Washington, D.C., moving to the city in 1976. A proponent of education, Lee later earned his bachelor's and master's degree from Howard University. In 1980, he served as Deputy Campaign Manager for the Jimmie Carter campaign in Mississippi.[399]

Although the Alabama State 9 faced the most opposition after dismissal, others involved in the movement used the experience to further their lives. Floyd Coleman, the fraternity chapter president who Joseph Peterson considered the mastermind of the protests, was among the 20 students placed on probation in March 1960. His relationship with Alabama State art professor Hayward Oubré influenced Coleman to pursue graduate degrees in the art field. Graduating with a Ph.D. from the University of Georgia, Coleman enjoyed a 60-year career in academia, teaching at Clark Atlanta University, Southern Illinois University, and Jackson State University. In 1987, he accepted the position as head of the art department at Howard University, a position held until his retirement in 2018. Coleman's art has been displayed at 120 exhibits, including the Smithsonian National Museum of African American History and Culture.[400]

In April 1960, Eleanor Moody-Shepherd and her husband Theophilus, a Phi Beta Sigma Fraternity, Inc. member who was placed on probation, left Montgomery for Connecticut after he was drafted into the army. Once the army sent Theophilus to Korea, Moody-Shepherd fought tirelessly to have him brought home. Recalling the fight to help her husband, Moody-Shepherd explained:

> The war was still going on. They said it had been settled, but that was not true. Because he [Theophilus Moody] was a physical education major [at Alabama State], he became a medic and was part of the medical corps. When somebody was injured on the field, he would have to go out, and they would have to deal with it. He just felt that was just such

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[399] "Rev. Bernard Lee, 55, Civil Rights Advocate," *New York Times*, February 14, 1991.

[400] Jerry Langley, "Dr. Floyd W. Coleman, Sr. (1939-2018): Path Breaker and Canon Builder," 2019; "Dr. Floyd W. Coleman, Sr., 1939-2019," Obituary, *Montgomery Advertiser*, 2019.

> injustice. It affected him. He just talked about what a travesty it was that they said that war is over, but they were still committing.[401]

After reading several of his letters describing the trauma of war, she decided to seek relief. “The first thing I did when I arrived in Connecticut was go to the town hall and register to vote,” she said. “I went to my selector man, and he put me in touch with our congressman. I petitioned the congressman to have him brought back on hardship. After a congressional investigation, in 24 hours, they went out and got him. He was on a plane back to the United States.” Theophilus finished his military service state side, earning an honorable discharge. The victory was an example of using one’s voice and will to bring about change.[402]

Moody-Shepherd and her husband shared over fifty years of marriage. After the couple moved to New York, she earned a bachelor’s degree from Vassar College, a master’s degree from Long Island University, a master’s of divinity degree from New York Theological Seminary, and a doctorate of education degree from Teachers College, Columbia University with a focus in education and religion. Throughout her lifetime, she has served as a school board member, Vice President of Academic Affairs and Academic Dean, Dean of Students and Professor of Women Studies at New York Theological Seminary. Moody-Shepherd is also an ordained teaching elder of the Presbyterian Church, USA. Today, she is retired honorably from the Presbytery of Hudson River, and continues to be a champion for the underserved by working with incarcerated and formerly incarcerated women. Reflecting upon the lessons taken from the Montgomery sit-in movement, Moody-Shepherd said that “You have to use your voice, your conviction, and your power to affect change." She dedicated her life to the aforementioned mission.[403]

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[401] Eleanor Moody-Shepherd, Interview with Kouri Allen, May 31, 2020.

[402] Ibid.

Cornelius Benson, who was placed on probation, finished his classwork in December 1960 and participated in commencement the following May. After graduation, he worked briefly for an insurance company in his hometown of Birmingham before getting drafted into the army in September 1961. Once he completed basic training, the army stationed Benson at Fort Riley in Kansas, where he stayed for two years. During that time, the Birmingham civil rights struggle reached its nadir when Birmingham Public Safety Director Eugene "Bull" Connor employed inhumane tactics to stop protests led by Rev. Fred Shuttlesworth and Dr. King. "It was hard being in the service. I was thinking about people at home and what was happening. They were putting the hose on them, killing Blacks, and doing all kinds of things that were not good for our race. It was not good for our country," expressed Benson. As soon as his service ended, Benson left the military and returned home where he married longtime partner and Alabama State student Barbara Garrett Benson.[404]

Probationer Joe Reed became one of Alabama's most influential Democrats of the late 20th century. Graduating in 1962, Reed quickly entered the education field. From 1964-1969, he served as the president of the all-Black Alabama State Teachers Association. Instrumental in the organization's merger with the Alabama Education Association (AEA), Reed served as AEA Associate Executive Secretary for 42 years, a period in which the organization's membership tripled to 100,000 members. Additionally, Reed continued the fight for social justice as a Montgomery city councilman and Vice-Chair of Minority Affairs in the Alabama Democratic

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[403] Ibid.

[404] Cornelius Benson, Interview with Kouri Allen, Birmingham, November 8, 2019.

Party. Though committed to his community, Reed never lost sight of his alma mater. For 18 years, Reed served as chairman of the Alabama State University Board of Trustees.[405]

In the field of African American literature, James Haskins is among the noteworthy, authoring more than 100 nonfiction works in his lifetime. A former educator within inner city New York, Haskins began to compose children's books on Black culture and biographies of Black leaders to improve his young students' reading skills and self-esteem. As an Alabama State student, Haskins joined the movement within the first weeks, and he was among the students who participated in the March 8 demonstration. Haskins was later expelled from the college, but he returned in 1962 to earn a bachelor's degree.[406] The movement provided students opportunities to lead and to display the lessons learned at Alabama State. Still, the state found a means to punish the college for the students' actions.

Producing student narratives would not have been possible without oral history. Throughout the study, I relied upon the narratives to trace the participants' maturation as agents of change, highlighting the events which impacted them most. Religion, family, and community involvement were all factors that influenced the participants to push for social change. Indeed, their stories brought depth to the research. However, there were a number of challenges with using oral history. Before making each narrative a part of the dissertation, I verified the narratives against secondary sources such as newspaper reports and meeting minutes. Although I was able to verify most of the stories, occasionally, the timeline in which the interviewee stated events occurred was inaccurate. When there were no sources to verify the narrative, I emphasized in the dissertation that the account given was strictly provided by the interviewee. Additionally, participants occasionally provided the wrong names of key figures, but I found the correct names and titles by reviewing college yearbooks and newspaper reports.

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[405] "AEA's Joe Reed Retired, ending one of Alabama's most powerful political duos," *Associated Press*, January 14, 2019. Reed's son, Steven, also chose a career in politics. In 2013, he became Montgomery's first African American probate judge, and in 2019, he was elected the first African American mayor of Montgomery.

[406] Mel Watkins, "James Haskins, an Author of Black History, Dies at 63," *New York Times*, July 11, 2005.

In terms of future implications for research, a study on the presidency of Harper C. Trenholm is fitting. Trenholm was in a precarious position as president of Black state college that needed state appropriations to operate. If he publicly endorsed the sit-in movement, the governor might have terminated him or cut the college's funding sooner. In his 38-year career as president, Trenholm worked tirelessly to protect the college's institutional and academic freedom while providing students with the curriculum and access to guest lecturers who supported Black uplift. Unlike the president of Jackson State College who corroborated with the Mississippi governor and Sovereignty Commission to suppress faculty and student opposition to segregation, Trenholm's actions suggest he did not agree with the governor, yet he complied with the board's demands out of necessity. Whereas the Board intended to expel the leaders of the sit-in at the March 1960 board meeting, Trenholm requested all students be placed on probation during the meeting. Furthermore, it was Trenholm who suggested no action be taken against the Alabama State 9 until the winter quarter ended. A study of Trenholm will shed light on the complexity and difficulty of managing a Black state institution in the Jim Crow era. Additional implications for future research include investigating the challenges to academic freedom in Black colleges in Alabama during the Jim Crow era. A study of this nature of will expand the literature on college faculty at Black colleges.

Today, the U.S. is in the midst of one of the largest civil rights movement in the nation's history. This movement to end police brutality began after a Minnesota policeman placed his knee on George Floyd's neck for more than eight minutes during his detainment, subsequently causing Floyd’s death. After weeks of national protests and riots, the policeman, along with the three law enforcement officers who stood by idly, were charged and arrested. Although the outcome of George Floyd’s murder trial has not been determined, I am certain this current movement for Black equality can produce another James McFadden, Bernard Lee, or Dr. Eleanor Moody-Shepherd. The unique thing about the struggle is those who join offend do not know the outcome or impact their activism will have on the world, but the hope of a better future keeps them going. I hope the lives and sacrifices of the Alabama State 9 and others are models of the power of honing one’s agency.

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APPENDIX A

TIMELINE

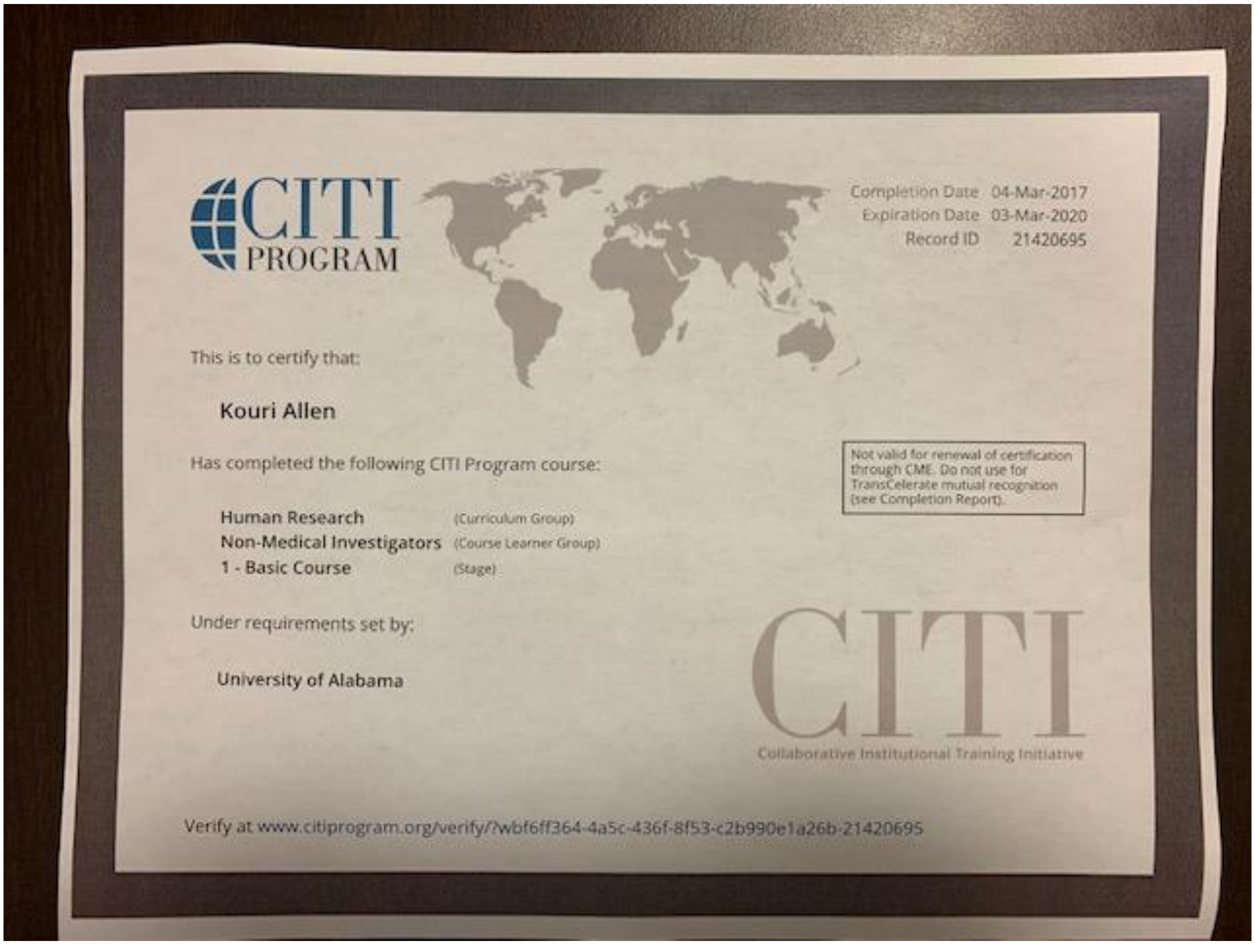
1960

Feb. 1	Four North Carolina A&T College students staged a sit-in at a Woolworth’s lunch counter in Greensboro, North Carolina.
Feb. 25	Thirty-five Alabama State College students staged a sit-in at the Montgomery County Courthouse in Montgomery, Alabama. Governor John Malcolm Patterson ordered Alabama State College President Harper C. Trenholm to identify the leaders of the sit-in.
Feb. 26	Approximately 250 Alabama State students demonstrated at the Montgomery courthouse in support of fellow student Harold Stoudemire.
Feb. 27	Students, with the backing of local Black leaders, held a four-hour mass meeting at Ralph Abernathy’s Negro First Baptist Church. Later in the evening, as students demonstrated in front of businesses in the downtown area, two White men beat a 22-year-old Black demonstrator with a bat.
Feb. 29	Martin Luther King, Jr., who attended the students’ mass meeting at Hutchinson Street Baptist Church, officially endorsed the student movement.
Mar. 1	More than 1,000 students marched to the Capitol where they sang and prayed.
Mar. 2	The State Board of Education voted to expel nine Alabama State students and to place 20 more students on probation for participating in the courthouse sit-in.
Mar. 4	King and Bernard Lee addressed over 900 students and local Montgomerians at a mass meeting held at Beulah Baptist Church.
Mar. 5	White opposition gathered at the Capitol in protest of the students’ actions.
Mar. 6	A white mob and host of police prevented approximately 5,000 Black demonstrators, who met at Dexter Street Baptist Church, from protesting at the Capitol.
Mar. 8	Thirty-five students, one faculty member, and the faculty member’s spouse were arrested for demonstrating on campus.
Mar.10	Montgomery Commissioner L. B. Sullivan urged the state to close the college after students held another demonstration on campus. Additionally, Governor Patterson ordered state superintendent Frank Stewart to conduct a full investigation of the college.

Mar.16	President Trenholm announced spring quarter enrollment decreased by more than 200 students due to the demonstrations.
Mar. 22	Alabama State students tried to desegregate the all-white University of Alabama Center in Montgomery.
Mar. 25	The State Board of Education voted to place more than thirty students on probation for demonstrating on campus March 8.
Mar. 28	Forty to fifty students boycotted afternoon classes and demonstrated on campus after President Trenholm announced late registering was prohibited.
Mar. 31	Alabama State students and White students from MacMurray College in Illinois were arrested for dining together.
Apr. 22	Ten students attempted to desegregate a public library and museum.
May 17	Two expelled students attempted to desegregate the cafeteria at the Capitol.
Jun. 14	The State Board of Education voted to terminate Alabama State professor Lawrence Reddick.
Aug. 22	Fred Gray, the expellees' attorney, argued *St. John Dixon et. al. v. Alabama State Board of Education, et. al*. in the United State District Court for the Middle District of Alabama.
Aug. 26	Judge Frank Johnson ruled in favor of the State Board of Education.
Sept. 13	Fred Gray appealed Judge Johnson's ruling to the Fifth Circuit Court of Appeals.
1961	
Aug. 4	The U.S. Court of Appeals for the Fifth Circuit reversed the district court's decision.
Dec. 4	The U.S. Supreme Court declined to hear *Dixon*.

APPENDIX B

INSTITUTIONAL REVIEW BOARD CERTIFICATE



CITI PROGRAM

Completion Date 04-Mar-2017
Expiration Date 03-Mar-2020
Record ID 21420695

This is to certify that:

Kouri Allen

Has completed the following CITI Program course:

Human Research	(Curriculum Group)
Non-Medical Investigators	(Course Learner Group)
1 - Basic Course	(Stage)

Not valid for renewal of certification through CME. Do not use for TransCelerate mutual recognition (see Completion Report).

Under requirements set by:

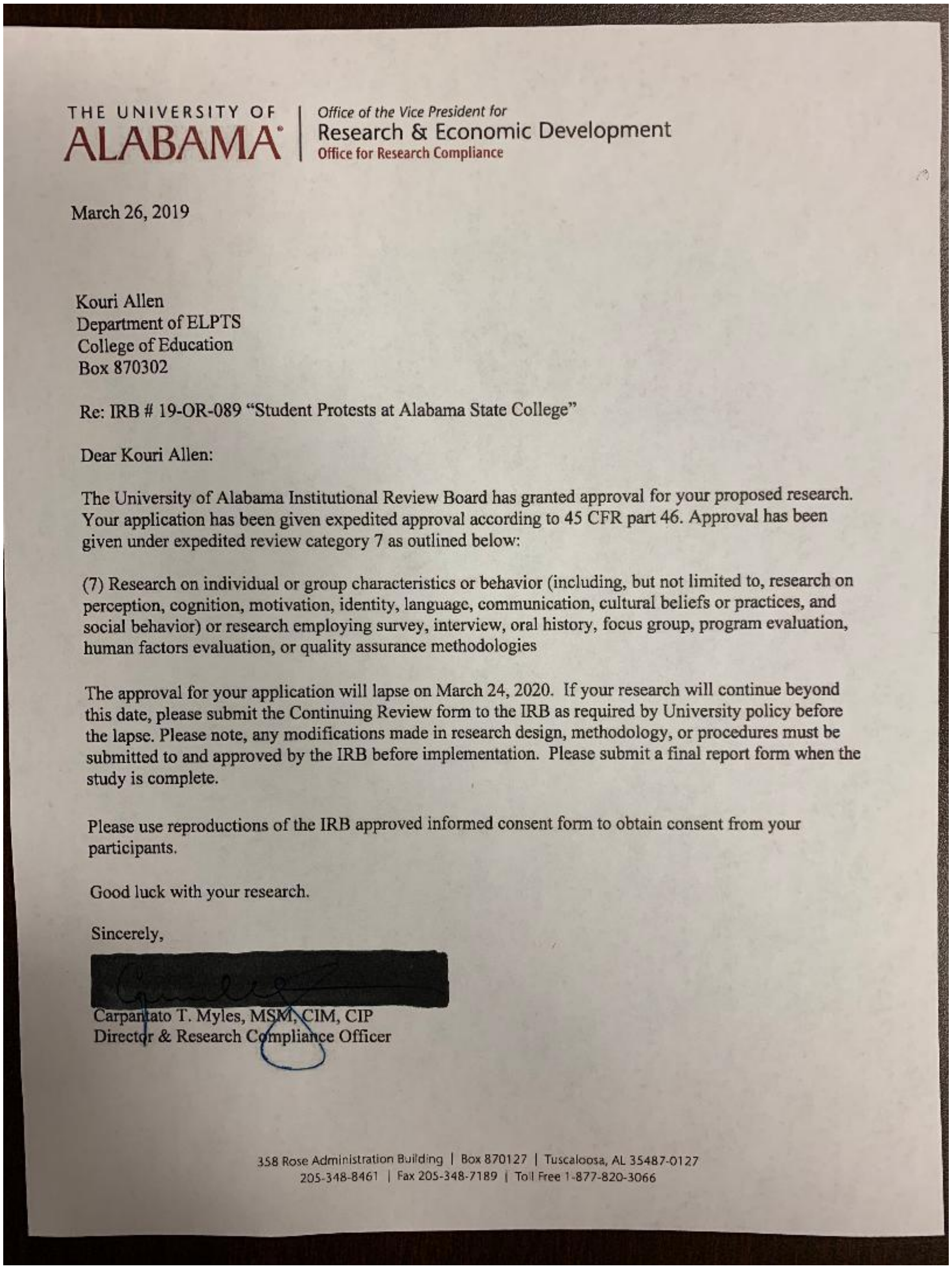
University of Alabama

CITI
Collaborative Institutional Training Initiative

Verify at www.citiprogram.org/verify/?wbf6ff364-4a5c-436f-8f53-c2b990e1a26b-21420695

APPENDIX C

INSTITUTIONAL REVIEW BOARD APPROVAL



THE UNIVERSITY OF
ALABAMA®
Office of the Vice President for
Research & Economic Development
Office for Research Compliance

March 26, 2019

Kouri Allen
Department of ELPTS
College of Education
Box 870302

Re: IRB # 19-OR-089 "Student Protests at Alabama State College"

Dear Kouri Allen:

The University of Alabama Institutional Review Board has granted approval for your proposed research. Your application has been given expedited approval according to 45 CFR part 46. Approval has been given under expedited review category 7 as outlined below:

(7) Research on individual or group characteristics or behavior (including, but not limited to, research on perception, cognition, motivation, identity, language, communication, cultural beliefs or practices, and social behavior) or research employing survey, interview, oral history, focus group, program evaluation, human factors evaluation, or quality assurance methodologies

The approval for your application will lapse on March 24, 2020. If your research will continue beyond this date, please submit the Continuing Review form to the IRB as required by University policy before the lapse. Please note, any modifications made in research design, methodology, or procedures must be submitted to and approved by the IRB before implementation. Please submit a final report form when the study is complete.

Please use reproductions of the IRB approved informed consent form to obtain consent from your participants.

Good luck with your research.

Sincerely,

[redacted]

Carpantato T. Myles, MSM, CIM, CIP
Director & Research Compliance Officer

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