

# **The Civil Rights Movement in Alabama**

UAH – University of Alabama in Huntsville

## **Turmoil in Tuskegee Speaker: Frank Toland**

Let me point out to you that this series has been possible only because of the generous contributions of the following: The Alabama Humanities Foundation State Program; The National Endowment for the Humanities; Mevatec Corporation; DESE Research, Inc; Representative Laura Hall; and Senator Hank Sanford. At A&M, the Office of the President; the Office of the Provost; State Archives and Research Center and Museum; Title III; The Office of Student Development; The Honor Center of Sociology and Social Work, History and Political Science; and also at the Telecommunications and Distance Learning Center have also been wonderful in taping all of our sessions for us. They have done a wonderful job. We are grateful to them for that. At UAH, the Office of the President; the Office of the Provost; the Bankhead Foundation to the History Forum and to the Department of History; Social Issues Symposium; the Department of Sociology; the Office of Multicultural Affairs; Division of Continuing Education; The Humanities Center; The Honors Program; The Office of Student Affairs and the Copy Center. I would now like to turn things over to Ms. Barbara Wright who is a graduate student in History here at UAH, past president of Phi Alpha Beta, currently assistant to the editor of the Oral History Review. She will introduce our speaker for this evening.

**Introduction:** In his long and distinguished career Frank J. Toland has served his community in many ways, as an educator, a social and political activist, a historian, a scholar, a folklorist, a writer and a poet. He began his career studying English, History and Political Science at South Carolina State College. Mr. Toland received his MA in

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History from the University of Pennsylvania, completing advanced study at both Temple University and the University of Minnesota. As an educator, Mr. Toland joined the faculty of Tuskegee University in 1949. During his tenure at Tuskegee he was instrumental in developing the History Major program, the College of Arts and Sciences and the Black Studies Program. Mr. Toland served Tuskegee as chairman of the History Department for over twenty-seven years and as Director of the Black Studies Program from 1968 until 1984. Widely recognized as an expert in African-American and Southern History and a humanities scholar, Mr. Toland has been invited to speak at colleges and universities worldwide. He has served as a scholar and lecturer for the Alabama Humanities Foundation since 1983 and is a member of the Speakers Board for extending the humanities to the public since 1990. The topic of his lectures have included: Black Wings, the American Black in Aviation; Utopia in American Life and Literature; African-Americans and the War Experience; The Harlem Renaissance Revisited; Tuskegee Airmen and the Civil Rights Movement; and the African-American Religious Experience. As a politician and activist, Mr. Toland became the first African-American to serve as mayor pro tem of Tuskegee, a position he held from 1968 until 1972. He also served as chairman of the Tuskegee Utilities Board, as coordinator of the Tuskegee Model Cities Program. For over two decades Mr. Toland has dedicated himself to community service. His membership and activities include the Alabama League of Municipalities, the State Committee for the Study of Alabama State Administration, the National Security Forum, and the State Registrar's Advisory Board, to which he was nominated by Governor Guy Hunt. Mr. Toland is here tonight to speak

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to us about the turmoil in Tuskegee during the civil rights movement. Please join me in giving a warm welcome to Mr. Frank J. Toland.

**Frank Toland:** Thank you very much platform associates and I've got to mention my good brother there, Dr. D. Williams, who has been so kind to me over the years in inviting me different places, especially here at the University of Alabama in Huntsville. I was surprised at some of those things that were said that I had done. The fact that I couldn't decide what it was I wanted to major in at college, so I ended up majoring in all three was because I was an intellectual nomad. I wandered from one area to the other. In listening to the introduction, you have concluded that I am still something of an intellectual nomad. I thought I was going to be a constitutional scholar when I went to work at Tuskegee Institute only to discover that they never had a course in Constitutional History and I was invited to develop one as long as I taught those courses in World Civilization which were expected of me. What I discovered is what you discover at a small school is that you become a generalist and not a specialist and that the generalists are those persons who learn less and less by going more and specialists are those persons who learn more and more by less and less.

Tonight, I have outlined some material, but don't be alarmed. I will be selective in presenting it to you. The journey, my journey in civil rights, began as I turned thirteen years of age in South Carolina. I had been hearing and had almost made me believe that I remembered it, that the Ku Klux Klan had visited my grandmother and my paralyzed grandfather before I was four years old. They were looking for a young black man whom they wanted to teach a lesson and my grandmother may have saved a brutal beating or a

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lynching because she recognized the voice of one of the Klansmen and in her bravery as the daughter of a white man she snatched his hood and then shamed him. I understand that it was a traumatic experience for me and that I kept hanging onto my grandmother's leg over the years until she finally sent me off to elementary school. That got rid of that. I have witnessed violence in my life and I have had these threats made upon me many times. The Klan was looking for our leader's home in Tuskegee, CG Gomillion's home. We lived on the same street, both on the right side of the street. The street that we lived on had become overgrown at the end with trees so that you could not get all the way out to Highway 80. So, the Klan came in with this cross about three feet high, intending to burn it on Gomillion's lawn on the right side, but I was the secondary target in case they didn't get it burned at Gomillion's house. They forgot that if you go down and it's on the right and when you come out it's on the left, so they burned the cross at a house that looked like the one I lived in. It was a dear, sweet old lady and she knew the cross was intended for me and she never had another civil thing to say to me the rest of her life. They had frightened her terribly and it was indeed my fault and I tried to reconcile but without success.

I got involved in the Civil Rights Movement in Tuskegee because of an incident at the courtroom at the courthouse in Tuskegee, Alabama. It was over my efforts to get my wife a driver's license. After three trips there, the patrolman, each time he'd get almost to us, whites would come in at the last minute and he always gave them preference so that blacks were continuously returning to try to get those licenses. One of the persons there already had a pilot's license. Her husband you may have heard about,

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Tuskegee airman, Colonel Herbert Carter, retired, and she never knew until a few months ago that I was the one who caused her such a delay in getting her license because the patrolman thought that she was my wife and he wanted to teach me a lesson. The lesson that stuck was that he threatened to blow my guts out for interfering with the way that he performed his job and I was nervous about it, but I put up a bold front and I said to him, “I own property in this state, I help to pay your salary.” That was not a good thing to say. I got involved in the movement and we had three different organizations and they were interlocking directories, meaning that officers in one served on boards for the other and the other. The three organizations included the NAACP. In the NAACP, all of our committees were called action committees (political action, education action). All were action committees because we were raising money expecting to secure our rights through the court system but in 1955 we appeared in court in Montgomery before Judge Walter B. Jones, and Judge Walter B. Jones had written an article that was widely circulated. He did columns for the Montgomery Advertiser periodically and he had written a column that said, and circulated even in the northern area. It said, “I speak for the white man” so when R. Carter of the NAACP office showed up to defend us and the NAACP, he asked Judge Jones to excuse himself because of his prior expressed prejudices against blacks. He refused to do so. He took a break and he walked up and down in the hall smoking, then came back in and he pulled the decision out of his inside coat pocket. He had already written his decision. “The NAACP was a foreign corporation doing business in Alabama without paying Alabama taxes,” and so what we did, the regional office of the NAACP was in Birmingham, so during the course of the night we loaded those materials

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and transported them to Atlanta, that's how the office ended up in Atlanta, but for all of the rest of the years since 1955 until after the Voting Rights Act of 1965, the NAACP could not operate in Alabama.

The second organization was the Tuskegee Civic Association. This is the organization that led the successful movement for Civil Rights in Macon County. That group had started as a men's discussion group in the 1920's. It became a men's meeting group in 1938 and became the Tuskegee Civic Association in 1941. As the Tuskegee Civic Association, we accepted membership from women, but women were treated kind of like second-class citizens. The men paid one dollar a year for membership dues. The thought was that women didn't have a dollar that they wanted to spare, so women were charged fifty cents a year until Beulah Johnson got up in one of the meetings and indicated that we needed to examine what we were doing because we were talking about an egalitarian society and we were treating our own wives as unequal. We responded by charging her a dollar and immediately we collected fifty cents more and then after that women paid the dollar. I mention Beulah Johnson because when we were having our difficulties locating the registrar's office, Beulah Johnson happened to go into City Bank and she noticed people going in and out of the vault and she just went back there and saw that the Board of Registrars was meeting at the City Bank and not at the courthouse and Beulah Johnson caught one of them and pulled him out and told him, "You go where the law requires you to be, and that is in the room set aside for registration in the courthouse," and Beulah got away with it.

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The next organization was the Macon County Democratic Club. What we did there was do candidate analysis and make political endorsements, but we never endorsed any candidate until the night before the voting, and then we roamed around the county in meetings around the county, indicating the candidate that we would support. The reason we did that was because we didn't want the white candidate to be able to say who was getting the Negro vote so we kept them in the dark. One year it worked very well. The sheriff, Patty Evans, was perhaps one of the meanest people that God put in Macon County and we got him. We forced him into a runoff because he missed winning a majority by one vote and they checked all they could but he still didn't have it and so at the runoff election we supported Hornsby for the sheriff. Hornsby sneaked into black meetings and Hornsby always took his hat off in the presence of black women. We didn't get much promise out of Hornsby but Hornsby was the best thing we had going for us. With Hornsby, we heard him address our women properly. He promised us that if we worked with him to make him sheriff that neither he nor any of his deputies would ever hit another Negro with a club or not with a club. So, on that basis, we made him sheriff. Then, we made him probate judge and we discouraged any blacks from running against Hornsby until Hornsby reached the age of 70 and couldn't run any more and now Hornsby is dead. But Hornsby was one of the best white persons to happen to us during that period of turmoil in Tuskegee.

The Tuskegee Civic Association would put its primary emphasis on securing for blacks the right to vote and the right to register unhindered. If you had any contact with the registration application of the late 1940's and the early 1950's, that application was

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some three to five legal size paper and it was deliberately designed to confuse people who were trying to register. At one point on the application it asked for your place of birth and several lines below that it asked how long have you been a citizen of Alabama? Invariably, persons who were born in Alabama would subtract twenty-one years, believing that you only became a citizen when you achieved the right to vote. We had application after application rejected on those excuses. When I did my application to register the person who was the chairman of the Board of Registrars in Peck County had a tenth grade education, not that there was anything wrong with a tenth grade education, but he was trying to take me over an oath which he had not been taught to read himself and every time he made a mistake with the oath, I corrected him. So I never became fully sworn in as a registered voter. I just became a registered voter. They decided, “That’s enough, we’ll let you know in a week if you are qualified to vote in the state.” But they took my discharge to prove that I was a veteran. I couldn’t sleep that night for fear they had destroyed my discharge. I went back the next morning and they had already decided to register me because someone had said to them, “I think he is a lawyer for the NAACP,” and so I was registered, I suppose, under false profession.

Some of the things that they did (not only was the application confusing)...We had application completion schools where we taught blacks how to do applications, but how would you like to have thrown at you questions like this. These were for black people; it was approved by the Alabama Supreme Court. They used it and finally in 1994 the Alabama Supreme Court approved these kinds of questions to be asked of persons trying to get registered, but the court was careful to point out that it was an attempt to



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restrict the number of unqualified Negroes. The questions were like this: How many persons were in South Carolina's first congress; how many persons were needed to have a representative in the first congress; if the president appointed someone to a position that needed the approval of congress, what were the limitations. I wouldn't let him ask me those questions. What I said to him was, "I've got some that I'd like to ask you because I'm trained in constitutional history and if you will answer one for me I think I can handle some of these." He didn't because he couldn't. No one could answer them.

Let me move to our work in registration and voting, beginning with 1957. In 1955, the NAACP was forced out of the state and an engineering firm was brought in from Birmingham, Denning and Associates. We were told in the black community that Denning and Associates were there to serve the black neighborhood so they could provide us with water, sanitary sewers, streetlights and paved streets. We cooperated with Denning. We helped him do his job only to discover that it was false pretense. What Denning was doing was surveying the city of Tuskegee in order to gerrymander the city of Tuskegee. A few of you have this gerrymander map. The city was squared off and rectangled off. When Denning got through with it, eliminating some three thousand black people from the population of the City of Tuskegee, about four hundred of these black people were registered voters when we didn't have much more than about four hundred and twenty voters. We have counted the size of this monstrosity and we can't agree whether it's twenty-six sided or twenty-nine sided, so those of you who have the maps you can try counting them and see what it shapes up to be. For example, one of the main streets was Fonsill Street and blacks lived on one side of the street and whites on the

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other. So the city limits went right down the middle of Fonsill Street, but they couldn't get all of the black people out of Fonsill Street out of the city because on one end of Fonsill Street there were several black owned properties, so they didn't zigzag it in, they just went straight down the middle. They gerrymandered us out of the city. I was one of those gerrymandered out. When we got news of it through an introduction by Senator Sam Englehart into the Alabama senate, then we got the word and we appealed to the whites in the town. We appealed by newspaper advertisements to other legislators that they not pass this gerrymander bill and we didn't stop it. We could not stop it being passed by the Alabama legislature. What they were going to do, they said, was to "end forever this agitation by Negroes to try to take over our town and our county." The bill was allowed to become law in Governor Fulton's administration. He did not sign it. Then, the second bill that Englehart introduced (he was on a roll) a bill to abolish Macon County and to divide Macon County among the five surrounding counties and this bill passed, authorizing a constitutional amendment. We again appealed that this not be allowed to happen and Englehart's committee said that they would have hearings on it. Our organization asked to be represented at the hearings. We did not know as we took our little group down to Montgomery that Sam Englehart would dictate that only one Negro could be heard. So, the rest of us cooled our heels out in the hall and our leader, CG Gomillion, whom some of you have seen on film, was a mild mannered man. CG Gomillion was allowed to represent the Negroes in Macon County except that they would not allow him to be seated in the presence of the white inquisitors and he took it for the good of the order. What we decided to do was to mount a campaign, making speeches in

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the counties that were supposed to get a piece of Macon County. We scared those other counties off because all of us who were doing speaking came from Tuskegee Institute, that hot bed of radicalism, and what the decision was by these counties was that they wanted their piece of the action, but they did not want Tuskegee Institute and the Veteran's Administration Hospital. We thought we'd tweak them a little bit and start investigating how Tuskegee Institute and the VA Hospital could be incorporated as a separate, black governed city and that's when the law was explained to us that we could not have a separate city because we would be within the police jurisdiction of an existing city. We never intended to do that anyhow, but that kind of tactic had worked for me when I was in the movement in South Carolina, where you start rumors among the white people of the worse kind and then expect them in fear to spread the rumors for you. It had worked before and that time it worked again. We did get one white group to oppose the abolition of the county. It was the Macon County Bar Association but for fear of white reaction against them, they made it clear that they only opposed the abolition of the county at the present time. We mounted what we called a crusade for a city democracy and we revived a campaign that had been tried in the 1940's, a campaign of trade with your friends, and so we put out handbills and the like, *Trading With Your Friends*, urging black people to trade only with those white people who would support our constitutional rights. A white retaliatory group then came out with its campaign urging white people not to hire Negroes and to fire the Negroes they already had. Well, it was like the same thing they tried to do in Montgomery in the bus boycott. It didn't work in Montgomery and it didn't work in Tuskegee, but it worked for black folk because our pressure on the

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economic system forced the closure of over twenty businesses. We drove them out of town. We were so successful with that that when the whites tried to come into Macon County at the old Tuskegee Army Air Base, I was in Minnesota so I was sent on a mission by the group to this firm they were courting in Minnesota to establish a plant in Macon County and I single handedly nipped that one in the bud when I started talking about the kind of reaction that we were going to produce in the nation among the black population not to buy anything that they manufactured at any plant in Tuskegee. I know somebody will say you cost black people jobs, maybe so and maybe not. What we were trying to do was prove to whites that we were an integral part of the society and an integral part of the economy and that without us it would flounder. After all, blacks in Macon County constituted 84.6 percent of the population. We turned to the courts and in our case, there's a book on it by Bernard Taper. In our court action, in Gomillion versus Lightfoot, we filed suit over the gerrymander, over the redefinition of the boundaries. Judge Johnson, who would later render some fairly good decisions on our behalf, decided that he had no jurisdiction in the matter regarding the gerrymander of the city so we kept pushing and on November 14, 1960 we lost in the district court. We lost in the appellate court and we won in the Supreme Court. Another case that we brought was to secure an improvement of our registration possibilities. We tried to appeal and to quote the liberals in congress, including a personal visit that I had with Senator Humphrey and what I was trying to explain to him on behalf of my group, that there was a clause in the 14<sup>th</sup> Amendment which had never been enforced. It's that clause that provides that if any group of people were denied the right to vote that that state would proportionately lose

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representation in the House of Representatives. If you look at it, it has never been enforced. What Senator Humphrey and others said was that that wasn't the way that we needed to go. We needed to keep pressing to force the southern states to live up to the constitutional requirements of both the 14<sup>th</sup> Amendment and the 15<sup>th</sup> Amendment. The 15<sup>th</sup> Amendment does not grant the right to vote, but it protects the right to vote from discrimination in the application of a state's voting laws. We were able to finally get the Civil Rights Commission in December of 1958 to come into Tuskegee and examine our situation there and the commission did hold hearings in Montgomery and brought in black witnesses on this. It was a good move. John Doyle of the Attorney General's office would come in and help us in a voting rights case in 1959. One of the things that the Tuskegee Civic Association had going for it was that we had some good record keepers and so when the Board of Registrars would come into session it would hurry to register all whites and then they would cease to function. The law required that two be present before registration could take place and so ultimately one would come in, then the next time another one would come in, but they would not two of them, so that we could get blacks registered to vote. Every week we would draw up a list of twelve qualified blacks and mail that list by registered letter to the three persons who had charge in the state of appointing the boards of registrars so that when the Justice Department came in we had records of all of this and when the Justice Department tried to get the registration records they had to go to Judge Johnson's court to get an order forcing the registrars to open their books, to open those registration books from 1950 to 1960. It was while we were examining the applications of whites that we discovered how little prepared some of

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those applications had been and yet those persons had been registered to vote. In my participation in research, I guess I've seen enough bad writing as a teacher so that immediately one of the applications caught my eye because everything on it was filled out in the same handwriting, including the signature, and over on the edge there was a tiny X. The person who had been registered was an illiterate white woman out of Notasulga, Alabama. So that helped to make our case.

The trial on the voting rights issue was held in Opelika, you had these state lawyers profiling and stancing because they thought they had the right judge, and they did have the right judge until we got them before the Supreme Court and then they had the wrong judge there. We had our lawyer put this lady on the stand, and then the bombshell. "You're under oath. Is this your signature?" The lawyer for the state said, Judge, "She doesn't have to answer that." We persisted and the judge said that she must answer. We went a step further. We handed her a pen and asked her to sign, and she couldn't. She said, "You all are just trying to shame me, embarrass me," and I momentarily had this twinge of pity that anybody that would abuse a female in that fashion, using her and then trying to put her in further danger of legal action by claiming that she indeed had prepared this application. Well, we had our case dismissed but again, we took it to the Appellate Court and again, we lost. We took it to the Supreme Court and again, we won.

In 1959 we seemed to have been on a roll and so two of us decided that we would write our own voting rights bill, so we did. We wrote a voting rights bill that provided that in those counties where the registrars were unwilling to register persons who were qualified to vote, if they failed to perform their functions, then the registrars would be

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federal registrars. Does that sound familiar to anybody? You see, Adam Clayton Powell put it in legal language for the House and while we told him to wait while we gathered some support for this, Adam Clayton Powell needed a political stand so he introduced it but he couldn't get any support for it. What pleased us was later on the Voting Rights Act of 1965, those areas that do not perform the functions of registering qualified people to vote, federal registrars can replace them. So, we did have that part that was represented. In 1959, the Alabama legislature was again attracted to our situation in Macon County and so the Macon County representative introduced a bill, which he called a bill to curb voter registration of the Negro. That was in 1959. Well, folk, when we first started working this registration business the white Board of Registrars required that every Negro applicant who was deemed to be qualified to vote must be vouched for as a good Negro by a white registered voter. So, Gomillion was not registered to vote at first. Gomillion was going to build a house on their street. So, Gomillion put it out for bids and the Carter brothers in Tuskegee, a building firm, had the lowest bid and they kept wondering, "When will he let us start?" Gomillion said to them, "I'm going to start building this house as soon as I become a registered voter," and they said, "If that's your problem we'll take care of that." So, Gomillion opened another avenue to black folk. Don't do business with white folk who won't vouch for you to vote if you're a good Negro. So, many white folks started vouching for too many good Negroes and the registrars decided that now no white person could know no more than three good Negroes in one year. We went to court again. We broke up that white voucher system so it became possible for black folk to vouch for black folk. We vouched for black folk all

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over the place but when we were sending these names in and all, they were being rejected and we were building a case for the Supreme Court. We knew that's where we would get our relief. So, we did with the Justice Department. We got before the Supreme Court because Johnson had turned us down and the Supreme Court remanded this case to Johnson and told Judge Johnson that these Negro citizens who are as qualified as the least qualified white voter on the list must be registered to vote, so Johnson issued the order. But guess what? The least qualified white person on the list was an illiterate white woman. So that opened Pandora's box by registering an illiterate white voter. That made themselves subject if we pushed it to the registration of illiterate black voters. Now folk, in this whole process we brought the evidence, they rejected over 170 blacks, none of whom had less than two years of college, and the chairman of the board had a 10<sup>th</sup> grade education when he was declaring along with his companions that these blacks were not literate enough to vote for they had not completed a perfect application. You had to complete a perfect application, they declared.

Now the case I talked about, the gerrymander case, this is Gomillion versus Lightfoot and there was a book out on that case. In fact, there are four books that I can cite to you and one I particularly think is sufficiently documented, that's the book written by a person who served as historian of the group ahead of me, Jessie Parkhurst Guzman. Her book, *Crusade for Civic Democracy*, contains a number of documents, the cases that I have cited for you being among them. Bernard Taper, who wrote a series of articles for the *New Yorker* came out with his book, *Gomillion versus Lightfoot: Apartheid in Alabama* and then Charles Hamilton, a political scientist eventually at Columbia



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University and the coauthor of *Black Power*. If you read *Black Power*, some of the material in there is material taken from the Archives of the Tuskegee Civic Association. Another book is Robert Norrell's book, *Reaping the Whirlwind*. Norrell says what he has done is to look at the Macon County situation from both the white perspective and the African-American perspective. We would continue this pressure to continue to get blacks registered to vote. We would continue the pressure for legal action and at the Supreme Court level we eventually did not lose any of the cases that we got before the Supreme Court of the United States. We mounted this crusade for civic democracy like that Montgomery Bus Boycott of a later time. Tuskegee, really, was more of a mother of the Civil Rights Movement than Montgomery. It is not known that Ralph Abernathy, a late friend of mine, and Dr. King came to Tuskegee to get ideas about how we conducted our affairs in the Tuskegee Civic Association. In a home there on Washington Avenue, I was talking to my good friend Ralph. We knew what King had talked about nonviolence and I was not then nonviolent. No, I wasn't, because I had known violence several times. A cop had threatened to kill me on 280 in Birmingham, a cop had threatened to kill me in Macon County and a white man had gotten his gun on me in Decatur when I was trying to buy gasoline. In instances, they said I didn't know how to talk to white folks. I had gotten lost in Lawrence County. I was conducting citizenship and voting classes for the Southern Branch of the National Urban League and we had a standing operating procedure and that was if you got lost out there on those country roads and couldn't find your way out, look for the worse house on the road and go there and get directions, because that would be the house occupied by black folk. Well, one night I saw such a

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house and I went up on the porch. The mistake was there was a single light bulb on the porch and that should have warned me that blacks hadn't electrified in that area, but I knocked on the door and this white man came to the door and he said, "What you want Negro?" I quickly made me up a name and an excuse. I told him I was an insurance man and that I was looking for this fellow. He said, "Nigger, there ain't no such nigger around here." I backed off the porch because you see in those circumstances you learn that you don't walk away, you back away, for if you walk away and you get shot, you get shot in the back, you see, so that you have done a crime and you're trying to get away and you got stopped. So, I didn't get back to that area. I never completed my task either because I rode around until I found my way out to my county and headed on home.

You know, I was saying to someone that I may be the only black person in Alabama who has been called a black George Wallace. It was in Lowndes County. I was down there speaking in Hayneville, Alabama to a group of black folk I was trying to get registered and all and a reporter/photographer for the State Sovereignty Commission was following us around and so he showed up, camera in hand. I wasn't talking to him. I was doing the rap, as they say, with the black folk. He turned to me and he shook his finger at me and said that I was nothing but a black George Wallace, and I used profanity and he left. I asked the Lord to forgive the use of those words, which I had not used in a mighty long time.

Now for us, we elected our first blacks to office in 1964 in Macon County, two members of the city council and one county commissioner. We had tried to elect earlier, before we got a majority of the vote, a member of the Board of Education. We had gone

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to Notasulga and mailed the postcards there to encourage people to vote for her, Jessie Parkhurst Guzman, author of the book I mentioned. We mailed one card back to Tuskegee and that one card was not delivered so we knew that the postmaster in Notasulga had destroyed the mail and we put Washington on them because we knew what they had done. They would never do that again, but we didn't win the seat either. In 1964, we were moving so well with elected officials that the decision was made that we would not try to take control of the government but share the government, black and white. A group rose up to challenge the old pioneer leaders on the grounds that we were out of church, but we would come back and our way would prevail. The following election, in 1968, I was elected unanimously to the city council and unanimously by the council to be the first black mayor pro tem, and then for eight weeks I became the first black to serve as mayor of Tuskegee without being elected. I was interim and I also became a black judge for a day. I handled one case to save the city money. It was a case of an alcoholic who came to town because he had been put on a bus and sent to Tuskegee. I put him on a bus and sent him to Montgomery. Do you have questions?

**Moderator:** Does anyone have questions?

**Q:** You said that ...

**A:** We won the election over that candidate.

**Q:** Was there any specific turning point where Judge Frank Johnson sort of turned?

**A:** Judge Frank Johnson got his wrists slapped by the Supreme Court of the United States when they remanded the voting rights case to him and told him to issue a ruling on it and so we got a good ruling out of him. He is the one who carried through that the

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Board of Registrars must register all qualified Negroes who were as qualified as voters already on the list. When the Board of Registrars received the court order permitting the Justice Department to examine the records, they put a sign up saying that there would be no registration because the office had been invaded by the “Injustice Department.” They resigned and we kept trying to get new registrars appointed. No white person would accept an appointment to the Board of Registrars so we offered our own registrars to them and Frank Johnson issued a ruling that they were to have functioning registrars. He would send in federal registrars and so under that threat they came back and they had to gradually register a backlog of over 170 black folk, all of whom had been qualified.

**Moderator:** Any more questions?

**Q:** (inaudible)

**A:** No. We always figured, you see, in these southern courts your district judges and your appellate judges are southerners and they had to be brought around by the Supreme Court. I would guess that no judge likes to be continuously reversed if he has aspirations for elevation in the federal judiciary and so eventually Frank Johnson became very favorable for us. The same thing happened in South Carolina with Judge Wright. I was scheduled to be a litigant to desegregate the School of Law at the University of South Carolina, I’m a South Carolina person, but I got into a fight and they tested me and decided that I was a bit too volatile to talk about desegregating anything. And so I lost my chance for that history.

**Q:** Professor Toland, could you tell us a little bit about events in Tuskegee after the Lee versus Macon County court case desegregated the schools in Tuskegee.

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A: The Lee versus Macon case was a case that involved first of all twelve black youngsters, I think eventually thirteen attended the school. We got Lee versus Macon, which we financed through the Tuskegee Civic Association. We got it declared to be a class action suit and then to make the ruling in the case applicable to other school districts in the state if they were similarly situated and once we won the case and Judge Johnson ordered the admission of these students, George Wallace sent in state troopers and closed the school. So we got Judge Johnson to order the black students who would have gone to the school placed in the white school in Notasulga and what eventually happened to Tuskegee school is that arson destroyed the building where the classes were held that had the black student center. It was done at night. Blacks were not there. Judge Johnson ordered those students displaced in Tuskegee to be bused to Notasulga, the school there, and of course a year later all of the whites pulled out of the school and you were operating a school for twelve or thirteen black youngsters. After they burned the building, these kids had no school. They had to be put in a school in Notasulga. Maybe it was a good thing because the school burned in those areas and we got instant urban renewal on the school because under court order they had to provide a school and so they built a new facility at the place where they had burned it down. But the cross burnings were at work in the county. Several whites that cautioned that we should make an effort to heal the community found some properties of theirs burned. We had two blacks, who were businessmen, and their businesses were burned to the ground. One of them was a shopping center owned by a black family and they burned that. The other was a store across from campus. You see the vacant spot there. That's where another school used to

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stand. It was during the boycott years and we were not trading downtown. We were trading with these grocers, so they burned them out and we had to trade in Auburn and in Montgomery. We were running transfers of people into Auburn and into Montgomery to trade. Tragedy would befall one of the students who was involved in that desegregation. He never quite recovered when all of the accolade died down. One thing that desegregating school situations developed was that we made heroes out of these persons. They were ordinary people and we made heroes out of them. We paraded them around, elevated them to programs and all, what you have done to serve your black community and all, and it was a little bit too much for them. One day, there was a student of mine in Bible study, and he would come up with things out of his reading. He was reading stuff about how you reduce the pressure on population by wars to kill some of the people off and so he bought into it and he killed himself. He reduced the pressure on the population by committing suicide. This was the only tragedy. I offered our daughters as one of the persons and my wife said to me, "I'm sacrificing a husband. I will not sacrifice a daughter." She was sacrificing a husband because I got these threats and when I would come home at night, since my house fronted a well traveled street, I would have to drive into the back of my house and go underneath the house and wait until traffic died down and then come up the back way into my house. After dark, I could not use my living room because the house had been shot into and there was fear that if I used my living room after dark I could get shot. I couldn't take a gun because I couldn't get a permit. And besides, if I had a permit I wouldn't know who was threatening me anyway, and so I survived it.

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**Q:** Can I ask you to comment a little bit more about the question answered earlier, the challenge of young people to Mr. Gomillion? Who exactly were the young people and might you also comment about the changing student body at Tuskegee, the impact of SNCC, for example. Where does Macon County stand today in reference to the struggles and the hopes that you had 34 years ago?

**A:** Some of these persons had come in from the outside to work among the youth there in Tuskegee. They had been caught up in Stokely Carmichael and the Black Panther movement. They came into Tuskegee with a source of money, for one thing, and the students were there and they believed that the students were ready to be radicalized and so they worked in that direction with the students. We had some demonstrations on campus. We had growing out of that students to rampage in the hall of the main campus building, and I was in there when they were rampaging but when I started out knowing what they were doing I decided to spend the night in my office. I never went back to that office at night again. What they did was they cut the fire hoses and turned on all of the water and locked the front door of the building, wouldn't let faculty out. They locked the trustees up in Dorothy Hall, they had food fights all over the place and somebody called the state troopers to come in to quell the disturbance there at Dorothy Hall. So, the movement for the young people turned a little bit away from Dr. King. King was not the hero to some of these students, Malcolm X was.

**Q:** What about your reflections on where you are now in reference to your struggle?

**A:** I tell you, with our students now, I really wish they were a bit more proactive. I wish they thought of something other than their own SUV's and their walkie-talkies and that

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sort of thing. I really wish they would be more proactive. They're just not interested. We have a few students that I talk to because they don't study enough to logically analyze anything. Some of them study in one direction. I love sweet potatoes, but I don't want sweet potatoes three times a day. Some of them are reading the same stuff, you see, so they are not giving any kind of variety to their learning experiences.

**Q:** You mentioned a very lengthy process for these legal appeals, which I imagine took a great deal of effort and time. Please elaborate on the support. Did the NAACP help in this?

**A:** When we brought the Justice Department in, the Justice Department paid for those cases. Where we had our own attorneys and the attorneys of the NAACP, the NAACP financed the case where the NAACP was thrown out of state. The NAACP financed that case, but people were generous in their giving to the Tuskegee Civic Association. During the course of what we called the crusades, when we had weekly meetings, we had built twelve collection boxes (twelve locked collection boxes). Every week people would put money through the slot in the collection box and then we would go back to the office, unlock the boxes, count the money and bank the money, so that we were able to finance Lee versus Macon, for example, from our own resources. We instituted what we called a life membership. It was a cheap life membership because you could become a life member for \$25.00 and a lot of people joined life membership and put their kids in. I ended up with five life memberships. I wanted my kids to get off on the right track.

**Q:** I want to ask a question about the VA Hospital .....



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A: The test of Tuskegee Civic Association was a nonpartisan organization, and then persons from the Veterans Administration Hospital could work in the units of Tuskegee Civic Association. Remember, for the NAACP we called them action committees, political action, education and that sort of thing; but when the NAACP was forced out of the state we concentrated the work of the NAACP into the Tuskegee Civic Association. We called the Civic Association's committees education committees so that the persons who worked at the Veteran's Administration Hospital could be active in the group. Now, we had teachers in the movement. Alabama legislature passed a law removing the teachers from Macon County from the tenure track. When they did that, what we did was move all teachers out of leadership positions in the Tuskegee Civic Association so that they would not lose their tenure or their retirement. We adjusted to that. The NAACP on campus, we called it the student forum and then we did the same thing we were doing when it was the NAACP, except we called it education. We did the same thing with the Tuskegee Civic Association. We now doubled our responsibilities because we took on the work of the NAACP. Someone had asked me earlier about Lee versus Macon. Anthony Lee, I think, was born to do what he did. His father was Detroit Lee, who was a pioneer in the Tuskegee Civic Association and then he decided to run for probate judge in the democratic primary and I warned him that he would violate the Hatch Act by doing so, but Detroit Lee had challenged many things before and this time he challenged the Hatch Act and lost. He lost the election and he lost his job.

**Closing:** We are going to have refreshments in a minute or two and I remind you that our next session is two weeks from tonight.