

## SELMA, 1965 AND THE RIGHT TO VOTE

“At times history and fate meet in a single time in a single place to shape a turning point in man’s unending search for freedom. So it was at Lexington and Concord. So it was a century ago at Appomattox. So it was last week in Selma, Alabama”

President Lyndon Johnson

The struggle that led to the passage of the Voting Rights Act of 1965 culminated in Selma, Alabama in March, 1965. The story began years before. The following is a time line that tells how this story unfolded.

### **1957**

Congress passes the Civil Rights Act of 1957, creating the Civil Rights Division and empowering the Division to bring injunctive suits to increase voter registration for Negroes in the South. The law is weak, but it is the first significant Civil Rights law since Reconstruction.

### **1961**

John Doar from Civil Rights Division begins years of frustration, attempting to bring lawsuits under the Civil Rights Act of 1957 for denial of voting rights on county-by-county basis. He files suit before Judge Thomas in the Southern District of Alabama against Dallas County, Alabama where less than 2% of Negroes are registered to vote.

Sam and Amelia Boynton, living in Selma (Dallas County Seat) create an honor roll of Negroes who have registered to vote.

### **1962**

Judge Thomas rules that the new registrar in Dallas County is a fair man and there is no longer any discrimination against Negroes even though only 73 out of a possible 15,000 manage to register in the past year. Perhaps Judge Thomas is swayed by the fact that in neighboring counties no Negro has registered or voted in over 50 years. *United States v. Atkins*, 210 F.Supp. 441 (S.D. AL. 1962);

## **1963**

The 5<sup>th</sup> Circuit Court of Appeals overturns Judge Thomas, but Negroes are still effectively kept from registering to vote in Dallas County. *United States v. Atkins*, 323 F.2d 733 (5<sup>th</sup> Cir. 1963).

### **May, 1963**

Samuel Boynton dies. Rev. L.L. Anderson of Tabernacle Baptist Church, Selma, holds a memorial service stressing voting rights.

### **September, 1963**

The Ku Klux Klan bombs the 16<sup>th</sup> Street Baptist Church in Birmingham, Alabama, protesting the integration of a local high school. The bomb kills Denise McNair, Carole Robertson, Addie Mae Collins, and Cynthia Wesley. Southern Christian Leadership Conference (SCLC) activists James Bevel and Diane Nash choose a voting rights campaign in Alabama rather than murder as the best revenge.

### **October, 1963**

Freedom Day in Selma. Two Negroes holding signs encouraging voting rights are arrested on the federal building steps by Sheriff Jim Clark's deputies. The Dallas County Courthouse is directly across the street. Thelton Henderson, the first Negro attorney with the Civil Rights Division observes for DOJ. Shortly thereafter he is fired for loaning his rental vehicle to Dr. King.

### **June, 1964**

Civil Rights Act of 1964 is passed.

### **July, 1964**

Silas Norman (brother of opera star Jessye Norman) tests the public accommodation laws in a Selma restaurant and is arrested and tortured with cattle prod.

John Lewis leads a march to the Dallas County Courthouse where the Registrar of Voters has his office. Lewis is arrested by Sheriff Jim Clark. State Court Judge

Hare issues an injunction against three people gathering at any one time in protest under leadership of SCLC or the Student Non-violent Coordinating Committee (SNCC.) Judge Hare is an amateur anthropologist. He believes Selma's problem is that during slavery, Selma got a "bad boat load" of slaves from the wrong part of Africa.

Negroes try to get U.S. District Judge Thomas in Mobile to dissolve the injunction but the case is stalled and demonstrations stop.

### **December, 1964**

At an SCLC strategy session for 1965 James Bevel advocates focusing his voting rights campaign on Selma. Amelia Boynton makes a direct request to the SCLC to come to Selma. Dr. King agrees. SCLC learns that Wilson Baker, the new police chief for Selma won't enforce Judge Hare's injunction.

President Johnson has made clear to DOJ his desire for new Civil Rights legislation to enhance voting rights. DOJ is favoring a Constitutional Amendment that could take years to pass Congress and state legislatures.

### **January, 1965**

**January 2** - Dr. King reprises his speech "Give us the Ballot" at Brown Chapel in Selma to a packed church. Sheriff Jim Clark is in Miami watching Joe Namath in the Orange Bowl

**January 19**, John Lewis (SNCC) and Hosea Williams (SCLC) lead the first mass march to the Registrars office at the Dallas County Courthouse. (The County Courthouse is under the jurisdiction of Sheriff Jim Clark.) Clark makes mass arrest, and photographers capture the image of Clark dragging Amelia Boynton by her coat down the sidewalk to a police car.

**January 22** - Overwhelming majority of Selma's Negro school teachers (carrying tooth brushes) march to the Courthouse after school to register. The Registrar refused to stay open during lunch. By 3:00 p.m. Registrar is closed. Three times, Andrew Young (SCLC) and local minister, Fred Reese lead teachers up the stairs to the Courthouse, three times Clark pushes them back with billy clubs. Clark backs down from arresting them, fearing chaos from Negro schools being forced to close. The teachers march back in triumph to Brown Chapel and are mobbed by

their students. It is one of the first organized protests by Negro professionals in the deep South.

## **February, 1965**

SCLC and SNCC decide to spread the drive to neighboring Perry County. Dr. King also decides to get arrested in Selma. Students start to take part in protests, with over two thousand arrested in Selma, and several hundred in Perry County.

Dr. King bails out of jail to meet with President Johnson and Attorney General Katzenbach.

President Johnson bluntly blames the problems in Selma on delays by white registrars. Johnson plans to have voting rights legislation to Congress by the end of 1965.

Sheriff Clark decides to stop arresting students, and instead leads them on a forced run into the countryside, using whips and cattle prods until the students collapse from exhaustion and nausea. Clark then lets them go.

Rev. C.T. Vivian (SCLC) taunts sheriff's deputies in front of Sheriff Clark, telling them they are following orders like Germans under Hitler. In the presence of the media, Sheriff Clark then physically attacks Vivian and arrests him.

In Marion, (Perry County) SCLC organizer James Orange is arrested. Orange gets word out that he may be killed in jail. C.T. Vivian is released in Selma and leads an evening worship service at Mt. Zion Baptist Church in Marion, to be followed by a march to the jail to support Orange.

After everyone leaves the church, State Police cause street lights to go out. State Police, Sheriff Clark and his deputies (on loan to Perry County) attack marchers and the press. 82 year old Cager Lee is attacked by State Trooper. Lee, his daughter, Viola Jackson and grandson, Jimmie Lee Jackson are forced into Mack's Café. Viola Jackson is attacked by a State Trooper. Her son, Jimmie Jee tries to protect her. He is thrown against cigarette machine and shot twice by State Trooper James Fowler. While dying in his hospital bed, Colonel Al Lingo of State Police serves arrest warrant on him.

Jackson dies. James Bevel (SCLC) delivers sermon, quoting Esther 4:8. "We

must go tell the King (Wallace) and plead for our people. We must march to Montgomery.”

### **March, 1965**

Dr. King and SCLC decide to support Bevel’s call for a march. SNCC, led by James Foreman disapprove of the march. John Lewis, Director of SNCC decides to march anyway.

**Saturday, March 6** - 80 whites march to the Courthouse in support of voting rights. First organized white event in support of Selma campaign. Police Chief Baker mocks the group, complaining that at least Negroes can sing.

**Sunday, March 7** - 600-800 marchers leave Brown Chapel, and cross Edmund Pettus Bridge on State Highway 80, the road to Montgomery. Dr. King originally cancelled the march till Monday when he can be present. He is talked into authorizing it. He tells Andrew Young, James Bevel and Hosea Williams only one of them can go. Williams loses the coin toss and joins John Lewis at the front of the march. Going over the Bridge, both Williams and Lewis remark they can’t swim. Expectation is that the leaders, and possibly all the marchers will be arrested. No one expects to get to Montgomery. No one expects what happens next.

Marchers are in double file. They are stopped by Major Cloud and 50 State Troopers spread across Highway 80. More Troopers and Sheriff Clark’s deputies and possemen, (some mounted) armed with bats, clubs, whips and cattle prods are by the side of the Highway. Some are also waiting on the Selma side of the bridge.

Major Cloud tells the marchers they have two minutes to turn around and go back to their church. John Lewis asks for an opportunity to pray. After less than two minutes Major Cloud gives the order for tear gas and nausea gas to be fired and orders the State Troopers to charge the marchers attacking as a flying wedge.

State troopers beat Lewis, Williams and Amelia Boynton. Sheriff’s deputies and mounted possemen charge into the marchers and chase them across the Bridge. They attack newsmen filming their actions including an FBI agent photographing the events. Possemen, waiting on the other side of the bridge attack the retreating marchers from the flank and drive the marchers back to Brown Chapel and the

Carver Housing Project.

Selma Police Chief Wilson Baker threatens to arrest Sheriff Clark if he doesn't remove his deputies from the Carver project. Order is restored. More than 90 marchers go to the hospital

That evening, film of the brutal attack on the marchers is shown on national television, interrupting the ABC premiere showing of *Judgment at Nuremberg*.

Dr. King sends telegrams to clergy throughout the United States requesting them to come to Selma for a renewed March on Tuesday.

**Monday, March 8** - Hundreds of clergy and others start arriving in Selma, by bus, car and plane. The NAACP and SCLC seek to enjoin Governor Wallace from stopping the march. This allows the suit to be filed in Montgomery before U.S. District Judge Frank Johnson, considered the fairest District Judge in the South on race issues.

Judge Johnson is a former U.S. Attorney, and Eisenhower appointee to the District Court. Although a Law School Fraternity brother of George Wallace, the two men strongly dislike each other. Wallace previously called Johnson, "an integrating, carpetbagging, scalawagging, race-mixing, bald faced liar."

Judge Johnson schedules a trial on the injunction for Thursday. He shocks Dr. King, by enjoining him from marching until Judge Johnson can decide the case. Judge Johnson makes it known he will put Dr. King in jail for contempt of court if he marches on Tuesday.

**Monday night March 8 through Tuesday Morning, March 9** - James Foreman and SNCC now insist the march must go forward. Assistant Attorney General John Doar and Attorney General Katzenbach confer with King in person and by phone, insisting that the march be postponed. King is non-committal. President Johnson orders Leroy Collins, former Governor of Florida, and now head of the new Community Relations Service within DOJ to fly to Selma via Air Force jet in order to convince King not to march. When Collins starts to broker deal that may have the appearance of violating the injunction, Doar leaves.

**Tuesday, March 9** - King decides he has to do something. Marchers leave Brown Chapel, thinking they are setting out for Montgomery and confrontation with State Troopers. Collins has been conferring with both Judge Johnson and Colonel Lingo about compromise. Collins tells King he can go as far as previous march, pray and turn around without violating the injunction. Lingo agrees he will block, but not attack the marchers.

King gets to foot of the Bridge. U.S. Marshal serves him with the injunction, but does not try to stop him. Marchers cross the Edmund Pettus Bridge and King is met on the other side by Colonel Lingo and the State Troopers. Governor Collins is standing near Lingo (hoping for the best.) King kneels down and leads prayer. Colonel Lingo then surprises everyone by withdrawing the State Troopers, leaving the road to Montgomery open.

King does not take the bait and turns march around and returns to Brown Chapel. The marchers are stunned and SNCC leaders feel betrayed. That night three white Unitarian ministers go to dinner at Walker's Café in Selma after the aborted march. They make a wrong turn after leaving and are attacked by Klan members shouting, "get the white niggers". One of the ministers, Rev. James Reeb is fatally beaten.

**Wednesday, March 10** - The Department of Justice intervenes in the case before Judge Johnson on behalf of Dr. King.

**Thursday, March 11** - Judge Johnson begins the trial in Montgomery. Johnson personally questions Dr. King to decide whether he acted in contempt of court by marching. Johnson is convinced when King says he turned around with the road open before him. Lewis, Williams and Amelia Boynton describe their beatings. The trial continues through the following Tuesday. Johnson watches film of the initial attack and is clearly disgusted by what he sees. John Doar presents evidence of the failure of federal lawsuits to affect voting rights to date. One bad moment occurs when a young FBI agent testifies that the attack at the bridge was not too bad.

Colonel Lingo testifies that Governor Wallace ordered the march to be stopped by any force necessary short of killing.

Demonstrations in support of voting rights were occurring throughout the United States. Sit-ins occurred at the White House and in the Attorney General's office at

Main Justice. Governor Romney in Michigan leads thousands of marchers in Detroit in a protest march to the Federal Building.

**Monday night, March 15** - President Johnson addresses Joint Session of Congress to introduce Voting Rights Act of 1965. The crisis in Selma has sped up the drafting process by more than half a year. In his speech, Johnson compares Selma to Lexington and Concord. In an emotional moment Johnson tells the Congress that America needs to overcome its history of prejudice and proclaims, "And we shall overcome."

**Tuesday, March 16** - Judge Johnson tells plaintiffs they need to prepare a proposed plan for the march to Montgomery. Plaintiffs lawyers stay up all night creating a march plan.

**Wednesday, March 17** - Judge Johnson demands that Attorney General Katzenbach give him the personal assurance of President Johnson that the United States will provide security if Governor Wallace won't. Katzenbach calls the President and then calls Judge Johnson back with the assurance. Judge Johnson rules in favor of the plaintiffs. Where highway is 4 lanes, Johnson rules that unlimited marchers can fill two of the lanes. Where highway is two lanes, only 300 marchers can travel on the shoulder. Johnson uses proportionality theory. The enormity of the wrong dictates the reach of the remedy. Johnson notes that several counties have no Negroes registered to vote. Dallas County has less than 10%. He notes that the suits filed by the Department of Justice have been ineffective in creating change. Johnson finds that Sheriff Clark engaged in "harassment, intimidation, coercion and brutal mistreatment" to keep Negroes from registering. Johnson found that this mistreatment reached a climax on March 7, with Clark working together with Governor Wallace and the State Troopers.

Johnson wrote,

"It seems basic to our constitutional principles that the extent of the right to assemble, demonstrate, and march peaceably along the highways and streets in an orderly manner should be commensurate with the enormity of the wrongs that are being protested and petitioned against. ***In this case, the wrongs are enormous. The extent of the right to demonstrate against these wrongs should be determined accordingly.***" *Williams v. Wallace*, 240 F. Supp 100, (M.D. Al, 1965).



Planning begins to start the march from Selma to Montgomery.

**Friday, March 19** - The written decision is released. The 5<sup>th</sup> Circuit turns down Alabama's appeal.

Governor Wallace says he cannot protect the marchers. President Johnson federalizes the Alabama National Guard "Dixie" Division and reinforces with the U.S. Army to provide protection. 1800 National Guard, 2000 Regular Army, 100 FBI Agents and 100 Deputy Marshals provide protection.

**Sunday, March 21** - The March begins

Leading the march are Dr. King, Ralph Bunche, A. Phillip Randolph, Rabbi Abraham Heschel and Dick Gregory. Also marching is Cager Lee, Jimmie Lee Jackson's grandfather. John Doar and Assistant Attorney General Ramsay Clark are there as monitors. A total of 3200 start the march.

Marchers are wet, underfed, and inadequately protected from the elements. Final night is at St. Jude's at city limits. Concert given by many celebrities including Tony Bennett, Sammy Davis, Jr., Nina Simone, and Peter, Paul and Mary.

The next morning, over 25,000 people march to the State Capitol Building, up Dexter Avenue: past the old slave market; past the telegraph office where the message had been sent to fire on Ft. Sumter in 1861; past the bus stop where Rosa Parks had been arrested in 1955, past Martin Luther King's former church. Onto the State Capitol grounds near the spot where Jefferson Davis had taken the oath of office as President of the Confederacy in 1861 and where George Wallace had been inaugurated as Governor in 1963, declaring "Segregation now, segregation tomorrow, segregation forever."

Dr. King gives the final speech of the day. He declares segregation dead, and asked Governor Wallace how long it will take till he recognizes it is dead. Then Dr. King asked "how long will it take" for freedom to take hold. He answered with one of his most famous cadences:

I come to say to you this afternoon however difficult the moment, however frustrating the hour, it will not be long, because truth pressed to earth will rise again

How long? Not long, because no lie can live forever.

How long? Not long, because you will reap what you sow.

How long? Not long, because the arc of the moral universe is long but it bends towards justice.

How long? Not long, because mine eyes have seen the glory, of the coming of the Lord, trampling out the vintage where the grapes of wrath are stored. He has loosed the fateful lightning of his terrible swift sword. His truth is marching on.

Glory hallelujah. Glory hallelujah.

**March 25** - Viola Liuzzo, a 39 year old white volunteer from Detroit, and mother of five and a young Negro from Alabama, Leroy Moton, shuttle marchers back to Selma in Mrs. Liuzzo's Buick. On a return trip to Montgomery she is murdered by 4 Klan members from Birmingham. One of the Klan members is an FBI informant. Informant turns in his partners. The triggerman, Collie Leroy Wilkins is acquitted by all white state jury. In November John Doar prosecutes Wilkins in federal court before Judge Johnson for conspiracy to violate civil rights. Wilkins is convicted and sentenced to 10 years in prison.

**August, 1965** - Congress passes the Voting Rights Act of 1965

**May, 1966** - Wilson Baker defeats Jim Clark for Dallas County Sheriff with overwhelming support of newly registered Negro voters.

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