

IN THE SUPREME COURT OF THE UNITED STATES

STATE OF ALABAMA, by and through
George C. Wallace as its Governor, and
GEORGE C. WALLACE in his capacity
as Governor of the State of Alabama,

Plaintiffs,

NO. _____

VS.

UNITED STATES OF AMERICA and
ROBERT S. McNamara, individually
and as Secretary of Defense of the
United States of America
Defendants.

COMPLAINT

Now comes the State of Alabama, acting by and through
George C. Wallace, as its Governor, and George C. Wallace
in his capacity as Governor of the State of Alabama, and
would show unto this Honorable Court as follows:

1. George C. Wallace is the Governor of the State of Ala-
bama and he is presently acting as Governor of the State of
Alabama. His residence and the seat of Government is Mont-
gomery, Alabama. Robert S. McNamara is Secretary of Defense
of the United States of America. His address is Washington,
D. C.

2. This Honorable Court has original jurisdiction of this
cause under the provisions of Article 3, Section 2, Clause 2
of the Constitution of the United States. This Honorable Court

also has jurisdiction of this cause pursuant to the provisions of Title 28, Section 2201, United States Code, and Title 28, Section 1251, United States Code.

3. Plaintiffs aver that heretofore on, to-wit: May 12, 1963, the President of the United States did direct the Defendant Robert S. McNamara, Secretary of Defense, to send members of the Armed Forces into the State of Alabama. Plaintiffs aver that the President of the United States cited the provisions of Title 10, Section 333, United States Code as authority for the sending of said members of the Armed Forces into the State of Alabama to suppress "domestic violence". Plaintiffs aver that Title 10, Section 333, United States Code is unconstitutional and void.

4. Plaintiffs aver that pursuant to the directive of the President of the United States and on order of the Defendant McNamara, members of the Armed Forces of the United States are deployed presently in the City of Birmingham, Alabama, and at two Federal reservations, viz: Fort McClellan, Alabama, and Maxwell Air Force Base, Alabama, and that the President of the United States has threatened to use said Armed Forces in Birmingham, State of Alabama, for the alleged purpose of suppressing domestic violence, all in violation of the sovereignty of the State of Alabama and the Constitution of the United States.

4.

5. Plaintiffs aver that on and before, to-wit: May 12, 1963, Martin Luther King, Fred Shuttlesworth, Ralph Abernathy, Wyatt Tee Walker and other Negroes had led or incited unlawful parades and racial demonstrations in the City of Birmingham, Alabama, and that various demonstrators committed acts of violence upon police and law enforcement officials of the City of Birmingham, Alabama and the State of Alabama.

6. Plaintiffs aver that on, to-wit: May 11, 1963, two bombing incidents occurred in the City of Birmingham, Alabama by parties unknown at this time and that hundreds of Negroes rioted and caused severe personal injuries and property damage within the City of Birmingham, Alabama.

7. Plaintiffs aver that law enforcement officials of the State of Alabama, the County of Jefferson, State of Alabama, and the City of Birmingham, Alabama, have taken such measures as were necessary to suppress the domestic violence which has occurred within the State of Alabama and the City of Birmingham as hereinabove alleged. Plaintiffs aver that the duly constituted authorities of the State of Alabama, Jefferson County, Alabama, and the City of Birmingham are able to suppress the domestic violence which has occurred in Birmingham, Alabama and Plaintiffs aver that said constituted authorities are able and will not fail or refuse to suppress

domestic violence which may occur within the State of Alabama in the future.

8. Plaintiffs aver that neither the Legislature of the State of Alabama nor the Governor of the State of Alabama has made application to the United States of America or to the President of the United States of America for the sending of members of the Armed Forces of the United States to suppress domestic violence, but on the contrary, the Plaintiff George C. Wallace as Governor of the State of Alabama, has repeatedly requested the President of the United States to remove said members of the Armed Forces which have been sent to the State of Alabama, as aforesaid. The President of the United States has refused to rescind his order to the Defendant McNamara to send members of the Armed Forces of the United States into the State of Alabama for the alleged purpose of suppressing domestic violence in the State of Alabama.

9. Plaintiffs aver that the United States must guarantee to every State of the Union a republican form of government, and must protect each of them against invasion and upon application of the Legislature, or the Executive (when the Legislature cannot be convened) against domestic violence, under the provisions of Article 4, Section 4 of the Constitution of the United States.

10. Plaintiffs aver that the President of the United States exceeded his constitutional and statutory authority by directing the Defendant McNamara to deploy members of the Armed Forces in the State of Alabama for the alleged purpose of using them to suppress domestic violence under the circumstances as alleged hereinabove, and that the Defendant McNamara exceeded his constitutional and statutory authority.

11. There is, therefore, a justiciable controversy existing between the Plaintiffs and the Defendants, within the meaning of Title 28, Section 2201, United States Code.

12. Plaintiffs aver that irreparable harm will result unless the Defendants are restrained from deploying members of the Armed Forces in the State of Alabama with the intention of using said members of the Armed Forces to suppress domestic violence in the State of Alabama, unless and until the Legislature or the Executive (when the Legislature cannot be convened) makes application for the use of members of the Armed Forces of the United States under the provisions of Article 4, Section 4 of the Constitution of the United States.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray:

(a) That this Honorable Court will take jurisdiction of the cause and the parties hereto and will cause its process to issue to the Defendants commanding them to answer or

plead within the time allowed by law or the rules of this Honorable Court.

(b) That this Honorable Court will advance this cause on the docket and expedite the same.

(c) That this Honorable Court will declare the rights and other legal relations of the parties hereto, and will enter an order declaring that the Defendants are without authority to deploy members of the Armed Forces in the State of Alabama to suppress domestic violence unless and until the Legislature of the State of Alabama or the Executive (if the Legislature cannot be convened) makes application for such Armed Forces.

(d) That this Honorable Court will issue a temporary restraining order enjoining and restraining the Defendants, their agents, servants and employees, from deploying members of the Armed Forces in the State of Alabama to suppress domestic violence unless and until the Legislature of the State of Alabama or the Executive (if the Legislature cannot be convened) makes application for such Armed Forces.

(e) That after notice and a hearing this Honorable Court will issue a preliminary or permanent injunction enjoining and restraining the Defendants, their agents, servants and employees, from deploying troops of the Armed Forces in the

State of Alabama to suppress domestic violence unless and until the Legislature of the State of Alabama or the Executive (if the Legislative cannot be convened) makes application for such Armed Forces.

(f) That this Honorable Court will declare Title 10, Section 333, United States Code unconstitutional.

(g) That this Honorable Court will declare the Fourteenth Amendment to the Constitution of the United States null and void.

(h) That this Honorable Court will grant such other and further relief as may seem meet and proper in the premises.

This the 17th day of May, 1964

George C. Wallace
George C. Wallace, as Governor
of the State of Alabama.

Paul P. Luther
William J. French
W. W. Christian
John A. Caldwell

Thos. H. Hays

Attorneys for the Plaintiffs

VERIFICATION

STATE OF ALABAMA)
MONTGOMERY COUNTY)

Before me Miss A. A. A., a Notary Public in
and for the State of Alabama at Large, this date personally
appeared George C. Wallace, who is known to me and after
being first duly sworn, deposes and says: That he has read
the allegations of the foregoing Bill of Complaint and that
the matters and things related and averred therein are true
and correct to the best of his knowledge, information and
belief, which matters and things he verily believes to be true
in said Complaint.

Office-Supreme Court, U.S.
FILED

MAY 18 1963

JOHN F. DAVIS, CLERK

IN THE SUPREME COURT OF THE UNITED STATES

STATE OF ALABAMA, *by and through*
George C. Wallace as its Governor, and
GEORGE C. WALLACE *in his capacity*
as Governor of the State of Alabama,

Plaintiffs,

VS.

UNITED STATES OF AMERICA and
ROBERT S. McNamara, *individually*
and as Secretary of Defense of the
United States of America,

Defendants.

NO. 15 ORIG.

MOTION FOR LEAVE TO FILE ORIGINAL
BILL OF COMPLAINT AND ORIGINAL BILL
OF COMPLAINT

John P. Kohn
429 Bell Building
Montgomery, Alabama.

J. Kirkman Jackson
701-4 Jackson Building
Birmingham, Alabama

THE BIRMINGHAM TRUCE AGREEMENT

1. Within 3 days after close of demonstrations, fitting rooms will be desegregated.
2. Within 30 days after the city government is established by court order, signs on wash rooms, rest rooms and drinking fountains will be removed.
3. Within 60 days after the city government is established by court order, a program of lunchroom counter desegregation will be commenced.
4. When the city government is established by court order, a program of up-grading Negro employment will be continued and there will be meetings with responsible local leadership to consider further steps.

Within 60 days from the court order determining Birmingham's city government, the employment program will include at least one sales person or cashier.

Within 15 days from the cessation of demonstrations, a Committee on Racial Problems and Employment composed of members of the Senior Citizens Committee will be established, with a membership made public and the publicly announced purpose of establishing liaison with members of the Negro community to carry out a program of up-grading and improving employment opportunities with the Negro citizens of the Birmingham community.



Department of Justice

STATEMENT BY

ATTORNEY GENERAL ROBERT F. KENNEDY

May 3, 1963

We have been in contact with Negro and White leaders of Birmingham throughout the day.

Both the Negro and White communities of Birmingham know that very real and deep injustices have been inflicted on Negro citizens of that city for a long period of time. These demonstrations are the understandable expressions of resentment and hurt by people who have been the victims of abuse and deprivation of their most basic rights for many years. I believe that everyone understands that their just grievances must be resolved. Continued refusal to grant equal rights and opportunities to Negroes makes increasing turmoil inevitable.

However, the timing of the present demonstrations is open to question.

A new city government has recently been elected, and its right to office is now before the courts. The elected mayor, Mr. Boutwell, already has made clear his intention to resolve the difficulties facing the community.

School children participating in street demonstrations is a dangerous business. An injured, maimed or dead child is a price that none of us can afford to pay.

The grievances of the Negro residents of Birmingham or of any city, North or South, should be aired and the injustices to them should be removed. But I hope for the sake of everyone that this can be done in meetings, in good faith negotiations, and not in the streets.

At this moment, primary responsibility for peaceful solutions rests with the leaders of business, labor and the bar, as well as the city officials themselves.

Broadcast 3 times

May 8, 1963

BIRMINGHAM

The First Amendment to the Constitution of these United States guarantees "the right of the people peaceably to assemble and to petition the government for a redress of grievances."

But twenty-five hundred Americans have now been jailed in Birmingham, Alabama for trying to exercise that right. More than a thousand of them are children. Against them the police have used fire hoses, clubs and dogs. Their only crime is that they march in protest against racial discrimination.

The President of the United States is sworn to uphold the Constitution--even in Birmingham.

WMCA has a suggestion for either the President or his brother, the Attorney-General. Why doesn't one of them choose one morning simply to walk out at the head of the parade into the park in Birmingham? The racists of Alabama would hardly try to turn police dogs on the President or the Attorney-General of the United States.

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I have ordered the following three initial steps:

First, I am sending Assistant Attorney General Burke Marshall back to Birmingham this evening to consult with local citizens. He will join Assistant Deputy Attorney General Joseph F. Dolan and other Justice Department officials who were sent to Birmingham this morning.

Two, I have instructed Secretary of Defense McNamara to alert units of the Armed Forces trained in riot control and to dispatch selected units to military bases in the vicinity of Birmingham.

Finally, I have directed that the necessary preliminary steps to calling the Alabama National Guard into Federal Service be taken now so that units of the Guard will be promptly available should their services be required.

It is my hope, however, that the citizens of Birmingham themselves will maintain standards of responsible conduct that will make outside intervention unnecessary and permit the city, the state, and the country to move ahead in protecting the lives and the interests of its citizens and the welfare of our country.

Thank you.

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FOR IMMEDIATE RELEASE MAY 12, 1963

OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

I am deeply concerned about the events which occurred in Birmingham, Alabama last night. The home of Reverend A. D. King was bombed and badly damaged. Shortly thereafter, the A. G. Gaston Hotel was also bombed. These occurrences led to rioting, personal injury, property damage and various reports of violence and brutality.

This Government will do whatever must be done to preserve order, to protect the lives of its citizens, and to uphold the law of the land.

I am certain that the vast majority of the citizens of Birmingham, both White and Negro, particularly those who labored so hard to achieve the peaceful, constructive settlement of last week can feel nothing but dismay at the efforts of those who would replace conciliation and good will with violence and hate.

The Birmingham agreement was and is a fair and just accord. It recognized the fundamental right of all citizens to be accorded equal treatment and opportunity. It was a tribute to the process of peaceful negotiation and to the good faith of both parties.

The Federal Government will not permit it to be sabotaged by a few extremists on either side who think they can defy both the law and the wishes of responsible citizens by inciting or inviting violence.

I call upon all the citizens of Birmingham, both Negro and White, to live up to the standards their responsible leaders set last week in reaching the agreement, to realize that violence only breeds more violence, and that good-will and good faith are most important now to restore the atmosphere in which last week's agreement can be carried out. There must be no repetition of last night's incidents by any group.

To make certain that this government is prepared to carry out its statutory and constitutional obligations,

(OVER)

hhhh 6

CUBA
15 May 1963

COMMENTARY ON EVENTS IN BIRMINGHAM

FBIS #95 - 15 May 63

Havana in Spanish to the Americas 2310 GMT 14 May 1963--E

(Summary) Events recorded recently in the state of Alabama are sufficient evidence to allow us to see the degree to which the people can be influenced by the inhuman attitudes of the dominant classes. "In Birmingham, Alabama, the police have reached the monstrous and horrible practice of setting trained dogs against Negro schoolchildren, ages 10 to 20, many of whom have had to be hospitalized. This can give an idea of what treatment the adults get and continue to receive."

It is an unfortunate thing to be a Negro in the United States. The Negroes dared to protest publicly against the abuses of which they are victims. Thousands of Negroes are being jailed in Alabama. Houses are raided and terrorism is rampant. "All of this horror has been aided by the tolerance, lukewarm interest, and the clumsy action of the Federal and local authorities." Even the Alabama governor becomes enraged and wires to President Kennedy regarding Kennedy's authority to send Federal troops to keep order in Birmingham.

Meanwhile, the terrible Ku Klux Klan continues to burn its crosses and to operate freely 20 kilometers from Birmingham. "More than 2,500 members of that fascist organization of evildoers, headed by Robert Shelton, agree upon and order the bloody repression of the Negroes. At their meeting, completely respected by the police, the Klan also agreed that it was necessary to attack also those who oppose racial segregation. A few hours later, various buildings in the Negro district were destroyed and more than 50 Negro citizens were hurt by the explosions and the beatings they got from the police."

• These are not isolated cases. These shameful events are something customary in a major part of the United States. Crime is committed with impunity, and the authorities tolerate it. The Negroes are given the hardest jobs and the lowest pay. They are isolated and compelled to live in subhuman conditions as if their nearness or the color of their skin infected the air inhaled by the whites. "When there are no wars to which to send them to die by the thousands, they are assassinated for fun, out of boredom, or just to engage in bestial action. What we Latin Americans, Indians, and mestizos should learn is that we do not rate much higher with the Yankees than the Negroes do. Those who live or have lived in the United States are aware of this. We also know it from experience on our own soil. This attitude will be so much harder the longer the Yankees are permitted to do in our countries what they please only because it serves their interests."

MARTIN LUTHER KING'S ITINERARY

May 16, 1963 In Detroit, Mich.
Leave Detroit May 17, 1963, American Flight 924, arrive
New York City at 4:18 p.m.
May 18, 1963 Leave New York, 6:00 p.m. American
flight 969, arrive Chicago, Illinois, 7:12 p.m.
May 19, 1963 Leave Chicago, Eastern Flight 123 at
4:20 p.m. arrive Atlanta, Ga. 6:05 p.m.

All times are presumably local. Insofar as the
Bureau knows he is not scheduled to return to Birmingham.

Received from John Murphy
5:35 p.m.
5/16/63

To Mr. Marshall



Department of Justice

Birmingham

STATEMENT BY

ATTORNEY GENERAL ROBERT F. KENNEDY

May 3, 1963

We have been in contact with Negro and White leaders of Birmingham throughout the day.

Both the Negro and White communities of Birmingham know that very real and deep injustices have been inflicted on Negro citizens of that city for a long period of time. These demonstrations are the understandable expressions of resentment and hurt by people who have been the victims of abuse and deprivation of their most basic rights for many years. I believe that everyone understands that their just grievances must be resolved. Continued refusal to grant equal rights and opportunities to Negroes makes increasing turmoil inevitable.

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The grievances of the Negro residents of Birmingham or of any city, North or South, should be aired and the injustices to them should be removed. But I hope for the sake of everyone that this can be done in meetings, in good faith negotiations, and not in the streets.

At this moment, primary responsibility for peaceful solutions rests with the leaders of business, labor and the bar, as well as the city officials themselves.

**REPORT OF THE COUNCIL COMMITTEE ON COMMUNITY AFFAIRS TO THE COUNCIL
OF THE CITY OF BIRMINGHAM, MAY 28, 1963.**

In this, the first full and regular meeting of the Council of the City of Birmingham, since its authority has been clearly established beyond legal question, we believe the full membership of the Council will concur in the conviction of this Committee that the Council should move immediately and affirmatively to carry out its mandate to provide the City of Birmingham, not only with the authority of government, but also with leadership.

We have acknowledged, in the statement made by Council President Wiggins, in our behalf, after the decision of the Supreme Court establishing the Mayor-Council form of government, the many and serious problems which confront our government and our people.

Those problems, none of which are insoluble by reason, cooperation and good will, are confined to no phase of public life, to no single community, and to no one segment of our population or our society. They are common problems, mutually shared by the whole community, not only of this city, but by the broad area of incorporated and unincorporated areas that surround us and make up the greater Birmingham community.

This is a democratic nation, a democratic state and city. We firmly believe that problems mutually shared, should mutually be worked out for the good interest of the whole area.

Because the difficulties that have slowed the economic and cultural growth and prevented the fulfillment of the great hopes and ambitions of people and industries are so varied, -- because they do indeed involve industry and commerce, labor and management, education, civic, social and cultural growth, this Committee believes that we should assemble for information and advice the best talents of the entire area.

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REPORT OF THE COUNCIL COMMITTEE ON COMMUNITY AFFAIRS TO THE COUNCIL
OF THE CITY OF BIRMINGHAM, MAY 28, 1963. (Continued)

(Resolution continued)

The title of said Committee shall be the "Committee on Community Affairs", and its duties shall be to inform, advise and recommend to the Mayor and to the Council for their individual or collective consideration what steps may be taken toward the development, improvement, and general growth of the Birmingham area in every phase of its activities. It shall be the further duty of said committee to consider the difficulties which confront us as a community, and to study and recommend steps that may lead toward their successful solution.

The Mayor is empowered to call upon representative citizens from all walks of life, from the responsible organizations which represent the economic and civic life of this city and its surrounding area, and from the religious, educational, and cultural leadership of the area, so that this committee may have full advantage of all our talents for constructive planning and leadership.

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REPORT OF THE COUNCIL COMMITTEE ON COMMUNITY AFFAIRS TO THE COUNCIL
OF THE CITY OF BIRMINGHAM, MAY 28, 1963. (Continued)

The Committee takes note of the fact that during the recent crisis which confronted the city, when the authority of its government was in technical question before the courts and there existed a vacuum in which governmental and civic leadership was difficult or impossible, a group of courageous and public-spirited citizens, upon their own initiative, took independent action to meet that crisis and to avoid the possible consequence of total disorder. This group of citizens called themselves the "Senior Citizens" and they acted with full knowledge that they could not speak or act for anyone but themselves.

This Committee does not pass judgment upon the wisdom of their decision, but we do emphatically approve their courage and the public interest which prompted it.

It is the considered belief of this Committee that the City Council, as the policy-making and legislative body of this government should fulfill its obligation to joint leadership, with the Mayor, for a progressive program of economic and cultural development.

With that end and purpose in mind, Mr. President, I ask now for unanimous consent and approval to introduce for the Council's consideration, the resolution which I now read to you:

RESOLUTION

RESOLVED, that the Council of the City of Birmingham does hereby create and establish a public citizens' committee, and does request and instruct the Mayor, acting with the consultation and advice of the Council, to appoint said committee and instruct it in its purpose.

3

MR. DON A. HAWKINS, 46, is a native of Birmingham, educated in its public schools. He is married and father of four children. Two of his children are in Birmingham public schools, one is a student at the University of Alabama, and the oldest teaches in a Birmingham high school. He served with the Pacific fleet of the U.S. Navy as chief quartermaster on destroyer duty during World War II. Mr. Hawkins and his family are members of the Methodist church, in which he is also the choir director. Mr. Hawkins is a member of the City Council of Birmingham, which is the policy-making and legislative body of the city government, and is chairman of its standing committee on community relations.

* * * * *

STATEMENT BY MR. DON A. HAWKINS TO THE PRESIDENT OF THE UNITED STATES, AT THE WHITE HOUSE, WASHINGTON, D.C., SEPTEMBER 23RD, 1963.

* * *

Mr. President, we respectfully submit to you that the government of the city of Birmingham is deeply concerned, as we know you are, over the racial conflict and sporadic violence that has beset our city since last April.

We have been determined, ever since the day we took office, under the most trying and difficult of conditions, to find a peaceful and a local solution to that problem. We are still so determined. We will find that solution, if we are allowed a few short days of peace, unhampered by aggravation or interference from outside our own city. This we have not had, for even one single day, since our election. If this, Sir, seems an over-simplification we submit that, knowing our own minds and intentions, and thoroughly knowing our own people of both races, this is the basic and absolutely essential first requirement to reaching a permanent and peaceful solution.

We are well aware that the final solution will require long and difficult work. We are willing, indeed anxious to get on with it. We ask only the withdrawal of those from the outside who neither live with nor understand the total community, so that we may re-establish the atmosphere of calm in which we can work out, among local people, solutions that

us can live with and conditions under which all of us can prosper. Toward this end, we respectfully ask the great and benevolent influence of your office.

But, Mr. President, we also respectfully submit that as grievous as our widely publicized and over publicized problem of race relations may be, it is not our greatest problem, or our only problem. We inherited, as we entered office, a financial problem of public revenues. This is a problem we think you understand well. We are in desperate need of new revenues for the increase of the agencies of public safety and fire protection, and the improvement of public services, buildings and facilities. We are in desperate need of industrial expansion, to provide jobs and payrolls and new sources of tax revenue. We are in desperate need of expanding our municipal boundaries, to merge the vast resources and people of our surrounding area with our own, to their and our mutual advantage.

Let us impress upon you, Sir, that the successful solutions of each and all of the problems involved in our city and its government, are the direct concern of, and to the best interest of both races and all creeds. The solutions will require, of a necessity, the joint cooperation of both races and all creeds.

Recognizing that any successful and representative government requires the support and participation of at least a preponderant majority of all its people, the city's government, by Council action and Mayor's concurrence, created the instrument by which it could be accomplished. This was the Community Affairs Committee of Birmingham.

I would point out to you, Sir, the basis of that committee. White and Negro employees of industrial plants have shared the same lunch-canteen

lines, the same pay-roll windows, the same time-clocks and countless other common associations, without conflict and in complete good will for almost a quarter century. No check-out line in any grocery store. . .and there are thousands, all over the city, has ever been segregated. . .nor has any line at a tax, automobile-tag, or license window. On no occasion has the Personnel Board, responsible for qualifying public employees and fixing their pay-rates, ever been guilty of racial discrimination.

These facts of peaceful association have prevailed in the city of Birmingham for its entire life. . .for more than three-quarters of a century.

The city government has great faith in the good sense and self-control of its local citizens. We were well aware of changing economic and political conditions. We were determined to work out the immediate solution of the difficulties those changes were certain to bring about.

This local attack upon the problem was already under way. It was beginning to work, but it cannot continue to work unless it is given the atmosphere of peaceful cooperation, free from external interference which agitates emotions and inflames tempers.

We do not apologize for the beliefs of our people, except for the unreasoning extremists and inciters to violence on both sides. We do not minimize our difficulties.

Mr. President, both our government and our people, are most grateful for the opportunity of this audience. We hope and pray that it may be a beginning of a better understanding by the whole nation of a city we love and want to make better for all its people.

DR. W. LANDON MILLER, 46, is a native of Chattanooga, Tennessee, where he attended public schools. He is a graduate of Carson-Newman College (Jefferson City, Tennessee); earned his ThM degree at the Southern Baptist Seminary, Louisville, Kentucky; did graduate work at Princeton University, and has a ThD degree from Southwestern Baptist Theological Seminary, Houston, Texas. He has held pastorates in Tennessee, Kentucky, Mississippi, Texas and Alabama. He is completing his sixth year as pastor of Ruhama Baptist Church, in Birmingham. He is president of the interdenominational Council of Birmingham Ministers. He is married and father of two children.

STATEMENT BY DR. W. LANDON MILLER, TO THE PRESIDENT OF THE UNITED STATES, AT THE WHITE HOUSE IN WASHINGTON, D.C., SEPTEMBER 23RD, 1963.

Mr. President:

As you no doubt already know the people of Birmingham are still under shock that what happened a week ago could transpire in our city. Our hearts are crushed that anybody--whether from inside or outside our city--could do such a thing.

Although we know that the hundreds of thousands of responsible people of our city would never stoop to such treachery, the citizenry of Birmingham keenly feel our moral responsibility as a community and confess we feel we all share in some measure in the guilt. Such violence does not represent the actions nor wishes of the good people of Birmingham. Criminal incidents of such magnitude by one or a few can bring reproach on a city, but thus to brand a whole city as guilty of "civil disobedience" is not only untrue but is a gross injustice.

In humiliation Birmingham has been brought to its knees. In deep mourning each day at noon this past week, church bells have tolled, people have paused on the streets, cars have pulled over to the curb, radio and television stations have interrupted their programs, and great department stores over their loud speakers have called people to prayer. Never have I seen as many people pray with tears in their eyes as this week.

A fund has been set up to help with funeral expenses of the victims, with hospital expenses of the injured (both Negro and white), and with restoration of property destroyed.

This may give you a sense of the moral fiber of the community which has been accused of "civil disobedience."

The question may arise. Why wasn't something done before a crisis was brought on by the September fifteenth bombing?

It was! Others will speak of civic and governmental efforts; I will confine my remarks to the efforts of religious leaders. One week before the bombing, I personally presided at a meeting of ministers including Catholic, Jews, Protestants, and Greek Orthodox at which time the ministers of Birmingham pledged to get behind raising the reward to \$50,000.00 for knowledge leading to the apprehension and conviction of anyone engaged in bombings. This reward fund went over its \$50,000.00 goal before the fateful bomb went off. The people of Birmingham want the culprit or culprits apprehended and punished regardless of race.

For several years biracial meetings of ministers have been held. During the last year these meetings have been intensified. In January the Ministers' Association invited an outstanding Negro leader, Dr. Lucius Pitts of Miles College, to speak at our May meeting. In spite of the tension over the demonstrations, the program went on as scheduled. At that same meeting the Reverend J. T. Porter, pastor of the Negro church where the funeral for three of the bombing victims was held this past week, applied for membership and was granted it without question.

Progress has been made--too slow for many; too fast for others. Thus the wise and good leaders of our city are caught on the horns of a dilemma. Neither of the extremes could be satisfied, no matter what action was taken.

Decades of tradition are not overthrown overnight even by a court decree or governmental pressure, when feelings run so deep.

We desire a real solution, not a Pyrrhic victory where violence rules while hate mounts, sowing the seed for future violence. We who live with the problem and love our city feel the hope is not either in the restraining fear of fanatics' bombs or in the force of federal bayonets, but in building a proper atmosphere of brotherly love that gets at the root of the problems of violence: namely, prejudice and hate. To build a spirit of brotherhood takes time: time to build mutual confidence, trust, respect, and responsibility. Such things cannot be given; they must be earned. We were making progress. With time we can make progress again--if we can be left alone, or given only enough responsible encouragement to get us off the horns of the dilemma.

We confess our corporate responsibility for the climate that can stimulate such a crime. Those who come to agitate must also accept their guilt.

It is my judgment that demonstrations by either side only increase the tension, they do not solve the problem. Both sides have now made their points; to continue further can only add fuel to flames. Rather than let all this get further out of hand, we need to settle down to the work of learning to live together in brotherly love.

MR. CALDWELL MARKS, 42, is a native of Birmingham, Alabama, and a graduate (BS, physics) of the University of the South, Sewanee, Tennessee. He is an Episcopalian; married and father of three children. He completed wartime service in the U.S. Navy as Lieutenant (Sr. Grade) after duty as engineering officer on destroyers of the Atlantic and Mediterranean fleets. Mr. Marks is vice president with 17 years experience with Owen-Richards Company, Inc., industrial suppliers. He is president of the Children's Aid Society, member of the board of directors of the Federal Reserve Bank, Birmingham branch, and chairman of the Committee of 100.

STATEMENT BY MR. CALDWELL MARKS, TO THE PRESIDENT OF THE UNITED STATES, AT THE WHITE HOUSE, WASHINGTON, D.C., SEPTEMBER 23, 1963.

Mr. President,

Birmingham has been made the focal point of our nation in Civil Rights matters, and while every thinking citizen of our city deplores the events of last Sunday, we also have the feeling that events taking place in Birmingham have been exploited far beyond their true statue. During the height of the demonstrations in May no more than 2 square miles out of 1200 in the county were involved, less than 1% of the population took part, and the normal activities of the average citizen were not interrupted. Birmingham has been pictured in the national press as being a vicious, lawless and riot-torn city, while in truth, Mr. President, the citizens of Birmingham, with the possible exception of a very small minority, are God-fearing, law-abiding, kind hearted people. The influx of elements foreign to our community and state, whose sole purpose is to agitate and foment hate, has made it very difficult for the vast majority of our citizens to look objectively at the problems which confront them. Little of lasting value is ever derived from circumstances such as these, and the longer the community is kept in foment the more damage it suffers on all counts. I am sure you recognize the impact on the economic well-being of downtown Birmingham, and indeed the entire community, of the publicity given Birmingham's problems during the demonstrations in the Spring and the recent events brought about by

federally ordered school desegregation.

For many years understanding between both races has been sound, and, with few exceptions, a workable relationship existed in the economic benefit of both races. As a matter of fact, the colored race in Birmingham has probably enjoyed a higher average annual income than in any city in the South. This economic well-being must certainly suffer, Mr. President, as job opportunities decline, or if indeed they do not decline, they do not expand to keep pace with population growth. There was no absenteeism in industry during the demonstrations last spring or in recent weeks and it must be said that restlessness inherent in unemployed makes a fertile field for agitators. You have continually stressed the need for full employment, and I submit to you that the continued incitement of disorder and the consequent national headlines cannot create the proper atmosphere for stimulating interest in Birmingham in the minds of companies who have plans for expansion and for location of new plants. Mail to the "Committee of 100" expressing interest in Birmingham came in volume until the spring demonstrations but since that time it has been difficult to attract industry. Because of the publicity Birmingham has gotten and is still getting, financial institutions as well as industry have been slow to invest in the city. This situation has greater impact on the employment and the future economic progress of the protestors who brought it about than on the population in general but all segments suffer as a result.

It is my firm conviction, Mr. President, that all outside agitators must leave Birmingham and permit this community to seek its own solution to its problems. Birmingham offers to industry many real advantages; such as, an ample supply of excellent industrial water, favorable tax structure, reasonable building costs, fine climate and recreational facilities, good transportation, and skilled labor, but all these advantages are over-shadowed in part by the

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coverage given the unfortunate events of recent months. These advantages, free from outside agitation and influence, will surely surmount Birmingham's problems if given the time and opportunity, and we ask, Mr. President, that we be given the time and opportunity to reach our own solutions without certain "help" from the outside and without being made the nation's focal point for Civil Rights problems.

MR. FRANK NEWTON, 59, is a native of Macon, Georgia, where he was educated in public schools; a graduate in electrical engineering of Georgia Tech. He and his family are Methodists. He has two married daughters and three grandchildren. After 38 years with Southern Bell Telephone & Telegraph Company, he is now vice president and general manager of Southern Bell's Alabama operations. Mr. Newton is general chairman of the Community Affairs Committee of the City of Birmingham and chairman of its steering committee.

STATEMENT BY MR. FRANK NEWTON, AS CHAIRMAN OF THE COMMUNITY AFFAIRS COMMITTEE OF THE CITY OF BIRMINGHAM, TO THE PRESIDENT OF THE UNITED STATES, MONDAY, SEPTEMBER 23RD, 1963, AT THE WHITE HOUSE IN WASHINGTON, D.C.

We are pleased to have the opportunity to appear and to inform you of some of the developments in the Birmingham area and to tell you also what action has been taken by the citizens to meet the problems of the day. I am the Chairman of the Community Affairs Committee, which was set up by the city government to deal with many facets of this particular problem.

This committee numbers among its membership approximately 250 citizens from all walks of community life. Listed on this committee are people in the following categories:

- Management
- Labor
- Ministers
- Educators
- Housewives
- Small Businessmen
- Merchants
- Professional Men

including members of both the white and colored races.

These people have all volunteered their services in the interest of finding a proper solution to the current problems of our city. They have indicated the field of action in which their special interests and talents

are directed and they have been assigned to working committees in accordance with their preference. The working committees number ten and they include many subjects, including finance and revenue for the city, public schools, group relations, adult re-education, youth, etc. All of these fields of action have a prominent bearing on our current difficulties.

There is an obvious dedication on the part of the members of these committees and there is a willingness to work and to face, if necessary, disagreement with their friends and associates over matters of principle.

Much progress has been made although some of this has not been adequately publicized and I might say, properly so. The major agreements which were made by a non-governmental committee formed by businessmen and industrial leaders, have been carried out in good faith.

There have been changes in the city ordinances which had a bearing on this problem and which were inherited by the present city government. These changes have been made in the direction of improving the peaceful relations of the community.

There have been changes in work rules and employment practices of industry and commercial establishments. Many of these have not been publicized in the press because it is not a normal process for establishments of this nature to do so. The changes, however, are known to their employees of both races and are, therefore, communicated to people outside of the organization and in this way the publicity has been adequate but not national.

There has been much agitation and it is our belief that the stimulus for this has come from outside of Birmingham and from some organizations with special interests to benefit. This has produced problems for both races and the leadership of both races has felt that the matters can be resolved properly and over a period of time if we are left alone.

It is essential, however, that the source of these incidents be removed. This, we think, is a national problem and if it is not effectively treated the trend in civil disobedience can lead to revolution. Encouragement to violate deep rooted principles can be as disastrous as encouragement to violate the laws of a civilized land.

There have been charges of police brutality when actually a well trained police force has acted with admirable restraint in the face of dangerous provocation. The local government has attempted to deal equal justice to law violators regardless of their race.

In conclusion, may I say that if we could have an avoidance of, and a cessation of, complicating incidents that our local citizens of both races will make continued progress in the settlement of our differences.

Our long standing customs of life do not yield too well to force any more than do those of other people.

We are decent people and we can handle the transition in these troublesome times if we can be permitted to do so without the interference of outside influences.

MR. W.C. HAMILTON, 54, is a native and resident of Birmingham, educated in its public schools and Birmingham-Southern College. His family association is in education: a brother, Dr. John B. Hamilton is a professor at Rollins College; a sister, Margaret Hamilton teaches at Ensley High School, Birmingham; a younger sister teaches in the public schools of Mt. Pleasant, suburb of Charleston, South Carolina. Mr. Hamilton is a Methodist. He is married and father of a daughter in Gibson Elementary school. Mr. Hamilton's is a specialist in the field of public relations and political economics, and presently is executive secretary to the Mayor of Birmingham. He is an Air Force veteran of World War II.

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Mr. President, it is my great privilege to convey to you the personal and official thanks of Mayor Albert Boutwell, for the courtesy and honor you have extended to the city of Birmingham in receiving and hearing its representatives.

We have only one purpose here. We believe its successful accomplishment may usefully serve as an example to every American city that suffers as do we under a conflict of ideas, -economic, political and social. In the same manner that our name has been made a symbol, by press and politicians of both national parties, of racial conflict and violent civil disorders-, we prayerfully hope that the principles on which we are seeking our local solution may also be made a symbol of the way to peaceful resolution of problems everywhere.

With this in mind, we are here to lay before you as objectively as we can a forceful, honest statement of the nature and thinking of our city. We hope to impress you with the sincerity and good will of our unswerving belief in the ability of local authority to enforce law and maintain order, and the capacity of local leadership to solve local problems.

It is proper and good that you, as the nation's chief executive should have an interest and concern in those solutions, just as it is proper and good that the chief executive of the city should have an interest and concern in the well being and good relationship of all the people and interests of the city.

One of the deepest concerns of any chief executive is the reflection of his people in the eyes and minds of others. You, sir, are properly and deeply concerned in the image this nation has in the hearts of the world's other people. We share that concern. In a proportionate degree are we concerned and deeply troubled by the picture that is now identified with our name.

The cameras which froze upon the front pages of the nation the sight of a howling mob of juveniles beset by dogs and water, never once pictured the fact that 96% of the city's population and 99% of its metropolitan area was going about its normal habits. While stories and headlines screamed panic, travellers to and from the city, came and went unharmed and untroubled. The vast, but unspectacular good in our city, of people and of commerce was not merely buried in the want-ads. It was not reported or printed at all.

In the hearts and minds of the people of Birmingham, during the years of prohibition gang-wars in Chicago, we never once believed, nor did our newspapers portray that great and good city as being peopled exclusively of Al Capones.

When we think of New York we do not remember the spectacular miseries of the Harlem slums and tenements and forget the majesty its commerce, its founts of medical benevolence or its historic pattern of greatness. And, our mayor does not undertake to diagnose its ills and prescribe their remedies.

When we consider this very city of Washington, we do not instruct our school children exclusively in the troubles of its streets and byways; we do not identify all its happy excursions in sports and cultural gatherings with a single stadium brawl. Our newspapers do not report only the troubles that abound here, as everywhere. In justice and fairness, the city of Washington, despite all its troubles, remains in our eyes as a great city

and the seat of a great and essentially good government with which we many times disagree, but to which we are unfailingly loyal because it is also our government.

We cannot fail, Mr. President, to state in clear and unmistakable words the deep resentment we feel when we are so used as we have been. Using our city as a symbol of all that is violent and bad in a discontent that has swept its tormenting winds of conflict into almost every city in the nation is grossly unfair and we are here to vigorously protest that fact.

We appeal to you, Sir, to recognize the material consequences of that reporting and that kind of reference.

Conferences, agreements and communications may indeed alleviate our current conflicts. We are prepared to seek them and welcome them locally. We emphasize, again and again, that permanent and effective solutions to the problems which confront us, and which we readily acknowledge, depend upon our ability to encourage and develop local leadership that is able to speak and act with authority. The basis and, indeed, an adequate basis of such leadership now exists. That leadership must be allowed to exert itself and receive full credit for the accomplishment increasing opportunity and expression. It cannot dwell however in the shadow of absentee domination, and hope to grow in either effectiveness or lasting influence.

The greatest single need, upon which all other needs are pendant, is for economic opportunity for all our people, both white and colored. Satisfaction of that need lies in two objectives: employment, brought about by the attraction to Birmingham of new industry and new capital; and added facilities for training of skills at all levels.

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This is the thing we have put our minds to. These are the objectives of our citizens' committees. These are the purposes of our government. This is the purpose of our presentation to you.