

WHEREFORE plaintiff prays that this court permanently enjoin the defendants, their agents, officers, employees, successors in office and all those in active concert or participation with them from:

- (a) Enforcing racial segregation in or otherwise requiring separate use on the basis of race of the terminal facilities of Tamiami and Central of Georgia.
- (b) Arbitrarily and without legal justification arresting or detaining persons travelling in interstate commerce to, from or through the City.
- (c) Arbitrarily and without legal justification arresting or detaining persons who attempt to use the terminal facilities of Tamiami and Central of Georgia without racial segregation.

(d) Interfering in anyway or by any means with
compliance by Tamiami and Central of Georgia
with the laws of the United States and the
regulations of the Interstate Commerce
Commission prohibiting racial discrimination
in the vehicles and facilities of Interstate
Commerce, and

(e) Otherwise seeking to enforce the segregation of
the white and Negro races in their use of
terminal facilities used in interstate commerce.

Plaintiff further prays for such additional relief
as the interests of justice may require.

UNITED STATES OF AMERICA,

Plaintiff,

By:

BURKE MARSHALL
Assistant Attorney General

FLOYD M. BUFORD
United States Attorney

ST. JOHN BARRETT
Attorney, Department of Justice

THEODORE R. WELMAN, JR.
Attorney, Department of Justice

Excerpt from Memorandum dated December 13, 1961,
from CORE to Mr. Burke Marshall.

Georgia

In Atlanta, Georgia members of the Student Non-Violent Coordinating Committee have been arrested on two occasions for attempts to integrate bus terminals. These instances took place in Atlanta and Albany. They have already been brought to the attention of the Justice Department. On November 2 at about 4:00 P.M.

members of Tallapoosa CORE were refused entrance to the "White Waiting Room" at the Railway terminal in Albany, "for their own safety."

T. 1/22/62

JAN 23 1962

Director
Federal Bureau of Investigation

Burke Marshall
Assistant Attorney General
Civil Rights Division

SM:JIM:llh 9344

144-101-19M- 0

Discrimination in Transportation;
Trailways Bus Terminal, Albany, Georgia;
January 18, 1962;
Captain Lantry and Captain Klegg,
Officers, Albany, Georgia, Police
Department;
Charles Joseph Jones and
Charles Sherrod - Victims

This will confirm telephoned request to
Special Agent [REDACTED] for an investigation of
the above matter.

Please determine whether either the Police
Department of Albany, Georgia, or the Trailways
Bus Terminal manager has a policy of excluding
from the terminal cafe Negro intrastate passengers
or local Negro patrons.

cc-Records
Chrono
Mr. Murphy
Mr. Barrett
USA, Macon, Ga.
Mr. Newman ✓

The File

January 19, 1962

**John L. Murphy, Chief
General Litigation Section
Civil Rights Division**

JLM:llh 0344

144-101-19M-q.

**Discrimination in Transportation;
Trailways Bus Terminal, Albany, Georgia;
January 18, 1962;
Captains Lairney and Captain Klegg,
Officers, Albany, Georgia, Police
Department;
Charles Joseph Jones and
Charles Sherrod - Victims**

Special Agent [REDACTED] advised this afternoon that the Bureau had been informed by the Albany Police Department today that at 2:20 p.m. January 18 the above victims had been arrested by Captains Lairney and Klegg and charged with loitering. Jones was released under \$100 bond; Sherrod remains in jail in lieu of \$100 bond. The circumstances of the arrests are as follows:

The victims entered the Trailways Bus Terminal cafe, sat down, but did not request service. The terminal manager approached them, asked them to display tickets indicating that they were traveling interstate, and both refused. The manager called the police. The subjects arrived and asked the victims to display tickets showing they were interstate passengers. Upon again refusing, the victims were taken into custody.

cc-Chase
Mr. Murphy
Mr. Barrett
Mr. Newman ✓

T. 2/2/62

Director
Federal Bureau of Investigation

WATKINS, Jr.: seb 9344

Burke Marshall
Assistant Attorney General
Civil Rights Division

144-101-197-9

Discrimination in Interstate
Transportation,
Trailways Bus Terminal,
Albany, Georgia
Racial Matter: Civil Rights

Reference is made to your memorandum dated January 29,
1962, with the report of Special Agent [REDACTED]
dated January 24, 1962, at Atlanta attached.

Please furnish a copy of this report to the Interstate
Commerce Commission.

cc: Records
Chrono
Newman
Murphy
USA, Macon, Georgia

T. 2/2/62

BM:TRN,Jr:sab 9344
144-101-194-9

Honorable Harold D. McCoy
Office of the Secretary
Interstate Commerce Commission
Washington, D. C.

Dear Mr. McCoy:

The Department of Justice has received a complaint alleging that Mr. Charles Joseph Jones and Mr. Charles Sherrod, both Negroes, entered the Trailways Bus Terminal Cafe at Albany, Georgia and seated themselves. They were allegedly approached by the terminal manager and asked to display tickets showing they were interstate travellers. They refused. The manager then called the police. Captains Lairsey and Klegg arrived and asked Mr. Jones and Mr. Sherrod to establish that they were interstate travellers. They refused and were arrested for loitering.

During our investigation of this matter, Mr. Roy Hammondtree, Manager, Trailways Bus Terminal Cafe, Albany, Georgia, was interviewed. He stated that the policy of the cafe in serving Negroes is as follows:

Negro patrons using bus facilities are served at the cafe, and no effort is made to determine whether or not they are interstate or intrastate passengers.

Negro patrons who are local patrons and not using the bus facilities are not served, in accordance with local ordinances.

cc: Records
Chrono
Newman ✓

- 2 -

I am referring this matter to you as it appears to involve possible violation of paragraph 180(a) 4, Title 49, Code of Federal Regulations. I have requested the Federal Bureau of Investigation to forward you a copy of their report in this matter.

Sincerely,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

Retyped 6-1-62

UNITED STATES GOVERNMENT

*Memorandum*TO: Director, Federal Bureau of
Investigation

DATE: JUN 6 1962

FROM: Burke Marshall
Assistant Attorney General
Civil Rights Division

RM:TRN, Jr:rb 0344

144-101-10M-0

SUBJECT: Discrimination in Interstate Transportation,
Albany, Georgia;
Mr. C. R. King, Attorney - Complainant
Racial Matters - Civil Rights

This Division has been advised by Mr. C. R. King, Attorney, Albany, Georgia, that it is his understanding that the Albany Police are pursuing a policy of arresting persons who attempt to use the terminal facilities of interstate carriers in Albany without regard to racial segregation.

Please interview Mr. King as to any facts he has in this regard.

cc: Investigative File (Room 1140)

T. 2/26/62

BM:JKH:arg 9344

144-101-19M-9

Dr. W. G. Anderson
229-1/2 S. Jackson Street
Albany, Georgia

Dear Dr. Anderson:

Enclosed are the following letters and documents which you left in our office on Friday, February 23, 1962:

(1) Letter to Dr. W. G. Anderson from the Albany Ministerial Association, dated December 13, 1961;

(2) Copy of letter to Reverend Albert L. Cardwell from W. G. Anderson, dated January 16, 1961 (should be 1962);

(3) Undated document consisting of five typewritten questions and answers;

(4) Undated mimeographed letter to The City Commission, Albany, Georgia, from The Albany Movement;

(5) Letter to the Albany Movement from City of Albany, Georgia, dated January 31, 1962.

We certainly hope that the present difficulties in Albany will be resolved in an amicable manner.

Will you please acknowledge receipt of the enclosures?

Sincerely,

Burke Marshall
Assistant Attorney General
Civil Rights Division

CC: Records

Chron.

Mr. Barrett

Mr. Heilbron

Mr. Newman

✓ Inv. File (Rm. 1140)

Encls.

By:

JEROME K. HEILBRON
Attorney

PHONES
OFFICE: HENLOCK 6-5866
HOME: HENLOCK 6-3770

DR. W. G. ANDERSON
PHYSICIAN AND SURGEON

OFFICE HOURS
10-1 AND 2-5 DAILY
EXCEPT WED. 10-12

229 1/2 S. JACKSON ST.
ALBANY, GA.

Heights area—nothing done. Next the stoning of Negro Minister's home following an inflammatory editorial in the local press, caused a request to be sent by registered mail to the Mayor that a joint group try to stop the worsening conditions--no response. Again, a request that segregated polling places, which the Albany Movement felt were used to counteract the effect of our vote, was made--no response. The refusal to attempt any kind of redress necessitated a successful suit to be waged in the Federal Court by us. Finally it was the refusal of Albany officials, through its police department to comply with the ICC regulation which became effective November 1, 1961, that made the creation of this body a necessity.

A series of arrests ensued:

November 22, 1961

Five students were arrested in the Trailways Bus Station. Charge: disorderly conduct tending to create a disturbance. Bonds were set at \$100 each. The students were fined \$100 and given 15 days of probation.

November 29, 1961

Warrants were sworn out by E.J. Junior, Jr., comptroller at Albany State College, charging trespassing against three Student Non-Violent Coordinating Committee (SNCC) Field Secretaries. One of these secretaries, Charles Sherrod, spent a night in jail.

December 10, 1961

Nine people were arrested on the Georgia Central Railroad, City and State charges: disorderly conduct tending to create a disturbance, obstructing traffic, refusal to obey an official. They were found guilty and bail was set from \$200-\$1,000.

December 12, 1961

200 local citizens were arrested for protesting the arrests of the people imprisoned on Dec. 10th.

December 13, 1961

Slater King, official of the Albany Movement, was arrested on a contempt of court charge, while kneeling in prayer on the steps of City Hall. He was sentenced to 5 days or \$200 bond.

December 14, 1961

Several Negroes were escorted from the lunchroom of a bus terminal and placed under arrest. Telephone conversation between Attorney Gen'l Robert Kennedy and Mayor Asa Kelly and Gov. Earnest Vandiver revealed the possibility that outside agitators would be expelled.

December 15, 1961

Charles Sherrod, SNCC field secretary was beaten while in jail in Terrell County after having been held in Dougherty County, Albany,

December 17, 1961

550 arrested by this date.

January 13, 1962

35 Albany State students suspended indefinitely because of arrests in Mass demonstrations in December. They have not been convicted.

Several Negroes in the city lost their jobs. A woman was told by the Salvation Army that they were not giving anything to Negroes for Christmas. Fines were given to Negroes for parking a car too close or too far away from the curb. Police stopped long lines of cars coming from Mass meetings, attempting to drum up charges.

January 15, 1962

Charles Jones and Charles Sherrod were arrested at the Trailways Bus Station.

January 27, 1962

The arrest of Ola Mae Quantina, a student, for sitting on the front of a city bus. Charge: disorderly conduct. Sentence: 5 days and \$102 with 25 days of probation.

Two students were arrested for singing freedom songs on the sidewalk. Charge: disorderly conduct; They were sentenced \$54 or ten days in jail.

June 23, 1962

Five people were arrested as they picketed downtown stores. Charge: refusal to move on.

The mockery made of fair play and justice is disgraceful and the whole country should be made aware of the unyielding and cruel repressive measures used to combat our use of the First Amendment to the United States Constitution: "Freedom of Speech" through peaceful protest.

Meanwhile the Justice Department sits idly by while hundreds of citizens are beaten, falsely arrested and shot in cold blood. We cry to the conscience of the world that our moans may be heard in the judgment seats

SPECIAL REPORT

SOUTHERN REGIONAL COUNCIL

5 Forsyth Street, N.W., Atlanta 3, Georgia

Burke Marshall
Assistant Attorney General
Civil Rights Division

June 27, 1962

John Doar
First Assistant

Albany, Georgia

Here is a copy of the brochure that the Albany pickets were handing out outside the Department. Charles Jones, Reverend Wills and two others discussed their problems with me for several hours on Monday afternoon. With respect to segregation in the bus station, Mr. Barrett is conducting an investigation and as soon as it is completed will discuss it with you. With respect to their voter registration complaints they are going to send the specifics to me.

He did say that they have a group of some 24 volunteers working there this summer, all but three of whom are Negroes. They will be working strictly on voter registration problems this summer. For the month of July they will be working in Lee, Baker, Terrell and Dougherty Counties.

I have advised Mr. Heilbron of this and suggested that he attempt to find out as much about their program as possible without making it appear to be his assignment, while he is in Baker County this week.

Jones advised me that he would send the Department of Justice reports about their efforts and activities.

cc: ✓ Mr. Heilbron

A L B A N Y

By

HOWARD ZINN

Professor of History
and Social Science
Spelman College

Slowly developing anger and unpublicized dignified protest by Negro adults -- a dramatic outburst of Negro students to bring the issues to public attention -- and then a new synthesis of adult-student leadership marshaling the forces of the entire Negro community: this has been the developmental pattern in a number of southern protest movements these past few years, and so it was in Albany.

SRC: 22
January 8, 1962

CONTENTS

PAGE

Albany, Georgia	2
A History of "Good Race Relations".	3
The Albany Movement	8
The I.C.C. Ruling and the Albany Police	11
Mass Arrests	13
Was it Victory or Defeat?	19
Is Negro Leadership Split?	21
"Outside" Influences	21
Communications	22
Police, Jails, Justice	25
The Jails	28
Where was the Federal Government?	31
Conclusion	33
Appendix	35

Two weeks before Christmas, 1961, 737 persons in the Black Belt city of Albany, Georgia -- college students, professionals, working people, and children -- marched, prayed, sang, and went to jail to try to force open doors shut tight to Negroes since the city was founded in slavery days.

Into that week of protest and excitement was compressed every major issue debated today in the changing South: the enforcement of national law by local authorities hostile to that law; the absence of communication between whites and Negroes living close together in a small southern city; the ambitions of local politicians; factionalism in Negro leadership; monopoly of the press and television; charges of "outside" agitation and "subversive" influence; the peculiar operations of local justice; jailhouse brutality. Intertwined with these were other elements: the remarkable role played by a handful of young people, already veterans of several prisons, devoted to a philosophy of non-violence in an atmosphere of police repression; the participation of a few young southern whites, trying to pay with personal sacrifice the debt of their ancestors for ten generations; the awkward cautiousness of a national administration.

The following report is based on newspaper accounts in Atlanta and Albany, and on-the-spot talks with the mayor, businessmen, deputy sheriffs, white ministers, politicians, local editors, Negro leaders both local and national, men and women just emerged from prison, young Freedom Riders in and out of the county jailhouse, white local people unconnected with the city leadership, and Negroes not involved in the demonstrations.

Albany, Georgia

Many Georgians call it All-benny. Andrew Jackson drove the Indians from the flat, wooded plain so that cotton could become king here and all over the deep South before the Civil War. This was slave plantation country, and Albany was its trading center, incorporated in 1841 to become the seat of Dougherty County. DuBois, in The Souls of Black Folk, describes the area as it was in those days:

For a radius of a hundred miles about Albany stretched a great fertile land, luxuriant with forests of pine, oak, ash, hickory, and poplar, hot with the sun and damp with the rich black swampland; and here the cornerstone of the Cotton Kingdom was laid.

At the turn of the century, blacks outnumbered whites five to one, and Albany was a placid little town, slavery gone and segregation firmly in its place.

Today the city is a four-hour drive straight south from Atlanta, past scraggly cotton, clusters of Black Angus cattle, and beautiful brown fields of pecan trees. Across Kinchafoonee Creek, on the banks of the Flint River, it is wide-avenued and clean, a commercial center for southwest Georgia, trading corn, cattle, and pecans, attracting tourists, new industry, and travelers heading toward Florida. "Tenth fastest booming city in the U.S.A.," the man at the Chamber of Commerce said proudly. "There's the rating -- in black and white." We both must have had the same thought.

The black majority has gone down to 42% since World War II -- 23,000 Negroes out of a total of 56,000 -- making it possible for political leaders to say now, as one did sitting back in his swivel chair, "We need to listen to the majority." In the practicality

of it, however, democracy often counts voices rather than heads, and in the year 1961 the spoken demands of 40% may sound thunderous in contrast with the century-long silence of that overwhelming majority which once made the Black Belt really black.

A History of "Good Race Relations"

Again and again -- in the office of a political leader, in the anteroom of a businessman, sitting with a newspaper editor, in the living room of a middle-class white family -- the statement was made, "Albany has always had good race relations.... Our colored folks have been satisfied.... We have made considerable progress...." In a nation with ten thousand history teachers, memories remain poor; for the same statements were made in Montgomery before the bus boycott, in Atlanta before the sit-ins, and all through the South in the days of slavery.

Yet, the argument cannot be dismissed without meeting it, for it rests on stubborn facts: that the relations in Albany were peaceful; that the Negro community raised no shouts of dissatisfaction; that progress had been made. It is only when they are moved out of simple isolation into the texture of life itself that these undisputed facts become part of a much more complex vision of Negro life.

In a market where social goods are unevenly distributed, peace must always be paid for. The price, paid in the South by blacks and received by whites, has begun in recent years to seem not quite right. And the mistaking of silence for satisfaction has often been the ruin of a dominant group in the social order, who usually pay little attention until centuries of accumulated grievances gather and explode in a chain reaction. The white South has been notably unequipped

with the kind of social seismograph that would detect the first faint tremors of unrest, and too far out of touch with Negroes (the physical proximity of blacks and whites at work in Albany and elsewhere is offset by the social distance inherent in unequal status) to hear any but the loudest noises. Thus, southern whites have been hurt and shocked by the eruptions of the past few years.

In Albany, deep in the Black Belt, the shock of the pre-Christmas protest was particularly great. This was so because white and Negro residents have starkly different perceptions of the city in which they live.

A city political leader respected by many Negroes, twice mayor of Albany and a law partner of the present mayor, cannot believe that Albany Negroes are dissatisfied. Mr. James W. "Taxi" Smith (a champion runner in college, he once got tired in a cross-country race and took a cab the rest of the way) stated, "Outside agitators have caused all this trouble. Those Freedom Riders are getting \$100 a day. Minimum! Some getting \$200. Albany Negroes," he went on, "got as fair trials as white folks. Same crime, same sentence." (On the other side of town, the story was different. A Negro businessman whose independence irritated the city fathers, it was said, was fined \$400 for a traffic offense.) As for juries, Negroes got on the lists, Mr. Smith said. A question about Negroes on actual trial juries brought a serious look, perhaps even a twinge of uneasiness; one got the feeling that he, as a lawyer, found it hard to square his professional ethic with the consistent exclusion of Negroes from juries. "Well, I don't know. I don't think it will work in this situation."

"Progress" rivals "satisfaction" in the frequency of its occurrence in the white comments on race relations in Albany. The history of these relations in the city was one of progress, intelligent and good-hearted white people said again and again. Like the confusion of peace with satisfaction, and silence with consent, here is another failure to understand the complexities of social change. The evidence is strong that it is precisely progress which brings the clamor for more progress. The American colonies on the eve of the Revolution, France under Louis XVI, Russia in the early 20th century, India and some of the African territories in our time were all making remarkable progress when the social fabric was burst by revolution. For progress creates expectations, and if its pace (no matter how swift compared to the past) does not match the ballooning of expectations, it is not enough.

This century has created expectations for Negro Americans which cannot be satisfied by the air-conditioned segregated school pointed to pridefully by the civic leaders of Albany, and by a friendly young cab driver. Albany Negroes live on clean and pleasant -- if unpaved -- streets in a town where roses bloom in December and there are no concrete skyscrapers or billowing smokestacks to keep out the fragrance and beauty of the surrounding countryside. White Albanians are friendly and helpful in personal contact. White lawyers have defended Negro clients. "A.T. Walden Atlanta's venerated Negro attorney" would phone me from Atlanta and ask me to handle this case for a poor colored boy. And I'd do it."

In Mayor McAfee's administration in the early 1950's, streets were paved in some Negro areas, the Negro football field was lighted, and a liaison com-

mittee kept contact with the Negro community. When the committee wanted to go beyond the paving of streets, and started talking about hiring Negro policemen, it fell into disuse. And then there is -- it must be mentioned at least twice, to give a slight notion of how often it is mentioned by Albany's white leaders -- the air-conditioned school.

To the Negro community, however -- and this is one of the hardest things for whites in Albany to understand -- all this was like improving the food inside a prison; for all progress was within the framework of a sharply segregated society. While in Albany's natural landscape, greens, yellows, and browns blend imperceptibly, its library, schools, hotels, and other public accommodations are all designated either black or white.

A Negro arriving in Albany on the colored part of the bus, enters a colored waiting room, drinks from a colored fountain, uses a colored restroom, has to walk eight blocks to find a restaurant which will feed a colored person, and must pass by five white hotels to find a modest Negro motel -- a better one is six miles away. He had better not get into trouble, for the entire machinery of justice in Albany is bound up with skin color. The courts are segregated, the jails are segregated, the judges, juries, sheriffs, deputies, and city police are all white. Tax forms for Negroes have a special color. There are no Negroes in city or county government, but there are well-educated, cultured, and competent Negroes in Albany who could move tomorrow into the highest municipal offices and bring credit to the community. Negroes in Albany get jobs on the basis of ability, but only after color has narrowed the field to a slit. "If

I can do a job as good as a white man, why shouldn't I have it?" a Negro porter asked me as we stood on the steps of the white church where he was employed.

To see the situation on the most elemental level, a white man must somehow recognize that no Negro in downtown Albany can stoop to a water fountain before making sure it is labeled "colored." On a level both more abstract and more heartfelt, whites need to comprehend, even dimly, the attack on his dignity felt by every Negro adult male who is called "boy." There is a basic hurt attached to being an American Negro -- both North and South -- which cannot be conveyed by any cold list of specific grievances.

In Albany, there has been no way for fair-minded white people to know these things. There has been contact, but it has been superficial. There has been exchange of words, not of feelings. But if communications inside that little city are crude, between Albany Negroes and the outside world they are as advanced as modern science can make them through radio, television, air travel, national newspapers, and magazines. And there are the mails, no longer closed, as in Abolitionist days, to the arguments for racial equality. Besides this there is the fact that several thousands of Albany's population are attached to Air Force or Marine Corps units in the area -- integrated units. Young Albany Negroes have gone to college in other parts of the country. The only college in the city -- Albany State College for Negroes -- long quiescent, is now sensitive to the winds blowing from Atlanta, Nashville, and Greensboro which tell of student demonstrations and protests and remarkable changes, fought and then accepted, in the once-adamant South.

All of these influences have acted on Albany Negroes and created expectations far beyond the crawling progress and kindly tolerance which Albany's white leaders thought -- and think -- sufficient. The white community somehow has not faced the idea that Albany cannot escape the general upheaval shaking the South today.

Something was necessary to shake the white community into the first pang of such awareness. So, around Thanksgiving, 1961, the Albany Movement was born.

The Albany Movement

On the first of November, 1961, a white college girl from Memphis named Selyn McCollum raced through the streets and back alleys of Albany to evade the police, took refuge in a Negro home, slipped out in a makeshift disguise to make her way to the bus terminal, and stationed herself in a position to watch nine young Negroes ordered out of the white waiting room. It was the day that the new Interstate Commerce Commission ruling for desegregation of train and bus facilities went into effect. Within 48 hours, the Department of Justice was notified that this ruling had been violated.

Behind the action of those young people in Albany that day was a history of rising indignation in the Negro community of that city. Slowly developing anger and unpublicized dignified protest by Negro adults -- a dramatic outburst of Negro students to bring the issues to public attention -- and then a new synthesis of adult-student leadership marshaling the forces of the entire Negro community: this has been the developmental pattern in a number of southern protest movements these past few years, and so it was in Albany.

The demonstrations in Albany had their roots in two race relations incidents, both occurring in the winter of 1961. Early in January of that year, a group

of Negro leaders presented the city commissioners with a request to initiate the desegregation of certain city facilities. It is reported that the commissioners never replied to this request. On February 6, the Albany Herald, edited by James H. Gray, Chairman of the Georgia Democratic Party and a leading southern segregationist, published an editorial rejecting the Negroes' request both presently and also for the future. This action brought into the open a long-standing feud between the Negro community and the city's only daily newspaper. Negro leaders contend that the newspaper's editorials had the effect of inciting action against Negroes. In February and March, sporadic incidents occurred around the Albany State College campus, in which marauding whites in automobiles threw eggs, fired shots, and once tried to run down a Negro student. The Dean of Students at Albany State, a dynamic young woman named Irene Asbury Wright, newly wed to an Air Force lieutenant stationed in Albany, resigned in protest over the college administration's timidity in defending the students. (She and her husband were later to become leading figures in the Albany Movement.) Before going off for the summer, Albany State students staged a protest march on the president's office.

The Negro ministerial alliance had written a letter to Mr. Gray asking fair treatment. The ministers next sent a registered letter to Mayor Asa D. Kelley, asking for a hearing, and proposing a biracial committee to discuss Albany's race relations. There was no response.

It was against this background of local unrest, frustration, and developing action that the Atlanta-based Student Nonviolent Coordinating Committee (SNCC) in September, 1961, sent a team into Albany to register Negro voters. SNCC was born out of the sit-in struggles

of 1960 and staffed by a small group of young people who had experienced jailings in the sit-ins and beatings in the 1961 Freedom Rides. They set up an office in a run-down little building two blocks from the Shiloh Baptist Church, registered voters, and through their enthusiasm and energy acted as a catalyst to a community which had already begun to stir.

When the I.C.C. ruling was handed down, SNCC, whose members had gone to jail through the summer to force this ruling, was ready to test it the very first day of its existence in the segregated terminals of Albany. That is why on November 1, Charles Sherrod and Cordell Reagan, two veterans of the Freedom Rides, rode down to Albany from Atlanta on the Trailways bus, with white Selyn McCollum deliberately sitting apart from them but prepared to witness later that day the test of the new ruling. The sight of police waiting for them at the terminal produced Selyn's hour-long race through Albany streets before she could slip, undetected, into her intended refuge, a Negro home. When, later that afternoon, she made her way back to the terminal, and watched the students being ordered out of the white waiting room, the SNCC mission was accomplished, and she took the bus back to Atlanta.

In the meantime, the Youth Council of the local NAACP had made plans to test the I.C.C. ruling and began to work with SNCC. There was some uncertainty by NAACP adults about SNCC's entrance into the situation. It was partly in an attempt to rectify this confusion about roles, partly to gather into a cohesive organization the loose and lengthening strands of discontent in the Negro community, that the Albany Movement was formed on November 17, 1961, about two weeks after the SNCC action at the Trailways Terminal.

Oddly enough, it was Mayor Asa D. Kelley himself, worried on the eve of his re-election over the possibility of a Negro write-in vote, who asked to meet with Negro leaders. Assembled to prepare for this meeting, they formed the Albany Movement, a coalition of the colored ministerial alliance, NAACP, SNCC, and other Negro organizations. They named local osteopath Dr. W. G. Anderson as president, retired railroader Marion Page as secretary, and expressed their determination to attack discrimination at a number of key points: bus and train stations, libraries, parks, hospitals, buses, jury representation, public and private employment, and police brutality.

As one of the leaders of the Albany Movement saw its birth, "The kids were going to do it anyway...they were holding their own mass meetings and making plans...; we didn't want them to have to do it alone." Thus, the third element fell into place; after slow local build-up and sharp action by the youngsters, the coalescing of all forces into a united and militant movement took place. Now, the next reconnaissance action in the desegregation campaign would find massive reinforcements ready to act.

The I.C.C. Ruling and the Albany Police

That first move came Wednesday morning, November 22, 1961, three weeks after the I.C.C. ruling forbidding segregation in terminal facilities, when three members of the Youth Council of the NAACP in Albany, Evelyn Toney, Eddie Wilson, and Julian Carswell, entered the Trailways bus terminal and bought tickets to Tallahassee in the white waiting room. They sat down undisturbed, then went into the restaurant and ordered something to eat. The waiter started to serve them when Chief of Police Pritchett appeared and called them outside the

station to tell them that if they went back into the lunchroom he would arrest them. The students turned away silently, re-entered the lunchroom, and were promptly arrested for breach of the peace. There were only a few people in the terminal at the time. In a half hour, the three were out on bond.

Later that afternoon, hundreds of Albany State students arrived at the terminal to go home for the Thanksgiving holidays. The new Dean of Students of Albany State College was there to point out the colored waiting room, which most of them used. Two students, however, Bertha Gober of Atlanta and Blanton Hall of Athens, went into the white waiting room and were arrested. They decided to remain in jail rather than accept bail of \$100. They were soon out of jail, but expelled from Albany State College without a hearing.

The Student Nonviolent Coordinating Committee, in consultation with the Negro community of Albany, decided to test once again the much-broken I.C.C. ruling. A group of eight young people, Negro and white, men and women, took the Central of Georgia in Atlanta on Sunday morning, December 10, sat together in the "white" car, ignored a conductor's demand that they move, and continued that way on to Albany. Over a hundred Albany Negroes gathered at the Albany Union Railway Terminal to meet them. It was about 3:30 in the afternoon, a quiet time in Albany, with little traffic and few whites near the station. The soft-spoken Negro editor of the Southwest Georgian, A.C. Searles, watched the scene, said later, "Reason there were all these folks waiting -- we know by experience that if you come alone, you may get a beating. Having people around helps." Waiting also for the eight riders were police and newspaper reporters. They got off the train, went into

the white waiting room, and sat down. Police Chief Pritchett told them to get out. They left with Charles Jones. (a widely-known leader of the student movement since the Charlotte sit-ins, and in charge of the SNCC Albany office) and Bertha Gober to cars outside the terminal which were waiting to take them into town. The group now numbered ten. Editor Searles reported, "I try to get close enough to hear, but not close enough to get spoken to." He said he heard Police Chief Pritchett call out, "I told you to get off the street. You are all under arrest." Some of the ten were already getting into cars. All of them were now ordered into the paddy wagon, along with Willie Mae Jones, an Albany student who was in the crowd watching. The eleven were charged with obstructing traffic, disorderly conduct, and failure to obey an officer, with bond set at \$200.

Police Chief Pritchett's version, as reported in the press, was, "I told the demonstrators to move away from the terminal three times; then we called the paddy wagon and I gave the order to arrest them. We will not stand for these troublemakers coming into our city for the sole purpose of disturbing the peace and quiet of the city of Albany."

Editor Searles interpreted the incident as follows: "There was no traffic, no disturbance, no one moving. The students had made the trip to Albany desegregated without incident. Things had gone so smoothly I think it infuriated the chief. There was a good feeling in the group. They wanted to stop this."

Mass Arrests

Now the Albany Movement went into action and the next seven days saw a series of mass meetings by the Negro community, marches downtown by over a thousand Albany Negroes, singing and praying, asking freedom for

the arrested students and, as one woman said after her release from prison, "to get our rights."

When the trial of the eleven was to take place at the city courthouse on Tuesday, December 12, over 400 Negro high school and college students marched downtown to protest, singing as they went by the courthouse. Police cars with loudspeakers ordered them to disperse, they continued to walk, and then they were herded into a 15-foot-wide alley running alongside City Hall, where they waited in a driving rain for two hours as police booked them one by one on the same charges leveled against the Freedom Riders. That night a mass meeting at the Shiloh Baptist Church sang hymns and heard speeches by leaders of the Albany Movement. Many of the jailed were being released on bond, but 153 remained in prison and early the next morning were transferred to neighboring county jails.

On Wednesday, three different demonstrations took place. As court convened in the morning, about 70 Negroes marched downtown and knelt on the sidewalk in front of City Hall to pray. Their spokesman, Slater King, member of a distinguished Negro family in Albany, was arrested and sentenced to five days for contempt of court. In the early evening, 300 Negroes made one slow circuit around City Hall, returned to the Shiloh Baptist Church, re-formed, marched back to City Hall, and were arrested on charges of unlawful assembly, parading without a permit, and unlawfully congregating on the sidewalk. Chief of Police Pritchett told newsmen, "We can't tolerate the NAACP or the SNCC or any other nigger organization to take over this town with mass demonstrations."

That same day, the original 11 were bound over from the city to county court on a new state charge

of unlawful assembly. Charles Jones was released on \$1000 bond and took his place in the leadership of the surging Albany Movement. Bernard Lee, young staff member of the Southern Christian Leadership Conference, left prison to return to his duties in Atlanta, and Tom Hayden, a white youth from Royal Oak, Michigan, was released to fulfill a speaking engagement up North. Remaining in the county jail back of Elm Street for part or all of the next seven days were: Lenora Taitt, a Spelman College graduate and veteran of the Atlanta sit-ins; Norma Collins, business manager of the SNCC office in Atlanta; Willie Mae Jones, the young Albany woman arrested "by accident"; James Forman, Executive Director of SNCC; Bertha Gober, the Albany State College expellee; and three young white people -- Per Laursen, a writer from Denmark; Robert Zellner, active in recent protest movements and a white girl, the last two, Southerners born and bred.

By Thursday, the total arrested reached 560, with 300 of these remaining in jail. That day Governor Ernest Vandiver called 150 National Guardsmen to duty in Albany and wires began arriving in Attorney General Kennedy's office (from SNCC to "stop illegal mass arrests," and from some faculty and students at Spelman College in Atlanta to "intervene in the Albany situation"). Governor Vandiver and Mayor Kelley assured the Attorney General that they could handle the situation. Albany Movement chairman, W. G. Anderson, talked by phone with the Assistant Attorney General. That day, too, ten Negroes were served coffee at the Trailways lunchroom, were arrested, jailed and later returned to the bus station under police guard, then released.

Late that night, three whites and three Negroes -- in each group one minister and two businessmen -- began negotiations to end the crisis. Neither

negotiating team, though designated to discuss terms, was empowered to decide on a settlement. The negotiations continued all Friday morning and broke up at noon, with agreement on acceptance of bus and train desegregation and on release of all the Negro marchers, but disagreement on the release of the original Freedom Riders without bond.

On Friday night, Rev. Martin Luther King, Jr., invited by the Albany Movement Executive Committee, arrived from Atlanta with Rev. Ralph Abernathy and spoke to a packed prayer meeting at the Shiloh Baptist Church. King told the more-than-1000 assembled listeners, "Don't stop now. Keep moving. Don't get weary. We will wear them down with our capacity to suffer." Ruby Hurley, Southeastern Regional Director of the NAACP spoke, too. "There are only two languages the white politicians and the power structure understand. One is the power of the almighty dollar bill. When those cash registers are not ringing they understand what you're talking about. They also understand the ballot." And the Albany Movement's chairman, Dr. W. G. Anderson, told the meeting, "Be here at 7 o'clock in the morning. Eat a good breakfast. Wear warm clothes and wear your walking shoes."

Meanwhile, the city commission was meeting and balking at release of the Freedom Riders without bond. In the wee hours of Saturday morning, the Albany Movement sent a wire to Mayor Kelley which he received late, at 9:30 a.m., and interpreted as an ultimatum. The wire set a 10:00 a.m. deadline after which demonstrations would resume, and the mayor responded by accusing the Negro leadership of "threats" and "bad faith." The Albany Board of Commissioners rejected the terms proposed by the Negro leadership.

At the intercession of some leaders in the Albany Movement, the mayor agreed to see a small committee. The negotiations resumed at 10:30 a.m., Saturday, but were broken off by early Saturday afternoon.

Saturday evening, December 16, came the climax of the demonstrations and mass arrests as Martin Luther King, Jr., and W. G. Anderson led 250 hymn-singing men, women, and youngsters down Jackson Street toward the county courthouse. Police Chief Pritchett stopped them two blocks from the city hall and asked King if he had a parade permit. King said, "We are simply going to pray at City Hall." Pritchett ordered the entire group arrested for parading without a permit. They were moved into the alley near the city hall, police cars rushed up to seal off the back of the alley, white onlookers were cleared off the sidewalks by police loudspeakers, and the Negroes were led one by one into the police station and booked. A southern white student from Brunswick, Georgia had marched with them and was also jailed. King, Abernathy, and Anderson were sent to Sumter County jail in Americus. Now the total arrested stood at 737, with over 400 people still in jail, many of them farmed out to prisons in nearby counties. Late Saturday night, sound trucks moved through the city calling military personnel back to the Air Force and Marine Corps bases, and police closed bars and liquor stores. The NAACP wired Vice President Johnson, Attorney General Kennedy, Governor Vandiver, and Mayor Kelley, protesting "unwarranted and illegal arrests."

Sunday was a quiet day, but the news vacuum was soon filled by reports of a rift in the movement. James Gray, the Herald editor, appeared on Albany's television station -- of which he is a part owner --

to denounce "outside elements." The Atlanta Constitution quoted an Albany Movement figure as saying, "Why can't these national organizations understand that this is a local movement?"

Negotiations were resumed Monday morning, and continued all that day, with the Albany Movement represented by C. B. King (first and only Negro lawyer in the history of the city); Attorney Donald L. Hollowell of Atlanta, the state's leading handler of civil rights cases; and Marion Page, acting as chairman of the Albany Movement now that Anderson was in jail. These three conferred with the Police Chief, Mayor, and City Attorney at City Hall. Verbal agreement was reached on: the acceptance by the city of desegregation of the train and bus facilities; the release of all the demonstrators from jail on the signing of simple property bonds, with the exception of the remaining eight original Freedom Riders, the reduction of their bond; the calling off of further demonstrations; and a promise by the city to hear the Negro community's case at the first business meeting of the new City Commission.

Late Monday night and up to 5:00 a.m. Tuesday morning, Negro men and women came forth from the jails. Wednesday, in the early afternoon, the eight Freedom Riders walked blinking into the sunlight outside the county jail. The Albany Herald called it a smashing defeat for the city's Negroes. Marion Page said, "We have just begun to fight." And pundits everywhere exchanged their analyses of the pre-Christmas turmoil in Albany, Georgia.

Awaiting the hearing, Albany Negroes have been framing their demands. The City Commission has set the date of the first business meeting for January 23.

And Albany State College has expelled* at least 40 students for participating in the demonstrations. What the city does now will be studied by the entire nation.

Was it Victory or Defeat?

A front-page story in the New York Herald Tribune the day after the Albany settlement called it "one of the most stunning defeats" in the career of Dr. Martin Luther King, Jr. The Tribune correspondent termed it a "devastating loss of face" for King, said the Albany Movement had been considerably weakened by King's arrival, and noted a "collapse" of Negro pressure. James Gray's Albany Herald quoted from this article to underline its own analysis of the situation as a huge defeat for the Negro community. A young man sitting in the shabby SNCC office, just after his release from jail, was asked how he felt about the agreement. He smiled. "You curse first and then I will."

Undoubtedly, the Albany Movement got little in the way of specific concessions out of the settlement. For the city to agree to the desegregation of the terminal facilities was belated recognition of what became law on November 1. The release of the demonstrators simply restored the situation before the arrests. Trials and jail sentences still hang over everyone at the discretion of the police chief. The City Commission promises to listen, but not necessarily to act.

One immediate and specific gain did result: the establishment beyond question of Negroes' right to use the terminal facilities without discrimination. Despite statements by the mayor and police chief, this

*See Appendix.

was not a fact before the Albany crisis. Today it is a fact. On Wednesday, December 27, the Trailways restaurant re-opened -- it had been closed by order of the Chief of Police when the trouble began -- and 15 Negroes were served without a murmur of resentment.

Still, no long-term assessment of the Albany actions can be based on what was or was not conceded at the moment of settlement. This is a Deep South city, with a hundred-year history of Negro silence and white complacency which has now been shattered for all time. Anyone who sat in the Shiloh Baptist Church at the prayer meeting following the settlement knows that expectations have been raised which will not be stilled without a change in the social patterns of the city. "Albany will never be the same," Attorney Hollowell told the crowd that night, and he was right. The call for a boycott at that meeting came not from the platform but from the crowd, and was echoed by a dozen men and women who stood up amidst a swell of approval and called, with the passion of people who have tasted prison, for Negroes to stay away from the downtown stores.

Analysts may coolly add up the concessions on both sides and come out with a mathematical sum which signifies defeat. But the Negroes of Albany have no such feeling. The Negro porter on the steps of an Albany church said, "No, we're just beginning. Just beginning." And a woman on the Executive Committee of the Albany Movement declared, "We are anything but through with the fight to be full citizens right here in Albany. There's a lot that can't be told right now, and we're trying to go along and see how much good faith will be shown in January. But anybody who thinks this town is going to settle back and be the same as it was has got to be deaf, blind, and dumb."

Is Negro Leadership Split?

There were disagreements among Negroes and Negro organizations in Albany, and some remain. In this observer's view, the stories of "rift" contain some truth but have been exaggerated out of proportion to their size in the total picture. In a successful movement, organizations proliferate and begin to get in one another's way. Personalities clash and egos become involved. But when the enemy is gargantuan, it tends to devour such disagreements before they get too big. The overwhelming need of Negroes in the South for unity against the awesome economic and political power of long-entrenched interests will probably act to keep disagreements within manageable bounds.

"Outside" Influences

James W. "Taxi" Smith is convinced that the Albany troubles before Christmas were the result of "outside" agitators, Freedom Riders getting \$100 a day, and troublemakers stirring up generally-contented local Negroes. Mayor Kelley of Albany and Georgia's Governor Vandiver* both told the press that "paid agitators" were at work and Kelley produced the prison records of SNCC youngsters who had gone to jail in sit-ins and Freedom Rides to prove his point. King and Abernathy were both denounced by James Gray's Herald for coming in to stir up Albany Negroes.

In the South, "outside" influences are often evident, but they do little more than heighten and sometimes direct an already intense set of grievances felt by local people.

*When students in the Atlanta University Center penned their famous "Appeal for Human Rights" in the spring of 1960, Governor Vandiver said it could not have been written in the state of Georgia, and probably was produced outside the confines of the United States, though, in fact, the student who wrote the original draft was born and bred in Atlanta.

In Albany, local people -- especially students at Albany State College -- were in motion in the spring of 1961. The Student Nonviolent Coordinating Committee came on the scene in the early fall and acted as a further stimulus. Albany youngsters in the Youth Council of the NAACP began to act. The first arrests (November 22) were of Albany State students. The next arrests (December 10) were of SNCC young people -- white and Negro, mostly from the South, but not from Albany. The mass demonstrations were planned by local Negro citizens and the more than 400 arrested by Thursday were evidently Albanians. Only at this point did Martin Luther King, Jr. and Ralph Abernathy, Negroes from another part of the same state, arrive on the scene. They (along with that young white fellow from South Georgia) were the only non-Albany people, so far as is known, involved in the mass arrests of Saturday night, December 16. The Albany Movement was overwhelmingly a local movement.

The Student Nonviolent Coordinating Committee introduced a novel technique into the Albany situation. They came from the outside, set up headquarters in the community, and worked so closely with local people that after a while they were, as one Albany Negro put it, "completely integrated" with the Negroes of that city. By their enthusiasm, ability, and their obvious courage they won the respect of local people.

Communications

Albany whites do not know what Albany Negroes are thinking. It would balance the equation neatly to say that Albany Negroes do not know what whites are thinking, but this would not be quite accurate. For Albany Negroes read the white press, while Albany whites do not read the Negro press (the weekly Southwest Georgian

reaches 5000 Negroes in a 60-mile radius from Albany). Albany Negroes see and hear Albany whites on television, but are not seen or heard themselves. And the conversations that take place between maids and housewives, between porters and employers, are hardly accurate transmitters of genuine feelings.

James Gray's Albany Herald is one of the many examples in the United States of a journalistic monopoly -- the one daily newspaper in town. Its total circulation is 29,000, of which 5000 is Negro. While it has a Saturday page devoted to activities in the Negro community, it offers no opportunity for Albany Negroes to communicate their grievances to the white people of the town -- except for an occasional letter to the editor. The editorial policy is strongly pro-segregationist, and the leading Negroes of Albany consider the Herald the city's most formidable obstacle to racial amity. Out of the recent events came a Negro boycott of the Herald, so severe that the paper dismissed the Negro assistant circulation manager who now had little circulation to manage. The man was also Treasurer of the Albany Movement, and Mr. Gray had kept him on, knowing this, firing him only when Negro readers fell off drastically.

Even the Herald's news columns are colored by its editorial antipathy to Negro moves for desegregation. On Friday, December 22, a front-page news story read, "There was a wave of feeling among Albany's Negroes to purge themselves of the Reverend King, who now seemed transformed from the Great Leader into a political liability who was impeding the path of good relations between the races in Albany." Herald reporters gave little first-hand coverage to Negro activities, and, with the obvious admiration for King expressed by

Albany Negroes both before and after his arrest, it is hard to avoid the conclusion that this news report was manufactured in the office. This kind of reporting misleads the white community of Albany about local Negro sentiment. It makes whites adamant about holding to the status quo because it spreads the erroneous notion that Negroes are satisfied with things as they are. An element of honest self-delusion is apparent.

There are no opportunities for whites and Negroes in Albany to meet and exchange ideas in an atmosphere of equal give-and-take. Albany whites, in general, are not aware that there is a top layer of highly competent, well-educated, cultured Negroes who are worth knowing as persons, and who could make genuine contributions to the progress of the city outside of racial questions. A white minister in Albany, prominent in the city's ministerial alliance, asked me, "Are there any Negroes in Albany like the kind you find in big cities, to whom one can talk on an intellectual level?" I told him of the Negro home I had visited the previous evening, and of the authors represented in the man's library: Barzun, Edmund Wilson, Steinbeck, Schlesinger, Durrell, Suzuki, and Robert Graves.

It is not easy to find, in Albany, the white liberals who crop up in such numbers in a city like Atlanta. But this may be because the first spadeful of earth has not yet been overturned in a soil hard-encrusted since Civil War days. Once it is, people long silent will speak up, softly, but unmistakably. A few -- ministers, businessmen, others -- have already begun. An elderly white couple, whose daughter I had met in Atlanta, invited me to tea and showed, in their questions, a basic humanity deep in all Southerners -- and, of course, in all people -- which will make race relations in the South

warm and noble once artificial obstacles are removed.

Albany's white people, like Albany's Negroes, are mostly hard-working, quiet, and peaceful people. One striking feature of the Albany situation was that at no time during the week of demonstrations -- nor during the earlier incidents connected with the Trailways Terminal -- were there any mobs, or angry crowds, or voiced threats. Could this be the first indication of what will be the pattern of Deep South reaction to subsequent Negro protests? There was one white man arrested for singing "Dixie" near Negro demonstrators, and once when a crowd gathered at the Trailways Terminal on Thursday, December 14, a few mutterings of hostility were heard. But signs of real tension were observed by no one, white or Negro, to whom I spoke and who had been on the scene. The New York Times reported in the midst of the turmoil, "There were no indications that the 30,000 white residents of Albany were greatly aroused over the dispute." Where whites did appear at the scene of demonstrations, the chief motivation seemed to be curiosity. "What were the white people doing when you were marching?" I asked a Negro man. "Nothing but reckless eyeballin'," he said, and then smiled. "That's what I call it -- reckless eyeballin'. Just curiosity."

Police, Jails, Justice

Police Chief Laurie Pritchett was hailed widely in the press for preventing violence in Albany during the week of demonstrations. An Atlanta Constitution reporter did a special piece on Pritchett in which he did not conceal his admiration. The reporter for the New York Herald Tribune said Pritchett "brought to Albany a standard of professional achievement that would be difficult to emulate in a situation so made to order for violence....." All of this praise may

indicate that Americans have unwittingly accepted a distorted conception of the rights of citizens and the duties of police officers in a democratic state. It needs to be strongly asserted that it is the function of police officers to defend the rights of citizens against anyone who would prevent them from exercising those rights. The negative function of preventing violence is an instrument supporting the positive exercise of constitutional rights by persons of the community. The praise is also a measure of the extent to which the purveyors of violence in Montgomery, Birmingham, and McComb succeeded in their function: they have managed to lower the settlement terms for race crises in the South, so that it becomes sufficient evidence of successful police action to have prevented violence. The requirement of positive protection of equal rights has been waived.

Recall what the police did, again and again. On November 1 -- the day the I.C.C. order for non-discrimination took effect -- they ordered two Negroes out of the bus station in a situation where, observers noted, there was no crowd, no threat, no indication of imminent violence or even nervous upset. On the morning of November 22, three weeks after the I.C.C. ruling, three Negroes were sitting quietly in the Trailways Terminal restaurant, waiting to get the food they ordered, with only a few people around and not the slightest sign of disturbance, when the police ordered them out, and arrested them for returning to the restaurant. The charge was breach of the peace, but there was not the slightest evidence to support the idea that they had disturbed the peace. That afternoon, two more students were arrested for using the white waiting room.

On December 10, six weeks after the I.C.C. ruling, the police arrested the eight Freedom Riders, the two

young people who came to meet them, and the one observer, as they came out of the white waiting room and began to get into cars. The charges: obstructing traffic, disorderly conduct, and failure to obey a police officer. Talks with a dozen witnesses corroborate the fact that there was virtually no traffic to obstruct, that there was nothing disorderly about the conduct of the group, and that, at the moment of arrest, they were obeying the order to disperse -- since some were already getting into cars and the rest were about to leave. There were few whites around, the hundred or so Negroes standing nearby were quiet and orderly, there were no signs of disturbance or imminent trouble, and the whole scene would have melted away in a few minutes if the order to arrest had not been given.

In the demonstrations that followed that week, over 700 people were arrested for walking in single file, or twos, on one occasion threes, downtown to the vicinity of City Hall, singing hymns and praying. The New York Times reporter, describing the first demonstrators on Tuesday, said they "strolled slowly past the courthouse in pairs, singing hymns as they walked." (It should be noted that Albany's streets are exceptionally wide.) Again, no evidence of disturbance or imminent trouble. Whites stood around staring curiously. There were no angry speeches; these people were peacefully expressing their disagreement with the city administration's actions in arresting the Freedom Riders. Wednesday and Thursday, more walks downtown followed, with again no indication of white anger or probable violence. The Associated Press dispatch from Albany that Thursday said, "White residents of this city have shown little close-range interest in the incidents."

The arrest of the hymn-singing marchers led by Martin Luther King, Jr. on Saturday night was given

a more sophisticated legal basis -- parading without a permit -- and it would be fruitless to go into the niceties of what constitutes a parade. But the pattern of all these arrests is quite clear: the police kept a peace which had not been broken and with no signs that it was about to be broken, by putting into prison over 700 men, women, and children who were exercising basic American rights to assemble peacefully and to petition the government for a redress of grievances. To put it bluntly, this was not a situation where local police needed to protect citizens from private violence but where the exercise by citizens of constitutional rights required protection.

There may be a valid question about the propriety of demonstrations which may influence judicial proceedings, but the chief did not raise this question, nor did his responses to other demonstrations that week indicate that this factor was primary for him.

Albany apparently followed the pattern of police action devised by the State of Mississippi and the City of Jackson at the time of the Freedom Ride: arrest quickly, quietly, and imprison. There have been times in the past when southern authorities have delegated "law enforcement" to the mob. No mobs formed in Mississippi around the Freedom Riders, nor in Albany. This is undoubtedly a great improvement. Yet if police action effectively suppresses the exercise of legitimate protest, leaving nothing for the mob to do, there is no real advance.

The Jails

A sheriff in a neighboring county surveyed the prisoners sent over from Albany, spotted a button in the lapel of one of them. It read, "We Believe in Human Dignity." The sheriff snatched the button, threw it to the ground, and stamped on it. This could

hardly be called "police brutality" but it suggests the kind of jailhouse psychology which determined the treatment of 400-odd prisoners in the Albany crisis.

There were eight places of confinement finally, when the city ran out of space: the city and county jails in Albany, the National Guard armory, and county jails at Americus, Dawson, Leesburg, Camilla, and Newton. The conditions ranged from just plain discomfort and bad food for most, to sickness for some, to cuffs and blows for a few, though probably jail conditions here are not worse than in many other local prisons in the country.

Charles Sherrod -- who had come to Albany to open the SNCC office in September -- said that when he arrived at Dawson in Terrell County with a number of other prisoners, Sheriff E. Z. Mathison told him, "Now remember. You left all your rights behind in Albany. I don't want to hear nothing about freedom." Sherrod said the group wanted two devotions a day, that though he was in jail he was still a man and still a Christian. The sheriff hit him with his hand and took him to his office. Then another man hit him in the mouth, cracking his lip. His mouth was full of blood. He was put in a cell by himself from 11:30 a.m. to 6:00 p.m., then returned to Albany where F.B.I. agents listened to his story.

A small group of Negro men and women, just out of jail, sat on a bench outside the office of the Shiloh Baptist Church and told about prison conditions:

A woman in jail for a week said, "I was in the Leesburg stockade with 51 other women. There was no place to sleep. The mattresses were wet and dirty.... They would put the food in a box, place it on the floor, and kick it into the cell.... Peas, peas, peas. Grits in the morning, fatty meat, crushed bacon in

grits, two slices of bread, water. I wouldn't eat for four days....We continued to pray and prayer does change things."

Another woman was in the Dougherty County jail in Albany: "We got bitter black coffee...there was a sick woman there...it was eight hours before the county doctor came...she asked for glasses because she gets headaches without glasses...they didn't get her any glasses...they told us if we don't stop singing they'd put us in the dark."

A man arrested Saturday night: "Although no one put a hand on me, I feel like I been beaten. When you sleep on steel and concrete you are automatically sore. I'm a trailer driver, on the job a year, came back to work this morning, found I got no job...they told me, 'You a Freedom Marcher'...My wife lost her job, too."

A woman: "We were 88 in one room from Saturday night to Monday night, with 20 steel bunks and no mattresses...most slept on steel benches and the concrete floor. Waited 12 hours from one meal to the next...grits and gravy...Sheriff took us to Camilla. On the bus he told us, 'We don't have no singin', no prayin', and no handclappin' here.'"

Another man: "Forty-two of us in a cell for 12 in the city jail...then we were put in a bullpen, 60 men, 16 beds...all standin' up on one another. The food? Oh bad, man!"

A young married woman, senior at Albany State College, left two children with her mother and demonstrated Wednesday evening. "I didn't expect to go to jail for kneeling and praying at City Hall." She slept on an iron cot in the city jail and got sick. From Wednesday to Friday she ate nothing. Slater King, Albany Negro leader in the same prison, tried to slip his food to

her through a hole in the door, but a guard came along and hit him in the back as he was passing the plate through the opening. He fell against the bars and hurt his head. (Police Chief Pritchett fired the guard soon after.)

When I went to the sheriff's office Wednesday morning, December 20, to see one of the original Freedom Riders still in the county jail, I was told they were allowed no visitors except for a lawyer. Husbands, wives, mothers, fathers, could talk to prisoners only by shouting through a barbed wire fence at a thick-meshed wire window through which no one inside was visible.

At the prayer meeting in the Shiloh Baptist Church that Tuesday night after the settlement, a young white girl arrested with the original group on Sunday, came down the aisle to the rostrum. She had been released from jail a few minutes before and was out of breath. She spoke briefly, softly. "First time I'd ever seen a jail. It's a funny mixed-up feeling to hate being in a dirty place but to be glad you're there for a good reason....We hope you'll keep going."

The Police Chief of Albany said, "We met non-violence with non-violence."

Where was the Federal Government?

While young people on three separate occasions were being ordered out of Albany terminals and arrested, while over 700 persons were arrested and over 400 kept in jail for marching downtown to sing, pray, and protest, the Federal Government, pledged through specific Constitutional guarantees, statutes, and administrative rulings to protect the rights of citizens against local usurpation, took the following visible actions:

On November 1, 1961, when Selyn McCollum watched the police order nine young Negroes out of the white waiting room at the Trailways Bus Terminal, and this was reported to the F.B.I., there was no apparent result. On November 22, when five students were arrested for using the Trailways facilities in Albany, no federal action was visible. When Chief Pritchett ordered the Freedom Riders outside the railroad waiting room on December 10, and then arrested 11 in the street, for the third time in six weeks the express ruling of a Federal Agency failed of enforcement. With the start of demonstrations and mass arrests on Tuesday, December 12, local police practice came into conflict, not with the very pointed I.C.C. ruling, but with broader -- and more complex -- issues repressed by the Bill of Rights: freedom of assembly, the right of petition.

On Wednesday, with more demonstrations and more arrests, telegrams began going to Attorney General Kennedy asking federal intervention. On Thursday -- more demonstrations, more arrests--and the New York Times reported from Albany that, "The Justice Department was watching developments here closely." That day, Attorney General Kennedy conferred by phone with both Governor Vandiver and Mayor Kelley. The Mayor said he assured the Attorney General that law and order could be preserved without federal aid. Also that day, the Assistant Attorney General in charge of the Civil Rights Division talked with Albany Movement leader W. G. Anderson. On Friday, with demonstrations and negotiations in progress, he phoned Mayor Kelley and offered to mediate, and the mayor assured the Assistant Attorney General that the city could work out its problems. On Saturday, negotiations broke down. Martin Luther King, Jr. led the march downtown that

evening, hundreds more were arrested, and the NAACP wired Vice President Johnson and Attorney General Kennedy to protest the arrests. F.B.I. men were reported cruising the streets in cars.

On Monday, December 18, a settlement was announced, and within a hour Mayor Kelley said Attorney General Robert Kennedy called to congratulate him for a good job.

Events in Albany were caused by the city's violation of the Interstate Commerce Commission's regulation. The Federal Government took no apparent action to curb that violation, although it undoubtedly has power to enforce its own orders. Today in Albany the I.C.C. order is being complied with. It was enforced, not by federal authority, but by demonstrations in the streets.

Conclusion

Over 700 Negroes in Albany, and a few sympathetic whites, spent time in prison in December of 1961, as a mass substitute for federal action to compel recognition of a legal right. They were not opposed by the white people of Albany, but by local law enforcement officers. These officers acted, not out of malice, but out of a too-faint comprehension of the changes which are rolling slowly, but inevitably, through the South today, and which, with McComb, Jackson, and Albany, have begun to move into the heart of the Black Belt. As in other cases, a movement born of specific grievances was nurtured in crisis and developed larger objectives, those of full equality and untarnished human dignity.

The real feelings of the Negro community were kept from a fundamentally fair-minded white community by the powerful barrier of segregation, propped up by a hostile press and an unsympathetic city administration. As Christmas approached in 1961, masses of Albany Negroes

pressed the weight of their bodies against this barrier. They moved it only slightly, but the tremors were felt in Albany and through the nation. They may have to press against it many more times, but now that the first rumblings have sounded in the ears of the white community, help may come from that side of the barrier. One day, certainly, it will be dismantled, and Albany whites and Negroes, quietly, unspectacularly, will begin to live together in a manner consistent with the new expectations of this century.

The following items appeared side-by-side in the Atlanta Journal and Constitution, January 7, 1962:

ALBANY STUDENT PENALTY STRESSED

By Gordon Roberts

An Albany attorney contended Saturday that Negroes suspended from Albany State College were dealt with more harshly than white students who took part in anti-integration riots at the University of Georgia last year.

C.B. King, who represents about 40 Negro students who have been suspended thus far at Albany, charged that punitive action was taken against them "for doing what they had a right to do," while white university students were not punished for participating in "mob action."

The suspended Negroes will appeal their cases, if necessary, to federal court, Mr. King said. Appeal procedure calls for seeking a rehearing at the college, and that failing, to ask the University System Board of Regents to review the suspensions.

The Negro students were suspended for taking part in anti-segregation demonstrations in mid-December, which for the most part involved "freedom" marches to the Albany City Hall.

Mr. King said he knows personally of at least 40 who have been suspended, but the number could run as high as 100. He said there were about that many Albany State students arrested as a result of the marches.

The students were charged with "conduct detrimental to Albany State College." College officials were still holding closed disciplinary

hearings Saturday morning.

In appealing the cases, Mr. King said he would contend that the Negroes were ousted for doing what they had a right to do, but white University of Georgia students were allowed to stay, though what happened there last January "was clearly mob action."

(According to university officials, three university students — two of whom were indicted by a grand jury for allegedly participating in the riot — were suspended, but were cleared to return to the University after being out about one quarter. Two other students withdrew while university action was still pending against them.

(Seventeen students arrested by Athens police in connection with the rioting and other protest demonstrations on and off the campus were tried in the city court and a number of them convicted. The University placed them on probation.)

Attorney King also noted that the Albany demonstrations occurred after school hours or while the Negroes were out for the holidays, and that they did not occur on the college campus.

College President, William H. Dennis reportedly has received from the State Law Department advice on the actions he is taking. There also are rumors in Albany that University System Regent Roy Harris, an arch-segregationist, has advised President Dennis.

ATHENS RIOT TRIAL PLANS STILL LACKING

Another term of criminal court is about to begin in Athens, and there still are no definite plans for trying 11 persons indicted in connection with the desegregation riot at the University of Georgia, according to Sol. Gen. Marshall Pollock.

Criminal court week will begin January 15, and Sol. Gen. Pollock said Saturday he has not decided whether he will call the year-old cases for trial. However, he said he had no intention of dropping the charges. "I just don't know if they'll be tried now," he said.

Indicted in connection with rioting when the university admitted two Negro students, were two students and nine Atlanta area men, eight of whom were admitted Klu Klux Klansmen.

Their trials have been postponed from the April, July and October terms of court.

However, Mr. Harris Saturday said that report was without foundation, that he has not discussed the situation with the college president. He said the regents did discuss it at a recent meeting, but decided to let Pres. Dennis handle the matter.

Meanwhile, Regent Chairman, Robert O. Arnold supported Mr. Dennis in the suspensions.