

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION

INDIA LYNCH, by her parent, SHAWN KING       \*\*  
LYNCH, et al., individually and on behalf of       \*  
others similarly situated,                               \*

Plaintiffs,   \*

v.   \*

Civil Action No.  
CV-08-S-0450-NE

THE STATE OF ALABAMA; BOB RILEY, in his       \*  
official capacity as Governor of Alabama; and       \*  
TIM RUSSELL, in his official capacity as           \*  
Commissioner of Revenue,                               \*

Defendants.   \*

**EXHIBIT G TO  
PLANTIFFS' SUBMISSION OF EXPERT REPORTS**

Expert report of Dr. Henry M. McKiven, Jr.

Expert Report of Henry M. McKiven, Jr., Ph.D.

With the end of radical reconstruction, whites in the South reestablished their domination of African Americans. A combination of *de facto* and *de jure* segregation governed race relations until the end of the nineteenth century when southern states, with the acquiescence of the federal government and the United States Supreme Court in the *Plessy v. Ferguson* decision, established *de jure* segregation in all areas of life and virtually eliminated black voting. To the extent African-Americans exercised influence in government, they did so through informal relationships between members of their communities dominant whites considered trustworthy. If these “race leaders” demanded too much, or became too aggressive, whites replaced them. The object of the arrangement was to render the black community as dependent as possible upon white leaders.<sup>1</sup>

At no time did African-Americans simply accept the status quo in race relations. Challenges to Jim Crow had little chance of success, however, as long as the national government allowed violation of the reconstruction amendments. White southerners understood that what the federal government gave, in *Plessy* for example, it could take away. Southern states depended upon federal acquiescence in segregation to maintain the system.

Signs that this period of federal “benign neglect” was coming to an end began to appear in the 1930s, thanks in large part to the legal strategy of the NAACP and the growth of an urban black population that supported Roosevelt and the New Deal. By

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<sup>1</sup> Gunnar Myrdal, *An American Dilemma* (New York: McGraw-Hill, 1964), pp. 720-21; Earl Black and Merle Black, *Politics and Society in the South* (Cambridge, Mass.: Harvard University Press, 1987), pp. 82-83.

1944, African Americans in northern cities had become an integral part of the Democrats' urban coalition. Their influence could be seen in the establishment of a Fair Employment Practices Commission during World War II that investigated discrimination in hiring among industries holding federal contracts, including a few in Alabama. Such federal activism, combined with a major NAACP success in *Smith v. Allwright* (1944), aroused fears of a renewed federal assault on *de jure* segregation. The Dixiecrat revolt of 1948 revealed significant southern discontent over the direction the Democratic Party was moving in the area of race relations. When the Democrats adopted a civil rights plank at its 1948 convention, Strom Thurmond of South Carolina led a walkout of southern Democrats reminiscent of the one William Lowndes Yancy led in Charleston in 1860. This Dixiecrat movement foreshadowed the southern reaction to far more threatening Supreme Court decisions in the 1950s leading to the landmark decision in *Brown v. Board of Education*.

Initially the reaction to *Brown* in the Mobile region was surprisingly calm. The *Mobile Press* featured on its front page a story about Georgia Senator Herman Talmadge's denunciation of the court. "The court has thrown down the gauntlet before those who believe the Constitution means what it says when it reserves to the individual states the right to regulate their own internal affairs," said Talmadge. He proclaimed Georgia's intention to defy the court and urged other southern states to do the same. Alabama state representative Sam Engelhardt of Macon County led other legislators in a commitment to defend all-white schools in Alabama, basing his defense on states' rights

as well.<sup>2</sup> Editorial comment and reaction in Mobile remained restrained, however. The white community chose to wait and see if anything would actually happen. Given the past history of federal support for black civil rights, ambiguous direction about implementation from the Supreme Court, and southern power in Congress, many thought the federal government might never get around to actually implementing the decision.

African-American attempts to alter or eliminate segregation in public transportation in 1955 and the attempt by Autherine Lucy to integrate the University of Alabama brought to an end the relatively moderate reaction to the *Brown* decision. In retrospect the initial response to *Brown* was only the quiet before the storm. When African Americans in Montgomery boycotted city buses while working through the courts for an end to segregated seating, white Alabamians began to grasp the full implications of the *Brown* decision. The Alabama legislature passed an act of interposition declaring “orders of the Supreme Court of the U.S. relating to the separation of the races in the public schools are, as a matter of right, null, void and of no effect . . . .” White Citizens’ Councils organized all over Alabama to lead the resistance to school integration and any other federal effort to extend equality to African Americans. One of the first Citizens’ Councils in South Alabama was established in Escambia County. J. Robin Swift, chairman of the Escambia County Council, told the *Mobile Register* that White Citizens’ Councils intended to stop the federal courts’ assault on state law.<sup>3</sup> Eugene “Bull” Connor spoke to about 1,000

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*Mobile Press*, May 18, 1954. For the reaction to *Brown* generally see James T. Patterson, *Brown v. Board of Education: A Civil Rights Milestone and its Troubled Legacy* (New York: Oxford University Press, 2001), ch. 5.

<sup>3</sup>

*Mobile Register*, February 7, 1956. The source on White Citizens’ Councils generally is Neil R. McMillen, *The Citizens’ Council: Organized Resistance to the Second Reconstruction, 1954-64* (Urbana:

members of the Mobile Council, warning that the failure to stop court ordered integration would mean the end of the “white race.”<sup>4</sup> In early 1956, politicians, many of whom were members of their local White Citizens’ Council, excoriated federal courts and the government for violations, they claimed, of states’ rights. They dusted off the old doctrine of state interposition, vowing to resist court ordered change in the “southern tradition” of segregation. The states would consolidate school authority and “interpose” state sovereignty between local school officials and the federal court. As historian Numan Bartley explains, southern leaders hoped to use interposition to defeat federal court intervention in the region. Newspapers in Alabama educated the public, shaping the discourse on race relations with repeated denunciations of federal courts and the federal government in general.<sup>5</sup> The *Mobile Register*, the leading paper on Alabama’s Gulf coast, defended interposition as necessary to block “illegal” encroachment on the power of states by the court. In February, 1956, a few days after Senator James Eastland of Mississippi spoke to a large gathering of White Citizens’ Councils in Montgomery, an editorial in the paper denounced *Brown* as a “concoction of psychology, sociology and politics . . . [that] astonishingly invades the federal legislative prerogative.”<sup>6</sup> The next month the *Register* reported the Southern Manifesto on the front page and endorsed

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University of Illinois Press, 1971).

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*Mobile Register*, April 13, 1956.

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Numan Bartley, *The Rise of Massive Resistance: Race and Politics in the South During the 1950’s* (Baton Rouge: Louisiana State University Press, 1969), pp. 127-28.

<sup>6</sup> *Mobile Register*, February 19, 1956.

editorially this statement of opposition to the Supreme Court's integration decisions. Signed by 19 senators and 81 representatives from the South, the Manifesto called the school integration decisions "a clear abuse of judicial power. It climaxes a trend in the Federal judiciary undertaking to legislate, in derogation of the authority of Congress, and to encroach upon the reserved rights of the States and the people." At the end the signers stated "We decry the Supreme Court's encroachments on rights reserved to the states and to the people, contrary to established law and to the Constitution. We commend the motives of those States which have declared the intention to resist forced integration by any lawful means . . . ." <sup>7</sup>

Attacks on federal courts were central in the discourse of resistance to black civil rights in the south. In an editorial critical of U.S. Attorney General Herbert Brownell, the *Register* argued that the South's racial problems would not exist if the court "had restrained itself from encroaching upon a congressional prerogative and legislating in the school cases." A few weeks later the paper called the *Brown* decision "an incredible invasion of states' rights." The Court's ruling in the Montgomery bus boycott case brought an even more bitter denunciation. The Court, the paper warned, was "throwing this country to the wolves of federal dictatorship as fast as its judicial ferocity against the South can take it." It had "virtually ripped the states' rights article from the Constitution of the United States." If the Court could "destroy states' rights in these school and

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Alabama's act of interposition can be found in Herbert O. Reid, "The Supreme Court Decision and Interposition," *Journal of Negro Education* 25 (Spring 1956): 114-15; *Mobile Register*, March 13, 1956; 102 Cong. Rec. 4515-16 (1956). On the first attempt to integrate the University of Alabama see E. Culpepper Clark, *The Schoolhouse Door: Segregation's Last Stand at the University of Alabama* (New York: Oxford University Press, 1995), chs. 3-5.

transportation affairs,” asked the *Register*, “how can it conceivably recognize states’ rights in any field whatever without branding itself as hypocritically prejudiced against the South in its school and intrastate bus decisions?”<sup>8</sup> The *Register* applauded a bill U.S. Representative George Huddleston introduced in Congress that would have stopped the Supreme Court’s attempt, as Huddleston put it, to “usurp the power of the legislative to make the laws of the land.”<sup>9</sup>

Passage of a Civil Rights Act in August, 1957 and the struggle over the integration of Little Rock’s Central High set off another round of attacks on the federal government and the Supreme Court. Again Mobile newspapers joined a chorus of invective against the federal government and its continued violations of states’ rights. President Eisenhower’s signing of the Civil Rights Act and use of federal troops in Little Rock came under withering fire from white southerners. The *Register* held the administration responsible for “the federal intrusionist campaign ordered by the U.S. Supreme Court against the traditional and heretofore judicially recognized rights of the states to practice racial segregation in their public education systems.” The paper called the Civil Rights Act “as surely an invasion of states’ rights as the preceding Supreme Court decisions against school segregation.”<sup>10</sup>

The attack on Jim Crow brought to an end a period during which southern politicians paid relatively little attention to race relations. With the acquiescence of the federal

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<sup>8</sup> *Mobile Register*, April 10, 24, 1956. See also April 18, 20, 1956.

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*Mobile Register*, June 6, 1956.

<sup>10</sup> *Mobile Register*, September 6, 1957, April 1, 1958

government in the disfranchisement of southern blacks and the establishment of *de jure* segregation, white southerners had been generally satisfied that the race “problem” was settled. So other issues became more prominent in political campaigns. During the Great Depression, when leading Alabamians Hugo Black, Lister Hill, John Bankhead, and many others embraced the “liberal” program of the New Deal, political campaigns in the state dealt with the role of the federal government in providing relief to the millions who suffered during the 1930s. Alabamians joined other Americans in being supportive of New Deal intervention in the economy, especially if the primary beneficiaries were white. After World War II, Alabamians continued to elect men who advocated expansion of state and federal regulation of the economy in the interest of the people. James “Big Jim” Folsom won the governor’s office by appealing to the “little man’s” resentment of the “arrogance” of large corporations with promises of more stringent government regulation. One of his lieutenants was George Wallace, a self-described defender of the average Alabamian. Prior to 1954 Folsom and the others could engage in the politics of class because the politics of race, with the notable exception of 1948, was largely irrelevant. The *Brown* decision returned race to center stage in southern politics.<sup>11</sup>

The 1958 gubernatorial campaign revealed the shape of things to come. Many ran in 1958, but the two leaders on election day were John Patterson and George Wallace.

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A number of studies have analyzed this transition. For examples see Dewey W. Grantham, *The Life and Death of the Solid South: A Political History* (Lexington: University of Kentucky Press, 1988), ch. 5; Black and Black, *Politics and Society in the South*, pp. 9-11; George E. Sims, *The Little Man’s Big Friend: James E. Folsom in Alabama Politics, 1946-1958* (Tuscaloosa and London: University of Alabama Press, 1985), pp. 173-83; Dan T. Carter, *The Politics of Rage: George Wallace, The Origins of the New Conservatism, and the Transformation of American Politics* (Baton Rouge: Louisiana State University Press, 1995), pp. 94-97

Wallace had begun laying the ground work for his campaign in 1957 with speeches across the state in which he defended the actions of Orval Faubus in Little Rock and criticized “decrees by federal judges that bring nothing but chaos and confusion.”

Wallace, however, turned out to be a racial moderate compared to Patterson, who ran on his reputation as the man who shut down the NAACP in Alabama. At a Prichard rally, Patterson warned his audience that Alabama was “under attack” by “forces from without the state which are attempting to mix the races . . . .” One of those “forces” was the Supreme Court. A Patterson political ad in Mobile papers emphasized his efforts as attorney general to “keep segregation in our public schools, despite the dastardly U.S. Supreme Court decision.” Patterson’s strategy paid off with a solid victory over Wallace in the run-off. Wallace expressed his new understanding of the place of race in Alabama politics with his infamous analysis of the election outcome: “no other son-of-a-bitch will ever out-nigger me again.”<sup>12</sup>

Although the Eisenhower administration had received its share of criticism from white southerners, by 1960 it had become clear that the national Democratic Party was more committed to further expansion of black civil rights than the GOP. The Democratic urban coalition included an important black constituency that was able to secure a commitment to stronger civil rights legislation in the party’s 1960 platform, a commitment enthusiastically supported by candidate John Kennedy. Alabama’s Democratic party, unwilling to endorse the national party’s civil rights commitment, chose a slate of states’

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*Mobile Register*, March 12, 24, April 29, 1958; Carter, *The Politics of Rage*, pp. 90-96.

rights electors in that year. States' Rights Democrats opposed any further civil rights legislation. The alienation of Alabama's Democrats from the national party deepened in 1961, largely in response to the Kennedy administration's handling of the freedom rider protest in the spring of 1961. After Robert Kennedy, uncertain that Governor Patterson would use state law enforcement agencies to protect the riders, ordered federal marshals to Montgomery, the *Mobile Register* again attacked the administration for its violation of states' rights. According to the paper "the minions of Washington are flouting the laws of Alabama and failing even to cooperate with a state court that is attempting to live up to its responsibility by bringing injunctive action against rabble-rousers [the freedom riders] violating Alabama laws." The circuit court had issued an injunction to stop the riders, who were attempting to force integration of interstate transportation as ordered in *Boynton v. Virginia*. The *Register* objected to Judge Frank Johnson's order shielding the riders from any action by the state court.<sup>13</sup>

The freedom rider episode, the violence over the integration of the University of Mississippi, the push for civil rights legislation in Congress, federal courts' continued assault on segregation, and the impending integration of the University of Alabama shaped the context of the 1962 Democratic gubernatorial primary and the general election. George Wallace ran again, joined by several others including MacDonald Gallion and Ryan de Graffenreid. All of the candidates denounced the federal government and the courts, trying to convince Alabamians the right man could turn back the civil rights movement. State Attorney General Gallion trumpeted his defense of

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*Mobile Register*, December 9, 1960, May 23,24, 1961.

“local sovereignty.” de Graffenried ran a newspaper ad stating that he would “fight for our state’s sovereign rights and defend our way of life as did his four great-grandfathers who served in the Army of the Confederacy.” A Wallace ad consisted of a Barbour County grand jury report praising the “fighting judge” for resisting the Civil Rights Commission’s “attempt to take over the courts of this state.” The report thanked Wallace for his “vigorous defense of constitutional government and states [*sic*] rights” and asserted “we resent deeply the efforts of the Federal Government to destroy the social and educational institutions of the South . . . .”<sup>14</sup>

Wallace won the primary and faced insignificant opposition in the November general election. The same cannot be said of Lister Hill, the long time senator and again the Democratic nominee. Given the hostility toward the federal government’s challenge to Jim Crow, it is not surprising that Hill came under suspicion. He had sponsored a number of measures expanding federal power and was not as aggressive in his defense of segregation as many white Alabamians wanted. He was vulnerable and Alabama Republicans saw an opportunity. The Alabama GOP decided to attack Hill as one of the people responsible for the growth in federal power that had brought about the threat to “southern institutions,” particularly segregation. Jim Martin, among others, thought the GOP could use states’ rights to challenge a prominent Democrat for the first time since the early twentieth century, perhaps laying the foundation for a resurgence of the state

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<sup>14</sup>

*Mobile Register*, April 8, 9, 24, 1962.

GOP. Martin secured the GOP nomination.<sup>15</sup>

Martin and the GOP's cause benefitted greatly from events in Oxford, Mississippi that fall. *Mobile Register* editorials on the Mississippi situation blamed national Democrats and the federal judiciary. An editorial in early October held Franklin Roosevelt responsible for the bloodshed at Ole Miss. It was Roosevelt, the paper argued, who planted "the integration germ" and gave "it early cultivation." The country, continued the editorial, was now paying the price "for a string of recent untenable decisions by a U.S. Supreme Court." The next day the *Register* remarked that bayonets could not establish "that the misfits on the U.S. Supreme Court in 1954 were right in misinterpreting the constitution to call for racial integration of the schools." Comments from readers of the *Register* suggest that the discourse equating states' rights and opposition to expansion of black civil rights found support in the community. One correspondent wrote that "Uncle Sam is a grand old man. That is, he used to be before 1954. Since that time. . . he has. . . listened a little too much to a group called the NAACP [and] nine black-robed men who believe themselves to be some sort of gods. . . ." Another writer denied the link between defense of states' rights and efforts to maintain restrictions on black rights, yet called on all who "believe in the dignity of the individual, the rights of the states, the original intent of the signers of the Constitution, should stand solidly behind the effort of Governor Ross Barnett, who is leading the fight not only for Mississippi, but for the entire 50 states." Edward L Newton of Chickasaw sent a poem to the paper reworking Kipling's *If*. "If the states are no more than political subdivisions of

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<sup>15</sup> Billy B. Hathorn, "James Douglas Martin and the Alabama Republican Resurgence, 1962-1965," *Gulf Coast Historical Review* 8 (Spring 1993): 61-67.

the federal government; if the federal government is supreme in every field in which the states have already legislated; if the Supreme Court can constitute itself a third body and make laws apart from Congress; if the federal government can use troops to enforce unconstitutional court decrees where no law has been enacted by Congress; if the people of the United States approve the invasion of Little Rock and Oxford—then we should abolish the make-believe states and make their capitols historic shrines.”<sup>16</sup>

As these letters suggest, there was a shift in the rhetoric about the issues in the early 1960s. Much as white southerners in the mid-nineteenth century had justified their defense of slavery as a defense of the constitutional prerogatives of the states, white southerners in the early 1960s attempted to glorify their defense of racial subordination with claims to be defenders of states’ rights. The more openly racist agenda of the 1950s gave way to relatively subtle appeals. An example of the tactical shift was a sermon by a Dr. Henry Grube at the Mobile Gospel Tabernacle. Dr. Grube’s sermon, entitled “The Christian and States Rights,” emphasized the duty of southerners to obey the law. The problem in America, he contended, was the failure of the federal government to enforce the law, a responsibility “ordained by God.” Instead, the Kennedy administration in Oxford and elsewhere enforced “the opinion of nine men in the Supreme Court’s school decision of 1954.” The question at Ole Miss and elsewhere was not, he insisted, the rights of blacks “but whether the Supreme Court or Congress makes the laws of this land. And under the law, the state is within its right in conducting its schools as it sees fit.” Race was not the issue, but state policy mandated subordination of blacks. Grube warned his

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<sup>16</sup>

*Mobile Register*, October 2, 3, 4, 5, 7, 23, 1962.

audience that “unless conservative and free enterprise and states’ rights policies prevail . . . this country is doomed to go down the road to socialism and communism.”<sup>17</sup>

The *Register* suggested that voting for Republicans in 1964 might be a good way to punish the Kennedys and national Democrats and bring about the “swing to the right” for which Grube and his congregation prayed. But Jim Martin and the Alabama GOP offered white citizens of the state a more immediate opportunity to protest integration. The same day the *Register* suggested Republicans as an alternative to big government, integrationist Democrats, Brevard Hand opened a “Rebels for Martin” headquarters in downtown Mobile. Hand described himself as a “conservative and disgruntled southerner.” The members of the organization, which was statewide, came from both parties to work for the replacement of Alabama senators and representatives who had failed to fight aggressively enough against the ongoing erosion of states’ rights. Martin relentlessly attacked the national Democratic Party and his opponent for their use of federal power against “southern principles.” In a speech at Morrison’s Cafeteria, Martin portrayed “national” Democrats as pawns of Martin Luther King. A week later, at a Mobile Rebels for Martin rally that opened with the playing of Dixie, Martin accused Hill of being soft on states’ rights in general and the “invasion” of Oxford in particular. Sharing the platform that night was John H. Buchanan, a congressional candidate from Birmingham, who described himself as a crusader against communism and “the threat

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*Mobile Register*, October 8, 1962.

within our country to bring about basic change in our way of life.”<sup>18</sup>

Hill responded to Martin’s charges with now obligatory criticism of federal intervention in Mississippi or any state. He won the election, narrowly, but Martin won in Mobile by a narrow margin and in Baldwin County by almost 2,000 votes out of approximately 6,500 cast. Martin also carried twenty Black Belt and wiregrass (southeast corner of Alabama) counties. He owed this success to his embrace of states’ rights rhetoric as a way to communicate opposition to the civil rights movement while avoiding the kind of harsh racist rhetoric of a George Wallace or Ace Carter.<sup>19</sup>

Hostility toward federal courts, the Kennedy administration, and the national Democratic Party continued to build in 1963. In addition to adverse court decisions, it was now clear that the Kennedy administration would enforce the law and intended to push for stronger civil rights legislation. Any doubts that may have remained about the administration’s position disappeared in the confrontation between George Wallace and the federal government over the integration of the University of Alabama. Anticipating the “stand in the school house door” the *Register* in early June 1963 published a blistering editorial blasting the civil rights activism of the courts and the Kennedy administration. The paper warned that the character of the nation was threatened by the “reckless racial politics played in Washington D.C. . . . Domestic peace of mind is being torn asunder by the danger of a political-judicial-military dictatorship shaping up to bring down its heel upon the people in perpetration of a clossal [*sic*] fraud of ‘civil rights’

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<sup>18</sup>

*Mobile Register*, October 5, 7, 24, November 1, 1962.

<sup>19</sup>

*Mobile Register*, November 7, 8, 9, 1962.

cooked up from the integration preposterousness of the U.S. Supreme Court.” Kennedy’s civil rights proposals, the *Register* believed, constituted another step toward “dictatorship” that began with FDR’s attempt to destroy the “judicial stature” of the Supreme Court, and continued through “Eisenhower’s stupendous blunder in appointing Earl Warren, most glaring misfit in history.” On the NBC interview show “Meet the Press” the same day, Wallace stated his intention to resist integration of the University. He insisted that the state had the right to resist the federal courts. The Supreme Court, he argued, had “set itself up as a third house of Congress, a superlegislature” and must be tested. Letters to the editor again revealed the influence of anti-government discourse. J.M. Harris called for the impeachment of the Kennedys and the entire U.S. Supreme Court. The day after the integration of the University of Alabama a letter from Murrell R. Wheeler praised Wallace for alerting people across the nation to the threat of “dictatorship.”<sup>20</sup>

A couple of weeks after the crisis at the University, the people of Mobile County faced the civil rights revolution in a more direct way. On June 23 Judge Daniel H. Thomas ordered Mobile County to submit a plan for school integration to begin no later than the 1964-65 school year. Though Judge Thomas had rejected a NAACP demand for more immediate action, the decision elicited what had become the standard response to any act of the federal government that extended black rights. The *Register* tied Judge

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<sup>20</sup>*Mobile Register*, June 2, 3, 9, 12, 1963; *Mobile Press*, June 13, 1963; Clark, *The Schoolhouse Door*, ch. 11.

Thomas's order to a "relentless usurpation of power in Washington D.C. . . ." <sup>21</sup>

The political beneficiary of the events of June 1963 was the national Republican Party. The *Register* thought it "inconceivable that in the light of the growing Negro belligerence which already has spread to Northern cities, the Republican Party could do other than be mindful of the interests of the vast white majority." A letter from Edna Wood Fraser of Ocean Springs, Mississippi, agreed with the paper. She wrote that she and her husband had always voted Democratic. In 1964, however, they intended to "remedy some of my past mistakes by voting against this federal take-over of our government. I'm going to vote for the Republicans . . . ." A letter from Laura Rouse of Loxley, Alabama, included a poem explicitly linking opposition to integration and support for the GOP. At the time she thought Nixon might run in 1964, so she wrote "In '64 will have a man/ Who'll give us truth—no mixin'/He stands for justice and for right,/His name is Richard Nixon."<sup>22</sup> Local Republicans reacted quickly to a suggestion by the *Register* that another potential nominee, Barry Goldwater, might be soft on integration. A letter from Ray Cox, Chairman of the Mobile County Republican Executive Committee, defended Goldwater, reminding readers that Goldwater no longer belonged to the NAACP because it had become a "political organization" and that he opposed federal civil rights legislation because it infringed on the rights of the states.<sup>23</sup>

Passage of the Civil Rights Act of 1964 further undermined national Democrats

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*Mobile Register*, June 24, 1963.

<sup>22</sup>*Mobile Press*, June 14, 1963; *Mobile Register*, June 14, 20, 1963.

<sup>23</sup>*Mobile Register*, June 24, 1963.

among white residents of the Alabama Gulf Coast. By the election of 1964, white southerners and Alabamians viewed the national Democratic Party as the party of integration and hoped for relief from a Republican party beholden to the South. The *Register* denounced a Lyndon Johnson speech before black educators, calling the President an “agent of racial integration and other left wing philosophy.” The paper compared the Civil Rights Act of 1964 to the Reconstruction Acts following the Civil War and predicted it would lead to a southern exodus from the national Democratic party in the same way those earlier acts had alienated southerners from the GOP. After the Democrats nominated Johnson and Humphrey, the *Register* called the pair the “ideal Anti-South ticket.” Johnson and Humphrey, the paper predicted, would continue the “relentless federal force assaults on the South under the political camouflage of ‘civil rights’.” They would “dance to the tune of Martin Luther King, CORE, and Adam Clayton Powell.” The editorial concluded with a reminder that LBJ had been “instrumental in the enactment of every ‘civil rights’ bill passed against the South since Reconstruction.” Eula Reynolds of Mobile affirmed the paper’s understanding of the link between racism and the decline of the national Democratic party in Alabama. She praised George Wallace and Barry Goldwater for what she believed was their defense of a system of segregation that worked well “until Northerners began to intervene.” The “outsiders,” she continued, “found among the Negro race a base element whom they could influence to riot and create pandemonium and they have made the most of it.” Since she could not live under the Civil Rights Act, and could expect no help from LBJ,

she concluded that “Senator Goldwater is our only hope.”<sup>24</sup>

As in 1962, Republicans planned to exploit hostility toward the federal government. The “southern strategy” was not explicitly racist, but its emphasis on states’ rights clearly played to southern white resistance to black equality. The rhetoric of states’ rights had since 1954 been the rhetoric of reaction when it came to the civil rights movement. Jim Martin, who ran for congress in 1964, assured a crowd of 5,000 in Robertsdale, Alabama, that he and Goldwater did not believe in the exploitation of the race issue, but then he celebrated Goldwater’s opposition to the most important civil rights legislation since Reconstruction, the Civil Rights Act of 1964. And every person in attendance was surely aware of the Alabama GOP’s endorsement of segregation.<sup>25</sup>

Goldwater lost by a landslide to Johnson, but won all of the Deep South states. In Alabama, five Republicans won seats in Congress, including Jack Edwards in the district that encompasses Mobile and Baldwin counties. Few scholars doubt the influence of race in this stunning loss for Democrats. Years of attacks on the courts and the federal government, based on principles of states’ rights, shaped the way southerners understood Goldwater’s defense of states’ rights. Southerners always linked states’ rights and the maintenance of black inequality. Naturally they viewed Goldwater as a friend. Professor Dewey Grantham writes: “The perception of Goldwater as the segregationist candidate clearly influenced many white voters in the deep South . . . .” According to Bernard

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*Mobile Register*, August 1, 8, 14, 16, 27, 1964.

<sup>25</sup>*Mobile Register*, September 5, 1964.

Cosman, “In 1964, the Deep South vote polarized around race. The Goldwater candidacy alienated Negroes, while simultaneously bringing together the white voters from all status levels who had been angered by the racial policies of Presidents Kennedy and Johnson.” In Washington the new congressmen from Alabama did not disappoint their constituents. Bill Dickinson and Jim Martin both made speeches in early 1965 in which they attacked Martin Luther King. Martin called King a “rabble rouser who has put on the sheep’s clothing of non-violence, while he pits race against race . . . .” Some non-southern national Republicans thought Martin went too far with what the Ripon Society described as “reckless attempts to appeal to racists.”<sup>26</sup>

The Nixon campaign in 1968 implemented a “southern strategy” similar to Goldwater’s in its goal of winning over southern whites. But Nixon recognized the folly of transparently courting racists. He knew that recent history had worked to the detriment of the national Democratic Party. The Voting Rights Act of 1965 had been another blow to Democrats’ chances among white southerners. Newly enfranchised blacks entered the Democratic Party, speeding the exit of whites. In addition, the federal government was becoming more aggressive in its efforts to integrate southern schools, embracing busing as a way to speed up the process. Fears grew after the Supreme Court held in *Green v. New Kent County* that school systems segregated by law must actually integrate; freedom of choice plans, which southerners used to maintain segregation, would no longer be

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<sup>26</sup>Grantham, *The Life and Death of the Solid South*, p. 161; Cosman quote is in Alexander P. Lamis, *The Two-Party South* (New York and Oxford: Oxford University Press, 1988), p. 19; Thomas Byrne Edsall and Mary D. Edsall, *Chain Reaction: The Impact of Race, Rights, and Taxes on American Politics* (New York and London: W.W. Norton, ch. 4; Hathorn, “James Douglas Martin and the Alabama Republican Resurgence, 1962-1965,” pp. 61-67. On page 271 of *Politics and Society in the South*, Black and Black agree that “Racial division in partisan choices remains a cardinal feature of presidential politics” but is part of a constellation of related concerns on the part of white southerners.

sufficient. The challenge to freedom of choice, and the possibility of the use of busing to achieve full integration, created a furor in the South among whites, most of whom still did not send their children to integrated schools. Freedom of choice and busing were race issues and the politicians who exploited them knew it, but, by attacking the courts and framing the issues as a struggle against federal power, politicians could appeal to the segregationist vote while claiming that race was not the real issue. George Wallace launched an independent candidacy to exploit white opposition to busing and other federal “guidelines,” whether from the courts or other parts of the federal government. Fearing that the Wallace campaign would siphon away enough southern votes to turn the election to the Democrats, Nixon sought to convince southerners that he too would oppose the latest attempt to implement the *Brown* decision. In a meeting with Strom Thurmond and southern delegations at the Miami convention, Nixon promised he would be hesitant to carry out court orders just to “satisfy some professional civil-rights group, or something like that.” According to Harry Dent, a political advisor to Thurmond, Nixon promised conservative appointments to the courts and opposition to busing, among other things, in return for southern support. During the campaign, Nixon affirmed his support of the *Brown* decision and criticized freedom of choice plans if they were designed to maintain segregation, but communicated to southerners his willingness to move slowly to implement court or administrative attempts to end the south’s use of freedom of choice plans. He announced his opposition to forced busing and suggested that he would not support Health, Education, and Welfare’s policy of cutting off federal funds to districts maintaining segregation, the primary enforcement weapon the agency had in dealing with school districts resisting integration. Nixon’s clever use of language satisfied many

southern segregationists, Strom Thurmond for instance, without alienating northern Republicans. Thurmond assured South Carolinians that Nixon supported freedom of choice. Nixon narrowly carried South Carolina and Wallace carried the Deep South with his more virulent anti-busing, anti-federal government attacks. But white southerners viewed the GOP as a viable alternative to the Democrats thanks largely to the Nixon campaign of 1968. In retrospect, Wallace voters were in the process of moving from the Democrats to the Republicans.<sup>27</sup>

The Nixon administration had plenty of opportunities to cultivate the South between 1969 and 1972. Soon after entering office, President Nixon began to pressure HEW and other agencies to slow down desegregation efforts. Dent, who served in the Nixon White House, entitled his account of this period “Nixon Delivers on Segregation.” He contends that Nixon responded to white southerners’ concerns with a policy that drastically slowed the pace of desegregation, at least until the unanimous Supreme Court decision in *Alexander v. Holmes*. In *Holmes*, the Court ordered immediate implementation of school integration plans. A couple of months later the Mobile County School Board was ordered to begin complete desegregation. Since a Nixon appointee, Warren Burger, was the Chief Justice, the *Holmes* decision posed a problem for the “southern strategy.” In March 1970, however, Nixon called the Court’s decision extreme and instructed the Justice Department to fight a federal district court decision ordering desegregation of the

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<sup>27</sup>Carter, *The Politics of Rage*, pp. 328-29, Nixon quote p. 329; Harry Dent, *The Prodigal South Returns to Power* (New York: John Wiley & Sons, 1978), p. 81; Lamis, *The Two-Party South*, p. 91; Richard K. Scher, *Politics in the New South: Republicanism, Race and Leadership in the Twentieth Century* (Armonk, N.Y.: M.E. Sharpe, 1997), pp. 99-104; Patterson, *Brown v. Board of Education*, p. 145; Gary Orfield, “The President, Congress, and Antibusing Politics,” in *Busing U.S.A.*, Nicolaus Mills, ed. (New York: Teachers College Press, 1979), p. 268; Reg Murphy and Hal Gulliver, *The Southern Strategy* (New York: Charles Scribner’s Sons, 1971), pp. 23-25.

Charlotte, North Carolina schools.

As Earl and Merle Black have argued, the Republican Party made gains during this period in the Deep South because federal intervention on behalf of racial equality made racial issues “exceedingly salient.” The GOP learned from Wallace how to plumb the depths of southern resistance to federal attempts to desegregate and implement other programs of racial change to win votes while denying opposition to black civil rights. Thomas Byrne Edsall and Mary D. Edsall have written “Wallace portrayed the civil rights issue not as the struggle of blacks to achieve equality—a goal increasingly difficult to challenge on a moral basis—but as the imposition on working men and women of intrusive ‘social policies’ by an insulated, liberal, elitist cabal of lawyers, judges, editorial writers, academics, government bureaucrats, and planners.”<sup>28</sup> Few scholars question the Blacks’ conclusion that the Republican southern strategy revealed the effectiveness of implicit racial appeals.<sup>29</sup>

Faced with increased GOP strength in southern states, southern white Democrats became even more determined in their resistance to federal court orders in regard to education. The GOP’s recognition and effective exploitation of the relationship between opposition to federal intervention and southern racism proved to Alabama politicians the validity of tactics they had long employed. Not since the earliest days of massive resistance had Wallace or other Alabama political leaders acknowledged that their policies were designed to prevent racial equality, even when they explicitly rejected

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<sup>28</sup> Edsall and Edsall, *Chain Reaction*, p. 77.

<sup>29</sup> Earl and Merle Black, *The Rise of Southern Republicans* (Belknap Press: London, 2002), pp. 148-50.

racial integration as the means to achieve equality in education. Consider, for example, a letter the Wilcox County Board of Education sent to parents in 1966. At the time, Wilcox County was embroiled in a struggle with blacks in the county, supported by the U.S. Justice Department, over the desegregation of the public school system. For the better part of a century blacks in Wilcox County had been deprived of anything resembling an adequate education. Much of the “public education” black residents of the county received came from mission schools that had been established during the late nineteenth century by the Presbyterians affiliated in 1965-66 with the Presbyterian Church U.S.A. Public funding for black schools in the county was about half, per pupil, what it was for whites. Yet, the school board, hoping to escape the mandate to desegregate, refused federal funds targeted to such high poverty areas. The county even returned state money earmarked for black teachers because, the superintendant explained, there was not enough space for the additional teachers. So even though local officials admitted that the situation for blacks was far from equal, they sent out this letter claiming that the dual system existed not as a way to discriminate against black children, but as what was best for everyone. After notifying parents that a desegregation suit had been filed against the county, the superintendent wrote “In an effort to prevent the destruction of the school system of Wilcox County as we know it and realizing what is best, we are asking that you promote and encourage your children to continue in the schools which they are now attending. In our honest opinion, integration or desegregation is not good for education; it is against sound educational practices and works to the disadvantage and detriment of

both races.” Only children suffered, the letter concluded.<sup>30</sup> So, a parent who refused to send their child to a school as part of a desegregation plan would be, according to this, defending the interests of children of both races.

After 1965-66, few politicians would employ even the separate and equal language publicly. Instead, they increasingly employed the discourse of principled resistance to federal intervention, defense of local control, and opposition to the use of children to achieve social goals. They were confident that the white majority audience would understand the underlying racial issues. For example, when the first Wallace Administration attempted to force local school boards to refuse federal funds under the Elementary and Secondary Education Act, Wallace and his followers defended the policy as necessary resistance to interference with local control of schools. A representative from the AEA testified that most Alabamians understood that the Governor was trying to stop racial integration. He said “we cannot escape the bare fact that race is the central factor . . . When one recalls what the guidelines require, the whole question is centered on the Negro.”<sup>31</sup> Just before a federal court ruled in March 1967 that schools in Alabama not already under court order must desegregate, Governor Lurleen Wallace gave a speech in which she vowed that “our people will not submit to federally controlled education.” The federal government, she added, intended to “force us to act against our beliefs.” The Governor did not have to explain what those “beliefs” were; her audience recognized a

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<sup>30</sup> National Education Association, National Commission on Professional Rights and Responsibilities, “Wilcox County, Alabama: A Study of Social, Economic, and Educational Bankruptcy,” June, 1967, p.54.

<sup>31</sup> “Wilcox County,” p.71.

not very subtle call to battle against the racial integration of schools.<sup>32</sup>

The Wallace and Brewer administrations battle against desegregation continued to implicitly exploit racial fears and resentment by framing their campaigns as a constitutional defense of state and local control of education. By muting explicitly racist rhetoric, they hoped, as one advisor put it, to “someday win . . . the hearts and minds of the people of America.”<sup>33</sup> To that end, in August, 1970 Jack Edwards joined other Alabama congressmen for a meeting with Governor Albert Brewer to seek, said Edwards, “a positive strategy of action to counter what the federal bureaucrats and the courts are trying to shove down our throats.” Edwards insisted that President Nixon supported freedom of choice. The Supreme Court, HEW, and the Justice Department “completely twisted his [Nixon] request into their own liberal interpretation,” Edwards charged. Though Edwards, Brewer, and Senator Jim Allen urged the public to obey the law, their attacks on federal courts seemed to sanction acts of disobedience to federal court orders. Two days after the meeting with Brewer, Edwards and Allen defended freedom of choice plans before 1500 to 2000 people gathered at Fort Whiting in Mobile. Edwards said “the courts have gone crazy.” The crowd, organized as Concerned Parents for Public Education and emboldened by the words of their elected representatives, voted to defy the courts and send children to the schools of their choice when schools opened in September. The *Register* advised against such defiance, even though parents were

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<sup>32</sup> Anne Permaloff and Carl Grafton, *Political Power in Alabama: The More Things Change . . .* (Athens and London: University of Georgia Press, 1995), p. 256.

<sup>33</sup> John Kohn to Lurleen Wallace as quoted in Permaloff and Grafton, *Political Power in Alabama*, p. 257

oppressed by “the dreary hand of federal dictation. . . .”<sup>34</sup> Some parents, however, did refuse to send their children to designated schools. Attorney General MacDonald Gallion encouraged the protest by relaxing enforcement of compulsory attendance laws. Said Gallion, “It is time we drew the line and let the federal bureaucrats know the state is not going to enforce their illegal orders or schemes for them . . . .”<sup>35</sup>

Near the end of the school year 1970-71, the Supreme Court handed down its decision in *Swann v. Charlotte-Mecklenberg* (which included a desegregation suit brought by Mobile’s Non-Partisan Voters League). Wallace immediately denounced the decision, which endorsed busing to achieve full integration, before the Alabama legislature. In Mobile a group called the Deep South Region United Concerned Citizens held a mock trial for the Supreme Court. The meeting opened with a band playing “Dixie” while participants marched around carrying signs emblazoned with “Freedom of Choice” and “Neighborhood Schools.” One of the speakers called for civil disobedience, arguing that “if God had meant us to mix, I’d be out there now mixing as hard as I could.” Clearly, he thought there was a link between his opposition to busing and the battle to preserve racial segregation.<sup>36</sup>

Few journalists or scholars since have doubted that race was the issue in the anti-busing campaign. Even when leaders of the anti-busing movement specifically

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<sup>34</sup>Dent, *The Prodigal South*, pp. 121-156; Murphy and Gulliver, *The Southern Strategy*, ch. 3; Orfield, “The President, Congress, and Antibusing Politics,” p. 270; *Mobile Register*, October 30, 1969, March 17, 18, 19, 21, August 21, 22, 23, 30, September 3, 9, 1970.

<sup>35</sup>*Mobile Register*, September 10, 11, 12, 15, 16, 1970.

<sup>36</sup>*Mobile Register*, April 21, 22, May 5, 6, 10, 12, 1971.

mentioned integration in statements, they often denied opposition to racial equality. Rather the problem would be identified as the use of federal power to achieve racial balance despite the individual choices of parents of both races made through freedom of choice plans.<sup>37</sup> For example, Governor Brewer in 1970 argued that the “question now is not integration or segregation; it is what kind of schools are we going to operate. The question is are we going to stop herding teachers and children around like cattle to achieve a racial balance in the South.”<sup>38</sup>

Governors Brewer and Wallace, as well as most other politicians in Alabama, created a discourse white citizens used repeatedly to articulate their opposition to the means used to achieve racial integration, while maintaining that they were not opposed to the principle of racial equality. For example, a letter to the editor of the *Mobile Register* never mentioned integration at all in denouncing busing to end continued segregation. Instead, the writer urged parents to reject “efforts by federal courts to employ dictatorial powers over the people not granted to them by the constitution.”<sup>39</sup> This movement against busing in Alabama claimed to be working for better education for the children of both races. As another man warned, “the powerful federal system . . . [would] destroy education for all races.”<sup>40</sup> Concerned Citizens for Education organizations across the state

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<sup>37</sup> Jeff Frederick, *Stand up for Alabama: Governor George Wallace* (Tuscaloosa: The University of Alabama Press, 2007), p. 203; Jason Sokol, *There Goes My Everything: White Southerners in the Age of Civil Rights* (New York: Vintage Books, 2006). Pp. 274-75; Tali Mendelberg, *The Race Card: Campaign Strategy, Implicit Messages, and the Norm of Equality* (Princeton: Princeton University Press, 2001), pp. 88-93.

<sup>38</sup> Frederick, *Stand up for Alabama*, p. 253.

<sup>39</sup> *Mobile Register*, August 23, 1970.

<sup>40</sup> *Mobile Register*, August 23, 1970.

always stated their objective as resistance to federal control of schools for what they considered to be social experimentation. Clearly influenced by Governors Brewer and Wallace, as well as most other politicians in Alabama, they denied, if pressed, that the “social goal” of federal courts was integration, insisting theirs was a defense of the neighborhood school and the individual rights of parents.<sup>41</sup> Thus, they demanded continuation of Freedom of Choice plans that the courts had clearly determined to be a tactic in an ongoing campaign of massive resistance.

As it became increasingly apparent that desegregation was going to happen, larger numbers of whites, especially in majority black counties, withdrew from public schools, often with the blessing and encouragement of political leaders. Both Wallaces and Brewer encouraged whites to consider private schools.<sup>42</sup> The state legislature in 1967 passed a law providing state funds for students attending private schools.<sup>43</sup> In some counties, school boards leased or sold public buildings to private schools created solely to maintain segregated systems. A State School Board member, Bettye Frink, wrote a letter to the *Alabama School Journal* in which she sharply criticized the performance of public schools and urged parents to send their children to private schools. Frink described a future when “all quality education to be had in Alabama must come from the private schools and I further predict that 99 percent of our leaders will be the product of a good private school, unless the federal government gets out of the education business.”<sup>44</sup>

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<sup>41</sup> *Mobile Register*, August 21, 1970.

<sup>42</sup> Frederick, *Stand up for Alabama*, p. 250.

<sup>43</sup> Permaloff and Grafton, *Political Power in Alabama*, p. 253.

<sup>44</sup> *Alabama School Journal*, November 15, 1972.

When Frink blamed this alleged decline of public schools on federal intervention in the operation of the schools, she avoided any specific mention of racial integration. But readers understood that what went unwritten was federal intervention to achieve racial desegregation. A month later Marie A. Nichols, a teacher from Mobile, in a letter criticizing Frink, made explicit what she had implied. “Her general indictment,” she wrote, “of the U.S. Courts can only refer to the fact that the courts have thwarted every effort by the state or by school districts to evade court ordered integration. Her statement that public education has been destroyed, presumably by integration, simply does not stand as fact.” The threat to public education, Nichols concluded, came from politicians who led the people to believe that integration could be resisted.<sup>45</sup>

The number of whites attending private schools increased sharply between 1967 and 1971. An analysis by two Auburn university professors published in 1972 found that as the percentage of blacks in a schools system increased, the percentage of whites attending public schools decreased. In districts 51% to 75% black as many as 20% of white students withdrew to attend a segregation academy or move to a high percentage white district. Greene County’s public school system became close to 100% black as whites either left the county or enrolled in Warrior Academy. The story was the same in neighboring Sumter County.<sup>46</sup> In black belt counties where whites held school board positions, white school board members pulled their own children from public schools. As late as 1978-79 whites on the Barbour county school board, then the majority, sent their

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<sup>45</sup> *Alabama School Journal*, December 15, 1972.

<sup>46</sup> John C. Walden and Allen D. Cleveland, “The South’s New Segregation Academies,” *Phi Delta Kappan* (December 1971): 234.

children to a local private school. Little doubt currently exists about the motives for this “white flight” from public schools. The authors of *The Schools that Fear Built*, a Lamar Society study funded by the Ford Foundation, concluded, based on interviews with parents who withdrew their children from public schools during the period, “obviously race is the key ingredient in the new schools. Their growth follows school integration. In rural areas they sprang up at the first sign of integration and in cities they followed busing orders. Many had their first and only surge of growth in the year following the order.”<sup>47</sup>

Few doubted that this white withdrawal from public schools, and the racist hostility behind it, would seriously hamper any effort to raise revenue, particularly if property tax reform was involved. The authors of *The Schools that Fear Built* found that support among whites for funding initiatives dedicated to public schools declined as public schools came to be seen as “black enclaves.”<sup>48</sup> Alabama’s political leaders, including Albert Brewer, knew that white opposition to racial integration would make raising taxes for education difficult, if not impossible, but he continued to denounce federal desegregation orders and encourage the growth of private schools.<sup>49</sup>

Voters’ response to his own efforts to increase educational funding proved that the

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<sup>47</sup> David Nevin and Robert E. Bills, *The Schools that Fear Built: Segregationist Academies in the South* (Washington, D.C.: Acropolis Books, Ltd., 1976), p. 11.

<sup>48</sup> *Ibid.*, p. 87.

<sup>49</sup> Frederick, *Stand up for Alabama*, pp. 249-50

Governor's message about the "tyranny" of federal courts was getting through to the white majority. Unfortunately for his education program, the voters also fulfilled Governor Brewer's prediction about the negative impact of court ordered integration on tax initiatives for education. Brewer had proposed a significant increase in the education budget to be funded primarily by an increase in the state income tax the voters would have to approve in the November, 1970 general election. In the Democratic gubernatorial campaign of 1970, Wallace exploited an opening Brewer had helped to create with his court bashing. Recognizing that whites' discontent about the integration of public schools had produced a backlash against taxes for education, Wallace sharply criticized the Brewer tax proposal. Wallace defeated Brewer and political observers predicted that the tax would fail by a large margin and that any other tax proposals the legislature might offer would not be any more popular. The explanation for this anti-education tax sentiment was not that Alabamians just did not like taxes; rather, the rejection of new taxes for education was part of the white reaction against racial integration. Bill Sellers, in an article entitled "Public Education is Loser," reported that legislators believed that increased taxes for education would be "unthinkable" in the 1971 legislative session because of the "climate" created by recent court orders. An unnamed legislator from Mobile told Sellers the following: "The folks back here would go to Montgomery and drag me home if I supported a new school tax when state and local boards have had to relinquish control to the federal government."<sup>50</sup> In October, an editorial in the *Register* advised readers to vote no on the income tax amendment. The

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<sup>50</sup> *Mobile Register*, September 13, 1970.

writer dismissed as “propaganda” supporters’ argument that more space was needed to relieve crowding in existing classrooms and was sharply critical of those who, “with considerable blindness,” believed that “Alabama voters are itching to clamp higher taxes on income for educational purposes in the distressful conditions created in the public schools by federal meddling and dictation the end of which and the outcome still hover as a cloud of uncertainty and anxiety.”<sup>51</sup> The editorial suggested that the federal courts that had closed schools to enforce desegregation mandates should pay for any new school construction. A few days later Harry H. Smith, a reader, wrote the paper to endorse its stand against the tax. Smith’s letter reveals the way the link between federal enforcement of integration and tax issues, explicitly made in the media and by politicians, shaped the thinking of much of the population. “Until the schools are returned to the control of the state,” wrote Smith, “it is more than asinine to raise more funds to extend the federal court dictatorship.”<sup>52</sup> After the tax measure went down to defeat as predicted, an editorial in the *Mobile Register* placed the blame directly on the discontent of the majority of voters over federal intervention to achieve racial integration. One of the “lessons” to be taken from the vote, the *Register* thought, was that the “grass roots voter” would not support increased taxes for education in the “uncertain situation” created by “federal intervention.” Legislators, the paper predicted, would not go to Montgomery for the spring 1971 legislative session and risk proposing “any new tax” for education.<sup>53</sup> When Governor Wallace said in a May, 1971 address to the legislature, “But I am frank to tell

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<sup>51</sup> *Mobile Register*, October 27, 1970.

<sup>52</sup> *Mobile Register*, October 30, 1970.

<sup>53</sup> *Mobile Register*. November 4, 1970.

you, to tell educators, that the people of Alabama are simply turned off on education and some educators because of what Federal Courts and HEW have done to their children from Huntsville to Mobile,” he acknowledged and reinforced the relationship between resistance to integration and the decline of white support for increased taxation for public schools. As had become typical, he did not mention race or even integration. He did not have to; his listeners well understood what he meant.<sup>54</sup>

Such was the context in which the court handed down its decision in the *Weissinger* case in June 1971. From the first public coverage of the decision in the media, there was no doubt that revenue derived from equalization of property taxes would be used to increase funding for education and that majority black counties might substantially benefit. Wallace made it clear that he would do all he could to circumvent the intent of the case. As he had told the legislature, the majority of voters were not going to support increased taxes for education. Thus, in his initial response to the decision, Governor Wallace paraphrased Andrew Jackson’s response to the U.S. Supreme Court’s decision in *Worcester v. Georgia*, when he remarked “I’m not going to lift one finger to help enforce this. If they want it [referring to taxes], let them go out and collect it.”<sup>55</sup> As the *Birmingham News* argued, when Wallace said the property tax issue “was brought upon you by the federal courts,” it was by design.<sup>56</sup> Wallace’s remarks clearly identified the *Weissinger* case with the larger federal campaign to desegregate schools, tapping the

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<sup>54</sup> Ira W. Harvey, *A History of Educational Finance in Alabama, 1819-1986* (Auburn, AL: The Truman Pierce Institute for the Advancement of Teacher Education, 1989), p. 256.

<sup>55</sup> *Mobile Register*, June 30, 1971.

<sup>56</sup> *Birmingham News*, December 2, 1971.

continued and widespread white reaction against federal courts and “federal schools.”

Confident of the support of the voting majority in the state, the Wallace administration demanded a property tax bill that would address the court’s ruling without imposing what the Governor called “a backdoor tax increase” for homeowners, or a so-called lid bill<sup>57</sup> While the battle raged over various proposals in the legislature, Wallace continued to attack court ordered integration of public schools, thereby reinforcing opposition to increased taxes for education. In a meeting with the state Senate Agriculture Committee in which he was trying to remove tax exempt status from foundations that assisted in the expansion of “judicial tyranny,” he described “court-integrated” schools as “more like penal institutions than education institutions.”<sup>58</sup>

The Alabama Education Association tried to separate the debate over property tax reform from the racially charged conflict over federal intervention. It urged its members to oppose bills that would prohibit an increase in educational funding. And, between 1972 and 1978, the organization along with others tried to frame the struggle over the lid bill as one between large, wealthy, corporate landowners and the average Alabamian rather than a part of the struggle against federal “tyranny.”<sup>59</sup> AEA found little support, however, among whites in the general public, many of whom considered the fully

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<sup>57</sup> *Birmingham News*, December 5, 1971.

<sup>58</sup> *Mobile Register*, July 9, 1971.

<sup>59</sup> The AEA campaign against lid bill may be followed in the *Alabama School Journal*. See for examples *Alabama School Journal*, January 1, 15, May 15, 1972; July 1, 15, August 1, 1976; February 15, March 1, 15, April 1, May 1, 1977; January 13 through August 15, 1978.

racially integrated organization a part of the problem the federal government had created. Thus state senators from the Black Belt, according to political writer Bill Sellers, countered the AEA narrative by fostering fears of black majorities imposing taxes on white land owners.<sup>60</sup>

The white majority in the state, minority in the Black Belt counties, clearly found the AEA narrative less than persuasive and approved a lid bill in May, 1972. This result revealed that the hostility toward tax increases for education that had been behind the defeat of the 1970 income tax proposal remained strong. After a court nullified the 1972 amendment, forcing the legislature and the Wallace administration to craft another lid bill, the Governor again tapped the reservoir of anti-court and anti-tax sentiment in building support for the revised amendment. When he addressed the property tax issue in his speech opening a 1978 special session of the legislature, Wallace demanded the legislature pass a bill to provide “maximum relief for homeowners, farmers and small business operators, who already have enough problems without being taxed to death by the state under a Federally-ordered reappraisal program.”<sup>61</sup>

An official in the Reagan administration summarized well the evolution of racial politics since *Brown v. Board*. “You start out in 1954 by saying ‘Nigger, nigger, nigger’.” By 1968 you can’t say ‘nigger’—that hurts you. Backfires. So you say stuff like forced busing, states’ rights, and all that stuff. You’re getting so abstract now [that] you’re talking about cutting taxes, and all these things you’re talking about are totally economic

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<sup>60</sup> *Mobile Register*, December 12, 1971.

<sup>61</sup> “Prepared Remarks by Governor George C. Wallace, 2<sup>nd</sup> Extraordinary Session, Alabama Legislature,” July 31, 1978.

things and a by-product of them is [that] blacks get hurt worse than whites. And subconsciously maybe that is a part of it. I'm not saying that. But I'm saying that if it is getting that abstract, and that coded, that we are doing away with the racial problem one way or the other. You follow me—because obviously sitting around saying 'We want to cut this,' is much more abstract than even the busing thing and a hell of a lot more abstract than 'Nigger, nigger'." That federal or state programs considered most objectionable to the majority of white Alabamians are identified with African Americans renders the economic appeal less abstract than this official was willing to concede, however.<sup>62</sup>

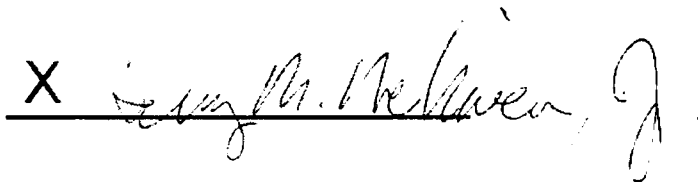
Since the 1950s, whites have identified blacks with government intervention in all areas of life. Blacks and whites take clearly distinctive positions on most issues. African Americans tend to be more favorable toward federal activism generally than southern whites. Thus one finds blacks supporting in overwhelming numbers federal programs designed to prevent discrimination at work, in neighborhoods, and at school. White attitudes toward such federal activism are just as overwhelmingly negative. White hostility toward the government has always been most pronounced on matters affecting

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<sup>62</sup>Black and Black, *Politics and Society in the South*, pp. 143, 286-87. The interview is reported in Lamis, *The Two-Party South*, p. 26. Few scholars doubt that the "southern strategy" played on southern racial conflict. This should not be taken to mean that race is the sole explanatory variable in accounting for the rise of the southern Republican party. In other words, not everyone who votes for Republicans do so for racist reasons. It is true, however, that white southerners began entering the GOP in reaction to the civil rights movement and that those who remain antagonistic toward what they perceive as "black" political goals are far more likely to vote Republican than Democrat, as studies of contemporary southern politics have demonstrated.

their power over blacks. Before the Civil War, southerners feared an activist federal government would destroy slavery. During the 1890s, southerners opposed the Lodge Education Bill, a measure that would have provided support for education, because they feared interference with race relations. The emergence of the civil rights movement brought renewed attacks on the federal courts and the government in general. When the government or the courts embrace policies, such as affirmative action, integration and improvement of public schools, and changes in election procedures that empower blacks, many white politicians have employed states' rights, anti-government discourse that obscures the racially charged nature of their positions and to provide voters a rationale for opposing the means of achieving meaningful racial equality.

I have been compensated for this research at a rate of \$200.00 per hour.

X 

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