

Transportation and Civil Rights in Montgomery Alabama, 1950 – 1970

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On 1 December 1955, after finishing her shift as a tailor's assistant at a downtown Montgomery Alabama (AL) department store, NAACP branch secretary Rosa Parks decided to consciously challenge segregation laws on Montgomery's public transit system. Parks was the most recent activist challenging segregation on public transportation; with a number of unsuccessful prior protests by African American citizens defying the orders of bus drivers to vacate unreserved seats for white passengers. With the alliance and support of various civic organizations, such as the National Association for the Advancement of Colored People (NAACP), the Montgomery Improvement Association (MIA), and the Women's Political Council (WPC), Parks' arrest and fine sparked the direct-action phase of the Modern Civil Rights Movement. After 381 days of African Americans boycotting Montgomery buses, public transit in the city was integrated on 21 December 1956.

This tremendous historical moment followed an earlier period of civil rights activism in the 19th century that inspired generations of activists and professionals to overturn the infamous 1896 *Plessy v. Ferguson* decision (Plessy decision) from New Orleans. The Plessy decision, which legally entrenched Jim Crow segregation in the United States (U.S.), was finally overturned by the U.S. Supreme Court on 17 May 1954 with the *Brown v. Board of Education of Topeka* decision (Brown decision). The Montgomery Bus Boycott is the culmination of those previous legal and civic efforts to end racial segregation. However, although the Montgomery Bus Boycott was a success, the boycott campaign made the activists and institutions who supported the Montgomery Bus Boycott a target for various forms of retaliation. One method used by supporters of segregation was to use transportation projects as a legal means to disrupt the lives of the participants of the Montgomery Bus Boycott. In Montgomery, AL, the Interstate

Highway System was a preferred tool of retaliation against the people and institutions who made the Montgomery Bus Boycott an international symbol for courage and defiance against injustice. For segregationist politicians, professionals, and bureaucrats of Alabama, the old ways of Jim Crow economic retaliation were believed to be an appropriate response to those who dared challenge their erroneous doctrine of separate but equal. Routing federal interstate highways through unblighted and thriving African American communities, such as near Alabama State University and Holt Street Baptist Church, was an unethical response of Alabama Governor John Patterson's Highway Department.¹

Plessy and the Brown decision

The Plessy decision (1896) made racial segregation legal, as long as the separate facilities for separate races were equal, since the U.S. Supreme Court ruled that this decision did not violate the Fourteenth Amendment. This watershed moment in American history galvanized the NAACP and Howard University legal scholars, such as Charles Hamilton Houston, Thurgood Marshall, and Robert Carter, to identify and support test cases that would challenge and overturn the Plessy decision. After a number of earlier legal victories, the NAACP supported local NAACP branch members across the U.S. who wanted to specifically challenge racially segregated schools. The plaintiffs would file legal claims that their public-school systems were discriminatory and far from equal with their white counterparts.

Beginning in the postwar era, after a number of disparate district court cases were filed and argued against segregated schools, NAACP attorneys decided to combine five comparable cases that would be heard before the U.S. Supreme Court. Those cases were: *Briggs v. Elliott*

¹ "Records of Association Reveal Thousands Spent to Support Bus Boycott," *The Montgomery Advertiser*, March 20, 1956.

(South Carolina), *Davis v. County School Board of Prince Edward County* (Virginia), *Gebhart V. Belton* (Delaware), *Bolling v. Sharpe* (Washington D.C.) and *Brown v. Board of Education of Topeka* (Kansas). Prior to the Brown decision, President Dwight Eisenhower, nominated California Governor Earl Warren to be Chief Justice of the U.S. Supreme Court in the Fall of 1953. Warren's consensus building helped the Brown cases move forward with two justices ending their dissents, which led to a unanimous 9-0 decision in favor of the various plaintiffs. A single majority opinion was written by Chief Justice Warren that was joined by all the other justices. Most importantly, the opinion stated that segregated public education was inherently unequal and violated the Equal Protection Clause of the Fourteenth Amendment.² Unfortunately, the Brown decision did not require immediate integration of the affected schools. A later U.S. Supreme Court ruling on implementation would be argued the following Term, known as *Brown II*.

The Brown decision, along with no immediate implementation of integration in public schools, led to two outcomes: Massive Resistance by segregationists against policies to integrate their public schools and the rise of grassroots civil rights activists to challenge the updated U.S. Supreme Court ruling on the Equal Protection Clause. For the next ten years, segregationists would attempt to either stop or slow down integration in all facets of public life. One segregationist organization to spawn from the Brown decision was the White Citizens' Council (WCC). The WCC was founded two months after the Brown decision on 11 July 1954 by Robert B. Patterson in Indianola Mississippi. The WCC was founded as way to respond to attempts to end segregation with economic retaliation and violence against civil rights activists. By the end of 1954, the WCC developed new chapters across the South, with many local and state councils

² *Oliver Brown, et al. v. Board of Education of Topeka, et al.* 347 U.S. 483 (1954).

being supported by important white citizens of their respective locales. One of the preferred methods to identify civil rights activists was to use the local newspapers of WCC members, which would publish the names of African Americans who registered to vote in their counties or parishes. This helped all WCC members retaliate through their various occupations, such as business owners firing employees, bankers calling in loans, or shop owners not allowing activists to shop at their stores.

In Alabama, a WCC state chapter was created and led by Sam Engelhardt Jr., a Macon County plantation owner and politician. Engelhardt would find his political footing and gain national notoriety because of the Brown decision.³ By the end of 1959, Engelhardt would be both executive secretary of the Alabama WCC and highway director of the Alabama Highway Department. Both of his jobs would give him the influence, power, and authority to economically retaliate against the leaders and supporters of the Montgomery Bus Boycott. However, before Engelhardt and other segregationists could site federal interstate highways through prominent African American communities, they would have to wait for Congress and the Eisenhower administration to pass a bill to fund the largest public works project in U.S. history, the Federal Aid Highway Act of 1956; also known as the National Interstate and Defense Highways Act.

Federal-Aid Highway Act of 1956

On 29 June 1956, President Dwight Eisenhower signed the Federal Aid Highway Act of 1956 into law. The law solved a number of logistics and funding problems that held-up the implementation of a unified national highway system. The bill initially authorized \$25 billion for

³ “Capacity Crowd Expected for Speech by Eastland,” *Alabama Journal*, February 10, 1956.

the construction of 41,000 miles of interstate highways over a ten-year period. It was and is the largest public works project in U.S. history.⁴ The Interstate Highway System was meant to connect important economic and urban cities across the nation during the postwar era. Before the Interstate Highway System, U.S. highways were a hodgepodge mix of disparate automobile and highway standards, which varied tremendously state-to-state. Cross country travel enthusiasts and trucking companies had to navigate a map of substandard and deficient roads that had the potential to seriously stifle economic progress if nothing was done. The need for a national standard of interstate automobile travel was needed.⁵

In order to pass the Federal Aid Highway Act of 1956, politicians needed to get state leaders on board. Congress had to negotiate funding ratios, gas tax formulas for long term maintenance, and new traffic rules for the interstate highways. Most importantly, they continued long political traditions of allowing local and state entities final approval of federal projects through their jurisdictions. This public works policy allowed local and state politicians to maintain or reconfigure their urban spaces with federal tax dollars. With previous federal spending rounds of urban renewal and slum clearance programs as a template, local and state officials across the nation grafted their social, economic, and political priorities onto the federally funded Interstate Highway System.

In the U.S. South, the timing of the Civil Rights Movement happened in the midst of the initial planning and construction phases of the Interstate Highway System. For segregationist politicians across the South, the Federal Aid Highway Act of 1956 gave legal cover, through

⁴ Public Law, 84-627.

⁵ *Carlos A. Schwantes, Going Places: Transportation Redefines the Twentieth-Century West (Bloomington: Indiana University Press, 2003), p. 152.*

rights-of-way and eminent domain, to entrench segregation spatially in cities. In Alabama, the Brown decision and the Montgomery Bus Boycott galvanized WCC supporters to defy all attempts to challenge Jim Crow disenfranchisement or racial segregation. Across the South, politicians with eyes on higher office used the Brown decision and civil rights protests as an opportunistic platform to win elections, regardless of the negative consequences that their political support and rhetoric would bring about. Under Alabama Governor John Patterson (1959-1963), activists and supporters of the Montgomery Bus Boycott were marked for retaliation by WCC members. Patterson's former 1958 gubernatorial primary rival and Alabama Citizens' Council executive secretary, Sam Engelhardt Jr., was tapped to lead the Alabama Highway Department.⁶ Starting in 1959, Engelhardt would use the Interstate Highway System to implement his plan to punish those in Montgomery who dared to challenge and successfully end *de jure* segregation.

Interstate 85 (I-85) gets Rerouted

Before the Federal Aid Highway Act of 1956 was passed, the Bureau of Public Roads (BPR), which was an agency under the Department of Commerce, published a 1955 document titled, *General Location of National System of Interstate Highways*.⁷ The document, also known as the Yellow Book, presented the blueprint and framework of the routes that the Interstate Highway System would take. Working with state highway departments, BPR engineers and consultants were charged with selecting which cities would be connected to the Interstate

⁶ "Engelhardt Named to Highway Director Post," *The Tuskegee News*, 4 December 1958.

⁷ U.S. Department of Commerce, *General Location of National System of Interstate Highways*. Washington, D.C.: Government Printing Office, 1955.

Highway System. From an ethical perspective, civil engineers were cognizant of making sure that routes through urban spaces were cost effective and as minimally disruptive as possible. The Yellow Book had maps for all urban centers where proposed interstate highways were expected to route through or bypass. In Alabama, Governor Jim Folsom's state highway director, Herman Nelson, an engineer by trade, assisted in Alabama's Yellow Book maps. The Yellow Book map for the proposed urban section of I-85 had the interstate highway bypassing the entire city of Montgomery towards the south.⁸ By 1959, three years after the Federal Aid Highway Act of 1956 was enacted into law, the new Patterson administration sought to diverge dramatically from the Yellow Book's route. In April 1960, Patterson's state highway director would alter and present a more disruptive and expensive interstate highway route for I-85 in Montgomery.⁹

Instead of bypassing Montgomery, Engelhardt's Highway Department proposed having I-85 bisect the African American neighborhood of Centennial Hill, where a number of NAACP, MIA, and WPC members lived, such as Ralph Abernathy. The new route also affected staff and professors of Alabama State University, who were viewed as instrumental supporters of the Montgomery Bus Boycott. Once African American residents heard of the new proposal, a grassroots campaign to stop the rerouting of I-85 began.

After various instances of legal harassment against Bus Boycott protesters, such as Martin Luther King Jr.'s trumped-up tax evasion indictment in February 1960, Engelhardt and his department held a public hearing on 19 April 1960 about the routing of interstate highways through Montgomery. After the conclusion of the Highway Department's presentation, incensed African American residents met and developed a plan to stop the siting of the Interstate Highway

⁸ Ibid.

⁹ "Legal Notice," *Alabama Journal*, April 18, 1960.

System through middle-class African American communities. The African American attendees of the April 19th public hearing immediately formed a citizens committee and created petitions to stop the project. A point of contention was the sudden plan to route the interstate south of Oak Park, which was a *de facto* racial buffer between African American and white neighborhoods of Montgomery. Hundreds of African Americans signed petitions seeking to stop the routing of I-85 south of Oak Park.¹⁰ These specific petitions were delivered to Gov. Patterson, Sam Engelhardt, Mayor Earl James, and the U.S. Bureau of Public Roads on 24 May 1960.

At the April public hearing, the petitioners were drawn to statements made by highway engineers that the estimated cost of the route south of Oak Park would be \$300,000 to \$350,000 more than the route north of Oak Park. The petitioners thought a rhetorical argument of fiscal governance would stop the proposed southern route. In an attempt to get federal attention on their local issue, African Americans in Montgomery were galvanized by the 1960 presidential election of John F. Kennedy. The African American citizens committee began a letter writing campaign to national political supporters of civil rights.¹¹ They hoped that national attention to their problem would build support for the Kennedy administration to make the BPR reexamine their approval of Engelhardt's revised I-85 routing plans.

After a comprehensive full-court press of advocating and personal pleas for help from national figures, congress members, and presidential advisors, the citizens committee found in 1961 that the Kennedy administration would not start a precedence of overturning interstate highway routes that were approved under the previous Eisenhower administration. Furthermore,

¹⁰ *George W. Curry and the Property Owners Committee, A Petition Appeal*, April 28, 1960 (Bureau of Public Roads: Records, RG 30, Correspondence, 1912-1965), Box 1665.

¹¹ *Ibid.*

the Kennedy administration made an electoral choice to not alienate their fellow Southern Democratic governors, since Kennedy would need their support in the upcoming 1964 presidential election. Nevertheless, President Kennedy did instruct Rex Whitton, Administrator of the Federal Highway Administration, to meet with Montgomery minister George Curry about his citizens committee's concerns about the destructive routing of interstate highways for African American residents of Tuscaloosa St. near Alabama College, the previous name of Alabama State University. Although Whitton heard and looked into the matter for the residents of Montgomery, Whitton reassured Engelhardt and Patterson that since the project was already approved by the previous Eisenhower administration, he would be reluctant to undo the approval.¹² With all resources and networks exhausted, the grassroots campaign of Montgomery citizens to stop or alter I-85 came to an end by November 1961.

Although a loss politically for Montgomery's African American residents, the Kennedy Administration, through Attorney General Robert Kennedy's office, did make serious attempts to examine if the Alabama Highway Department had violated federal guidelines during the planning and bidding process of I-85. This grassroots campaign shows that timing is everything. Ironically, if the urban planning sections of the Interstate Highway System could have been started three years later in 1964, then affected African American residents of Montgomery, AL, and other cities, would have had a civil rights bill that would have allowed them to challenge discriminatory federal projects in federal district courts.

Unfortunately, Title VI of the Civil Rights Act of 1964 would not become law in time to stop the retaliatory machinations of Patterson and Engelhardt's Alabama Highway Department.

¹² "Eleanor Started it, Says Road Official," *Alabama Journal*, October 24, 1961.

Because of the Brown decision and the Montgomery Bus Boycott, interstate highway routes in Montgomery, AL were altered and influenced by WCC resistance against vanguard members and institutions of the Civil Rights Movement. The impact and legacy of this specific transportation history is still visible today.

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BIBLIOGRAPHY

PRIMARY SOURCES

George W. Curry and the Property Owners Committee, A Petition Appeal, April 28, 1960 (Bureau of Public Roads: Records, RG 30, Correspondence, 1912-1965), Box 1665.

Oliver Brown, et al. v. Board of Education of Topeka, et al. 347 U.S. 483. 1954.

U.S. Department of Commerce, *General Location of National System of Interstate Highways*. Washington, D.C.: Government Printing Office, 1955.

SECONDARY SOURCES

Alabama Journal, February 10, 1956.

Alabama Journal, April 18, 1960.

Alabama Journal, October 24, 1961.

Montgomery Advertiser, March 20, 1956.

Schwantes, Carlos A. Going Places: Transportation Redefines the Twentieth-Century West. Bloomington: Indiana University Press, 2003.

Tuskegee News, December 4, 1958.