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# Civil Law, Segregation: Browder v. Gayle

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# CIVIL LAW

# SEGREGATION

## Browder v. Gayle

U.S. District Court for the Middle District of Alabama, Northern Division, Case No. 1147-N-142 P. Supp. 707, aff'd, sub nom. Gayle v. Browder, 352 U.S. 903 (1956)  
1956

"enforced segregation . . . on motor buses . . . violates the Constitution and laws of the United States."

Judgment, June 19, 1956



Police Department  
CITY OF MONTGOMERY

Date: 12-1-55

Complainant: J. F. Blake (M)

Address: 27 No. 12th St.

Offense: MIA, etc. Reported By: Same as above

Date and Time Offense Committed: 12-1-55 6:06 PM

Place of Occurrence: In Front of Empire Theatre (on Montgomery Street)

Person or Property Attacked: None

How Attacked: None

Person Wanted: None

Value of Property Stolen: None

Value Recovered: None

Details of Complaint (Date, location and give value of property stolen)

We received a call upon arrival the bus operator said he had a colored female sitting in the white section of the bus, and would not move back.

We (Day & Mison) also saw her.

The bus operator signed a warrant for her, Rosa Parks, (cf) 6th Cleveland Court.

Rosa Parks (cf) was charged with chapter 6 section 11 of the Montgomery City Code.

Warrant #1851

Officer: J. D. Day  
D. W. Mison

Division: Patrol Time: 7:00 PM  
12-1-55



The incident prompting the landmark case *Browder v. Gayle* took place on December 1, 1955, when Rosa Parks, a black resident of Montgomery, Alabama, challenged racial injustice. She defied city ordinances and state laws by refusing to obey a bus driver's order to move to the back of a crowded city bus. Her arrest moved the blacks of Montgomery to action. They founded the Montgomery Improvement Association (MIA) and chose as its president a twenty-six-year-old newcomer to Montgomery, the Reverend Dr. Martin Luther King, Jr. (1929-1968).

An MIA attorney filed a complaint in federal court, on behalf of Aurelia Browder and three other black women, to declare laws requiring segregated seating on public transportation unconstitutional and to bar their enforcement. A federal statute enacted after the Civil War gave federal courts jurisdiction to hear challenges to the constitutionality of state laws. The district court's judgment, later affirmed by the Supreme Court, that the statutes and ordinances at issue were unconstitutional was a major victory in the early days of the movement for black civil rights. And the MIA-organized boycott against Montgomery city buses brought to public attention a man whose leadership was to transform America, Martin Luther King, Jr.

Unless credited otherwise, documents are from the National Archives, Records of District Courts of the United States.

1. Martin Luther King, Jr. addressing a mass meeting at "Brick-a-Day" First Baptist Church during the bus boycott, 1956.
2. Copy of police report, December 1, 1955, submitted as evidence, May 11, 1956.
3. Copy of Rosa Parks' fingerprint chart, December 1, 1955, submitted as evidence, May 11, 1956.
4. Rosa Parks, 1956.
5. UPI/Bettmann Newsphotos
6. Cover page of transcript of testimony, May 11, 1956.
7. "Defendant's Exh. 2, 5/11/56." Notice in the *Montgomery Advertiser-Alabama Journal*, 1956.

TO THE MONTGOMERY PUBLIC:

We, the Negro citizens of Montgomery, feel that the public has a right to know our complaints and grievances which have resulted in the protest against the Montgomery City Lines and our refusal to ride city buses. We, therefore, set forth here some of the many bitter experiences of our people, who have, at various times, been pushed around, embarrassed, threatened, intimidated and abused in a manner that has caused the meekest to rise in resentment:

**COMPLAINTS:**

- 1. Courtesy:** The act of abusing, insulting, taunting and threats have been common occurrences among many of the bus operators. We are refused to move from seats in crowded buses under the pretext of "other people complaining." We regard the act of age is considered in exercising this authority by the bus operator.
- 2. Seating:** The bus operators have not been fair in this regard. Negroes, old, young, men and women, children with babies in their arms, with children, pregnant women, people carrying their babies, who have been pushed to the back of the bus, although there is no standing room in the back. The bus operators, acting in a self-interest, will cause one Negro to sit on the floor for the accommodation of the white people.
- 3. Arrests:** Numerous arrests have been made through the gross refusal to observe the color line. This was the following: Mrs. Rosa Parks, who was arrested and convicted, although she was seated properly in the going given to the bus company. They are Charles Cook, Alberta Williams, and Mrs. Rosa Parks, among others arrested at the same time and place. Mrs. Parks, who was arrested from her seat and a Mr. Smith, who was taken to the station.
- 4. Two Fares:** Many individuals are required to pay an additional fare if the bus is late getting to their destination. Some are required to pay an additional fare if they do not get to their destination. Some of these have been required to pay an additional fare for not getting to their destination. Some of these have been required to pay an additional fare for not getting to their destination.
- 5. Making Change:** We understand that street change should be given the people, but there are times that the bus operators refuse to give change to the people. Some of these have been required to pay an additional fare for not getting to their destination.
- 6. Picking Up Passengers:** In many instances the bus operators have picked up passengers standing at the stop to board the bus. They have also picked up passengers at the stop to board the bus.
- 7. Physical Torture:** One Negro mother with two small children in her arms, and three on the floor and while the bus was moving, she was pushed to the back of the bus. She was pushed to the back of the bus, and without giving her the chance to show the children, she was pushed to the back of the bus, leaving the child children in her arms.
- 8. Acknowledgement:** Not all operators are guilty of these occurrences. There are some who are most kind and courteous. They will go to the extent of their authority to see that justice and fair play prevail. To those who are unkind and unresponsive.
- 9. Adjudication:** Every effort has been used to get the bus company to remove the various of these conditions. This and other conditions have been reported to the City Commission, the City Council, and the Mayor of the City of Montgomery. The City Commission and the Mayor of the City of Montgomery have been informed of these conditions. The City Commission and the Mayor of the City of Montgomery have been informed of these conditions. The City Commission and the Mayor of the City of Montgomery have been informed of these conditions.

**The Great Decision:**

The city of Montgomery has made a decision of the most of this. Rosa Parks, but is the submission of a number of important incidents over a period of years. It is the submission of a number of important incidents over a period of years. It is the submission of a number of important incidents over a period of years. It is the submission of a number of important incidents over a period of years.

**Our Proposal:**

1. That operators of some routes be extended the facilities. That the bus operators refuse to give change to the people.
2. That the seating of passengers will be on a "First-Come, First-Served" basis. This means that the Negro citizens will begin seating from the front of the bus. This means that the Negro citizens will begin seating from the front of the bus. This means that the Negro citizens will begin seating from the front of the bus.
3. That the bus operators will be required to give change to the people. This means that the bus operators will be required to give change to the people. This means that the bus operators will be required to give change to the people.
4. That the bus operators will be required to pick up passengers standing at the stop to board the bus. This means that the bus operators will be required to pick up passengers standing at the stop to board the bus. This means that the bus operators will be required to pick up passengers standing at the stop to board the bus.
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9. That the bus operators will be required to give change to the people. This means that the bus operators will be required to give change to the people. This means that the bus operators will be required to give change to the people.
10. That the bus operators will be required to pick up passengers standing at the stop to board the bus. This means that the bus operators will be required to pick up passengers standing at the stop to board the bus. This means that the bus operators will be required to pick up passengers standing at the stop to board the bus.

**Nature of Movement:**

1. Non-violence: We do not have any intention on the part of any leader to keep any one in any way off the streets. The thing that we want is to see that justice and fair play prevail. To those who are unkind and unresponsive.
2. Courtesy: We do not have any intention on the part of any leader to keep any one in any way off the streets. The thing that we want is to see that justice and fair play prevail. To those who are unkind and unresponsive.
3. Adjudication: We do not have any intention on the part of any leader to keep any one in any way off the streets. The thing that we want is to see that justice and fair play prevail. To those who are unkind and unresponsive.

**THE NEGRO MINISTERS of Montgomery and Their Congregations**

**THE METHODIST MINISTERIAL ALLIANCE**  
The Rev. A. W. Hines, President

**THE BAPTIST MINISTERIAL CONFERENCE**  
The Rev. M. M. Hines, President

**THE UNITED BRETHREN MINISTERIAL ALLIANCE**  
The Rev. S. B. Hines, President

**THE MONTGOMERY IMPROVEMENT ASSOCIATION**  
The Rev. U. J. Fife, President

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

May 11, 1956

AURELIA S. BROWDER, and  
SUEBIE McDONALD, and  
CLAUDETTE GOLDEN, by G. G. Calvin, next friend, and  
MARY LOUISE SMITH, by Frank Smith, next friend, and others, similarly situated

Plaintiffs, No. 1147-N

vs.

W. A. GAYLE, CLYDE SELLERS, and FRANK PARKS, individually and as members of the Board of Commissioners of the City of Montgomery, Alabama, and GODDWIN J. HUPPERTHAL, individually and as Chief of Police of the City of Montgomery, Alabama, and THE MONTGOMERY CITY LINES, INC., a Corporation, and JAMES F. BLAKE and ROBERT CLERE, and C. C. (JACK) OWEN, JIMMY HITCHCOCK, and BETTIE POOL, as members of the ALABAMA PUBLIC SERVICE COMMISSION,

Defendants.

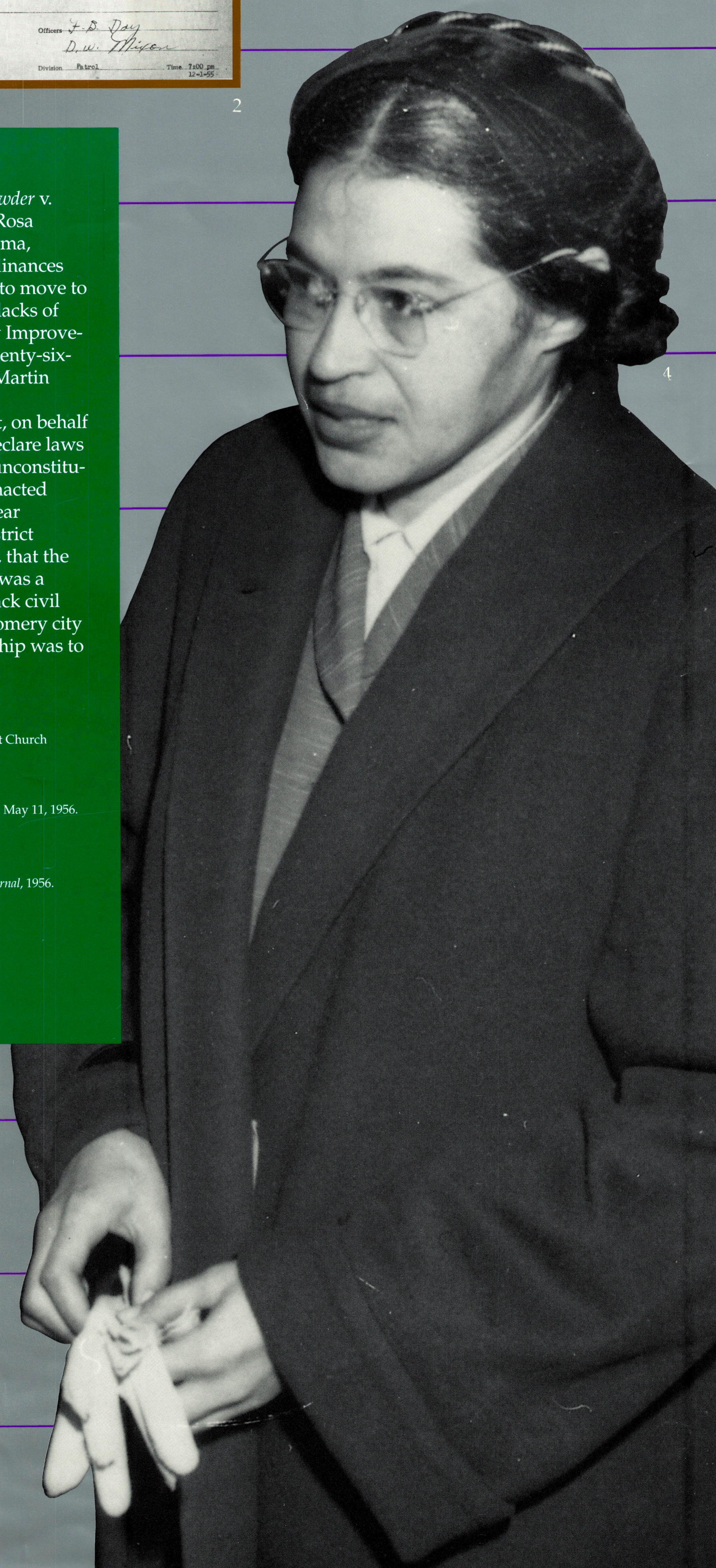
Before Judge Rives, Judge Lyne, and Judge Johnson.

FILED

MAY 11 1956

U.S. DISTRICT COURT

MONTGOMERY, ALA.



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