

What If Laws Are Unjust?

Topic: The 1963 Birmingham Campaign and Children's March

Grades: 7-8

Time Required: 3-5 class periods

Goals/Rationale

In this lesson, students read and analyze segregation ordinances, and learn how Martin Luther King Jr. and other civil rights activists challenged these unjust laws through peaceful protest and civil disobedience during the 1963 civil rights campaign in Birmingham, Alabama. The lesson highlights the vital role that young people played in the campaign.

Essential Question: How have citizens challenged unjust laws through non-violent actions?

Connections to Curricula (Standards)

Common Core State Standards Initiative

CCSS.ELA-Literacy.RH.6-8.9: Analyze the relationship between a primary and secondary source on the same topic.

CCSS.ELA-Literacy.RH.6-8.10: By the end of grade 8, read and comprehend history/social studies texts in the grades 6-8 text complexity band independently and proficiently.

CCSS.ELA-Literacy.WHST.6-8.1: Write arguments focused on discipline-specific content

National History Standards

US History, Era 9. Standard 4A: The student understands the "Second Reconstruction" and its advancement of civil rights.

National Standards for Civics and Government

Grades 5-8 Content Standards

Standard III-E.2: Students should be able to identify the strengths and weaknesses of a rule or law, by determining if it is fair, i.e., not biased against or for any individual or group.

Standard V-B.2: Students should be able to identify political rights, e.g., the right to vote, petition, assembly, freedom of press.

Standard V-D.1: Students should be able to explain the importance to the individual and society of the following dispositions or traits of character [including]:

- courage—the strength to stand up for one's convictions when conscience demands;
- respect for law—willingness to abide by laws, even though one may not be in complete agreement with every law [and] willingness to work through peaceful, legal means to change laws which are thought to be unwise or unjust.

Standard V-E.3: Students should be able to:

- explain how Americans can use the following means to monitor and influence politics and government at local, state, and national levels [including] taking part in peaceful demonstrations;

- describe historical and current examples of citizen movements seeking to promote individual rights and the common good, e.g., civil rights movements;
- explain what civil disobedience is, how it differs from other forms of protest, what its consequences might be, and circumstances under which it might be justified.

Massachusetts History and Social Science Framework

8.T4 – Rights and responsibilities of citizens

USII.T4 - Defending democracy: the Cold War and civil rights at home

Objectives

Students will be able to:

- cite examples of segregation ordinances and evaluate why they were discriminatory;
- describe/summarize the 1963 civil rights campaign in Birmingham;
- read and analyze primary sources on this event, comparing with a secondary source;
- identify First Amendment principles underlying civil rights marches and other peaceful protest;
- define “civil disobedience” and how it was employed by Martin Luther King Jr. and others to challenge segregation laws.

Materials

(See below under “Additional Information” for background on source materials.)

1. “Birmingham’s Segregation Ordinances” (included with downloadable lesson plan)
2. Signs of Segregation” (included with downloadable lesson plan)
3. “Project C” – [introductory essay](#) to the chapter on Project C, the 1963 civil rights campaign in Birmingham (also included with downloadable lesson plan).
4. Telegram from Wyatt Tee Walker to the President on the jailing of Martin Luther King Jr. and Ralph Abernathy, April 13, 1963 [Project C, “Creating Project C” subchapter]
5. “Martin Luther King Jr. on Just and Unjust Laws” – excerpts from a letter to fellow clergymen written from Birmingham City Jail, April 16, 1963 (included with downloadable lesson plan)
6. Front-page news photos of the demonstrations in Birmingham, May 4, 1963 edition of *The Charleston Gazette* [Project C, “Confrontation” subchapter]
7. Statement by Attorney General Robert F. Kennedy on the Birmingham demonstrations, May 3, 1963 [Project C, “Confrontation” subchapter]
8. Justice Department telephone log with notes on a call from Joe Dolan, May 17, 1963 [Project C, “The Agreement” subchapter]
9. Written Document Analysis Worksheet

Procedure

The lesson begins with an introductory discussion in which students consider what “a government of laws” means at the local level and how citizens might respond to laws and regulations they find to be objectionable or unfair. Students then examine and analyze racial segregation ordinances from Birmingham, Alabama along with related photos. After reading a brief narrative of the 1963 civil rights campaign in Birmingham, they read excerpts from Martin Luther King Jr.’s “Letter from a Birmingham Jail” and discuss his rationale for civil disobedience to protest unjust segregation laws. They also examine primary sources highlighting young people’s participation in the Birmingham campaign. As a culminating activity, students compose a letter from the standpoint of a young demonstrator who must explain to the school principal why he or she was justified in skipping classes to join the protest march.

1. Introductory discussion: “A government of laws and not of men”

a) As a prompt, write the above quote on the board. This phrase was included by John Adams in the Constitution of the Commonwealth of Massachusetts (Part I, Article 30) which he helped to write in 1779 and which served as a model for the US Constitution.

Question: What do these words mean to you and how do they relate to the kind of government we have in the United States?

Record students' responses. They should be able to connect Adams' words with their knowledge of America's war for independence and the colonials' sense of outrage at the unjust, arbitrary rule of the King. They should also be able to draw connections with the concept of checks and balances and separation of powers.

b) Briefly review with students how the legislative power is exercised at federal and state levels before focusing in on the local level, along the following lines:

Questions:

- *Who makes the laws in [name of your city or town]?*
- *Can you name some parts of the community which these local elected officials are responsible for regulating (e.g., schools, traffic, recreational facilities)? Give an example of a law or regulation for each area.*
- *Can you think of any local law or regulation that some people might find to be annoying or objectionable? (Should they still obey it?)*
- *If a majority of local elected officials happened to be biased against, or in favor of, a particular group within the community and passed laws reflecting that bias—what might concerned citizens do? Which sections of the US Constitution could they cite to challenge the discriminatory laws?*

c) To follow up on the last question, have students review the First Amendment and the Fourteenth Amendment (Section 1) of the US Constitution. Ask them to copy down the passages they think are most relevant to challenging unjust laws, and why. Text of both amendments can be found on the National Archives web site:

- [The Bill of Rights](#)
- [Amendments 11-27](#)

2. Examine/analyze racial segregation ordinances and related photos

a) Explain to students that local laws are often known as “ordinances”—and that communities throughout the South and many areas of the North had ordinances years ago which were designed to enforce racial segregation.

Question: What does the word “segregation” mean?

Record students' responses. Then distribute the handout on “Birmingham's Segregation Ordinances.”

b) After locating Birmingham on a map, have students take turns reading the five ordinances aloud. Ask them to summarize each one in the form of a rule, using ten words or less. The heading of Chapter 23, Sec. 597—“Negroes and white persons not to play together”—can be used as an example. List the rules on a large sheet of paper.

c) Hand out the “Signs of Segregation” sheet. Explain that these photos were not taken in Alabama but in other states which had similar local laws during the same time period. Ask students if they can match any of the photos with one of the ordinances.

Note: The separate movie theater entrance for “Colored” matches with the third ordinance, as do the “Colored” and “White” bus station waiting rooms. The “White Ladies Only” restroom illustrates the fourth ordinance. (Sharp-eyed students may also notice the “White Men Only” restroom sign below the stairs outside the movie theater.) The outdoor drinking fountain with sign saying “Colored” doesn’t match with any ordinance in the handout. For this one, ask students to make up a rule that would apply, as above, and add it to the list.

d) With the list of rules about segregation in view, hand out a sheet with the following questions. Give students time to respond in writing.

Questions:

- *Who do you think created these ordinances, and why?*
- *Today, most people recognize such laws as being extremely discriminatory. In what ways are they unfair?*
- *Which of the ordinances do you think had the greatest impact on people’s lives—and why?*
- *How might African Americans have challenged the segregation laws?*

Students’ responses to the last question will obviously vary depending upon how much or how little they have read about the Jim Crow era, and about what consequences there could be for African Americans who violated either written or unwritten rules of conduct.

e) Ask the class if they have any additional insights about the meaning of segregation. (Add to the definitions recorded earlier.)

Optional activity:

Draw students’ attention back to the last paragraph on page 2 of the segregation ordinances, which deals with buses and other public transport. Ask if anyone can say how Rosa Parks reacted when she was told to give up her seat on a bus in Montgomery, Alabama in 1955 to make room for a white passenger, and what happened afterward. By grade 7, many students will have some familiarity with this historical episode and with the Montgomery Bus Boycott sparked by Mrs. Parks’ arrest. A “Teaching With Documents” web page with the arrest record of Rosa Parks can be accessed from the [National Archives website](#). The web page features a diagram of the bus showing where Mrs. Parks was seated and a brief narrative of event, including the young Martin Luther King Jr.’s emergence as a civil rights leader during the bus boycott.

3. Read/summarize a narrative of the 1963 civil rights campaign in Birmingham (“Project C”)

a) To learn how people challenged segregation in Birmingham give students the reading on “Project C” as a homework assignment. Note that this essay, like the other chapter introductions in *1963: The Struggle for Civil Rights*, is written in the present tense in keeping with the microsite’s you-are-there approach.

b) As a lead-in to the following activity, ask students to summarize what they learned about Project C from the reading.

4. Read and analyze “Martin Luther King Jr. on Just and Unjust Laws” – excerpts from a letter written in the Birmingham City Jail

a) The essay stated that Martin Luther King Jr. and others were arrested on April 12, 1963 and that he spent more than a week in jail. Make it clear to students that King deliberately violated a court-ordered injunction against further demonstrations. Write this question on the board: *How could Dr. King justify breaking the law?* Explain that King gave his reasons in the long letter written while he was imprisoned. Hand out the page of excerpts from his letter.

b) Have students take turns reading the excerpts aloud and discuss King’s argument along the following lines:

Questions:

- *How does King explain why he urges people to obey the Supreme Court’s decision outlawing segregated public schools and then breaks laws that he disagrees with?*
- *Any law that degrades a person is unjust, according to Dr. King. What does “degrade” mean? In what way does he think segregation is degrading to the individual?*
- *What is the connection that King sees between unjust laws and racial discrimination in voting?*
- *When he says that a law can be “just on its face but unjust in its application,” what example does he give?*
- *What attitude does King say one should adopt if breaking an unjust law?*

c) Note that King does not use the term “civil disobedience.” Write these words on the board along with a dictionary definition. Ask students whether Dr. King’s actions meet the definition.

5. Examine/analyze photos of youth in the midst of the Birmingham demonstrations

a) The Project C narrative told of young people joining the demonstrations after getting trained in nonviolence—and then being treated very roughly by the authorities. Hand out copies of the news photos showing this rough treatment and then divide the class into small groups.

b) With one person in each group serving as secretary, students are to record at least three observations and three questions about the two photos showing young people during the demonstrations (images at left and center). Come back together as a class and share responses to the pictures.

c) Ask students to write a brief response (1-2 paragraphs) to these questions:

Questions:

- *What new information did these photos provide about Project C beyond what you read in the narrative?*
- *What new questions did they raise for you about this event?*

Optional follow-up questions:

Provide more information about the photo at left of the police dog lunging at the young man. (See below under “Background on Primary Sources.”) Ask students if this information changes their impressions and whether it raises any new questions about the photo.

Specific questions about the individual photos:

Photo at left: *Do you think you would have reacted to the police dog any differently from this young man had you been in his shoes? (How so?)*

Photo in center: *How might you have reacted if you'd been on the receiving end when the high-pressure hoses were turned on? What sort of thoughts could be going through your mind? What emotions could you be feeling?*

Photo at right: *The leaders of Project C were committed to peaceful protests and led workshops in nonviolence prior to the demonstrations. Do you think the man shown in the picture at right had this kind of training? (Compare his reaction to the patrolman and police dog with the reactions of youth in the other two photos.)*

This last question also provides an opening to give students more information about nonviolence, including Gandhi's use of nonviolent protest during India's quest for independence, which had inspired Dr. King and other civil rights activists. Descriptions of role-play exercises used to help prepare demonstrators not to react violently if attacked can be found in many books on the Civil Rights Movement, e.g., *We've Got a Job* by Cynthia Levinson (see bibliography below).

6. Write a persuasive letter from the standpoint of a student-demonstrator

a) Distribute the Justice Department telephone log from May 17, 1963. Explain that staff members of the Justice Department remained on duty after hours to receive incoming calls about civil rights demonstrations and incidents around the country. Have students take turns reading the first entry, with notes on the call from Joe Dolan. (Explain first who he was and what he was doing in Birmingham -- see below under Additional Information/Background on Primary Sources.) Discuss the following.

Questions:

- *How serious a penalty were student-demonstrators facing in terms of the School Board's proposed disciplinary actions?*
- *What was Mr. Dolan's opinion about the plan?*

b) Give students a chance to scan the notes on calls from Bill Hines of the FBI.

Question:

- *Based on the reports from Mr. Hines, what impact do the demonstrations in Birmingham seem to be having on civil rights-related actions in other states?*

c) As a concluding activity for the lesson, give the class this exercise in persuasive writing:

Imagine that you are one of the students who is facing disciplinary action because you skipped classes to take part in the demonstrations. Assume that Joe Dolan's opinion is correct, and that the Birmingham School Board is giving individual principals discretion on

whether to expel, suspend or impose a less harsh penalty on student-demonstrators. The principal of your school, Mrs. Jones, has asked you to come to her office. She tells you that she'll base her decision in your case on the following assignment:

You are to write a letter to her to convince her that your actions were based on principle and an understanding of the issues involved—and not just on wanting to join the crowd. The letter should include a paragraph on each of the following:

- *description of a local ordinance you believe to be unjust, and why;*
- *how the ordinance has affected you, your family and/or other people in the community;*
- *explanation of how you and others who marched, participated in sit-ins, sang and shouted, carried signs, etc. were exercising rights guaranteed under the Constitution;*
- *why your actions do not imply a disrespect for the law;*
- *what you learned from this experience—about yourself and about the rights and responsibilities of citizens in a democracy.*

Note that even though students at the time probably wouldn't have read MLK's "Letter from a Birmingham Jail," they may well have heard Dr. King speak about the same ideas during nonviolence training sessions at the Sixteenth Street Baptist Church. Therefore, they may choose to cite passages from his letter in making their case to the principal.

Assessment

Use the letter-writing assignment to assess how well students have met the learning objectives.

Additional documents

As an optional activity, give students these two additional primary sources to examine along with copies of the Written Document Analysis Worksheet. Students may work on these individually or in small groups and then share their observations. Specific questions about each document can be addressed in class discussion.

- Telegram from Wyatt Tee Walker to the President on the jailing of Martin Luther King Jr. and Ralph Abernathy, April 13, 1963

Questions:

- *What conditions were King and Abernathy subjected to in the jail?*
- *To which specific constitutional guarantees is Walker referring?*

- Statement by Attorney General Robert F. Kennedy on the Birmingham demonstrations, May 3, 1963

Questions:

- *What was Attorney General Robert F. Kennedy's attitude regarding the demonstrations?*
- *How do RFK's views compare with those expressed by Martin Luther King Jr. in his letter written from the jail in Birmingham?*

Note: RFK discussed civil rights and respect for the law in his first speech as Attorney General. It was delivered to a southern audience at the University of Georgia in May, 1961, a few months

after the university had gone through a difficult desegregation process. The speech can be found [here](#).

Extensions

1. There are a number of well-written, well-illustrated nonfiction books for middle grades and older that tell the story of this event. The bibliography (see below) lists ten titles, all of which give special attention to the involvement of teenagers and younger children in the demonstrations. Have students choose one of the books to read on their own. Alternatively, present one of the accounts to your class as a read-aloud. *A Dream of Freedom* by Diane McWhorter features a ten-page chapter on Birmingham; *All the People* by Joy Hakim includes a four-page narrative. Following the reading, ask students to compare/contrast it with the essay on Project C.
2. A sampling of pro and con letters regarding the Birmingham demonstrations may be found at in the [Project C Public Opinion sub-chapter](#). Students might find a useful quote or other information in the correspondence to bolster the argument in their letter to the principal. For the purpose of the exercise, students can assume that these were “open” letters to the president (i.e., they could have also been published in a newspaper at the time).
3. The following assignment can be given to students as a follow-up to reading the excerpts from Dr. King’s letter:

It was stressful, scary and physically uncomfortable for Martin Luther King Jr. to spend a week in that jail cell in Birmingham. However, he demonstrated that one’s mind can roam free even if one’s body is confined. Research the life of another person who had been “a prisoner of conscience” (i.e., someone jailed or confined for disobeying unjust laws). Write a brief profile and select an inspiring quote from this individual to share with the class.

4. Students can research and report on historical or contemporary examples of nonviolent protest and civil disobedience in the US and around the world—or, more specifically, of young people who have taken a stand against injustice. Malala Yousafzai is an outstanding recent example and students may find her July 12, 2013 speech at the United Nations to be especially inspiring.

ADDITIONAL INFORMATION

Background on Primary Sources

Birmingham's Segregation Ordinances

This set of excerpts from *The General Code of the City of Birmingham, Alabama* (published by The Michie Company, 1944) was adapted from a primary source feature found on the web site of Cynthia Levinson, author of *We've Got a Job: The 1963 Birmingham Children's March*. Excerpts from the same original source have also been published on the PBS Teachers' Domain web site, among others.

"Signs of Segregation"

The images are from an unrestricted collection of photographs at the Library of Congress, www.loc.gov/rr/print/list/085_disc.html. The source was the Farm Security Administration—Office of War Information. The photos date from the 1930s and 1940s.

Telegram from Wyatt Tee Walker to the President on the jailing of Martin Luther King Jr. and Ralph Abernathy, April 13, 1963

Wyatt Tee Walker was the executive director of the Southern Christian Leadership Conference while Martin Luther King Jr. served as president and Ralph Abernathy as vice president of the organization. The day before this telegram was sent, King, Abernathy and dozens of other activists had been arrested after they marched through the streets of Birmingham, defying an Alabama state court injunction that forbid them "from engaging in, sponsoring, promoting or encouraging mass street parades, marches, picketing, sit-ins, and other actions likely to cause a breach of the peace."

"Martin Luther King Jr. on Just and Unjust Laws" – excerpts from a letter to fellow clergymen written from Birmingham City Jail, April 16, 1963

The original letter can be found [here](#). Martin Luther King Jr. wrote this after reading a statement by eight white clergymen that appeared in a Birmingham newspaper the morning after his arrest. Urging that the demonstrations cease, they concluded that: "When rights are consistently denied, a cause should be pressed in the courts and in negotiations among local leaders, and not in the streets. We appeal to both our white and Negro citizenry to observe the principles of law and order and common sense." As part of his lengthy response, which he began writing in the margins of the newspaper and on other scraps of paper, King analyzed the difference between just and unjust laws. He spelled out the reasons why disobeying an unjust law was not only right but necessary.

Front-page news photos of the demonstrations in Birmingham, May 4, 1963 edition of *The Charleston Gazette*

The picture at left is one of the most famous images of the civil rights era. It was taken by Associated Press photographer Bill Hudson and shows high school student Walter Gadsden, seemingly calm and unflinching, as a police dog lunges at his midsection while Officer Dick Middleton grips his sweater. Although the newspaper identifies the teenager as "a young marcher," he was actually a bystander watching some classmates who were participating. The picture was flashed around the world and it had a major impact. Diane McWhorter's book, *A Dream of Freedom* (see the bibliography) has an interesting sidebar on the photograph.

Statement by Attorney General Robert F. Kennedy on the Birmingham demonstrations, May 3, 1963

As head of the Justice Department, Robert Kennedy was the primary law enforcement official in the federal government, and this statement would certainly have reflected the views of his brother, the president. Both JFK and RFK wanted to avoid sending federal troops into Alabama, and they believed that real and lasting changes could only be accomplished through negotiations among black and white leaders within the local community.

Justice Department telephone log with notes on a call from Joe Dolan, May 17, 1963

Joseph F. Dolan served as Deputy Assistant Attorney General and was a key figure on Robert Kennedy's staff at the Justice Department. Dolan was sent to Birmingham along with Assistant Attorney General Burke Marshall, head of the Civil Rights Division, to help mediate the racial conflict there as well as to provide first-hand reports on the situation.

Bibliography for students

Bolden, Tonya. *M.L.K. – Journey of a King*.

Abrams Books for Young Readers, 2007.

Part III, "I've Got to March," includes details of Martin Luther King Jr.'s involvement with the Birmingham campaign.

Brimner, Larry Dane. *Black & White: The Confrontation between Reverend Fred L. Shuttlesworth and Eugene "Bull" Connor*.

Calkins Creek, 2011.

Brimner, Larry Dane. *Birmingham Sunday*.

Boyd's Mills Press, 2010.

Hakim, Joy. *A History of US/Book 10: All the People*.

Oxford University Press, 1995.

See chapter 19: "Some Brave Children Meet a Roaring Bull."

Levine, Ellen. *Freedom's Children: Young Civil Rights Activists Tell Their Own Stories*.

Puffin Books, 1993.

See chapter 5: "The Children's Crusade."

Levinson, Cynthia. *We've Got a Job: The 1963 Birmingham Children's March*.

Peachtree Publishers, 2012.

Mayer, Robert H. *When the Children Marched: The Birmingham Civil Rights Movement*.

Enslow Publishers, 2008.

McWhorter, Diane. *A Dream of Freedom: The Civil Rights Movement from 1954 to 1968*.

Scholastic, 2004. See chapter on Birmingham.

Rochelle, Belinda. *Witnesses to Freedom: Young People Who Fought for Civil Rights*.

Lodestar Books, 1993. See chapter 7: *The Children's Crusade*.

Tougas, Shelley. *Birmingham 1963: How a Photograph Rallied Civil Rights Support*.

Compass Point Books, 2011.

Birmingham's Segregation Ordinances

From: *The General Code of the City of Birmingham, Alabama*
(Charlottesville, Virginia: The Michie Company, 1944)

CHAPTER 14 DRUGS AND FOOD

Sec. 369. Separation of races.

It shall be unlawful to conduct a restaurant or other place for the serving of food in the city, at which white and colored people are served in the same room, unless such white and colored persons are effectively separated by a solid partition extending from the floor upward to a distance of seven feet or higher, and unless a separate entrance from the street is provided for each compartment.

CHAPTER 23 GAMBLING

Sec. 597. Negroes and white persons not to play together.

It shall be unlawful for a negro and a white person to play together or in company with each other in any game of cards or dice, dominoes or checkers. [Amended in 1950 to include baseball, softball, football, basketball or similar games.]

Any person, who, being the owner, proprietor or keeper or superintendent of any tavern, inn, restaurant or other public house or public place, or the clerk, servant or employee of such owner, proprietor, keeper or superintendent, knowingly permits a negro and a white person to play together or in company with each other at any game with cards, dice, dominoes or checkers, or any substitute or device for cards, dice, dominoes or checkers, in his house or on his premises shall, on conviction, be punished as provided in section 4.

CHAPTER 35 OFFENSES— MISCELLANEOUS

Sec. 859. Separation of races.

(a) It shall be unlawful for any person in charge or control of any room, hall, theatre, picture house, auditorium, yard, court, ball park, public park, or other indoor or outdoor place, to which both white persons and negroes are admitted, to cause, permit or allow therein or thereon any theatrical performance, picture exhibition, speech, or educational or entertainment program of any kind whatsoever, unless such room, hall, theatre, picture house, auditorium, yard, court, ball park, or other place, has entrances, exits and seating or standing sections set aside for and assigned to the use of white persons, and other entrances, exits and seating or standing sections set aside or assigned to the use of negroes, and unless the entrances, exits and seating or standing sections set aside for and assigned to the use of white persons are distinctly separated from those set aside for and assigned to the use of negroes, by well defined physical barriers, and unless the members of each race are effectively restricted and confined to the sections set aside for and assigned to the use of such race.

(b) It shall be unlawful for any member of one race to use or occupy any entrance, exit or seating or standing section set aside for and assigned to the use of the other race.

(c) It shall be unlawful for any person to conduct, participate in or engage in any theatrical performance, picture exhibition, speech, or educational or entertainment program of any kind whatsoever, in any room, hall, theatre, picture house, auditorium, yard, court, ball park, public park, or other indoor or outdoor place, knowing that any provision of the two preceding subdivisions has not been complied with.

(d) The chief of police and members of the police department shall have the right, and it shall be their duty, to disperse any gathering or assemblage in violation of this section, and to arrest any person guilty of violating the same.

CHAPTER 45 SEWERS, DRAINS AND HUMAN WASTES

Sec. 1110. Toilet facilities—Male.

Every employer of white or negro males shall provide for such white and negro males reasonably accessible and separate toilet facilities in such number that there shall be available a separate water closet for each twenty-five or lesser number of white or negro males having access thereto during a single day. Such separate white and negro toilet facilities shall be clearly marked to distinguish each from the other and it shall be unlawful for any person to use any facility not designated for such person's comfort.

Sec. 1110. Toilet facilities—Female.

Every employer of white or negro females shall provide for such white and negro females reasonably accessible and separate toilet facilities in such number that there shall be available a separate water closet for each twenty-five or lesser number of white or negro females having access thereto during a single day. Such separate white and negro toilet facilities shall be clearly marked to distinguish each from the other and it shall be unlawful for any person to use any facility not designated for such person's comfort.

CHAPTER 51 TRAFFIC

Sec. 1413. Separation of races.

Every owner or operator of any jitney, bus or taxicab in the city shall provide equal but separate accommodations for the white and colored races by providing separate vehicles or by clearly indicating or designating by visible markers the area to be occupied by each race in any vehicle in which the two races are permitted to be carried together and by confining each race to occupancy of the area of such vehicle so set apart for it. It shall be unlawful for any person to operate or cause or allow to be operated or to aid in operating for the carriage of white and colored passengers any vehicle not equipped as provided in this section. And it shall be unlawful for any person, contrary to the provisions of this section providing for equal and separate accommodations for the white and colored races, to ride or attempt to ride in a vehicle or a division of a vehicle designated for the race to which such person does not belong. Failure to comply with this section shall be deemed a misdemeanor.

Signs of Segregation



PROJECT C

Martin Luther King Jr., head of the Southern Christian Leadership Conference, calls Birmingham, Alabama “the worst big city in race relations in the United States.” He writes this on December 17, 1962 in a telegram to President Kennedy after the bombing of Birmingham’s Bethel Church. Before that, when Bethel was Reverend Fred Shuttlesworth’s church, it had been bombed twice. These are just three in over fifty bombings in fifteen years, in a city that has segregation written in its laws and a police department, under the command of Eugene “Bull” Connor, which strictly enforces its codes.

A major demonstration in Birmingham could bring a much-needed victory for the civil rights movement. King works with Wyatt Tee Walker, Ralph Abernathy, Fred Shuttlesworth and other SCLC leaders to devise a plan. They call it Project C - ‘c’ for confrontation. Starting on April 3, 1963, it will build in waves, first with sit-ins, then a boycott, and finally, non-violent protest marches on a daily basis, which are likely to provoke heavy-handed reactions from police, with mass arrests. The media will cover it, and everyone will see why black people are asking for justice in the South. By the time the plan is launched, Birmingham has become a city with no stable government. Albert Boutwell has just won the city’s mayoral election, but his opponent, Bull Connor, is challenging the results. Connor, an out-and-out segregationist with a short fuse, is still in charge of the police force.

At first, few people join Project C. Store managers shut down their lunch counters in response to the sit-ins, few activists are arrested, and the news media pay little attention. On April 6, Shuttlesworth leads the first march and is arrested with forty people – still too few for a major impact. On April 12, Good Friday, King and Abernathy are arrested along with fifty others and spend the next eight days behind bars. During this period, King reads criticism of Project C by local white clergy in a smuggled-in newspaper. In its margins he begins to pen a response. One day, it will become famously known as his *Letter from a Birmingham Jail*.

While King is in jail, one of his young cohorts, James Bevel, begins to recruit and train youth to take part in non-violent marches. Word spreads, and soon students as young as six are ready to leave school and march in the streets. On May 2, they set forth on the first demonstration in what becomes known as the “Children’s March.” Police arrest over 600 young people, but 1,500 more are ready to take their place the next day. Bull Connor orders in police dogs and fire hoses. Images of people pummeled and drenched by high-pressure hoses, and snarling German shepherds tearing clothes off demonstrators highlight the evening news. With Birmingham’s jails overflowing, thousands more students join the demonstrations, sparking similar protests across the country. Before long, the story is making headlines around the world.

On May 5, Burke Marshall, Assistant Attorney General for Civil Rights, helps to get talks going between black and white community leaders in Birmingham. After several days of negotiations, a truce agreement is finally reached and announced to the press on May 10. In exchange for the civil rights groups ending the demonstrations, business leaders will take initial steps to

integrate lunch counters, changing rooms, water fountains and restrooms at downtown stores, as well as open better job opportunities for blacks.

However, Alabama Governor George Wallace insists that no local or state officials have knowledge of “any so-called agreement.” On Saturday night, May 11, bombs explode at Martin Luther King Jr.’s headquarters at the Gaston Motel, and at the home of his brother, the Reverend A.D. King. Riots erupt and continue into the next morning.

On Sunday evening, in a radio and TV broadcast from the White House, President Kennedy announces that he’s sending Burke Marshall back to Birmingham to consult with local citizens, ordering Armed Forces units to bases in the vicinity, and taking preliminary measures to federalize the Alabama National Guard “should their services be required.” Governor Wallace is outraged and accuses the president of disregarding the sovereignty of the state of Alabama.

Despite the violence and continued opposition by white extremists, the shaky peace agreement holds and by mid-summer the city council will vote to repeal Birmingham’s segregation ordinances. Project C has succeeded and young people have made a difference.

Martin Luther King Jr. on Just and Unjust Laws

Excerpts from a letter to fellow clergymen written from Birmingham City Jail, April 16, 1963

You express a great deal of anxiety over our willingness to break law. This is certainly a legitimate concern. Since we so diligently urge people to obey the Supreme Court's decision of 1954 outlawing segregation in the public schools, it is rather strange and paradoxical to find us consciously breaking laws. One may well ask, "How can you advocate breaking some laws and obeying others?" The answer is found in the fact that there are two types of laws: There are just laws and there are unjust laws. I would be the first to advocate obeying just laws. One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws.

✂

Any law that uplifts human personality is just. Any law that degrades human personality is unjust. All segregation statutes are unjust because segregation distorts the soul and damages the personality. It gives the segregated a false sense of inferiority.

✂

Let us turn to a more concrete example of just and unjust laws. An unjust law is a code that a majority inflicts on a minority that is not binding on itself. This is difference made legal. On the other hand a just law is a code that a majority compels a minority to follow that it is willing to follow itself. This is sameness made legal.

Let me give another explanation. An unjust law is a code inflicted upon a minority which that minority had no part in enacting or creating because they did not have the unhampered right to vote. Who can say the legislature of Alabama which set up the segregation laws was democratically elected? Throughout the state of Alabama all types of convenient methods are used to prevent Negroes from becoming registered voters and there are some counties without a single Negro registered to vote despite the fact that the Negro constitutes a majority of the population. Can any law set up in such a state be considered democratically structured?

✂

There are some instances when a law is just on its face but unjust in its application. For instance, I was arrested Friday on a charge of parading without a permit. Now there is nothing wrong with an ordinance which requires a permit for a parade, but when the ordinance is used to preserve segregation and to deny citizens the first amendment privilege of peaceful assembly and peaceful protest, then it becomes unjust.

I hope you can see the distinction I am trying to point out. In no sense do I advocate evading or defying the law as the rabid segregationist would do. This would lead to anarchy. One who breaks an unjust law must do it openly, lovingly . . . and with a willingness to accept the penalty. I submit that an individual who breaks a law that conscience tells him is unjust, and willingly accepts the penalty by staying in jail to arouse the conscience of the community over its injustice, is in reality expressing the very highest respect for the law.

Courtesy of The Charleston Gazette

Charleston, West Virginia, Saturday Morning, May 4, 1963

The Charleston Gazette

The State Newspaper

20 Pages—2 Sections—Five Cents

VALLEY EDITION

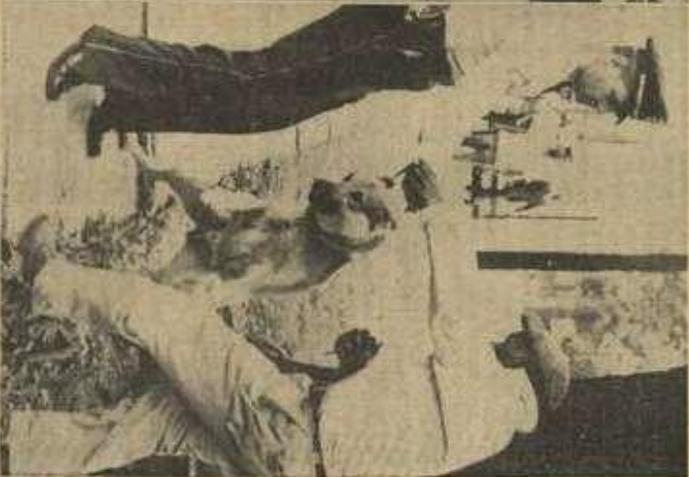
FORCAST—Variable cloud-
iness. Sunny, warm. High in
low 80s. Page 1.



SNARLING DOGS and water hoses were used in Birmingham, Ala., Friday to quell Negro demonstrators. A police dog (left) lunges and snarls the clothing of



a young marcher. In center picture, Negro youths sit on the sidewalk as high pressure hoses are turned on their backs. A patrolman and a police dog (right) col-



lors a Negro man after the man attacked the dog with a small knife which he holds in his right hand. (AP Wirephoto)

TELEPHONE LOG

MAY 17, 1963

G. D.

7:00 p.m. - 10:00 pm

8:35 pm. ----- TO BE BROUGHT TO ATTENTION OF MR. MARSHALL ON SATURDAY, MAY 18.

Joe Dolan called on scan line with following information:

The Birmingham School Board restated its plan to suspend or expel students who "skipped classes to take part in massive racial demonstrations."

Superintendent Theo Wright says he has 550 names and expects to get more.

Seniors who are expelled will not be allowed to graduate, but will be allowed to attend summer school and graduate in August.

Students 17 years and older will be expelled. Those 16 and under will be suspended for the semester. Both groups will be allowed to attend summer school.

May 6 was the worst day for negro school attendance. 887 out of 7386 appeared for classes.

Mr. Dolan's opinion is that the edict is open to several interpretations, and may not be imposed too harshly.

Bill Hines of the Civil Rights ^{DESK, FBI.} ~~Division~~ called periodically with miscellaneous reports on race events:

7:20 pm call:

1. From Newark, N.J.: Joseph Lawless, Director of Police in Englewood (sp?), N.J. advised that a bus load of negro children from Birmingham is scheduled to attend a rally in Englewood on Sunday, May 19. No further info available.
2. From Birmingham: Police Chief Moore advises that the police had received a rumor that students from three ~~high schools~~ all-white high schools (Phillips, Woodlawn and Banks) planned to assemble at the Roebuck Lanes Bowling Alley on the night of either the 17th or 18th of May, around 7:30-8:00 p.m. for the purpose of making molotov cocktails and going to the negro section to cause trouble.

Lt. O. B. Wilson of the Birmingham Pol. Youth ~~Section~~ Aid Division is checking the report out but so far has uncovered no basis for the rumor. For this reason school officials have not been notified for fear that inquiry by those officials might plant an idea where none existed before.

Chief Moore states that he will have officers near the bowling alley both nights.

3. From Baltimore: Frank A. Coombs, former state senator and a Rev. McGarry advise that they have been informed by Stephen Young of the Maryland Chap. NAACP that ~~there will~~ demonstrators on behalf of equal accommodations will stage a parade at Leonardtown, Maryland on Sunday May 19 at 2:00 pm for the purpose of agitating for equal accommodations.

The demonstration is to be peaceful, and will last about 2 hours.

State and county police have been advised.

9:00 p.m. call from Hines of the Civil Rights Division:

1. Maryland: Norman Hill, Program Director for CORE in New York City, advises that the Brooklyn Chap. of CORE together with District 65 of the Retail, Wholesale Dept. Store Union, AFL-CIO will stage a sit-in demonstration on behalf of equal accommodations at Westminister (sp?), Maryland on Saturday, May 18.

About 100 persons will leave Brooklyn by bus and automobile at 6:30 a.m., May 18.

The demonstration is being planned exclusively by the Baltimore Chapter of CORE, which will give the demonstrators their instructions when they arrive in Maryland.

No further info presently available.

2. Wilmington, N.C.: Chief of Police Williamson says he has been informed that a negro demonstration is planned to take place at the Courthouse in Wilmington on Saturday, May 18. The demonstration will be outside the courthouse protesting segregated seating in the courthouse. As a somewhat confusing note, the police chief states that the courthouse has been integrated for a couple of years.

Chief Williamson states he has contacted Thomas C. Jervey, negro publisher of the Journal, a local paper, and a recognized spokesman for the negroes, and that Jervey confirms the demonstration.

STEVE ANDERSON

10-12 - NOTHING

9-11-63

The White House
Washington

WA036 PD

1963 APR 13 PM 9 08

BIRMINGHAM ALA APR 13 717P CST

THE PRESIDENT

THE WHITE HOUSE

DEAR MR KENNEDY, DR MARTIN LUTHER KING JR AND THE REVEREND RALPH D
ABERNATHY ARE PRESENTLY CONFINED IN THE BIRMINGHAM CITY JAIL BOTH
WERE ARRESTED ALONG WITH 50 OTHER CITIZENS IN VIOLATION OF THE
CONSTITUTIONAL GUARANTEES OF THE FIRST AND FOURTEENTH AMENDMENTS. BOTH
ARE NOW IN SOLITARY CONFINEMENT ALLEGEDLY FOR "THEIR OWN SAFETY"
WE SUBMIT THAT THESE TWO DISTINGUISHED AMERICANS ARE POLITICAL

12301

PRISONERS AND NOT CRIMINALS. WE ASK THAT YOU USE THE INFLUENCE OF
YOUR HIGH OFFICE TO PERSUADE THE CITY OFFICIALS OF BIRMINGHAM TO
AFFORD AT LEAST A MODICUM OF HUMAN TREATMENT NEITHER OF THESE MEN
HAVE MATTRESSES OR BED LINEN VERY TRULY YOURS

SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE WYATT TEE WALKER
EXECUTIVE ASSISTANT TO DR KING.



Department of Justice

STATEMENT BY

ATTORNEY GENERAL ROBERT F. KENNEDY

May 3, 1963

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

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

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

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

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

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

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

Written Document Analysis Worksheet

1. TYPE OF DOCUMENT (Check one):

- | | | |
|-------------------------------------|--|---|
| <input type="checkbox"/> Newspaper | <input type="checkbox"/> Map | <input type="checkbox"/> Advertisement |
| <input type="checkbox"/> Letter | <input type="checkbox"/> Telegram | <input type="checkbox"/> Congressional record |
| <input type="checkbox"/> Patent | <input type="checkbox"/> Press release | <input type="checkbox"/> Census report |
| <input type="checkbox"/> Memorandum | <input type="checkbox"/> Report | <input type="checkbox"/> Other |

2. UNIQUE PHYSICAL QUALITIES OF THE DOCUMENT (Check one or more):

- | | |
|---|---|
| <input type="checkbox"/> Interesting letterhead | <input type="checkbox"/> Notations |
| <input type="checkbox"/> Handwritten | <input type="checkbox"/> "RECEIVED" stamp |
| <input type="checkbox"/> Typed | <input type="checkbox"/> Other |
| <input type="checkbox"/> Seals | |

3. DATE(S) OF DOCUMENT:

4. AUTHOR (OR CREATOR) OF THE DOCUMENT:

POSITION (TITLE):

5. FOR WHAT AUDIENCE WAS THE DOCUMENT WRITTEN?

6. DOCUMENT INFORMATION (There are many possible ways to answer A-E.)

A. List three things the author said that you think are important:

B. Why do you think this document was written?

C. What evidence in the document helps you know why it was written? Quote from the document.

D. List two things the document tells you about life in the United States at the time it was written:

E. Write a question to the author that is left unanswered by the document:

Designed and developed by the Education Staff, National Archives and Records Administration, Washington DC