

Desegregation of City Parks and the Civil Rights Movement: The Case of Oak Park in Montgomery, Alabama

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Abstract

This article analyzes the history of desegregation of city parks in Montgomery, Alabama. The article chronicles the sixteen-year legal battle to desegregate parks in Montgomery and the efforts of city officials to keep parks segregated, including closing all of the parks for seven years, contracting with the Montgomery YMCA to operate segregated private recreation facilities, and allowing only segregated schools to use the parks. The article explores the connection between park segregation and the Montgomery Bus Boycott and school segregation, and questions why public officials fought to keep parks segregated after other public facilities began court-ordered desegregation, and why the story of park desegregation in Montgomery is largely unknown. The article concludes with a call to confront the history of park segregation in Montgomery.

Keywords

segregation, parks, Montgomery, Alabama, Georgia Theresa Gilmore, Judge Frank Johnson Jr.

Introduction

This article chronicles history of the sixteen-year fight to desegregate public parks in the City of Montgomery and argues that the fight to desegregate parks in Montgomery is an important missing piece in the narrative of civil rights history. The article situates the Montgomery park desegregation cases in the larger context of civil rights activities in Montgomery, including the Bus Boycott, Freedom Rides, school desegregation, lunch counter sit-ins, and the Selma to Montgomery March. The article explores the question of why public officials sought to keep parks segregated long after the 1964 Civil Rights Act and after numerous court decisions outlawing segregation in public facilities. The article also questions why the effort to desegregate the parks in Montgomery is relatively unknown, despite its connection to very well-known activities, including the Bus Boycott and school desegregation.¹

The first part of this article discusses the historical context of park desegregation in Montgomery—park segregation, segregation in the YMCA, and Montgomery during the Jim Crow era. Second, Oak Park, the city park at the center of the controversy, is discussed, along

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with the decision of city officials to close all of the parks in Montgomery. Third, the series of desegregation lawsuits are discussed. Finally, I offer some conclusions on the linkage between park desegregation and the Bus Boycott and school desegregation, why public officials continued to seek to segregated parks into the 1970s, and why the story of park desegregation in Montgomery is still relatively unknown.

Park Segregation

Parks were segregated in the South during the Jim Crow era, and African Americans had access to only a small number of parks.² Segregation in parks was strictly protected by city officials and White Southerners, who had longstanding fears of racial mixing in intimate environments, especially by youth and women.³ Many African American people were also excluded from public parks and private amusement areas in the North.⁴ Segregated parks included state parks, national parks, local parks, and private amusement parks in and near urban areas, as well as rural areas.

Many parks were established later in the South than in the rest of the country, due to traditions of limited government, poverty, and the plantation ideal.⁵ However, state and local parks began to appear in the South around the same time as Jim Crow laws were enacted, with the end of reconstruction and the *Plessy v. Ferguson* decision, in which the U.S. Supreme Court found Jim Crow laws to be constitutional.⁶ In the 1920s, the Southern states began to establish state parks, and cities began to establish municipal parks. However, it wasn't until the New Deal, which started the Civilian Conservation Corps (CCC) and other agencies dedicated to developing parks, when parks in the South began to take off.⁷ Because Jim Crow laws by then already existed in the South, those laws were immediately applicable to parks, and African American people were largely excluded.⁸

Despite the success of New Deal programs at constructing new parks, park facilities for African Americans were inferior and far less in number than parks for White people. A survey of seventeen Southern cities in 1928 found only four cities with any recreation facilities for African Americans.⁹ Between 1935 and 1941, just nine state parks were available to African Americans in five Southern states, and there were none in Alabama.¹⁰ By 1952, there were ten state park facilities for African Americans in Southern states.¹¹ A 1954 survey found just twelve state parks for African American people in nine Southern states, compared with 180 parks for White people, and the nine parks that were available for African American people were inferior in size, natural attractiveness, and had fewer recreation facilities.¹²

In many places, and for many types of recreation facilities, the false doctrine of separate but equal was even less equal for recreation than it was for other facilities like education and transportation. Most of the African American park facilities were constructed in conjunction with far superior White facilities at the same park.¹³ The African American park areas were typically restricted to day use facilities—with no camping, cabins, or restaurants.¹⁴ In addition to their far lower quality, African American park facilities were often up to 400 miles away from major cities because they were so few in number.¹⁵ *New South* magazine called parks the weakness of the Jim Crow system:

... publicly supported recreation—that Achilles' heel of the "separate but equal" system. All of the Southern states have paid at least lip-service to the goal of an equal and segregated set of public schools. But few have, until very recently, even given serious thought to an equitable dual system of parks and playgrounds.¹⁶

Facilities for African Americans in city parks paralleled their state and national counterparts. In Atlanta, in 1954, although African Americans comprised over one-third of the city's

population, they had access to just three of the 132 municipal parks, eight of the ninety-six tennis courts, one of the eight community centers, one of the seven indoor gymnasiums, and none of the five golf courses in the city.¹⁷ However, a lack of mobility for urban residents meant that city parks were often the only recreation opportunities available to them.

Between the end of the World War II and the U.S. Supreme Court's 1954 decision to desegregate schools in *Brown v. Board of Education*,¹⁸ Southern states saw an increasing number of African American-only segregated parks. These developments were in response to court decisions in favor of integration—to try to prove that the doctrine of separate but equal was being achieved in Southern parks.¹⁹ Another reason for increased attention to the establishment of African American park facilities was the notion that parks would correct perceived criminal and social ills among African Americans.²⁰ Nonetheless, park facilities for African American people remained far fewer and inferior to parks for White people.

African Americans and the National Association for the Advancement of Colored People (NAACP) begun to challenge Jim Crow laws in the South by the late 1940s, when challenges to segregated parks began in Virginia and Texas.²¹ The 1940s was a key period of activism for civil rights, as African Americans returned home from World War II to strict segregation laws that contradicted the idea of equality and democracy that they had fought for in the war. The discrimination that African American people experienced as the war ended, and the organizing that followed—particularly through the NAACP—set the stage for the civil rights activities in the 1950s and 1960s, including park desegregation activities.

Activists challenged segregated parks across the United States throughout the 1950s and into the 1960s.²² The response to calls for better parks for African Americans by state and local park boards was to improve and create new segregated parks for African Americans—not to integrate parks.²³ Alabama stood out among the Southern states as being the least dedicated to state park building for African Americans—constructing just one state park that was available for African Americans by 1955 (part of Joe Wheeler State Park).²⁴

Although National Parks had a policy of nondiscrimination by 1951, it recognized and practiced segregation in states with Jim Crow laws.²⁵ Likewise, the Tennessee Valley Authority recognized Jim Crow laws in its recreational facilities.²⁶ Conflicts arose over segregation in National Parks when the federal government began constructing National Parks in Southern states, including Great Smoky Mountains National Park in 1934 and Shenandoah National Park in 1935.²⁷ The states where the parks were located—Virginia, North Carolina, and Tennessee—asked the National Park Service (NPS) to ensure that local segregation laws would be enforced, and NPS agreed.²⁸ When new national parks were created, NPS constructed segregated facilities such as picnic areas, campgrounds, restrooms, and playgrounds.²⁹

Another important facet of early twentieth-century parks was private amusement parks, which were marketed as commercial enterprises that offered clean and safe leisure activities, and a counterbalance to older private amusement parks and public facilities that were criticized as overcrowded and immoral. Segregation was a key part of the marketing effort to sell the parks as moral and safe.³⁰ Many cities in the north experienced challenges to segregated private amusement parks, such as Euclid Beach Park near Cleveland in 1946 and Crystal Beach in Buffalo in 1956.³¹ The pervasiveness of integration efforts at private amusement parks was due to the fact that they were usually the largest private accommodation in cities, making it difficult for African American people to create counterparts to those spaces. They also typically included dance halls and swimming pools that were viewed as intimate, sparking fears of racial mixing from White people.³²

After the 1954 *Brown v. Board of Education*³³ school desegregation decision courts found a close relationship between schools and parks, ruling in favor of desegregating parks.³⁴ For example, in 1955 the Fourth Circuit Court of Appeals in Richmond, Maryland, ruled that segregation of parks was not constitutional.³⁵ African Americans won a desegregation case against

public golf courses in Texas, when the U.S. Supreme Court denied review of the lower court's decision.³⁶

Despite court cases that favored desegregation of parks in the wake of *Brown v. Board of Education*,³⁷ many parks throughout the South remained segregated into the 1960s. In the summer of 1963, efforts to desegregate public and private beaches (known as wade-ins or swim-ins) took place throughout the South, along with lunch counter sit-ins. In 1963, Dr. Martin Luther King Jr., Ralph Abernathy, and others were arrested for trying to desegregate a hotel swimming pool and lunch counter in St. Augustine, Florida. Later, the hotel manager poured muriatic acid into the swimming pool to get protesters out.³⁸ Wade-ins were common on July 4th throughout the 1950s and 1960s, such as in Clearwater, Ft. Lauderdale, and Tampa, Florida. Wade-ins in Sarasota resulted in a successful lobbying effort to get the State of Florida to pass a bill allowing the county to sell its beaches to private interests.³⁹

A popular response to attempts to desegregate public parks was for cities to divorce themselves from the operation of public facilities, and lease, sell, or give away parks to private entities.⁴⁰ In Louisville, Kentucky, for example, the city leased the operation of a publicly owned amphitheater to a private organization. The city continued to maintain the facility and make and enforce rules for the operation of it, including excluding African Americans.⁴¹ The U.S. Supreme Court declined to review the case after the Sixth Circuit Court of Appeals upheld a lower court ruling that desegregated the amphitheater.⁴² Similarly, City of Montgomery officials resisted integration by transferring park facilities and activities to the Montgomery branches of the Young Men's Christian Association (YMCA).

YMCA and Segregation

The YMCA is a private organization that provides social and job-training activities and recreation in cities.⁴³ Following the end of the Civil War, YMCA began to work with African Americans, but embraced segregation and Jim Crow by encouraging African American people to establish separate associations.⁴⁴ The first African American YMCA was in Richmond, Virginia, in 1889.⁴⁵ While several African American YMCAs were established just after the Civil War, it was not until later in the nineteenth-century that African American YMCAs became common. Many of the early African American YMCA branches were short-lived because they lacked national administrative support and financial resources.⁴⁶

In 1946, the National Board of the YMCA adopted a goal of desegregating YMCA facilities,⁴⁷ and "colored associations" became "city associations" in the national yearbook.⁴⁸ Many YMCAs, however, ignored the policy and continued to segregate facilities, especially in the South. National YMCA urged White associations to desegregate; however, associations insisted that they were autonomous and refused the order.⁴⁹ In 1968, the Board voted to require member associations to certify that their programs operated without discrimination on the basis of race, color, or national origin, although that requirement was also regularly ignored.⁵⁰ By 1972, the YMCA National Board proposed an adjustment to its overall vision from a focus on converting young men to Christianity to one that focused on social justice, peace, and recognition of the dignity, freedom, and equal worth of all persons. The proposal failed to pass.⁵¹

By 1950, more than half of the YMCA branches in the United States had open admissions policies; however, most of those were located along the coasts and the Midwest, and none of the YMCAs in the Southeast or the Southwest admitted African Americans.⁵² By the time Montgomery, Alabama, was using their local YMCA branch to maintain segregated recreation facilities in 1958 (see below), YMCA branches in the South were still segregated, in violation of the National YMCA desegregation policy.⁵³ Civil Rights attorney Morris Dees doesn't believe that the City of Montgomery cared about this; however, as he said in a 2019 interview, "The City did not care about what the National YMCA said about desegregation."⁵⁴

Montgomery, Alabama, in the Jim Crow Era

Montgomery, Alabama, was home to many of the most influential events in Civil Rights history, including the Montgomery Bus Boycott, Selma to Montgomery March, Freedom Rides, school desegregation, and lunch counter sit-ins. It was also home to many important civil rights activists. Martin Luther King Jr. got his start at public life with the Montgomery Improvement Association, and lawyers such as Fred Gray, Morris Dees, Solomon Seay, Robert Carter, and Judge Frank Johnson Jr. propelled the movement through the court system.⁵⁵

School desegregation is an important part of the history of Jim Crow in Montgomery and has important connections to park desegregation. In 1912, when schools were legally segregated in Alabama,⁵⁶ there were 200 public high schools for White children, and four for African American children.⁵⁷ When the U.S. Supreme Court decided that segregated schools were unconstitutional in the 1954 *Brown v. Board of Education*⁵⁸ decision, it ordered schools in the United States to desegregate, but the response in Alabama was resistance. Local school boards immediately redrew school district lines to exclude African American children. The Alabama Legislature passed a pupil placement law in 1955.⁵⁹ In 1956, voters in Alabama passed a constitutional amendment that allowed the legislature to abolish public schools to prevent integration.⁶⁰

The first effort to enroll African American children at a White school in Alabama was in September 1954 at Harrison Elementary School in Montgomery (the effort failed).⁶¹ That effort was followed throughout the 1950s and 1960s by other attempts to enroll African American children in White schools, and lawsuits when their enrollment was denied.⁶² The first African American children enrolled in a public school in Alabama was on September 3, 1963, when Dwight and Floyd Armstrong enrolled at an elementary school in Birmingham.⁶³ The City of Montgomery had a long resistance to school desegregation. Judge Frank Johnson, Jr. ordered Montgomery schools desegregated in 1964, in *Carr v. Montgomery County Board of Education*, in a case that was in the court system until 1974.⁶⁴

The physical setting for many of the civil rights activities in Montgomery was in the neighborhoods surrounding Alabama State University (ASU, then Alabama State College), located south of downtown, and the Centennial Hill neighborhood near ASU.⁶⁵ ASU is a historically Black college and was the only institution of higher education in Montgomery at the time.⁶⁶ Many of ASU's faculty, administrators, and students became leaders in the Civil Rights Movement in Montgomery⁶⁷ and participated in the Bus Boycott, lunch counter sit-ins,⁶⁸ and Freedom Rides and were expelled and fired for their civil rights activities.⁶⁹ A large city park—Oak Park—was also located in the neighborhood and was surrounded on three sides by segregated African American neighborhoods, but was off-limits to the African American residents because it was a segregated Whites-only park (see Figure 1).

Oak Park

Oak Park was the largest park in Montgomery and regarded as the loveliest. It was originally 45½ acres, purchased by the City of Montgomery in 1899 for \$25,000.⁷⁰ When the City established the Parks and Recreation Department in 1948, it assumed responsibility for Oak Park. Designed by the Olmsted Brothers, with their telltale meandering paths and water features, the 45-acre park originally contained several historic buildings, a picturesque pedestrian bridge, water wheel, stream, tennis courts, zoo, ferris wheel, miniature train, and a football field.⁷¹ The park contained a swimming pool—the largest in the city—and a small wading pool for young children.⁷² The park's zoo, a popular feature, included a monkey island, bears, alligators, a lion, deer, a bobcat, raccoons, pheasants, peacocks, doves, and other small animals.⁷³ The park was the only one in



Figure 1. Map showing racial composition of neighborhoods surrounding Oak Park in 1950.

Source: Auburn University Archives, Auburn, AL.

Note: White households have an open circle and African American households have a filled-in circle.

Montgomery that contained many of these features, since most other parks in Montgomery simply contained a playground structure and sports facilities. It was also the only park in the city designed by Olmsted. Although the design of the park was elaborate, the space was large and well-designed, so it didn't feel overcrowded or cramped.

Oak Park was a popular destination for White residents of Montgomery. The park reported approximately 225,000 visitors in 1958, and visitation was as high as 10,000 people on any given Sunday that year.⁷⁴ The park is located close to the capital and was a frequent picnic spot for out-of-town visitors to the city. In 1958, the park saw visitors from all but one of Alabama's 67 counties.⁷⁵

Jim Crow laws assured segregation of all of the parks in Montgomery, and Oak Park was designated as a Whites-only park. City of Montgomery laws made it a misdemeanor, subject to fine or imprisonment, for any person to enter upon, visit, use, or in any way occupy public parks or other public houses or public places except those assigned to their respective race.⁷⁶

Only four of Montgomery's fourteen parks were available for African American residents (Washington Park, King Hill Park, Trenholm Court Park, and Mobile Heights Park).⁷⁷ Therefore, in an era of low car ownership, many African American residents who lived near ASU and Oak Park did not have access to the park in their neighborhood, and instead had to travel two miles to the nearest African American park—King Hill Park. King Hill park was smaller, had inferior facilities, and was surrounded on two sides by White neighborhoods, an African American neighborhood on one side, and on one side by a tuberculosis sanitarium. Adding to the physical separation was the fact that African Americans living near Oak Park had to travel through a middle-class White neighborhood to get to King Hill Park, which was something to be avoided in the Jim Crow era.

In 1957, Mark Gilmore, a young African American man, was arrested, beaten, and put in jail for taking a shortcut through Oak Park to his job at Jackson Hospital, which was on the opposite side of Oak Park from his home. Prompted by this incident, forty-eight African American residents of Montgomery, including Dr. Martin Luther King Jr., Ralph Abernathy, Solomon Seay, and Georgia Theresa Gilmore,⁷⁸ petitioned the Parks and Recreation Board to integrate Oak Park and all of the other parks in the city.

Georgia Theresa Gilmore, Mark Gilmore's mother, was a cook and midwife in Montgomery. Gilmore sold food at meetings of the Montgomery Improvement Association at the Holt Street Baptist Church. Martin Luther King Jr. gave her the nickname "tiny."⁷⁹ Gilmore had an important role in the Montgomery Bus Boycott because she helped raised funds for the carpools. She cooked food in her home and sold it to raise money for the boycott.⁸⁰ Later, when she was fired from her job as a cafeteria cook for testifying in court at the Bus Boycott trial, Martin Luther King Jr. suggested that she open a restaurant in her home, which she did soon thereafter. The restaurant became an important meeting and strategizing place for civil rights activism, and well-known people such as King, Robert Kennedy, Lyndon Johnson, Morris Dees, and even segregationist Governor George Wallace ate at her restaurant.⁸¹

The petition demanded access to Oak Park for African American residents of Montgomery, noting, "with its trees, flowers, shaded walkways, wading pool, zoo, picnic area, and concessions, is more readily accessible to your petitioners than the substandard, poorly equipped public parks which are provided, operated, and maintained for the use of negro citizens."⁸² The petition demanded that the Parks and Recreation Board "adopt a positive policy certifying that no distinction based on race or color shall be made" for use of park facilities in Montgomery.⁸³ The petition noted that segregation of the parks was unjust, "The denial of Oak Park facilities to Negroes does not accord with fundamental and inherent principles of justice and equality."⁸⁴ The petition demanded that the board grant a hearing to the petitioners to discuss integration of the parks.⁸⁵

Upon receipt of the petition, the board issued a statement that they have no authority over the segregation ordinance, and denied their request for a hearing.⁸⁶ The petitioners then addressed their petition to the City Commissioners, who denied the request for a hearing⁸⁷ and issued a joint statement:

The Board of Commissioners of the City of Montgomery has been advised by the Park and Recreation Board that it has received a petition signed by a group of Negroes. This petition seeks a hearing before that board for the purpose of making available to Negroes the parks of the White people of Montgomery and particularly for the opening of Oak Park to the Negroes. In order that there be no misunderstanding as to the attitude of the City commissioners, we state that we have no intention of operating any integrated parks in the City of Montgomery. The commission has in the past sought to provide excellent facilities for Negroes despite the fact that the Negroes have contributed comparatively little to the taxes and virtually nothing in the way of personal gifts.⁸⁸

The arguments that the City Commissioners made to keep parks segregated focused on the argument that the doctrine of separate-but-equal was working—that African Americans had access to segregated parks and facilities and thus were treated equally. The reality, however, was that parks in Montgomery for African American residents were far inferior than parks for White residents, in terms of quantity, quality of facilities, access, and location.⁸⁹

Oak Park Is Closed

Eight days after the first lawsuit was filed in U.S. District Court to desegregate the parks in Montgomery (see below), the Parks and Recreation Board announced that it would close Oak Park and all of the other parks in the city.⁹⁰ Newspaper accounts noted that the decision was "in anticipation of a federal court order which would integrate all parks in the city."⁹¹ Newspapers also questioned the motivation behind the effort to desegregate parks. The local popular press blamed African American people for the parks' closing, and "stilling the happy sounds which used to ring throughout the scenic 43-acre area."⁹² They also speculated that the real motive behind the lawsuit to integrate the parks was to close them or to force the city to improve the segregated African American parks:

A park is not a bus system or a school. It is something that can be dispensed with . . . We suspect the . . . petitioners know this. Perhaps their motive is to prod the city to move faster and on a larger scale to provide truly separate but equal parks in Montgomery.⁹³

Newspaper editorials used language such as “vindictive” to describe the integration efforts:

The closing of Oak Park was forced by a vindictive, dog in the manger attempt to compel integration, when those making the attempt knew it would not be accepted and must inevitably result in the closing. The park is a silent testimonial to an attempt to drive people not accustomed to being driven.⁹⁴

Although the city continued to maintain the flower beds on the periphery of Oak Park, most of the park that was out of public view became overgrown. Park officials made the decision near the end of 1959 that the park would never reopen and sold all of the animals in the zoo and filled the water features with dirt.⁹⁵ In 1967, the swimming pools in Oak Park, which were the only public swimming pools in the city, were demolished.⁹⁶ The Parks and Recreation Department was renamed the Recreation Department⁹⁷ and all of the funds were redirected to recreation.⁹⁸

Closing parks to avoid segregating them was a common response to the threat of desegregation in the South. Birmingham closed most of its parks to avoid a desegregation order when Reverend Fred Shuttlesworth and other civil rights activists filed a desegregation lawsuit in 1961.⁹⁹ Wolcott notes that public parks and park facilities (especially pools) were closed to avoid desegregation orders in Cairo, Illinois, Statesville, North Carolina, Little Rock, Arkansas, Huntsville, Alabama, Park bluff, Arkansas, Memphis, Georgia, Griffin, Georgia, Baton Rouge, Louisiana, Oxford, North Carolina, and other places.¹⁰⁰

With the news that the parks in Montgomery would be permanently closed, Oak Park, with its prime location near downtown, became coveted by development interests in the city. City officials began to seek different uses and development opportunities for all of the closed parks, although redevelopment of land was not a main motivation for the closure of the parks.¹⁰¹ City officials considered several options for redevelopment of Oak Pak, including a hospital, trade school, residential subdivision, factory, and as a potential route for Interstate-85.¹⁰² At least five other parks in Montgomery became police stations, fire stations, a children’s center, a YMCA, and an Exchange Club.

The Segregation Ordinance Is Declared Unconstitutional

On December 22, 1958, eight African Americans (Georgia Theresa Gilmore, Gussie Carlton, Sylvia Johnson, J. C. Smith, Mattie Cargill, Fred Harris, George Stephens, and Elizabeth Brown), represented by attorney Solomon Seay Jr., filed a lawsuit in the U.S. District Court seeking to have the segregation ordinance for Montgomery parks declared unconstitutional.¹⁰³

U.S. District Court Judge Frank Johnson, Jr. ruled on that the segregation ordinance was unconstitutional and violated the equal protection clause of the Fourteenth Amendment of the U.S. Constitution.¹⁰⁴ The fact that the case was heard in Judge Johnson’s court was significant because he already had a reputation in Alabama for desegregating public facilities.¹⁰⁵ Johnson’s reputation for being pro-integration likely figured into the decision to file the park desegregation case in the District Court instead of the state courts (in addition to the obvious constitutional challenges).¹⁰⁶ Judge Johnson believed that the Constitution recognized only one class of citizens and that race laws were contrary to that principle.¹⁰⁷

By the time the segregation ordinance was declared unconstitutional, parks were by then closed (see above), but the court declared that if they were to ever reopen, it would have to be on an integrated basis.¹⁰⁸ The court issued an injunction that prohibited the city from operating parks

on a segregated basis. The City's testimony, when asked about the possibility of reopening the parks was that they have "no present intention to reopen any of the parks during the present term of the incumbent Commissioners."¹⁰⁹

Mayor Gayle announced that the city immediately planned to appeal the decision and that the parks would remain closed and would never reopen on an integrated basis, noting, "we'll fight to the last to preserve segregation."¹¹⁰ The City appealed the District Court decision to the U.S. Circuit Court of Appeals in New Orleans.¹¹¹ Gilmore and the other activists were represented by attorneys Solomon Seay Jr. and Robert L. Carter.¹¹² The appeal argued that the ordinance became moot when the city closed all of the parks in 1959.

The Appeals Court upheld the lower court's decision that segregation in the parks was unconstitutional and modified the decision to allow the District Court to retain jurisdiction if the City were to reopen the parks.¹¹³ The reason for the modification was because it could conceivably be possible to open the parks without the segregation ordinance, and they could become essentially self-segregating. Montgomery had relatively few parks, and most are very small, so, the court noted, it was possible that the citizens of Montgomery may choose to self-segregate the parks.¹¹⁴

By then Mayor Earl James, also a segregationist, had been elected mayor of Montgomery. James responded to the decision by indicating that the city parks would remain closed, "we will not open up these parks on an integrated basis."¹¹⁵ The parks remained closed for five more years.

The City of Montgomery Reopens the Parks

The Montgomery Parks and Recreation Board voted to reopen seven of the fourteen closed city parks,¹¹⁶ including Oak Park, on February 25, 1965.¹¹⁷ The parks that were not reopened had already been put to other uses.¹¹⁸ Hammer Hall Park became a police station and fire station, Civic Park was sold to the Children's Center of Montgomery, Perry Street Park was sold to the YMCA, Bear Park was sold to the East Montgomery Exchange Club, Kiwanis Park became a fire station,¹¹⁹ and Yancy Park was sold to the Montgomery Spastic Children's School.¹²⁰

The timing of the opening of the parks occurred along with other important events. The first attempt to march from Selma to Montgomery for voting rights, when state police attacked marchers (the event known as Bloody Sunday), occurred just ten days after the parks opened. The third, and only successful, attempt to march from Selma to Montgomery to demand voting rights for African Americans ended in front of the Alabama capital building in Montgomery one month later, on March 25. Park desegregation activist Mary Louise Smith participated in the march.¹²¹

The Parks and Recreation Department installed a six-foot high chain link fence around the park in May 1965, so the only way to enter the park was from the main road on its east side—in the only White neighborhood adjacent to the park.¹²² The result of the fence was a lack of easy access for the residents of the nearby African American neighborhood, which would have to walk around the large park and through the White neighborhood to enter the park.

The city initially decided not to restore many of the activities in the park¹²³ and hired a consultant to redesign the park with a focus on "botanical gardens with spots for quiet relaxation" (see Figure 2).¹²⁴ Eventually, the park became a combination of a quiet botanical garden and a restoration of the original design. The Parks and Recreation Board adopted a resolution indicating that Oak Park should be restored back to its design before it was closed in 1959, with the exception of the swimming pools, which the board did not want to restore.¹²⁵ However, the park today bears only partial resemblance to its design before it closed in 1959 (see Figures 3 to 6).¹²⁶ A botanical garden was under construction by 1966.¹²⁷ A planetarium with a 50-foot dome opened in 1968 (see Figure 7).¹²⁸ By 1970, a small zoo of animals had been returned to the park, including an alligator, chickens, and deer.¹²⁹ Reversing the 1965 decision that there be no picnic areas

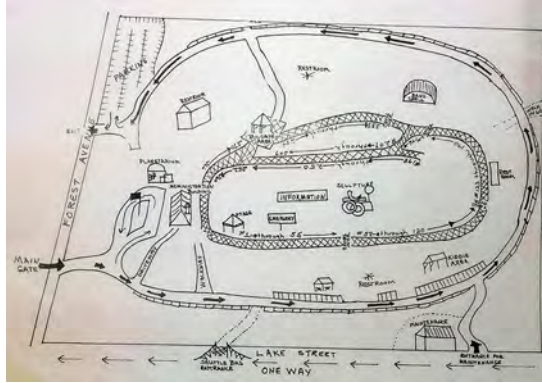


Figure 2. Hand-drawn image by an unknown author showing the plan for the redesign of Oak Park after it reopened in 1965.

Source: Container SG6914, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History.

Note: The plan includes a planetarium and playground, but not the pool and tennis court that were in the park before it closed in 1959.



Figure 3. Main entrance to Oak Park today.

Source: Photo by the author, December 2018.

in the parks, the Parks and Recreation Board constructed picnic areas in Oak Park in July 1968, and removed the “no picnicking” signs.¹³⁰ As late as 1970, however, Montgomery’s Parks did not contain signs to indicate that they were public parks, a decision which some critics viewed as racially motivated.¹³¹

The decision to not restore the swimming pools was significant because integrated swimming pools, picnicking, and playgrounds were seen as more of a threat to segregationists than botanic gardens and passive scenic parks. By not restoring the pools, public officials in Montgomery were perhaps trying to avoid true integration by preventing different races from interacting with each other in intimate environments, especially where women and children of different races would interact.



Figure 4. The water feature shown here was present in the park before it closed in 1959, and it remains in Oak Park today.

Source: Photo by the author, December 2018.



Figure 5. The former Monkey Island remains in the park today, along with a rock structure that the monkeys used to climb on.

Source: Photo by the author, December 2018.

Note: The monkeys were sold or donated when the park closed in 1959.

Smith v. YMCA

In Spring 1958, the Montgomery YMCA and the Montgomery Parks and Recreation Board formed a committee to coordinate their recreation efforts. The committee was composed of Parks and Recreation Department representatives and representatives from all of the YMCA branches except Cleveland Avenue, the only African American YMCA branch, according to a letter to the mayor that suggested “that we do not include the Negro staff members or Board members” on the committee.¹³²

In 1959, the committee entered into a cooperative agreement to “coordinate the programs and facilities of the YMCA and the City Parks and Recreation Department, and to eliminate duplication



Figure 6. Although the park is still fenced in, it is accessible to the west today through a pedestrian gate near the neighborhood, shown here.

Source: Photo by the author, December 2018.

Note: A picnic area is located outside the gate for community access even when the park is closed.



Figure 7. W. A. Gayle planetarium, named for Mayor William Gayle, who sought to keep the parks segregated, is a main attraction in Oak Park today.

Source: Photo by the author, December 2018.

of efforts.”¹³³ Under the agreement, the YMCA would offer most of the athletic programs for elementary-age children and operate the entire swimming program for the city, since the Montgomery Parks and Recreation swimming pools were closed.¹³⁴ The committee had been kept a secret, but Morris Dees, the attorney for the case,¹³⁵ found out about it and discovered that the YMCA had been receiving city money.¹³⁶ Through the agreement, the YMCA became the segregated parks department, as Morris Dees said in a 2019 interview:

The YMCA was the de facto City segregated recreation department. The Central YMCA Board operated out of a new building placed on donated land. The Board was made up of fifty or so top White leaders with the major donor as its honorary chairman.¹³⁷

On June 3, 1969, two African American children, cousins Vincent and Edward Smith, and their mothers, Annie Ruth and Mary Louise Smith, along with two members of the Montgomery Human Relations Council,¹³⁸ attempted to enroll the children in YMCA summer camp Besler, and their applications were denied by the director because he “had no authority to accept applications from Negroes,”¹³⁹ and “because it was an all-White camp.”¹⁴⁰ On June 11, 1969, Vincent Leonard Smith and others who were denied access to the YMCA facility filed a case with the District Court, asking the court to prohibit the YMCA from racial discrimination in administration of its recreation programs.

Mary Louise Smith had experience in civil rights activism. Two months before Rosa Parks was arrested for refusing to relinquish her seat to a White man on a bus, setting off the boycott of the bus system in Montgomery, Mary Louise Smith was arrested for refusing to give up her seat on a segregated bus in Montgomery.¹⁴¹ Smith was charged with failure to obey segregation orders and given a nine-dollar fine.¹⁴² Civil rights leaders considered staging the Bus Boycott in response to her arrest, but decided against it because she came from a poor family and they believed (incorrectly, according to Smith) that her father was an alcoholic and that would be used against the boycott.¹⁴³

By the time the Smith family filed the lawsuit against the YMCA, the Civil Rights Act had been passed in 1964 which outlawed discrimination based on race, color, religion, sex, or national origin.¹⁴⁴ Many cities in the South, however, especially in their recreation programs, sought to circumvent the Civil Rights Act by transferring public facilities to private clubs, as Wolcott writes, “the Civil Rights Act had an uneven impact on public accommodations . . . many recreational facilities could either become private clubs to avoid the law or claim that Title II did not cover them.”¹⁴⁵ Transferring recreation programs to private organizations was a common tactic, used in cities such as Little Rock, Arkansas, Fairfax County, Virginia, Memphis, Tennessee,¹⁴⁶ and Montgomery, Alabama.

The argument that private organizations running public recreation facilities were exempt from constitutional violations was not always successful in court, however. Courts sometimes decided that when a city permitted a private entity to perform a city function, the private entity became subject to the constitutional limitations placed on the state actions.¹⁴⁷ The significance of these cases meant that YMCA would have to present another argument instead of solely relying on the private club argument. The Montgomery YMCA presented two arguments: first, that the segregation at its branches was due to housing patterns and not a segregation policy, and second, that the YMCA was a private organization and not subject to constitutional limitations or the Civil Rights Act.

During the hearing, the YMCA argued that its segregated branches and recreation programs were not the result of purposeful discrimination; rather, they resulted from residential housing patterns and the personal preferences of people to associate with those of their own race.¹⁴⁸ The Smith sisters and their lawyers successfully countered this claim by presenting evidence that the housing patterns did not match up to the segregated facilities at the YMCA branches. YMCA operated five branches, with four of them being entirely White and one of them being almost entirely African American. The branch that was located in a racially mixed residential area had entirely White membership. The citywide camps operated by the YMCA had never had an African American participant. The court also found that every African American school in Montgomery was assigned to the Cleveland Avenue YMCA branch (the only African American branch), even though some schools were located closer to White YMCA branches. Therefore, the court concluded, the racial segregation of its activities and branches could not be entirely explained by housing patterns and personal social preferences.¹⁴⁹

The YMCA also argued that the prohibitions of the Fourteenth Amendment against racial discrimination do not apply to it because it is a private organization. The court noted that although the YMCA is a private organization, they operate with state participation that is sufficient to

transform private conduct into state action. For example, the State of Alabama had provided tax exempt status to the YMCA. Also, the cooperative agreement that the YMCA entered into with the Montgomery Parks and Recreation Department resulted in substantial impacts on the number and types of programs offered by the YMCA. The YMCA was also given free use of city parks, playgrounds, and lighting equipment for athletic events, and free water for swimming pools, and the YMCA had grown substantially after entering into the cooperative agreement.¹⁵⁰ Importantly, the court noted that the YMCA, through the cooperative agreement with the city, was performing a statutorily declared public function, and the city transferred some of its statutory responsibility to the YMCA.¹⁵¹

The court concluded that the cooperative agreement was part of an effort to avoid desegregating the parks, “An analysis of the historical context which prompted the establishment of the cooperative agreement makes it unmistakably clear that its purpose was to circumvent the Supreme Court’s and this Court’s desegregation rulings in the area of public recreation.”¹⁵² According to the Court, the effect of the committee was more segregation in the city, “the effect of this agreement has been the perpetuation of segregated recreational facilities and programs in the City of Montgomery.”¹⁵³ Therefore, the Court concluded, segregation of the YMCA facilities and activities violated the Fourteenth Amendment.¹⁵⁴

The YMCA also argued that it was exempt from the Civil Rights Act, which did not apply to private clubs or other establishments not open to the public. However, the court also disagreed with that argument, noting that the YMCA does not operate like a private club because it puts almost no limits on its membership, membership is open to any person, and they do not have any self-government, member-ownership rules, or bylaws.¹⁵⁵ Therefore, the court found that the YMCA was not a private club, and was instead a “place of public accommodation” as defined by the Civil Rights Act, and must comply with the Act. This was consistent with other recent segregation decisions when cities claimed that they were exempt from the Civil Rights Act and constitutional violations because they had admonished their park responsibilities to private entities.¹⁵⁶

The court found that the Montgomery YMCA engaged in racial discrimination, violated the Equal Protection Clause of the Fourteenth Amendment, and the Civil Rights Acts of 1866 and 1964. It prohibited the YMCA from (1) denying membership to the YMCA based on race, (2) constructing new branches or facilities that may tend to perpetuate the past policies and practices of racial segregation, (3) recruiting participants for programs or activities at predominantly White schools unless the same is done at predominately African American schools, and (4) excluding membership on the Board of Directors based on race. The court ordered the YMCA to desegregate its programs and activities within 30 days, to revise its publications to include a statement that its programs and activities are open to people of all races, and to submit a plan to the court within 30 days detailing how it has desegregated its activities, including school programs and membership, and membership on its Board of Directors and other governing bodies.¹⁵⁷

The connection of the *Smith* case to school desegregation makes an important point about how public officials sought to use park segregation to maintain school segregation and segregated athletic facilities, after school desegregation orders in Montgomery. The court noted that the YMCA was operating a football program for elementary school children in two if its White branches (East and South branch YMCA) and its one African American branch (Cleveland Avenue branch). The football program was open to all schoolchildren in the city, and each school was assigned to a branch to play football. Although the schools were under a desegregation order, they were still predominantly segregated, and every White school was assigned to the South or East branch YMCAs and every African American school was assigned to the Cleveland Avenue branch, despite the fact that some were closer to the East and South branches. During the local football playoff games, the South and East branch teams were assigned to play games at Cramton Bowl, a municipal field owned by the city, and the teams from the Cleveland Avenue Branch were assigned to play at Alabama State University.

Alabama public officials were still resisting school integration, though a few African American children had enrolled in White schools by then.¹⁵⁸ School athletic programs, however, were not integrated until April 1968 (two years before the *Smith* decision), when Judge Johnson ordered the two separate athletic programs for Alabama public schools integrated.¹⁵⁹ According to Bagley, the negotiations to merge the two athletic programs were particularly tense:

[a negotiator] argued that it would “kill” high school athletics, because formerly all-White schools would eliminate their athletics programs rather than play Black schools . . . “blood would flow” if any of these “clashes of races” ever took place, especially if Black teams started running roughshod over White teams.¹⁶⁰

For the City of Montgomery, transferring control of its football program to the YMCA was perhaps an effort to avoid integration of both schools and athletic programs.¹⁶¹

On August 18, 1970, the YMCA of Montgomery filed its plan to eliminate segregated memberships and activities, following the *Smith* court order. The parties in the *Smith* case also filed their response and objections to the plan. The District Court found most of the plan constitutionally unacceptable, since it failed to adequately inform the citizens of Montgomery about the YMCAs new nondiscrimination policies, permitted the YMCA to continue to operate some activities on a segregated basis, and afforded African Americans only token positions on the Board of Directors.¹⁶² The court issued an order immediately requiring a desegregation plan. The YMCA appealed, and the U.S. Court of Appeals, Fifth Circuit, largely agreeing with the lower court, issued its decision on June 14, 1972.

The appeal centered on two procedural questions, three questions about the findings and conclusions made by the lower court, and four points of disagreement with the desegregation order and plan. The appeals court disagreed with all of the YMCAs contentions, except one—it would not permit affirmative action to ensure African American representation on the YMCA Board of Directors.¹⁶³ The court modified the lower court’s decision to remove the requirement that the YMCA Board of Directors have a fixed ratio of African American members that corresponds with the racial composition of the city. The court found that since 70 out of 285 voting members of the YMCA of Montgomery were African American, a real possibility existed to have African American people elected to the Board of Directors, without the court order.¹⁶⁴

***Gilmore v. Montgomery* Is Reopened**

In 1970, while the *Smith* case was pending appeal in the U.S. Court of Appeals (see above), the original parties in the *Gilmore* case reopened their case, relying on the *Smith v. YMCA* decision.¹⁶⁵ The group, represented by attorneys Solomon Seay and Morris Dees, asked the U.S. District Court to hold the city in contempt for failing to end the racial segregation at Montgomery Parks under the 1959 desegregation order.¹⁶⁶ The group sought to get the swimming pools restored in Oak Park,¹⁶⁷ since segregated YMCA pools continued to be the main place where people could swim in the city.¹⁶⁸ Swimming pools had always been a sensitive issue in desegregation. The idea of desegregated swimming pools and beaches brought up fears of racial mixing because the sexual revolution and smaller bathing suit fashions coincided with the Civil Rights Movement.¹⁶⁹

The group claimed that there was a coordinated effort between the City of Montgomery and the Montgomery YMCA to circumvent the court desegregation order for the parks. The case was settled by an agreement on January 29, 1971. The agreement was aimed at providing equal recreation facilities for African Americans in Montgomery and specified the construction of new recreation facilities and improvements to existing facilities in African American neighborhoods. The City also agreed to maintain facilities on an equal basis. Under the agreement, the city was

required to submit written progress reports to the District Court every six months.¹⁷⁰ The first written progress report was filed on July 29, 1971.¹⁷¹

Gilmore et al. Seek to Stop Segregated Schools From Exclusively Using Parks

On September 8, 1971, the original group of eight African American people again filed a lawsuit in the District Court, claiming that the city was allowing private segregated schools and groups to use parks and recreation facilities.¹⁷² The case underscores the important link between segregated parks and schools, and came just after the rise in enrollment in segregated private schools, following school desegregation court orders in Alabama. The number of segregated private schools almost doubled in the South between 1969 and 1970.¹⁷³ In 1965, there were 34 “segregation academies”¹⁷⁴ in Alabama, and most of those were established just after the *Brown* decision. By 1970 there were 109.¹⁷⁵ The number of children attending private schools in Alabama increased from 39,524 in the 1968-1969 academic year to 68,123 in 1970-1971, a 72 percent increase.¹⁷⁶

The case relied again on the *Smith v. YMCA* decision.¹⁷⁷ *Gilmore* claimed that the city was permitting racially segregated schools and other segregated private groups and clubs to use public recreation facilities. Because schools were involved, and the City was under a court order to desegregate its schools, *Gilmore* was able to present new arguments and rely on school desegregation case law, including *Brown v. Board of Education*.¹⁷⁸ The group also claimed that some of the parks in Montgomery had been reopened in such a manner to avoid full integration; that the city had conspired with the YMCA of Montgomery to segregate swimming pools and other recreation programs; that parks and recreation facilities were unequally distributed between White and African American neighborhoods; and that the city was discriminating in its employment practices for parks and recreation programs.

On January 18, 1972, the District Court issued its decision prohibiting the City from allowing the use of city parks and recreational facilities by racially segregated groups and schools. The court reasoned that because the city was under a court order to desegregate the public school system, providing recreational facilities for segregated private schools was inconsistent with that order, since it enhanced the attractiveness of those schools and generated financial savings for them. The court decision also went a step further and prohibited the City from allowing the use of parks and recreation facilities by any private segregated group—even those that were not affiliated with a private school.

The City of Montgomery filed an appeal, seeking to reverse the decision by the District Court. The Fifth Circuit Court of Appeals reversed part of the District Court’s decision, holding that the city could permit segregated schools to use their public recreational facilities as long as their use was ‘nonexclusive’—used by segregated schools as well as the rest of the public.¹⁷⁹ The court also reversed the lower court’s decision that banned the use of park and recreation facilities by groups that were not affiliated with schools.¹⁸⁰

Gilmore petitioned the U.S. Supreme Court for review of the decision and the court granted review on October 15, 1973. Two questions were presented to the court: first, whether a governmental body may permit organized, program-oriented use of public recreational facilities by private segregated academies, or if such use amounts to a violation of the Fourteenth Amendment; and second, whether a governmental body may permit the organized use of public recreational facilities by private clubs or groups which have a policy of racial segregation.¹⁸¹

The Court saw little difference between the city’s 1957 segregation ordinance, the segregated recreation programs through the YMCA, and the practice of allowing segregated schools to use park facilities, it wrote:

Instead of prompt and orderly compliance with the District Court's mandate, however, the City of Montgomery engaged in an elaborate subterfuge to anticipate and circumvent the court's order. Segregated recreational programs continued to be presented through the conveniently cooperating private agency of the local YMCA. All public swimming pools were closed allegedly to prevent the mixing of races. Facilities in Negro neighborhoods were not maintained equally with those in White neighborhoods . . . the exclusive use and control of city recreational facilities, however temporary, by private segregated schools were little different than the city's agreement with the YMCA to run a "coordinated" but, in effect, segregated recreational program. Such use and control carried the brand of "separate but equal."¹⁸²

The court wrote that it was particularly important that city's policies operated directly contravene to a school desegregation order, which was still in effect.¹⁸³ The court noted that the city's actions enhanced the attractiveness of segregated private schools, which were formed in reaction to the federal desegregation order, by enabling them to offer more complete and attractive athletic programs. The practice also afforded those schools a capital savings and enabled them to divert funds that would be used on recreation and athletic programs into other opportunities for the school.¹⁸⁴

In a 5-4 decision, the Court agreed with the Appeals Court's order prohibiting the City of Montgomery from allowing exclusive use of parks and recreation facilities by segregated private schools. However, it did not make a conclusion about if nonexclusive use of parks and recreational facilities by all-White segregated schools involved a state action, which would warrant intervention by the courts, because there had not been enough findings at the lower court level.¹⁸⁵

Conclusion

The fight to desegregate parks in Montgomery is an important missing piece in the narrative of civil rights history in the South. The cases are significant because of their interrelatedness to other major civil rights victories in Montgomery. Many of the activists who fought to desegregate parks in Montgomery were involved in the Bus Boycott and other civil rights activities. The timing of the park desegregation case—just after the Bus Boycott ended—came at a time when African Americans were united in Montgomery and had just won an important victory in desegregating busses in the city. The timing of the *Smith* cases and the transfer of park responsibilities to the YMCA coincided with school and school athletic program desegregation efforts. Therefore, the cases demonstrate how segregationists used all aspects of city governance and planning as a coordinated attack on efforts to integrate.

The cases are also important in the narrative of legal history of civil rights, especially the history of cases decided by Judge Frank M. Johnson Jr. Judge Johnson presided over the District Court in Montgomery during the most tumultuous years in Alabama civil rights history. He invalidated segregation and racial discrimination in transportation, voter registration, schools, colleges, administrative agencies, jury selection, prisons, mental health institutions, museums, recreational facilities, property taxes, political parties, and government funding.¹⁸⁶ He ruled in favor of the activists who staged the Bus Boycott in 1956, he ruled against the City of Montgomery and the Ku Klux Klan in a case involving the Freedom Riders in 1961, and he ruled in favor of the Selma to Montgomery March in 1965. He also desegregated public parks in the *Gilmore* and *Smith* cases.

The park desegregation cases in Montgomery had many similarities with other Southern park desegregation cases, so it helps establish a pattern. The idea of waging longstanding battles to maintain segregation well into the 1970s was common in Montgomery. Montgomery city officials during the Jim Crow era were committed to defending segregation, and frequently fought long-lasting campaigns, even as overwhelming judicial rulings and precedent mounted against them. When they lost court cases they created other methods of segregation.¹⁸⁷ When asked why

Montgomery public officials tried to keep parks segregated for so long, Morris Dees answered that fighting long and hard to maintain segregation was typical in Montgomery:

The City tried to stop desegregation in every aspect of its operations. The City Library removed tables to keep Blacks from sitting next to Whites. The Park rules were to keep things totally segregated. The parks were all closed and most sold to entities for non-recreational activities.¹⁸⁸

The idea of closing the parks to maintain segregation was also common in Southern cities. Wolcott documents many instances of city officials closing pools, playgrounds, parks, and golf courses following desegregation orders.¹⁸⁹ For example, Greensboro, North Carolina, sold a public pool in 1956, after a group of African Americans sought to desegregate the facility.¹⁹⁰ Pools and parks were also closed in Lynchburg, Virginia; Nashville, Tennessee; Jackson, Mississippi; and many other cities throughout the South.¹⁹¹ In Birmingham, Alabama, park facilities that were targeted for integration were immediately closed, and the budget for the park department was reduced by 80 percent.¹⁹²

Another commonality between the Montgomery cases and other desegregation cases in the South was that city officials and segregationists also fought hard to keep parks segregated because Southern White people were fearful of racial mixing in intimate environments such as playgrounds and pools, especially among children and women. As Wolcott notes, swimming was a sensitive segregation issue for Southern Whites: “Swimming pools . . . continued to serve as central battlegrounds in the legal and physical war over coveted recreation. As Baltimore’s Judge Thompson had intoned in 1954, swimming was ‘more sensitive than schools.’”¹⁹³

Another reason for the longstanding fight to maintain segregation in parks was because of their connection to segregation in schools. After the *Brown v. Board of Education*¹⁹⁴ decision, and subsequent school desegregation orders in Montgomery, city officials were looking for other ways to maintain school segregation, and used parks to perpetuate a segregated school system after courts forced desegregation in the Montgomery Public Schools. They made segregated private schools more attractive by allowing them to use public parks. The private schools, in turn, saved money and didn’t need to build athletic facilities. After Montgomery city officials were forced by the courts to integrate public schools, they dug in their heels for segregating parks and pools even further.

Despite its importance, desegregation of parks in Montgomery is relatively unknown because the fight was mostly waged in courtrooms—not in public space, and because most of the activists were African American women. Many of the well-known events in Montgomery during the Civil Rights Movement had photogenic end points, though the key issues remained far beyond those dates. For example, the day after the courts decided that bus segregation was unconstitutional, newspapers photographed Rosa Parks sitting in the front of a city bus. The Selma to Montgomery March ended at the capitol steps in Montgomery and was on the front page of newspapers nationwide. On the contrary, the park desegregation battle was waged over sixteen years through multiple court cases, and didn’t have a photogenic end point, so it was not covered in national newspapers. Also, it was eventually decided in 1974, after most major civil rights events took place, when Southern civil rights were no longer the major news story in America.

Another reason that the case is relatively obscure is because many of the activists were women—mothers who wanted to assure access to city parks for their children and families in their neighborhoods—not well-known pastors and male civil rights leaders. Researchers have noted a dearth of research on notoriety of women civil rights activists, as one author notes:

The invisibility of modern Black women leaders and activists is in part a result of gender, race, and class biases prevalent in both the social movement literature and feminist scholarship . . . Most of the leadership recognition and pioneering research covering the civil rights movement of the 1950s and

1960s, in particular, has concentrated on the leading roles and charisma of elite male professionals within the Black community, such as ministers.¹⁹⁵

While the lawyers for the cases became well-known for their legal work in Civil Rights,¹⁹⁶ that notoriety came later. As Morris Dees recalls, he was not a well-known lawyer at the time, and it was before he cofounded the Southern Poverty Law Center.¹⁹⁷ *Smith v. YMCA*¹⁹⁸ was his first civil rights case, “I filed that suit in 1969 when I . . . had little legal experience. It was my first complicated civil rights case.”¹⁹⁹ Dees notes that the case did get him into some personal trouble:

I am not sure why the Montgomery City parks desegregation cases did not get a lot of national publicity. It could be that other cities were doing the same thing. I do know it got me into a lot of hot water with the White authorities who did their best, without success, to take my law license.²⁰⁰

Another important conclusion is that although the activists did eventually desegregate parks in Montgomery, it was a long-fought and short-lived victory. By the 1970s, White flight had already begun to change the city. As White people fled to the suburbs, integrated parks in the city became predominately African American anyway because of the new racial composition of the city. By 1970, local newspapers were reporting a “drastic turnover in housing” in White Montgomery neighborhoods.²⁰¹ Just as the integration of urban parks has been credited for contributing to White flight across the country,²⁰² park desegregation contributed to White flight in Montgomery.

Today, Montgomery public schools are among the most segregated in the state. In 2010, the White population of Montgomery was 37 percent, while the public school system was over 90 percent African American. The private schools in Montgomery are primarily White, as Bagley points out, in 2010 Montgomery Academy had 27 African American students out of 819, St. James school had 49 African American students out of 996 total students, Trinity Presbyterian had one African American student out of 906 total. On the contrary, Bagley notes, Harrison Elementary, the first White public school in Alabama that African American students tried to desegregate in 1954 (see above) had 229 African American students and one White student in 2010.²⁰³

Going forward, the City of Montgomery should confront its history of park segregation. Confronting the history of segregation of parks could help work toward justice and healing, as Montgomery-based Equal Justice Initiative Director Bryan Stevenson writes:

Our nation’s history of racial injustice casts a shadow across the American Landscape . . . This shadow cannot be lifted until we shine the light of truth on the destructive violence that shaped our nation, traumatized people of color, and compromised our commitment to the rule of law and to equal justice.²⁰⁴

The City of Montgomery could begin confronting this history by publicizing the story of park desegregation. The names of most of the eight activists who persisted through the many court cases and legal proceedings won’t show up in an Internet or library search. Most of their homes don’t have a historical marker in front of them, and one that does—Georgia Gilmore’s home—doesn’t mention her effort to desegregate the parks. The only indication of the desegregation battle in Oak Park today is an entrance sign that doesn’t mention segregation: “Oak Park was closed and largely dismantled in 1959 following a Federal Court finding City recreational policies to be unconstitutional.”²⁰⁵ The Montgomery Parks and Recreation website includes only a brief mention of closing the parks in 1959, and their reopening in 1965, with a four-paragraph synopsis of the segregation battle that does not mention any of the activists (it does mention Judge Johnson), the YMCA, the link to school segregation, or many of the details of the story.

The synopsis ends with “On February 24, 1965 the City Commission voted to reopen the parks and playgrounds throughout the city to all races”²⁰⁶ and doesn’t mention that the fight to desegregate parks in Montgomery wasn’t settled until 1974.

Despite its lack of notoriety, however, the struggle to desegregate Oak Park was an important effort to end segregation in the South. Starting with Mark Gilmore’s arrest for entering Oak Park in 1957, and concluding with the U.S. Supreme Court’s decision in 1973, the battle spanned three decades and lasted sixteen years. Montgomery and Alabama residents owe a great debt of gratitude to Georgia Theresa Gilmore, Gussie Carlton, Sylvia Johnson, J. C. Smith, Mattie Cargill, Fred Harris, George Stephens, Elizabeth Brown, Annie Ruth Smith, Mary Louise Smith, Morris Dees, Solomon Seay, Robert Carter, and Judge Frank Johnson Jr., for freeing parks in Montgomery.

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Notes

1. Although the case is relatively unknown, park desegregation activists viewed it as equally important as the Bus Boycott and other well-known events. In a 1986 interview, Georgia Gilmore, when asked what would have happened in Montgomery if there hadn’t been a Bus Boycott, answered that she believed that integration would have happened anyway, pointing to the park desegregation case, “Well, I believe Montgomery would have been integrated but without a boycott because the peoples had gotten tired of the way they had been mistreated. For instance, my son, he worked at the Jackson Hospital and ever since he had started working he had walked to work and he was on his way to work to Jackson Hospital and some policemens [*sic*] was in there and they got him and they beat him and arrest him and put him in jail and said that he was trying to integrate the parks. And we didn’t know exactly what to do and so we went and we talked with the several peoples, and so they decided that they would put in a suit.” Blackside, Inc., *Interview with Georgia Gilmore* (St. Louis, MO: Washington University in St. Louis, 1986), accessed February 20, 2019, <http://repository.wustl.edu/concern/videos/8049g7144>.
2. For an excellent analysis of segregation in parks, see Victoria W. Wolcott, *Race, Riots, and Roller Coasters* (Philadelphia, PA: University of Pennsylvania Press, 2012). Wolcott’s book is a meticulously researched and comprehensive history of segregation of parks in the United States.
3. Jason Byrne and Jennifer Wolch, “Nature, Race, and Parks: Past Research and Future Directions for Geographic Research,” *Progress in Human Geography* 33, no. 6 (2009): 743–65. See also Glenda Elizabeth Gilmore, *Defying Dixie: The Radical Roots of Civil Rights* (New York: W. W. Norton, 2008); James W. Loewen, *Sundown Towns: A Hidden Dimension of American Racism* (New York: New Press, 2005); Marsha Dean Phelts, *An American Beach for African Americans* (Gainesville, FL:

- University Press of Florida, 1997); and J. Austin Burkhart, "Yonder Sits the Rocking-Chair," *The Crisis* 59, no. 10 (1952): 619-52.
4. Ron Soodalter, "All Aboard: The Fight against Segregation on Bob-Lo Island," *The Progressive*, June 2016, 31-35.
 5. William O'Brien, "The Strange Career of a Florida State Park: Uncovering a Jim Crow Past," *Historical Geography* 35 (2007): 160-84. See also "StateParks," *Supplement to National Municipal Review* 10 (November 1921): 583-600. For information about the South, race, class, and environmental quality, see Robert D. Bullard, *Dumping in Dixie: Race, Class, and Environmental Quality* (San Francisco, CA: Westview Press, 1990). See also Ney C. Landrum, *The State Park Movement in America* (Columbia, MO: University of Missouri Press, 2004).
 6. *Plessy v. Ferguson*, 163 U.S. 537, 16 S.Ct. 1138, 41 L. Ed. 256 (1886). For an excellent analysis of the history of segregation in state parks, see William E. O'Brien, *Landscapes of Exclusion* (Amherst, MA: University of Massachusetts Press, 2016).
 7. William O'Brien, "State Parks and Jim Crow in the Decade before Brown v. Board of Education," *Geographical Review* 102, no. 2 (2012): 166-79. See also Langdon Smith, "Democratizing Nature through State Park Development," *Historical Geography* 41 (2013): 207-23; and Conrad L. Wirth, *Parks, Politics, and the People* (Norman, OK: University of Oklahoma Press, 1980).
 8. Robert McKay, "Segregation and Public Recreation," *Virginia Law Review* 40, no. 6 (1954): 697-731.
 9. Forrester B. Washington, "Recreational Facilities for the Negro," *The ANNALS of the American Academy of Political and Social Science* 140 (1928): 272-82.
 10. O'Brien, "State Parks and Jim Crow," 166-79, 169. For a discussion of race, ethnicity, and gender and the National Parks, see William O'Brien and Wairimu Ngaruiya Njambi, "Marginal Voices in Wild America: Race, Ethnicity, Gender, and Nature in *The National Parks*," *The Journal of American Culture* 35, no. 1 (2012): 15-25.
 11. "State Parks for Negroes—New Tests of Equality," *New South* 9, no. 4-5 (April 1954): 1-7. The states were Florida, Georgia, Kentucky, South Carolina, Tennessee, and Virginia. Two more park facilities were under construction in Georgia and South Carolina but they had not been completed yet. Louisiana, Mississippi, and Texas had no park facilities for African Americans, and Alabama was not mentioned in the article.
 12. "A Court Rules that Parks Are for All," *New South* 10, no. 4 (April 1955): 1-2.
 13. "State Parks for Negroes," 1-7.
 14. African American parks typically included only areas for swimming, picnicking, fishing, and playgrounds; while White parks included camping, cabins, restaurants, golf, museums, horseback riding, hunting preserves, botanical gardens, caverns, and unique natural features. See "State Parks for Negroes," 1-7.
 15. Parks were even more unequal than other segregated services and facilities in the Jim Crow era because of the extreme differences in quantity and quality, as McKay noted in 1954, "the differences are more pronounced in this field than in any other area in which distinctions based on race persist. Thus, although segregation may be the prevailing practice in many states in local transportation, and while it has been the accepted rule until now in public school education in a number of states, there has generally been *some* transportation and *some* education [emphasis supplied]." McKay, "Segregation and Public Recreation," 697-731, 703. McKay continues, ". . . as to public parks, swimming pools, and the like, the situation is very different. In Louisiana, Mississippi, and Texas there are no state park facilities available to Negroes, although those states have respectively 7,000, and 58,126 acres of parks available for White use," p. 703. See also "State Parks for Negroes," 1-7.
 16. "A Court Rules that Parks Are for All," 1-2.
 17. Kevin Kruse, "The Politics of Race and Public Space: Desegregation, Privatization, and the Tax Revolt in Atlanta," *Journal of Urban History* 31, no. 5 (2005): 610-33.
 18. *Brown v. Bd. of Educ.*, 347 U.S. 483, 74 S. Ct. 686, 98 L. Ed. 873 (1954).
 19. O'Brien, "State Parks and Jim Crow," 166-79. See also O'Brien, *Landscapes of Exclusion*. In 1945, the Alabama Department of Conservation had a renewed interest in creating new African American Parks, including one near Tuskegee, as O'Brien notes: "Alabama's interest in this project was heightened by intensifying legal activities organized by the NAACP... which included encouraging African Americans to test their ability to enter Whites-only state parks," pp. 114-15.

20. O'Brien, *Landscapes of Exclusion*. As O'Brien notes, "correcting perceived pathology would remain a primary justification for providing African American recreation facilities," p. 34.
21. O'Brien, "State Parks and Jim Crow," 166-79.
22. O'Brien, "State Parks and Jim Crow," 166-79.
23. O'Brien, "State Parks and Jim Crow," 166-79.
24. O'Brien, "State Parks and Jim Crow," 166-79. See also William E. O'Brien, *Landscapes of Exclusion*. In this book, O'Brien notes that a 1938 State Park study recommended five new parks for African Americans in Alabama. In 1945, the chief of the Division of State Parks in Alabama wrote a memo outlining his desire for more State Parks for African Americans, recommending three new parks, pp. 113-15.
25. McKay, "Segregation and Public Recreation," 697-731, 712. According to McKay, regional foresters were advised against segregation and discrimination in a 1951 memo to U.S. Forest Service staff: "Discrimination Prohibited: Permits for the use of national forest land will be granted without discrimination on account of race, religion, or ancestry. It is the policy that private operation of facilities on national forest land, such as resorts, hotels, cabin camps, restaurants, stores, and similar enterprises shall not discriminate on account of race, religion, or ancestry. Under 16 U.S.C. 480. Forest service permittees are subject to State and local laws. Where it can be shown that applicable and valid State and local laws concerning segregation because of color are in conflict with this policy, consideration will be given to the requirement of such laws. Under no circumstances will permittees be allowed to advertise or publicize discriminatory practices." For a discussion of the process of condemning private land to create National Parks in the South, see T. Young, "False, Cheap and Degraded: When History, Economy and Environment Collided at Cades Cove, Great Smoky Mountains National Park," *Journal of Historical Geography* 32 (2006): 169-89. See also David Rothenberg, ed., *Wild Ideas* (Minneapolis, MN: University of Minnesota Press, 1995).
26. O'Brien, *Landscapes of Exclusion*.
27. Wolcott, *Race, Riots, and Roller Coasters*.
28. Terrence Young, "W. J. Trent, Jr., and the Struggle to Desegregate National Park Campgrounds," *Environmental History* 14 (October 2009): 651-82. See also Wolcott, *Race, Riots, and Roller Coasters*; T. Young, "False, Cheap, and Degraded," 169-89; and Larry M. Dilsaver, "Conservation Conflict and the Founding of Kings Canyon National Park," *California History* 69, no. 2 (Summer 1990): 196-205. For a discussion of race and environmentalism, including information on the forced removal of local residents and Native Americans to create National Parks, see Carolyn Merchant, "Shades of Darkness: Race and Environmental History," *Environmental History* 2 (July 2003): 380-84; and Langdon Smith, "The Contested Landscape of Early Yellowstone," *Journal of Cultural Geography* 22, no. 1 (2004): 3-26.
29. African American leaders sought to get the NPS to create integrated facilities, and also create segregated facilities in White-only parks; however, only one African American campground (in Shenandoah National Park) had been constructed in a Southern National Park by 1938. See Young, "W. J. Trent, Jr., and the Struggle," 651-82.
30. Wolcott, *Race, Riots, and Roller Coasters*, 20.
31. Victoria W. Wolcott, "Recreation and Race in the Postwar City: Buffalo's 1956 Crystal Beach Riot," *The Journal of American History* 93 (June 2006): 63-90. See also Jeanne F. Theoharis and Komozi Woodard, eds., *Freedom North: Black Freedom Struggles Outside the South, 1940-1980* (New York: Palgrave Macmillan, 2003); John Hannigan, *Fantasy City: Pleasure and Profit in the Postmodern Metropolis* (New York: Routledge, 1998); David Nasaw, *Going Out: The Rise and Fall of Public Amusements* (New York: Basic Books, 1993); and Lee O. Bush, "Euclid Beach Park: More than Special," *Amusement Park Journal* 5, no. 3 (Fall 1983): 28-33.
32. Wolcott, "Recreation and Race in the Postwar City," 63-90. See also Donna M. DeBlasio, "The Immigrant and the Trolley Park in Youngstown, Ohio, 1899-1945," *Rethinking History* 5, no. 1 (2001): 75-91, discussing an amusement park in Ohio that was open to African Americans but they were banned from certain activities such as the dance hall.
33. *Brown v. Bd. of Educ.*, 347 U.S. 483, 74 S. Ct. 686, 98 L. Ed. 873 (1954).
34. "Recreation and the 14th Amendment," *New South* 10, no. 4 (April 1955): 5-6.

35. See also *Boyer v. Garrett*, 88 F. Supp. 353 (1949); *Boyer v. Garrett*, 183 F.2d 582 (1950); and *Boyer v. Garrett*, 340 U.S. 912 (1951).
36. “Recreation and the 14th Amendment,” 5-6. The case, referenced in the *New South* Article, was *Beak v. Holcombe*.
37. *Brown v. Bd. of Educ.*, 347 U.S. 483, 74 S. Ct. 686, 98 L. Ed. 873 (1954).
38. Barbara Cruz, Michael Berson, and Donald Falls, “Swimming Not Allowed: Teaching about Segregated Public Beaches and Pools,” *The Social Studies* 103 (2012): 252-59.
39. Cruz, Berson, and Falls, “Swimming Not Allowed,” 252-59.
40. Sharon Zukin, *Landscapes of Power: From Detroit to Disney World* (Berkeley, CA: University of California Press, 1991).
41. McKay, “Segregation and Public Recreation,” 697-731.
42. “Recreation and the 14th Amendment,” 5-6. The case, referenced in the *New South* Article, was *Muir v. Louisville Park Theatrical Association*. See *Sweeney v. City of Louisville*, 102 F. Supp 525 (1951); *Muir v. Louisville Park Theatrical Association*, 202 F.2d 275 (1953); and *Muir v. Louisville Park Theatrical Association* 74 S. Ct. 783, L. Ed.1112.
43. The American arm of the organization was founded in 1852 as a Christian organization with the mission of building character in men. For information about the male-orientation of the organization, see Thomas Winter, *Making Men, Making Class: The YMCA and Workingmen, 1877-1920* (Chicago, IL: The University of Chicago Press, 2002). For an early history of the association, see Sherwood Eddy, *A Century with Youth: A History of the Y.M.C.A. from 1844 to 1944* (New York: Association Press, 1944); and Richard C. Morse, *History of the North American Young Men’s Christian Associations* (New York: Association Press, 1919).
44. The association did not initially work with African Americans because most African Americans were enslaved when YMCA was established, and the association reasoned that its mission did not apply to enslaved people.
45. C. Howard Hopkins, *History of the Y.M.C.A. in North America* (New York: Association Press, 1951).
46. Nina Mjagkij and Margaret Spratt, eds., *Men and Women Adrift: The YMCA and the YWCA in the City* (New York: New York University Press, 1997).
47. Mjagkij and Spratt, *Men and Women Adrift*.
48. Hopkins, *History of the Y.M.C.A. in North America*, 728.
49. Nina Mjagkij, *Light in the Darkness: African Americans and the YMCA, 1852-1946* (Louisville, KY: The University Press of Kentucky, 1994).
50. Mjagkij and Spratt, *Men and Women Adrift*.
51. Mjagkij and Spratt, *Men and Women Adrift*.
52. Mjagkij, *Light in the Darkness*.
53. This research did not uncover any information about what the national YMCA thought about the Montgomery YMCA branch maintaining segregated city recreation facilities.
54. Morris Dees, email to the author, March 6, 2019. In the interview, Dees continued, “I do not remember finding any documents dealing with this issue. I subpoenaed everything. They could have hidden those documents.”
55. Other than addresses listed in Polk’s City Directories, this research uncovered almost no information about Gussie Carlton, Sylvia Johnson, Mattie Cargill, Reverend Fred Harris, George Stephens, Elizabeth Brown, and Elizabeth Ruth Smith.
56. Segregation of schools had been constitutionally mandated in Alabama since 1901. See Joseph Bagley, *The Politics of White Rights* (Athens, GA: University of Georgia Press, 2018).
57. Vivian Gunn Morris and Curtis L. Morris, *The Price They Paid: Desegregation in an African American Community* (New York: Teachers College Press, 2002).
58. *Brown v. Bd. of Educ.*, 347 U.S. 483, 74 S. Ct. 686, 98 L. Ed. 873 (1954).
59. The Pupil Placement Law gave local school boards the authority to make policies affecting pupil placement based on “the scholastic preparation and ability of the student, the effect upon prevailing academic standards, the home environment of the student, and the possibility of friction or disorder among students or others, and many other considerations.” Richard A. Pride, *The Political Use of Racial Narratives: School Desegregation in Mobile, Alabama, 1954-97* (Chicago, IL: University of Illinois Press, 2002), 26. See also Gordon E. Harvey, *A Question*

- of Justice: New South Governors and Education, 1968-1976* (Tuscaloosa, AL: University of Alabama Press, 2002).
60. The law also authorized state funding for private schools, which could operate on a segregated basis. Pride, *The Political Use of Racial Narratives*; Harvey, *A Question of Justice*.
 61. Bagley, *The Politics of White Rights*.
 62. See, for example, *Shuttlesworth v. Birmingham Board of Education*; *Lee v. Macon County Board of Education*; *Hereford v. Huntsville Board of Education*, *Birdie Mae Davis, et al. v. Board of Schools Commissioners of Mobile County*; *Nelson v. Birmingham Board of Education*; *Armstrong v. Birmingham Board of Education*. For a complete history of school desegregation in Alabama, see Bagley, *The Politics of White Rights*.
 63. Bagley, *The Politics of White Rights*. The details of the heroic efforts to enroll African American children in White public schools in Alabama in 1963 is chronicled in Bagley's well-written and comprehensive book.
 64. *Carr v. Montgomery County Board of Education*, 232 F. Supp 705 (U.S. District Court, M.D., Northern Division), July 1, 1964. See also *Carr v. Montgomery County Board of Education*, 377 F. Supp 1123 (U.S. District Court, M.D., Northern Division), May 22, 1974.
 65. African American people in Montgomery were relatively divided along socioeconomic lines before the Bus Boycott. There were three main segregated areas in Montgomery in which African Americans were allowed to live. The west side was home to working class people, north Montgomery—in an industrial area—was home to the poor, and the neighborhood near ASU and Centennial Hill was home to many professional and middle-class residents. Though populous in number, African Americans in the three areas did not unite as a single force for civil rights prior to the Bus Boycott. The Bus Boycott, along with the arrival of charismatic leaders such as Martin Luther King Jr., united African Americans in the city. See Mills J. Thornton, *Dividing Lines: Municipal Politics and the Struggle for Civil Rights in Montgomery, Birmingham, and Selma* (Tuscaloosa, AL: University of Alabama Press, 2002); Donnie Williams and Wayne Greenshaw, *The Thunder of Angels: The Montgomery Bus Boycott and the People Who Broke the Back of Jim Crow* (Chicago, IL: Lawrence Hill Books, 2006). Bobby Wilson, *Race and Place in Birmingham* (New York: Rowman & Littlefield, 2000).
 66. In 1955, when the Bus Boycott began, African American people comprised 37 percent of the residents in Montgomery, but many of them had higher rates of education than White residents because of the presence of ASU. Townsend Davis, *Weary Feet, Rested Souls* (New York: W.W. Norton, 1998). According to Davis, "Somewhere in the Alabama State duplicating room, there was a mimeograph machine that should have been bronzed. In the early morning hours of December 2, 1955, teacher Jo Ann Robinson composed the leaflet proposing a Bus Boycott in response to the arrest of Rosa Parks the previous afternoon. She and two students spent all night reproducing it, three messages to a page, thirty-five reams in all: a total of 17,500 pages. They were cut, bundled, and distributed the next day as Black citizens began to hear the news about Mrs. Parks. That weekend, once the boycott was agreed upon, the group ran off several thousand more and distributed them at beauty parlors, factories, and barbershops," pp. 31-32.
 67. Davis, *Weary Feet, Rested Souls*. According to Davis, Mary Fair Burks, a professor at Alabama State, formed the Women's Political Council in 1946, and along with Jo Ann Robinson, the group worked for desegregation in Montgomery, p. 33. See also Thornton, *Dividing Lines*.
 68. Davis, *Weary Feet, Rested Souls*. As Davis writes, "The student sit-ins in North Carolina inspired Alabama State students to mount the state's first sit-in. On February 25, 1960, Bernard Lee and thirty-five other students walked into the snack bar in the basement of the Montgomery County Courthouse and requested service. The students were not arrested, but the snack bar instantly closed. Governor John Patterson then demanded that the Alabama students who had gone to the snack bar be suspended and the out-of-state students be expelled. On March 2 the Board of Education complied, expelling nine students. Later it fired a number of faculty members, including Lawrence Reddick, a historian and early biographer of King, and Jo Ann Robinson for their support of the sit-in." The event raised hostilities into the spring, "the Alabama State sit-in brought mass protest and counter protest into the streets of Montgomery for the first time. At the baseball stadium two days later Klansmen held a rally, followed by a bat-wielding racist romp through downtown. Six hundred Alabama State students

marched in a silent double file to the Capital on March 1. On March 6 about seven hundred Blacks gathered at Dexter Avenue Baptist Church and began a short walk to the Capitol, only to be forced back by thousands of hostile Whites and a buffer of about four hundred policemen. And on March 8, thirty-five students and faculty members were arrested on campus for failing to obey police and disband,” p. 32.

69. Davis, *Weary Feet, Rested Souls*.

70. The area was once called Halls Woods, after Civil War confederate soldier Bolling Hall, who owned a plantation there and sold the land to the City of Montgomery. Dick Hines, “Oak Park Could Go On Sale Block,” *Montgomery Advertiser*, August 27, 1958, n.p., Container SG6914, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History. See also “Oak Park View in 1898—and Now!,” *Montgomery Examiner*, November 27, 1947, n.p., Container SG6914, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History. Hall Street, which runs next to the park, is also named after Bolling Hall. Carol Poteat, “Park Has Hosted Fun for 85 Years,” *Alabama Journal*, September 14, 1973, n.p., Container SG6914, Folder 20, Public Information Subject Files—Montgomery County—Oak Park, Alabama Department of Archives and History. As late as the 1960s, remnants of the plantation were still apparent in the park, including a communal well that provided water to the homes of enslaved people. Art Osgoode, “Oak Park Offers 40 Acres of Relaxation,” *Montgomery Advertiser*, June 8, 1959, n.p., Container SG6914, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History.

71. “Women’s Group Want ‘Old’ Park Back,” *Montgomery Advertiser*, May 22, 1969, n.p., Container SG6914, Folder 20, Public Information Subject Files—Montgomery County—Oak Park, Alabama Department of Archives and History. See also Poteat, “Park Has Hosted Fun for 85 Years,” n.p., Container SG6914, Folder 20, Public Information Subject Files—Montgomery County—Oak Park, Alabama Department of Archives and History; “Beautiful Flowers Transform Oak Park into Color Paradise,” *Montgomery Advertiser*, April 7, 1946, n.p., Container SG6914, Folder 20, Public Information Subject Files—Montgomery County—Oak Park, Alabama Department of Archives and History; Carol-Faye Bruchac, “Oak Park Attractions Disappear,” *Montgomery Advertiser*, August 28, 1969, n.p., Container SG6914, File 20, Public Information Subject Files—Montgomery County—Oak Park, Alabama Department of Archives and History; and Heather S. Trevino and Linda E. Pastorello, *Oak Park and the Montgomery Zoo* (Chicago: Arcadia Publishing, 2007).

72. Harry Rex, “Points of Interest—Oak Park—Pleasure Park,” March 15, 1938, n.p., loose leaf notes from Container SG6914, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History. The note indicates that the Oak Park swimming pool was 40 × 60.

73. Hines, “Oak Park Could Go On Sale Block,” n.p. See also “Zoo Denizens Up for Sale Monday, City Official Says,” *Montgomery Advertiser*, December 13, 1959, n.p., Container SG6914, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History.

74. Hines, “Oak Park Could Go On Sale Block,” n.p., Container SG6914, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History.

75. Hines, “Oak Park Could Go On Sale Block,” n.p., Container SG6914, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History.

76. *Gilmore v. City of Montgomery*, 176 F. Supp. 776 (M.D. Ala 1959). See also Paul Finkelman and Kermit Hall, *States’ Laws on Race and Color* (Athens, GA: University of Georgia Press, 1997). No. 21-57, passed on June 4, 1957, is as follows: “An Ordinance No. 21-57. Be It Ordained By the Board of Commissioners Of The City of Montgomery, as follows: Section 1. It shall be unlawful for White and colored persons to enter upon, visit, use or in any way occupy public parks or other public houses or public places, swimming pools, wading pools, beaches, lakes or ponds except those assigned to their respective races. Section 2. It shall be unlawful for any person, who, being the owner, proprietor, keeper or superintendent of any public park or other public houses or public places, swimming pool, beach, or pond to allow or knowingly permit White and colored persons to enter upon, visit, use or in any way occupy a public park or other public houses or public places, swimming pool, wading pool,

beach, lake or pond, except those assigned to their respective races. Section 3. The words ‘colored persons,’ as used herein, shall have the same meaning as ‘person of color’ as defined in Section 2 of Title 1 of the 1940 Code of Alabama. Section 4. Any person, firm, corporation or association violating any of the provisions of this ordinance shall be guilty of a misdemeanor against the City of Montgomery, and upon conviction shall be subject to a fine of not more than one hundred dollars, and imprisonment for not more than six months, one or both at the discretion of the City Recorder. Section 5. The provisions of this ordinance are severable, and should any sentence, paragraph, section or clause of this ordinance be declared unconstitutional by any Court of competent jurisdiction, then such action by said Court shall not affect the other provision of this ordinance which are otherwise constitutional. Section 6. Public Health and Welfare demanding it, this ordinance shall take effect immediately upon its passage,” p. 1.

77. “Citizens Find Barriers at Local Public Parks,” *Montgomery Advertiser*, January 2, 1959, n.p., Container SG6914, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History. See also *Gilmore v. City of Montgomery*, 176 F. Supp. 776 (M.D. Ala 1959); and Jerrold M. Packard, *American Nightmare: The History of Jim Crow* (New York: St. Martin’s Press. 2002).
78. “Parks,” *Montgomery Advertiser*, August 26, 1959, n.p., Container SG6914, Folder 20, Public Information Subject Files—Montgomery County—Oak Park, Alabama Department of Archives and History. Signers of the petition were Bessie Mae Burton, Mrs. G. T. Gilmore, Mrs. Syhra Johnson, Estell Rose, Josephine Thompson, Robert McCain Jr., Gussie B. Carlton, Alma Richerson, Emma Sledge, Jack Johnson, Tom Gillam, Mattie R. Cargill, May Harris, Mary J. Banks, H. P. Perceval, Amelia W. Scott, Mamie Anthony, Bertha M. Crowell, Gladys Moore, Martin Luther King Jr., Ralph D. Abernathy, S. S. Seay, Julia Culpepper, J. C. Smith, Jon Johnson, Edmond Burks, Ethen Mae Shavers, Mrs. Malinda Stone, Mrs. Mildred Harris, Virginia Reif, Olivia Boyd, D. R. Murdock, Mrs. Francis Rutledge, Mrs. Lila Rose, Mrs. Annie L. James, Nancy Robinson, W. D. Jones, Rosa L. Johnson, Anna Norman, Mrs. Roxie A. Banks, Mrs. Hattie M. Agee, Mrs. Lella Lyde, Eddie Green, Arthur Wright, Mrs. Ada Cloud, E. Ringstaff, Mrs. Betty Freeny, and Major Earning. See also Bernice McNair Barnett, “Invisible Southern Black Women Leaders in the Civil Rights Movement: The Triple Constraints of Gender, Race, and Class,” *Gender and Society* 7, no. 2 (1993): 162-82. Georgia Gilmore was a cook and domestic worker in Montgomery. Her house was near Oak Park. Although she is lesser known than many of the other people in the Bus Boycott literature, she performed a crucial role during the Boycott. To raise money for transportation and other necessities for the Boycott, she started a restaurant, the Club from Nowhere, out of her home, to raise funds for the Boycott. She went door-to-door selling home-cooked meals and baked goods. All of the proceeds from the restaurant went toward the Boycott. Selling food was an important role, because many people—White and African American—didn’t want known to city authorities that they were donating money to the Bus Boycott, and her financial records didn’t record customer names (thus, the Club from Nowhere name).
79. “The Kitchen of a Civil Rights Hero,” *National Public Radio*, July 4, 2005, accessed February 27, 2019, <https://www.npr.org/templates/story/story.php?storyId=4728761>.
80. To avoid prosecution, Gilmore called it the “Club from Nowhere” and did not have a board, a secretary, or staff, and all of the donations and food sales were anonymous.
81. “The Kitchen of a Civil Rights Hero.”
82. “Parks,” n.p., Container SG6914, Folder 20, Public Information Subject Files—Montgomery County—Oak Park, Alabama Department of Archives and History.
83. “Parks,” n.p., Container SG6914, Folder 20, Public Information Subject Files—Montgomery County—Oak Park, Alabama Department of Archives and History.
84. “Parks,” n.p., Container SG6914, Folder 20, Public Information Subject Files—Montgomery County—Oak Park, Alabama Department of Archives and History.
85. “Parks,” n.p., Container SG6914, Folder 20, Public Information Subject Files—Montgomery County—Oak Park, Alabama Department of Archives and History.
86. *City of Montgomery, Alabama, et al., v. Georgia Theresa Gilmore, et al.*, 277 F.2d 364 (1960). The petition was addressed to Parks and Recreation Board Commissioner Mrs. James Fitts Hill, and the commissioners noted that they don’t control the laws of the city, “. . . the Parks and Recreation Board

is controlled by the ordinances of the City of Montgomery, and would have no authority to consider any of the matters set forth in the petition,” p. 3.

87. *City of Montgomery, Alabama, et al., v. Georgia Theresa Gilmore, et al.*, 277 F.2d 364 (1960). According to the case transcript, the answer from the Commissioners was, “the Commission will not operate integrated parks. Under the circumstances we see no need for a hearing on this matter. Your petition is therefore denied,” p. 1.
88. According to the statement, park facilities for African American residents in Montgomery included “Washington Park—A small community center with an all-purpose lighted concrete court; a wading pool; swings; a slide; merry-go-round; climbing apparatus; and picnic areas. Kings Hill Park—A beautiful wooded area of a little over 10 acres; brick community center; a building to be used as a shop for crafts; merry-go-round; swings; slide; and climbing apparatus; barbecue puts and picnic area. Clay Basketball Court—An all-purpose concrete court to be added from funds from the bond issue. Trenholm Court—Paved basketball court; paved tennis court; paved all-purpose court; modern playground equipment; and softball field. Mobile Heights—Five acres equipped with a slide; swing; climbing apparatus, and so on. Equipped but with no supervision, regarded as small neighborhood playground. This being in accordance with plan on similar White areas. Houston Hill—\$245,000 is provided for the construction of one of the most modern recreation facilities in the South. This construction cost is in addition to the purchase price of the land. As is known, this work is in progress at the present time. The outlay here was clearly outlined at the time of the voting on the bond issue in 1956.” See “Parks,” n.p., Container SG6914, Folder 20, Public Information Subject Files—Montgomery County—Oak Park, Alabama Department of Archives and History, p. 1. The statement concluded by noting that the City of Montgomery will not operate integrated parks: “the City of Montgomery definitely will not operate integrated parks in this city. We know that it is in the best interests of all of our citizens that the races not be integrated.” See “Parks,” n.p., Container SG6914, Folder 20, Public Information Subject Files—Montgomery County—Oak Park, Alabama Department of Archives and History, p. 1. The statement was signed by City Commissioners W. A. Gale, Frank W. Parks, and Clyde C. Sellers.
89. Following the city’s statement that they would not integrate the parks, Solomon Seay Jr., attorney for the petitioners, wrote a letter to T. A. Belser, Superintendent of the Montgomery Parks and Recreation Department, requesting that a day and time be set for a hearing regarding the petition. See “Parks,” n.p., Container SG6914, Folder 20, Public Information Subject Files—Montgomery County—Oak Park, Alabama Department of Archives and History.
90. The city issued a resolution, citing the lawsuit, “whereas, eight negroes . . . have attempted to compel the integration of Oak Park and other public parks in the City of Montgomery hereinafter designated, by suit in the Federal District Court, and . . . this attempt poses grave problems involving the welfare and public safety of all of the citizens of the City of Montgomery; and . . . the members of the Commission are of the opinion that it is to the best interest of the citizens of Montgomery that said parks be close.” *Gilmore v. City of Montgomery*, U.S. 11th Dist., 176 F. Supp. 776 (1959), 4.
91. Gene Kovarik, “Interstate to Go through Middle of Oak Park,” *Alabama Journal*, July 30, 1964, n.p., Container SG6965, Folder 13, Public Information Subject Files—Interstate Highway System, Alabama Department of Archives and History.
92. “Before-After Views of Oak Park Show Carefree Life, Quiet Death,” *Alabama Journal*, January 14, 1970, n.p., Container SG6914, Folder 20, Public Information Subject Files—Montgomery County—Oak Park, Alabama Department of Archives and History. Ironically, the article notes the tragedy of denying Montgomery residents access to the park, “the gates were barred as a result of the filing of a racial integration suit and for the first time in 60 years, the people of Montgomery were denied use of the most beautiful and unspoiled recreation spot in the city.” See also “A Pall of Desolation Hangs Over Oak Park,” *Alabama Journal*, December 31, 1958, n.p., Container SG6914, Folder 20, Public Information Subject Files—Montgomery County—Oak Park, Alabama Department of Archives and History.
93. “It Is Not to Be in Oak Park,” *Montgomery Advertiser*, August 27, 1958, n.p., Container SG6914, Folder 20, Public Information Subject Files—Montgomery County—Oak Park, Alabama Department of Archives and History, para. 4. The article continued, “. . . even a visionary like Dr. King must know perfectly well that race mixing in Oak Park is not to be. Probably he does.” The article also

described an Alabama Constitutional Amendment from 1956 (Amendment No. 3) that allows cities to avoid court orders to desegregate, “Section 94. The legislature shall not have power to authorize any county, city, town, or other subdivision of this state to lend its credit, or to grant public money or thing of value in aid of, or to any individual, association, or corporation whatsoever, or to become stockholder in any such corporation . . . by issuing bonds or otherwise. It is provided, however, that the legislature may enact general, special, or local laws authorizing political subdivisions and public bodies to eliminate, with or without a valuable consideration, public parks and playgrounds, or other recreational facilities and public housing projects, conditional upon the approval of a majority of the duly qualified electors of the county, city . . . or other subdivisions thereby, voting at an election held for such purpose.” See also “Idle Oak Park,” *Alabama Journal*, June 21, 1960, n.p., Container SG6914, Folder 20, Public Information Subject Files—Montgomery County—Oak Park, Alabama Department of Archives and History, which describes the attitude of many White Montgomery residents about the closing of Oak Park.

94. “Idle Oak Park,” n.p., Container SG6914, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History. See also Ann Lyle, “Big Round-Up Begins at Oak Park Zoo,” *Alabama Journal*, December 14, 1959, n.p. The article blamed African Americans for the closure of Oak Park and the sale of the beloved animals, “Run, monkey, run. You are going to have a new home. Of course, you don’t know that you will have all the attention possible and as many peanuts as you want. All you know is that no longer will you be able to run with your friends, or sit and look out at the people looking in at you for now there are no more people around your area to entertain . . . Oak Park was closed to the public after a group of Negroes filed suit in U.S. District Court here requesting an end to segregation in it and other recreation areas.”
95. “Before-After Views of Oak Park Show Carefree Life, Quiet Death,” n.p., Container SG6914, Folder 20, Public Information Subject Files—Montgomery County—Oak Park, Alabama Department of Archives and History. See also “All Animals at Zoo Offered for Sale,” *Alabama Journal*, December 11, 1959, n.p., Container SG6914, Folder 20, Public Information Subject Files—Montgomery County—Oak Park, Alabama Department of Archives and History; and “Big Round-Up Begins at Oak Park Zoo,” n.p., Container SG6914, Folder 20, Public Information Subject Files—Montgomery County—Oak Park, Alabama Department of Archives and History.
96. Judith Helmes, “For Not Ending Park Segregation,” n.p., Container SG6914, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History.
97. “Montgomery’s Once-Beautiful Oak Park Now Broods in Swampy Solitude,” *Alabama Journal*, October 5, 1969, n.p., Container SG6914, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History.
98. “Montgomery’s Once-Beautiful Oak Park Now Broods in Swampy Solitude,” n.p., Container SG6914, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History.
99. Greg Garrison, “Ex-Park Board Chief Integrated Birmingham Parks; Couldn’t Stop Bear Bryant Smoking at Legion Field,” *AL.com*, July 24, 2015, accessed February 26, 2019, https://www.al.com/living/2015/07/ex-park_board_chief_integrated.html.
100. Wolcott, *Race, Riots, and Roller Coasters*, 199–200.
101. “Preserve Oak Park to the End!,” *Alabama Journal*, September 12, 1959, n.p., Container SG6914, Folder 20, Public Information Subject Files—Montgomery County—Oak Park, Alabama Department of Archives and History.
102. One option for redevelopment of Oak Park was as the site of a new hospital. Land had already been purchased in the city for a new hospital, and the hospital considered selling their newly acquired site to the city for a trade school and purchasing Oak Park to construct the hospital. Reports indicated that city officials favored this plan. “Mayor W. A. Gale, who has pledged to keep the parks closed rather than integrate them, expressed warm enthusiasm about the reports that the Baptist [hospital] were interested in securing Oak Park.” See “Park Ruled Out as Hospital Site,” *Alabama Journal*, September 14, 1959, n.p., Container SG6914, Folder 20, Public Information Subject Files—Montgomery County—Oak Park, Alabama Department of Archives and History, para. 3. See also Hines, “Oak Park Could Go On Sale Block,” n.p., Container SG6914, Folder 20, Public

Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History. Later, however, the hospital decided to go ahead with their plans for building on the original site. See “Gayle Pleased with Hospital Plans,” *Montgomery Advertiser*, September 12, 1959, n.p., Container SG6914, Folder 20, Public Information Subject Files—Montgomery County—Oak Park, Alabama Department of Archives and History. City officials also discussed locating a trade school in the park but later decided that school should be located elsewhere. The Alabama Board of Education voted to approve a new trade school in Montgomery on September 1, 1959, with the condition that the city provide land for the school, so the city was looking for a site of about thirty to forty acres for the new school. “City Officials Nix Oak Park as Location for Trade School,” *Alabama Journal*, September 18, 1959, n.p., Container SG6914, Folder 20, Alabama Department of Archives and History. “Location for Trade School,” *Alabama Journal*, January 18, 1960, n.p., Sam Engelhardt Scrapbooks, Sam Engelhardt Files, Alabama Department of Archives and History. The newspaper article notes that the trade school’s location would be at the junction of the southern bypass and Troy highway (i.e., the corner of 80 and 231, or the present-day location of Trenholm State Community College—Patterson Campus). See also Poteat, “Park Has Hosted Fun for 85 Years,” n.p., Container SG69814, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History. Another potential use for Oak Park was as a route for Interstate-85, which was awaiting final approval for a route through the city to its terminus at I-65, near the city’s west edge. The route for I-85 was planned to circumvent the city in the original plans drafted by the Bureau of Public Roads in 1955. See B. P. McWhorter to B. A. Scott, letter, August 28, 1956, RG 30, NRC 69B0176, Box 2, Folder IH-15-8-Route 85, National Archives Atlanta Branch. See also B. A. Scott to H. L. Nelson, letter, April 9, 1957, RG 30, NRC 69B0176, Box 2, Folder IH-15-8-Route 85, National Archives Atlanta Branch. By 1956, however, on the recommendation from the Alabama Highway Department, the expressway was rerouted closer to the city along the northern boundary of Oak Park. See B. P. McWhorter, to B. A. Scott, letter, August 28, 1956, RG 30, NRC 69B0176, Box 2, Folder IH-15-8-Route 85, National Archives Atlanta Branch. See also B. A. Scott to H. L. Nelson, letter, April 9, 1957, RG 30, NRC 69B0176, Box 2, Folder IH-15-8-Route 85, National Archives Atlanta Branch. In 1960, the Alabama Highway Department changed the route to run along the south boundary of Oak Park. See Forrest Castleberry, “East-West Route Changes Revealed,” *Alabama Journal*, April 15, 1960, n.p. See also Sam Engelhardt to Governor Patterson, letter, October 9, 1961, Governor Patterson Files, Container SG14022, Folder 6, Alabama Department of Archives and History; “Proposed Route of East-West Expressway Through City,” *Montgomery Advertiser*, April 16, 1960, n.p.; and B. A. Scott to Sam Engelhardt, letter, August 2, 1960, RG 30, NRC 69B0176, Folder IH-15-8-Route 85, National Archives Atlanta Branch. The decision to locate the interstate to the south of Oak Park sparked a lengthy freeway revolt that included many of the leaders of the civil rights movement in Montgomery, including Ralph Abernathy and George Curry, who lived in the path of the proposed route south of Oak Park. See Ralph Abernathy to Department of Commerce and President Kennedy, telegram, October 3, 1961, RG 30, PI 134/E 6 F, Container 1664, National Archives II in College Park, Maryland. See also Property Owners Committee, Petition Appeal, April 28, 1960, RG30, PI 134/E.6.F, Box 1664, folder 430.05, National Archives II in College Park, Maryland; and Gene Kovarik, “Interstate 85 Hits Route Snag,” *Alabama Journal*, June 22, 1963, n.p., Container SG6965, Folder 11, Public Information Subject Files—General—Interstate Highway System, Alabama Department of Archives and History. The expressway was eventually built to the south of Oak Park, taking only a small corner of the park. The suspected motivation for taking the interstate along the south of Oak Park was to demolish the middle-class African American neighborhood associated with civil rights activities, voter registration, and Alabama State University. See Rebecca Retzlaff, “Interstate Highways and the Civil Rights Movement: The Case of I-85 and the Oak Park Neighborhood in Montgomery, Alabama,” *Journal of Urban Affairs*. Published electronically January 16, 2019, doi:10.1080/07352166.2018.1559650. Moving the expressway to run through Oak Park would abrogate the goal of displacing the middle-class African American neighborhood south of the park. There is voluminous literature documenting freeway revolts and broader efforts of state departments of transportation to route interstate highways through African American neighborhoods (especially through the homes of middle-class African American people). See, for example, Eric Avila, *The Folklore of the Freeway: Race and*

- Revolt in the Modernist City* (Minneapolis, MN: University of Minnesota Press, 2014); Eric Avila and Mark H. Rose, "Race, Culture, Politics, and Urban Renewal," *Journal of Urban History* 35, no. 3 (2009): 335-47; Richard Baumbach Jr. and William E. Borah, *The Second Battle of New Orleans: A History of the Vieux Carre Riverfront Expressway Controversy* (Tuscaloosa, AL: University of Alabama Press, 1981); Ronald H. Bayor, *Race and the Shaping of Twentieth-Century Atlanta* (Chapel Hill, NC: University of North Carolina Press, 1996); Joshua Cannon, "Huntsville, the Highway, and Urban Redevelopment: The Long Road to Connect Downtown Huntsville, Alabama, to the Interstate Highway System," *Journal of Planning History* 11, no. 1 (2012): 27-46; Raymond Mohl, "Making the Second Ghetto in Metropolitan Miami, 1940-1960," *Journal of Urban History* 21, no. 3 (1995): 395-427; Raymond Mohl, "Whitening Miami: Race, Housing, and Government Policy in Twentieth-Century Dade County," *Florida Historical Quarterly* 79, no. 3 (2001): 319-45; Raymond Mohl, "The Second Ghetto and the Power of History," *Journal of Urban History* 29, no. 3 (2003): 243-56; Raymond Mohl, "Stop the Road: Freeway Revolts in American Cities," *Journal of Urban History* 30, no. 5 (2004): 674-706; Raymond Mohl, "The Interstates and the Cities: The U.S. Department of Transportation and the Freeway Revolt, 1966-1973," *Journal of Policy History* 20, no. 2 (2008): 193-226; Raymond Mohl and Mark Rose, "The Post-Interstate Era: Planning, Politics, and Policy Since the 1970s," *Journal of Planning History* 11, no. 1 (2012): 3-7; and Mark Rose, *Interstate: Express Highway Politics, 1939-1989* (Knoxville, TN: University of Tennessee Press, 1990).
103. *Gilmore v. Montgomery*, 417 U.S. 556, 94 S. Ct. 2416, 41 L. Ed. 2d 304, S. Ct. of U.S., 1974); *Gilmore v. Montgomery*, 176 F. Supp. 776, 1959 U.S. Dist. N.D., 1959; *Gilmore v. Montgomery*, 473 F. 2d 832, U.S. App. 5th Circuit, 1973; *Gilmore v. Montgomery*, 337 F. Supp. 22, U.S. Dist. N.D., 1972; "Citizens Find Barriers at Local Public Parks," n.p., Container SG6914, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History. See also *Gilmore v. City of Montgomery*, U.S. 11th Dist., 176 F. Supp. 776 (1959). The suit named as defendants: The City of Montgomery; Board of Commissioners; W. A. Gale, Frank W. Parks, and Clyde Sellers, members of the Board of Commissioners; Park and Recreation Board; Mrs. James Fitts Hill, Father M. J. Rafferty, Rev. Louis Armstrong, Florian Strassburger, and Jack Hope, Members of the Park and Recreation Board; and T. A. Belser, Superintendent of the Parks and Recreation Program for the City of Montgomery. See also "Board of Commissioners Resolution, December 1958," *Race Relations Law Reporter* 4, no. 1 (Spring 1959): 206.
 104. *Gilmore v. City of Montgomery*, U.S. 11th Dist., 176 F. Supp. 776 (1959); "Court Action Could Outlaw Segregation in City Parks," *Montgomery Advertiser*, September 8, 1959, n.p.
 105. Johnson was then the youngest federal judge in the country and was appointed to the U.S. District Court for Alabama in 1955 by President Dwight D. Eisenhower. He was elevated to the Court of Appeals, Fifth Circuit, in 1979. He believed that the U.S. Supreme Court's decision in *Plessy v. Ferguson*, endorsing segregation, had been wrongly decided. One year after his appointment to the court, activists in Montgomery challenged a city ordinance requiring segregation on busses, in *Browder v. Gayle*, which arose from the Montgomery Bus Boycott. Johnson appointed a three-judge panel to hear the case, and they declared (in a 2-1 decision) that segregation in public facilities was unconstitutional. *Browder v. Gayle*, 352 U.S. 903; Tinsley E. Yarbrough, *Judge Frank Johnson and Human Rights in Alabama* (Tuscaloosa, AL: University of Alabama Press, 1981).
 106. Yarbrough, *Judge Frank Johnson and Human Rights in Alabama*. Yarbrough notes that Fred Gray, one of the Montgomery Bus Boycott lawyers, was concerned about filing that case in state courts—with no certainty of a U.S. Supreme Court review—because it "might be a painfully slow, and ultimately futile, process," p. 52.
 107. Judge Johnson's rulings brought him social isolation and personal danger—his mother's home was bombed in 1967. However, he believed that following the law was worth personal risks, "Judge Johnson was willing to risk social isolation (and, at times, physical danger) in order to fulfill his proper role in the judicial bureaucracy—enforcement of legal policy in accordance with appellate court precedent—and thus succeed as a judge." Yarbrough, *Judge Frank Johnson and Human Rights in Alabama*, p. 227. See also Morris Dees, *A Lawyer's Journey: The Morris Dees Story* (Montgomery, AL: Southern Poverty Law Center, 2011).

108. *Gilmore v. City of Montgomery*, U.S. 11th Dist., 176 F. Supp. 776 (1959). See also “Zoo Denizens Up for Sale Monday,” Container SG6914, Folder 20, Public Information Subject Files—Zoos and Parks—Oak Park, Alabama Department of Archives and History.
109. *Gilmore v. City of Montgomery*, U.S. 11th Dist., 176 F. Supp. 776 (1959).
110. City Commissioner Frank Parks, disagreed with the Mayor, indicating that he didn’t see much of a chance of success of an appeal, “he did not favor an appeal. He said he did not believe it would be ‘worth the time and effort.’” Hines, “Oak Park Could Go On Sale Block,” n.p., Container SG6914, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History, para. 3
111. *City of Montgomery, Alabama, et al., v. Georgia Theresa Gilmore, et al.*, 277 F.2d 364 (1960). See also “Georgia Theresa Gilmore v. City of Montgomery,” *Race Relations Law Reporter* 5, no. 2 (Summer 1960): 455-59; and “Georgia Theresa Gilmore v. City of Montgomery,” *Race Relations Law Reporter* 4, no. 2 (Spring 1959): 977-88.
112. *City of Montgomery, Alabama, et al., v. Georgia Theresa Gilmore, et al.*, 277 F.2d 364 (1960).
113. *City of Montgomery, Alabama, et al., v. Georgia Theresa Gilmore, et al.*, 277 F.2d 364 (1960).
114. The court noted that the city could reopen and operate the parks on a nonsegregated basis, but they could essentially become self-segregated if White people refused to frequent parks with African Americans. *City of Montgomery, Alabama, et al., v. Georgia Theresa Gilmore, et al.*, 277 F.2d 364 (1960).
115. “Playgrounds May Forever Remain Shut,” *Montgomery Advertiser*, April 16, 1960, n.p., Container SG6914, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History.
116. Reactions from the press continued to blame African Americans for initially closing the parks “Some Extras for Oak Park,” *Alabama Journal*, February 3, 1969, n.p., Container SG6914, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History. According to the article, the zoo was closed at Oak Pak because “it became apparent that patronage could not be maintained on a segregated basis.”
117. Tom Mackin, “City Parks Scheduled to Reopen,” *Montgomery Advertiser*, February 25, 1965, n.p., Container SG6914, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History. See also “Oak Park Apparently Reopened,” *Montgomery Advertiser*, July 7, 1968, n.p., Container SG6914, Folder 20, Public Information Subject Files—Montgomery County—Oak Park, Alabama Department of Archives and History. The Parks and Recreation Board made no public announcement of the reopening of Oak Park, and when questioned about it in newspaper articles, city officials were “unavailable for comment.” See also “Oak Park Tables Back,” *Alabama Journal*, July 6, 1968, n.p., Container SG6914, Folder 20, Public Information Subject Files—Montgomery County—Oak Park, Alabama Department of Archives and History; “Women’s Group Want ‘Old’ Park Back,” n.p., Container SG6919, Folder 20, Public Information Subject Files—Montgomery County—Oak Park, Alabama Department of Archives and History; and “City Board Recommends Oak Park be Restored,” *Montgomery Advertiser*, February 13, 1969, n.p., Public Information Subject Files—Montgomery County—Oak Park Container SG6914, Folder 20, Alabama Department of Archives and History.
118. While Oak Park was closed, an Atomedic Children’s Hospital, a prototype modular hospital facility, was constructed in the southeast corner. City officials decided to allow the hospital to continue operation on the site. However, one year later, the hospital discontinued operation and was demolished for a parking lot. A fire station was later built on the site. Part of the southwest corner was removed for the construction of I-85. Mackin, “City Parks Scheduled to Reopen,” n.p., Container SG6914, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History; Dee Bryant, “Work Gets Underway on Oak Park Project,” *Alabama Journal*, June 21, 1966, n.p., Container SG6914, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History.
119. Mackin, “City Parks Scheduled to Reopen,” n.p., Container SG6914, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History.
120. “About Parks and Recreation,” *Montgomery Parks & Recreation*, accessed October 3, 2018.

121. Cassandra Spratling, "Other Heroes of Bus Boycott," *Chicago Tribune*, November 16, 2005, accessed February 27, 2019, <https://www.chicagotribune.com/news/ct-xpm-2005-11-16-0511160350-story.html>. According to the article, Smith also participated in the 1963 March on Washington.
122. The Parks and Recreation Department said that the fence was for safety, "it cuts down on vandalism. Things are better protected when people can't just come and go when and where they please, but have to enter and leave through the gates. And besides, we can lock it up at night . . . put a stop to parkers." Glenn Saunders, "City's Longest Fence Now Encloses Oak Park," *Montgomery Advertiser*, May 28, 1965, n.p., Container SG6914, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History, para. 7. The only way to enter and exit the park after the fence was constructed was through the White neighborhood at the east side of the park. Today, in addition to the main entrance on the east side, there is a pedestrian fence on the west side of the park, along with a picnic area outside the fence near the neighborhood, that can be used when the park is closed.
123. "The parks—initially, at least—will be little more than scenic areas. In Oak Park, according to the mayor, there are no present plans to reestablish the once-famous zoo. The swimming pool will remain closed but probably will not be destroyed. There will be no picnic areas set aside in any of the parks." Mackin, "City Parks Scheduled to Reopen," Container SG6914, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History, para. 3.
124. "Revamping Set for Oak Park," *Alabama Journal*, September 10, 1965, Container SG6914, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History, para. 4. The Parks and Recreation Board debated whether or not to restore the Oak Park back to its original design, excluding the swimming pool and tennis court, or to turn the park into a botanical garden. Although many citizens felt that the park should be restored back to its original design, some letters to the editor were in favor of a more naturalistic design, including one from Helene Boll, the past president of the Montgomery Audubon Society; see Helene Boll, "Bird Sanctuary," *Montgomery Advertiser*, February 21, 1969, n.p., Container SG6914, Folder 20, Public Information Subject File—Parks and Zoos—Oak Park, Alabama Department of Archives and History. See also "A Big City Park; Animals and All, To Supplant Oak Park," *Montgomery Advertiser*, March 5, 1965, n.p., Container SG6914, Folder 20, Public Information Subject File—Parks and Zoos—Oak Park, Alabama Department of Archives and History. The article referred to the decision to not reopen the zoo as a constitutional crisis, "you are about to have a constitutional crisis over tearing up Oak Park. Too many people are sentimental about that." See also Alice B. Jones, "Letter to the Editor—Oak Park is Beautiful," *Montgomery Advertiser*, February 11, 1969, n.p., Container SG6914, Folder 20, Public Information Subject File—Parks and Zoos—Oak Park, Alabama Department of Archives and History.
125. "Women Voters Favor Oak Park Restoration," *Alabama Journal*, May 22, 1965, n.p., Container SG6914, Folder 20, Public Information Subject File—Parks and Zoos—Oak Park, Alabama Department of Archives and History.
126. Bruchac, "Oak Park Attractions Disappear," n.p., Container SG6914, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History.
127. Bryant, "Work Gets Underway on Oak Park Project," n.p., Container SG6914, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History.
128. Ironically, the planetarium is named the W. A. Gayle Planetarium, for the Montgomery mayor who fought to keep the park segregated. At the time, it was one of only seven planetariums in the United States with a geodesic dome. Camille Wallace, "Planetarium Will Show 'The Heavens,'" *Alabama Journal*, August 21, 1968, n.p., Container SG6914, Folder 20, Public Information Subject File—Parks and Zoos—Oak Park, Alabama Department of Archives and History.
129. "Animal-Hater Turns Gun on Crocodile in Oak Park," *Montgomery Advertiser*, April 28, 1970, n.p., Container SG6914, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History. The article identified a crocodile, but all of the other articles listing the animals in the zoo mentioned an alligator.
130. "Oak Park Tables Back," n.p., Container SG69114, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History.

131. Bob Villar, “We Favor Public Parks . . . and Public Swimming Pools, Too,” *WFSB-TV Editorial*, September 3, 1970, n.p., Container SG6914, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park Alabama Department of Archives and History.
132. *Vincent Leonard Smith, et al. v. Young Men’s Christian Association of Montgomery*, 316 F. Supp 899, July 20, 1970. See also Dees, *A Lawyer’s Journey*. The YMCA in Montgomery had been segregated since it opened in 1869. As a private institution, it remained segregated long after many public institutions, such as schools, were ordered integrated by the courts. According to Morris Dees, who chronicled the case in his book, *A Lawyer’s Journey: The Morris Dees Story*, The Montgomery YMCA was a longstanding and important symbol of White supremacy, “The Montgomery Y was an important symbol, an impenetrable fortress in the battle to hold on to the old, cherished Southern way; an educational, recreational, and most important, a social institution that had managed to maintain segregation while many other institutions had been forcibly integrated by Congress or the courts. Most Whites reasoned that if the federal government could dictate how the Y—a private organization—operated, then the troops might as well surrender. If the Y fell, they believed, there would be no safe haven but the costly Montgomery Country Club and a handful of private dining clubs, and maybe those would fall next. Along with the symbolic effect that integrating the last bastion of segregation presented, another implication conjured the darkest fears of commingling of the races,” p. 105. See also Morris Dees and Steve Fiffer, *A Season for Justice: The Life and Times of Civil Rights Lawyer Morris Dees* (New York: Charles Scribner’s Sons, 1991).
133. The initial charge of the committee was twofold—first, it would coordinate athletic programs so there was no duplication of efforts for the same age brackets; and second, the YMCA branches would coordinate activities with neighborhood community centers and schools. *Vincent Leonard Smith, et al. v. Young Men’s Christian Association of Montgomery*, 316 F. Supp 899, July 20, 1970, p. 19.
134. *Vincent Leonard Smith, et al. v. Young Men’s Christian Association of Montgomery*, 316 F. Supp 899, July 20, 1970.
135. Fred Gray Also worked on the case, but was too busy to do much, according to Dees, “I asked Fred Gray to help on the case, but he did nothing—not even showing up in court as I remember. He was a good lawyer, but too busy to help.” Morris Dees, email to the author, March 6, 2019.
136. Diana Klebanow and Franklin Jonas, *People’s Lawyers: Crusaders for Justice in American History* (New York: M. E. Sharpe, 2003).
137. Morris Dees, email to the author, March 6, 2019.
138. Dees, *A Lawyer’s Journey*. Mary Louise Smith had been involved in past civil rights activities. In October 1955, two months before Rosa Parks refused to give up her seat on the bus, Smith had refused to give up her seat on a bus in Montgomery and was arrested, convicted, and fined under the segregation law. Dees notes that African American activists considered taking action to desegregate the bus system then, but decided against the idea because Smith lived in a shack in the country and her father was an alcoholic, p. 109.
139. *Vincent Leonard Smith, et al. v. Young Men’s Christian Association of Montgomery*, 316 F. Supp 899, July 20, 1970.
140. Dees, *A Lawyer’s Journey*, 108.
141. Smith was arrested on October 21, 1955.
142. *Browder v. Gale*, 142 F. Supp. 707 (1956).
143. Belinda Robnett, *How Long? How Long? African American Women in the Struggle for Civil Rights* (New York: Oxford University Press, 1997). Another party to the parks desegregation lawsuit, J. C. Smith was arrested during the Bus Boycott for volunteering as a carpool driver. “Montgomery County, Alabama, Sheriff’s Department, arrest photograph of J. C. Smith,” February 21, 1956, Civil Rights Digital Library, accessed February 21, 2019, http://crdl.usg.edu/export/html/smokinggun/hotcrm/crdl_smokinggun_hotcrm_1103052mmugs66.html?Welcome. Smith’s arrest number was 7084. See also “The Rev. J. C. Smith, a Montgomery Bus Boycott,” *Chicago Sun-Times*, October 18, 2016. Smith had had just purchased a new car before the boycott began, so volunteered to carpool boycotters daily, and he attended mass meetings at Holt Street Baptist Church on Mondays and Thursdays during the boycott. See “Chicago’s Very Own Reverend J. C. Smith,” *WGN9 TV, Chicago*, February 27, 2015, accessed February 21, 2019, <https://wgntv.com/2015/02/27/chicago-very-own-reverend-j-c-smith/>. Smith later moved to Chicago, Illinois, in 1963, and become

the pastor at Bethlehem Temple Church in the suburban town of Harvey in 1969, where he worked until his death in 2016. Ironically, he received an award from the YMCA for community service in 2002, although the award was unrelated to his activism for desegregating parks in Montgomery. See *Rev. Dr. J.C. Smith Biography*, Bethel Temple Church, accessed February 21, 2019, <https://www.bethlehemtemplembchurch.org/new-page-5/>. According to Polks City Directory from 1949, he lived at 521 S. Bainbridge Street, which is west of Oak Park in the Centennial Hill neighborhood. See R. L. Polk, *Polk's Montgomery City Directory*, vol. 1949 (New York: R. L. Polk, 1949). See also R. L. Polk, *Polk's Montgomery City Directory*, vol. 1957 (New York: R. L. Polk, 1957), which lists several individuals with the name J. C. Smith.

144. Civil Rights Act of 1964, Public Law 88-352, 78 Stat. 241, enacted July 2, 1964.
145. Wolcott, *Race, Riots, and Roller Coasters*, 201.
146. Wolcott, *Race, Riots, and Roller Coasters*.
147. See *Hampton v. City of Jacksonville*, 304 F.2d 320 (5th Cir), cert. denied.; *Evans v. Newton*, 365 U.S. at 299, 86 S. Ct at 488.
148. *Vincent Leonard Smith, et al. v. Young Men's Christian Association of Montgomery*, 316 F. Supp 899, July 20, 1970. The timing of this argument also came one year after the national YMCA voted to require chapters to certify that their programs operated without discrimination on the basis of race, color, or national origin. This research did not uncover any information about YMCA of Montgomery's certification of nondiscrimination to National YMCA, but perhaps the housing patterns argument was made by the local chapter made when it was required to submit its certification to the national YMCA.
149. *Vincent Leonard Smith, et al. v. Young Men's Christian Association of Montgomery*, 316 F. Supp 899, July 20, 1970.
150. The court noted that the YMCA grew substantially after entering into the cooperative agreement with the Parks and Recreation Board. In 1957, it operated just one small branch with less than 1,000 members. Within just one year of signing the 1959 agreement, the YMCA was operating five branches, eight swimming pools, and had 18,000 members. In 1961, the City deeded the Perry Street Recreation Park to the YMCA for just \$18,000. *Vincent Leonard Smith, et al. v. Young Men's Christian Association of Montgomery*, 316 F. Supp 899, July 20, 1970. Dees, *A Lawyer's Journey*.
151. *Vincent Leonard Smith, et al. v. Young Men's Christian Association of Montgomery*, 316 F. Supp 899, July 20, 1970. See also Dees, *A Lawyer's Journey*. As chronicled in the book, the discovery of the agreement was a pivotal moment in the case. Attorney Morris Dees discovered the existence of the agreement before the case made it to court, and was able to successfully argue that it constituted state action.
152. *Vincent Leonard Smith, et al. v. Young Men's Christian Association of Montgomery*, 316 F. Supp 899, July 20, 1970.
153. *Vincent Leonard Smith, et al. v. Young Men's Christian Association of Montgomery*, 316 F. Supp 899, July 20, 1970.
154. *Vincent Leonard Smith, et al. v. Young Men's Christian Association of Montgomery*, 316 F. Supp 899, July 20, 1970.
155. The court also noted that the YMCA derived 20 percent of its annual revenue from the City of Montgomery, and they provided recreation programs for the general public. *Vincent Leonard Smith, et al. v. Young Men's Christian Association of Montgomery*, 316 F. Supp 899, July 20, 1970.
156. See *Hampton v. City of Jacksonville*, 304 F.2d 320 (5th Cir), cert. denied.; *Evans v. Newton*, 365 U.S. at 299, 86 S. Ct at 488.
157. *Vincent Leonard Smith, et al. v. Young Men's Christian Association of Montgomery*, 316 F. Supp 899, July 20, 1970.
158. Governor Albert Brewer was elected in 1968, and although he was viewed as more racially moderate than his predecessors, he resisted school integration, "Brewer spent much of his time and energy resisting the matter and method of court-ordered school integration. He defended school choice as the best option for school integration." Harvey, *A Question of Justice*, 17.
159. Alabama operated two state athletic associations—The Alabama High School Athletic Association, for White and formerly all-White schools, and the Alabama Interscholastic Athletic Association, for African American Schools. See Bagley, *The Politics of White Rights*.

160. Bagley, *The Politics of White Rights*, 136.
161. At one desegregated school in Montgomery, the football coach only distributed the practice schedule to potential White players, and the school board announced that they would not provide bus transportation to practices and games, since the White families owned automobiles. In February 1968, Judge Johnson responded by ordering the Board of Education to provide transportation, and inform African American students and parents that they were eligible to play football. Bagley, *The Politics of White Rights*.
162. *Vincent Leonard Smith et al. v. the Young Men's Christian Association of Montgomery*, 462 F.2d 634, June 14, 1972.
163. Dees, *A Lawyer's Journey*.
164. *Vincent Leonard Smith et al. v. the Young Men's Christian Association of Montgomery*, 462 F.2d 634, June 14, 1972. See also Dees, *A Lawyer's Journey*. According to Dees, about five years after the ruling, YMCA director Bill Chandler called Dees and explained that the YMCA would like to close the South Branch to the City to use for a rehabilitation facility because membership was down. Under the court order, the YMCA could not add a new facility or close an old one without coming to the lawyers or the court. Dees replied with confidence in the YMCA, "I told Bill that he had done a good job running the Y since *Smith*, and that I trusted him and his board—now racially mixed, but still controlled by Whites—to make the right decision. I said I would go to court and file a motion to terminate the court's oversight of the YMCA. I drafted the order and two days later it was over," p. 126.
165. *Smith v. YMCA of Montgomery, Inc.*, 316 F. Supp. 899, U.S. Dist. N.D., 1970; *Smith v. YMCA*, 462 F.2d 634, U.S. Ct. of App. 5th Circuit, 1972); *Gilmore v. Montgomery*, 417 U.S. 556, 94 S. Ct. 2416, 41 L. Ed. 2d 304, S. Ct. of U.S., 1974); *Gilmore v. Montgomery*, 176 F. Supp. 776, 1959 U.S. Dist. N.D., 1959; *Gilmore v. Montgomery*, 473 F. 2d 832, U.S. App. 5th Circuit, 1973; *Gilmore v. Montgomery*, 337 F. Supp. 22, U.S. Dist. N.D., 1972.
166. Helmes, "For Not Ending Park Segregation," n.p., Container SG6914, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History.
167. The Parks and Recreation Department was also seeking to expand the parks by 1970, and applied for a grant from the U.S. Department of Housing and Urban Development (HUD) for funds to purchase land for twelve new neighborhood parks in mostly low-income and high-density areas. Franklin Skinner, "2 U.S. Officials to Survey Park Needs in Montgomery," *Montgomery Advertiser*, January 16, 1970, n.p., Container SG6914, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History. See also Franklin Skinner, "City's Application for Parks Funds May Be Files Too Late," *Montgomery Advertiser*, January 14, 1970, n.p., Container SG6914, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History. HUD Funds were used again in 1977 to purchase two more parks. See "City Purchases Two Park Sites," *Montgomery Advertiser*, June 21, 1977, n.p., Container SG6914, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History.
168. By 1970, some members of the press began to criticize the City of Montgomery Parks and Recreation Department for continuing to pursue segregation. While the popular press in the earlier cases was uniformly and solidly on the side of maintaining segregation, by 1970, a few editorials in the local press began to change their attitude and began to publish opinions that were somewhat critical of the Parks and Recreation Department for continuing to pursue segregation in the courts and for limiting amenities and use of the parks for African Americans. WSFA-TV, for example, began asking questions about the lack of development of the park system, "... members of the City Commission and the Parks and Recreation Board have used un-founded and ill-founded fears of racial incidents as excuses for inaction . . . We have seen some limited improvements, but Channel 12's opinion that the development of present and planned parks is still too much motivated by racial reasons remains unchanged." Despite this change in attitude by a few press outlets, public officials continued segregation efforts. Villar, "We Favor Public Parks . . . and Public Swimming Pools, Too," Container SG6914, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park Alabama Department of Archives and History, p. 1. Some editorials, however, maintained racial stereotypes while calling for improvements to parks, as a *Montgomery Advertiser* editorial did in 1976, "Reed [City Council member] said he had received inquiries from both Black and White citizens about the possibility of

using the [proposed] pool [at Oak Park], make no mistake about it: it would primarily be a facility for Blacks, whose neighborhoods surround the site. We find nothing wrong in that, since users of the pool would be mainly disadvantaged youngsters whose parents can't afford a house on the lake or other recreational pursuits for their offspring . . . It would get hundreds of kids off the streets and out of trouble during the long summer." "Reopening the Oak Park Pool," *Montgomery Advertiser*, August 5, 1976, n.p., Container SG6914, Folder 20, Public Information Subject Files—Parks and Zoos—Oak Park, Alabama Department of Archives and History.

169. Wolcott, *Race, Riots, and Roller Coasters*. Wolcott points out that until the 1910s and 1920s swimming pools and public beaches were separated by gender—not race or class. When major cities began to build swimming pools and resort-like facilities, women were invited, and racial segregation became the norm, p. 24.
170. *Georgia Theresa Gilmore, et al., v. City of Montgomery, Alabama, et al.*, 94 S. Ct. 2416 (1974).
171. *Georgia Theresa Gilmore, et al., v. City of Montgomery, Alabama, et al.*, 94 S. Ct. 2416 (1974).
172. *Gilmore v. Montgomery*, 417 U.S. 556, 94 S. Ct. 2416, 41 L. Ed. 2d 304, S. Ct. of U.S., 1974); *Gilmore v. Montgomery*, 176 F. Supp. 776, 1959 U.S. Dist. N.D., 1959; *Gilmore v. Montgomery*, 473 F. 2d 832, U.S. App. 5th Circuit, 1973; *Gilmore v. Montgomery*, 337 F. Supp. 22, U.S. Dist. N.D., 1972.
173. Bagley, *The Politics of White Rights*.
174. Bagley, *The Politics of White Rights*, 191.
175. Bagley, *The Politics of White Rights*.
176. Bagley, *The Politics of White Rights*. Bagley also notes that "these numbers only represent a portion of the actual number of students in segregation academies," p. 191.
177. *Smith v. YMCA of Montgomery, Inc.*, 316 F. Supp. 899, U.S. Dist. N.D., 1970; *Smith v. YMCA*, 462 F. 2d 634, U.S. Ct. of App. 5th Circuit, 1972).
178. *Brown v. Bd. of Educ.*, 347 U.S. 483, 74 S. Ct. 686, 98 L. Ed. 873 (1954).), in which the U.S. Supreme Court declared school segregation to be unconstitutional.
179. *Georgia Theresa Gilmore, et al., v. City of Montgomery, Alabama, et al.*, 176 F. Supp. 776 (M.D. Ala. 1959), modified 277 F.2d 364 (5th Cir. 1960).
180. *Georgia Theresa Gilmore, et al., v. City of Montgomery, Alabama, et al.*, 94 S. Ct. 2416 (1974). Following the order from the Fifth Circuit Court of Appeals to modify its judgment, the District Court added a new paragraph, "the injunction issued by this court does not prohibit the City of Montgomery from permitting non-exclusive access to public recreational facilities and general government services by private schools or school affiliated groups." *Georgia Theresa Gilmore, et al., v. City of Montgomery, Alabama, et al.*, 94 S. Ct. 2416 (1974). See also *Georgia heresa Gilmore, et al., v. City of Montgomery, Alabama, et al.*, 176 F. Supp. 776 (M.D. Ala. 1959), modified 277 F.2d 364 (5th Cir. 1960), p. 34.
181. 1974 WL 172324 (U.S.) (Appellate Brief), Supreme Court of the United States, 72-1517.
182. *Georgia Theresa Gilmore, et al., v. City of Montgomery, Alabama, et al.*, 94 S. Ct. 2416 (1974).
183. *Carr v. City of Montgomery County Board of Education*, 232 F. Supp 705 (MD Ala. 1964); 253 F. Supp 306 (1966); 289 F. Supp 647 (1968), modified 400 F.2d 1, and 402 F.2d 782, 784, 787 (CA5 1968).
184. *Georgia Theresa Gilmore, et al., v. City of Montgomery, Alabama, et al.*, 94 S. Ct. 2416 (1974).
185. *Georgia Theresa Gilmore, et al., v. City of Montgomery, Alabama, et al.*, 94 S. Ct. 2416 (1974).
186. Yarbrough, *Judge Frank Johnson and Human Rights in Alabama*. Tinsley notes that the appointment of Judge Johnson was perhaps Eisenhower's most significant lower court appointment and had a "profound impact on modern human rights in the South," p. vii.
187. Dees, *A Lawyer's Journey*, 107. For example, in 1958 the City was ordered to integrate the Montgomery Public Library, and city officials responded by removing all of the chairs from the library reading rooms to eliminate the possibility of White and African American patrons sitting together. City and State transportation officials fought for ten years to construct an interstate highway through the homes of civil rights leaders Ralph Abernathy and George Curry.
188. Morris Dees, email to the author, March 6, 2019. Dees continued, "Juries were basically segregated. I filed suit after 1965 to integrate them. I also filed suit to insure single-member districts for County government long after 1965, insuring the election of Blacks for two out of five seats. So many cases

I cannot remember them all. Very few, if any, Montgomery Whites participated in the 1965 voting rights march from Selma to Montgomery. City and County officials said for Whites to stay at home. I attended the march and saw no locals I recognized,” p. 1. Attempts to resist school desegregation were also very strong into the 1970s. For example, on Labor Day in 1970 over four thousand people protested school desegregation orders. Throughout Alabama that year White students showed up for the school of their choice on the first day of school, instead of the integrated school to which they had been assigned. Many other students were removed from public education to attend new private schools called “segregation academies,” some of which were sponsored by hate groups such as the Citizens Council. Bagley, *The Politics of White Rights*, 2.

189. Wolcott, *Race, Riots, and Roller Coasters*.
190. Wolcott, *Race, Riots, and Roller Coasters*.
191. Wolcott, *Race, Riots, and Roller Coasters*.
192. Wolcott, *Race, Riots, and Roller Coasters*.
193. Wolcott, *Race, Riots, and Roller Coasters*, 164. Wolcott cites an interesting example of a segregation case combining schools and swimming pools, where city officials sought to main segregation of swimming instead of schools, “In a case that combined swimming and schools, when Houston instigated a modest school integration plan in 1960, the school board voted to eliminate swimming pools in and new schools and canceled interscholastic swimming events,” p. 164. See also Jeff Wiltse, *Contested Waters: A Social History of Swimming Pools in America* (Chapel Hill, NC: University of North Carolina Press, 2007).
194. *Brown v. Bd. of Educ.*, 347 U.S. 483, 74 S. Ct. 686, 98 L. Ed. 873 (1954).
195. Barnett, “Invisible Southern Black Women Leaders in the Civil Rights Movement,” 162-82. See also Thomas Sugrue, “Affirmative Action from Below: Civil Rights, the Building Trades, and the Politics of Racial Equality in the Urban North, 1945–1969,” *Journal of American History* 91, no. 1 (2004): 145-73; and Anna Holden, “The Color Line in Southern Libraries,” *New South* 9, no. 1 (January 1954): 1-11. The pages of *New South* are full of largely untold stories of acts of resistance by women during the civil right era. For example, from 1941 to 1952 Mrs. J. H. Walls, an African American woman in Louisville, sought to use the segregated public library there. Although there were no marches, boycotts, or large public rallies, she was successful at gaining access for African Americans to the library system after her seven-year campaign. See Robnett, *How Long? How Long?* E. D. Nixon, who was male and not a minister, and Jo Ann Robinson, a woman, largely formed the idea of the Bus Boycott and got people on board with it. See also Darlene Clark Hine, ed., *Black Women in United States History* (Brooklyn, NY: Carlson Publishing, 1990).
196. Kent Spriggs, ed., *Voices of Civil Rights Lawyers* (Tallahassee, FL: University Press of Florida, 2017).
197. Klebanow and Jonas, *People’s Lawyers*.
198. *Smith v. YMCA of Montgomery, Inc.*, 316 F. Supp. 899, U.S. Dist. N.D., 1970; *Smith v. YMCA*, 462 F. 2d 634, U.S. Ct. of App. 5th Circuit, 1972).
199. Morris Dees, email to the author, March 6, 2019. Dees got the case when he heard that the Smith children were denied access to camp, and offered to help them, “the clients in the YMCA case were the Smith sisters, one of whom had tried to integrate the City buses prior to Rosa Park’s arrest. I knew some of the others, but not closely. I was attending the Unitarian Fellowship when someone told me the Smith children could not attend the YMCA summer camp. I asked the sisters to visit my office.” Dees says that his office was not even a law office at the time, “that was not a law office but a major national publishing company I later sold to Times Mirror” (*Los Angeles Times*), 1.
200. Morris Dees, email to the author, March 6, 2019.
201. Central Alabama Fair Housing Center, *Analysis of Impediments to Fair Housing in Montgomery Alabama* (Montgomery, AL: Central Alabama Fair Housing Center, 2014). Today, the African American proportion of the city continues to rise and the White proportion continues to decline. See Central Alabama Fair Housing Center, *Analysis of Impediments to Fair Housing in Montgomery Alabama*. Between 1990 and 2000, the White population of Montgomery declined by 19.2 percent, and the African American population increased by 14.3 percent. In 1990, Whites comprised 56.5 percent of the city, and African Americans comprised 42.3. In 2000, Whites comprised 47.7 percent of the city and African Americans comprised 49.6 percent. In 2010, White residents comprised 37.3 percent and African American residents comprised 56.6 percent.

202. Wolcott, "Recreation and Race in the Postwar City," 63-90.
203. Bagley, *The Politics of White Rights*, 227.
204. Equal Justice Initiative, "The Legacy Museum: From Enslavement to Mass Incarceration," accessed March 4, 2019, <https://museumandmemorial.eji.org/museum>. The Legacy Museum and National Memoria for Peace and Justice opened in Montgomery in April 2018 "to promote a more hopeful commitment to racial equality and just treatment for all people." Perhaps the memorial and museum can inspire others in Montgomery to more directly confront the history of park segregation.
205. Quote from historical marker at the entrance to Oak Park in Montgomery, Alabama, para. 2.
206. "About Parks and Recreation."

Author Biography

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