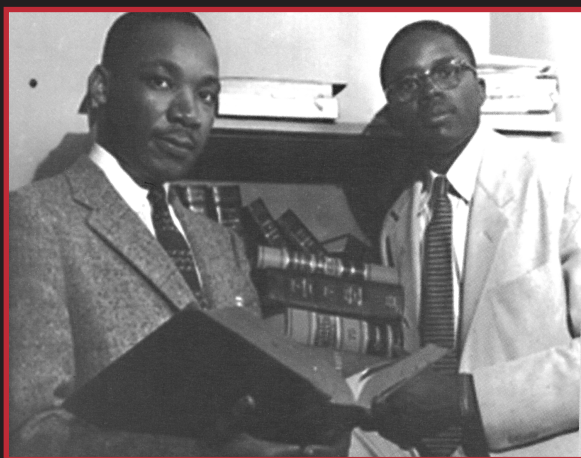


CHANGING THE SYSTEM BY THE SYSTEM



# BUS RIDE TO JUSTICE

REVISED EDITION



THE LIFE AND WORKS OF  
FRED GRAY

LAWYER FOR ROSA PARKS, MARTIN LUTHER KING JR.,  
THE MONTGOMERY BUS BOYCOTT, THE TUSKEGEE SYPHILIS STUDY,  
THE DESEGREGATION OF ALABAMA SCHOOLS, AND THE 1965 SELMA MARCH

The following is excerpted material from  
*Bus Ride to Justice*  
by Fred Gray (NewSouth Books 2013).

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# BUS RIDE TO JUSTICE

CHANGING THE SYSTEM BY THE SYSTEM

*The Life and Works of Fred Gray*

Preacher ▲ Attorney ▲ Politician

*Lawyer for Rosa Parks, Martin Luther King Jr., the  
Montgomery Bus Boycott, the Tuskegee Syphilis Study, the  
Desegregation of Alabama Schools, and the Selma March  
and founder of the  
Tuskegee Human and Civil Rights Multicultural Center*

## FRED D. Gray

REVISED EDITION 2013

CELEBRATING 60 YEARS OF LAW PRACTICE,  
1954–2014

NEWSOUTH BOOKS

Montgomery

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## The Making of a Lawyer

**T**he nine old men inside were not waiting on me as I walked up the white marble steps of the United States Supreme Court on a warm May morning in 1959. But I was waiting for them. I—and those I represented—had been waiting for several centuries.

Across the top of the building were the famous words, “Equal Justice Under Law.” As I passed beneath the chiseled phrase I recalled the constitutional law teachings of Professor Oliver Schroeder, and thought to myself, “We shall see.”

I had my briefcase in one hand. Tucked under the other arm was a map of Tuskegee, Alabama. The map depicted one of the oddest municipal jurisdictions in recorded history, courtesy of the Alabama Legislature, which in drafting the document had exceeded even its own substantial creativity at keeping black citizens *in their place*.

I really wanted to use this map, but my complaint in the case at hand had been dismissed in the lower court before I could use it. It was a fine map, drawn to scale by a major map company and ordered for me by Mr. William P. Mitchell, executive director of the Tuskegee Civic Association. The map cut to the heart of my case.

Mr. Mitchell’s map showed the square shape of the Tuskegee city boundaries before black citizens there began a voter registration campaign in 1956. Superimposed over the original map was the twenty-five-sided shape of the boundaries after the Legislature had “improved” them. Coincidentally, the new boundaries managed to include virtually every white in the town, while excluding virtually every black.

I entered the hallway and took the map to the marshal’s office for transfer to the courtroom at the proper time. I was then ready to argue *Gomillion v. Lightfoot*, challenging the Alabama Legislature’s gerrymandering of Tuskegee

for the purpose of denying blacks the right to vote. The case is recognized today as one of the landmark cases in U.S. voting rights law. Ironically, as I write these words more than fifty years later, the gerrymandering of black voters has consistently been before the Supreme Court during these intervening years.

*Gomillion* was not my first experience with the nation's highest court. In 1956, I had won an appeal in which the Supreme Court had affirmed a lower court's ruling in my favor that segregated seating on Montgomery's city buses was unconstitutional. That was the famous Montgomery Bus Boycott case, which I had filed when I was only twenty-five years old. But this was my first time to appear in person before the Court.

I entered the courtroom as another case was being argued. As I sat and listened, I felt weak with apprehension. I remembered my childhood in Montgomery. How could I, a black man, born in an Alabama ghetto, whose father died when I was two years old and whose mother had only a sixth-grade education, argue a case before the United States Supreme Court?

When I was a boy, I never dreamed of visiting the United States Supreme Court. Now I was ready to speak to the Court. This was the opportunity of a lifetime. I sat patiently, and when the case was called, I trembled with fear.

But I stood and addressed the court, "Mr. Chief Justice, may it please the Court, I am Fred Gray from Montgomery, Alabama, and along with Robert Carter, I represent the petitioners, Dr. Gomillion and others, in this case."

Before I could get started, Justice Frankfurter, who we feared would rule against us in this case because of one of his earlier cases, asked me to explain the map. I did.

He then asked, "Where is Tuskegee Institute?"

I replied, "Tuskegee Institute is not on the city map."

He said, "You mean to tell me that Tuskegee Institute is not located in the City of Tuskegee?"

I said, "No sir, your Honor. It was in, but they have excluded it."

"Tuskegee Institute is excluded from the City of Tuskegee?"

"Yes sir, your Honor."

I think that satisfied Mr. Justice Frankfurter. I reasoned from his questions that if Tuskegee Institute was excluded from the City of Tuskegee,



then my clients were entitled to relief. It was just a question as to how the Court would write the opinion to justify its conclusion.

As you can imagine, I felt that it was a good day's work.

However, my life and work did not begin in Washington, D.C., before the United States Supreme Court, but in Montgomery, Alabama. My desire to become a lawyer did not occur in Washington, D.C., but in Montgomery, Alabama, while I was a student at Alabama State College. My secret desire "to destroy everything segregated I could find" did not originate in Washington, D.C., but on a bus in Montgomery, Alabama.

I WAS ALWAYS ON and off the buses in Montgomery. Like most African Americans in Montgomery in the late 1940s and early 1950s, I did not have an automobile. My only means of transportation was the public buses. I was on and off the bus several times a day. I would leave home on the west side of Montgomery in the morning and catch the South Jackson Street bus, which would take me through town and then to the college. In the afternoon I would use the bus a second time, catching the Washington Park bus and getting off downtown to check in for my newspaper delivery job at the Advertiser Company. My third bus ride took me from the Advertiser Company back out to my delivery district on the east side of town. A fourth ride returned me downtown to check out. Frequently a fifth ride took me from the Advertiser back to the campus to the library. Finally, the sixth bus ride, this time on the Washington Park bus, carried me back home on the west side. In short, I used the bus as often as six times a day, seven days a week.

All of the bus drivers were white. Discourteous treatment of African American riders was more the rule than the exception. The buses were segregated. Even on the South Jackson-Washington Park bus route, which served a 90 percent African American clientele, the bus drivers refused to allow African Americans to sit in the first ten seats, which included the cross seats.

The bus situation, especially the discourteous treatment by the drivers, grated on African Americans in Montgomery. Frequently, when the bus was crowded the driver would collect your money in the front door and tell you to enter through the back door. Sometimes the driver would close the doors before a patron who had just paid could make his or her way to

the back door. One African American man was killed by a bus driver. Virtually every African American person in Montgomery had endured some negative experience with the buses. But, we had no choice. We had to use the buses for transportation. As Jo Ann Robinson pointed out in her book, *The Montgomery Bus Boycott and the Women Who Started It*, working African American women were especially dependent on the buses. My own dissatisfaction with the bus situation grew more acute as my college years ensued.

### MY EARLY LIFE

I was born on December 14, 1930, in Montgomery. My mother was Nancy Jones Gray Arms (August 19, 1894–October 3, 1992) and my father was Abraham Gray (July 15, 1874–December 23, 1932). Mom worked as a domestic, particularly a cook, in several white homes in Montgomery. My father was a carpenter who received his training at Tuskegee Institute. He died when I was two.

I was born in a shotgun house at 135 Hercules Street in the Washington Park section. A shotgun house was one with all of the rooms built directly behind each other. It probably was so-called because if a person fired a shotgun through the front door the shot would travel through each of the rooms and out the back door. In 1930, Washington Park was a typical black community in Montgomery, with no paved streets, no running water, and no inside sanitary facilities. There were no hospitals for African American children to be born. They, like me, were delivered by a midwife.

My parents were members of the Church of Christ. My father became a member in 1925 and my mother in 1928. Religion and the church played a major role in my family life. My father was a faithful member of the Holt Street Church of Christ until his death. He helped to build the first church building. He would canvass our neighborhood and take all the children to Sunday School. After his death, Mom would take us to Sunday School and church. The church was the center of our early childhood. Each of us became members of the church at an early age.

The Holt Street Church of Christ at 945 South Holt Street played a major role in my life, the lives of all my brothers and my sister, and in the lives of many other African Americans in central Alabama.

My sister Pearl (September 1924–June 2011) recognized the important role the church played in our lives. In 1997, she wrote a book on the history of that church, *The History of the Holt Street Church of Christ and Its Role in Establishing Churches of Christ Among African Americans in Central Alabama*.

Mom wanted all of her children to obtain an education, be good Christians, and make something of their selves. She taught us that we could be anything we wanted to be and then gave us the necessary shove to fulfill that prophecy. She specifically instilled in us that we could be anything we wanted to be if we did three things: Keep Christ first in our lives. Stay in school and get a good education. Stay out of trouble and don't get involved in the criminal justice system. I followed her instructions, which have worked well for me. My late wife, Bernice, and I attempted to instill those basic principles in our four children.

I am the youngest of five children and after my father's death my mother had to support us. Finding someone to keep me before I started school was a problem for her, which led to my starting school early. The usual age for beginning school then was six years, but I would not turn six until December 14th. My mother and her sister, Sarah Jones McWright, a first-grade teacher at Loveless School, devised a plan where my aunt enrolled me in her class when I was five. They did this so my mother could work and because Aunt Sarah believed I was ready for first-grade work. So, my aunt and mother initiated, in 1935, a "head start" program for me. This was my first head start.

Loveless School was located on West Jeff Davis Avenue approximately two miles from where I was born and five blocks from where I grew up. We lived at 705 West Jeff Davis Avenue and continued to live there until I married in 1956. I attended Loveless School from the first through the seventh grades. Of course, all of the schools in Montgomery at that time were segregated. Loveless School was an all-African American school. It remained so until I filed the suit *Carr v. Montgomery County Board of Education* in 1964. Today, that school building houses the Loveless Academic Magnet School Program (LAMP), a nationally recognized magnet high school, with a fully integrated faculty and student body.

After I finished the seventh grade at Loveless School in 1943, Mom

sent me to the Nashville Christian Institute (NCI), an African American boarding school in Nashville, Tennessee, operated by members of the Church of Christ. The Bible was taught daily, along with chapel programs, and emphasis was placed on teaching young men to become preachers and church leaders. From my childhood, Mom had wanted me to pursue the ministry. This school was a part of her plan.

The public schools in Montgomery opened in September, but NCI did not open until October. So, when I did not enroll in Montgomery, one of my friends, Howard McCall, began to tease me, saying, “Fred is not going to school,” and implied that I was a dropout.

I was not a dropout. I was a twelve-year-old on a mission for God. My mother packed me up and sent me by our minister, Brother Sutton Johnson, to Nashville. At the time NCI was the only African American Church of Christ-supported high school. It was a coeducational boarding school with on-campus living facilities for boys; girl students who did not live in Nashville were boarded with individual members of the church in various homes throughout the city.

NCI’s principal was Professor E. Franklin Tharpe. He was a history graduate of Tennessee A&I State University. He would brag that he taught his students at the Nashville Christian Institute history from the same book—*Civilization Past and Present*—that freshmen studied at Tennessee A&I.

NCI was a small high school. We had approximately three hundred students from about twenty-five states. Our facilities were meager, but we had dedicated faculty members who were genuinely interested in the growth and development of its students. They gave us a good college preparatory education, and many of the graduates of NCI are leaders across the country and preachers in the Church of Christ throughout the nation. Many of the students who attended NCI later became outstanding citizens in their communities, engaged in various businesses and professions across the country. During my stay at NCI we all developed close ties and friendships that have lasted a lifetime. When I arrived at the Nashville Christian Institute, I met Robert Woods, who later served more than forty years as minister of the Monroe Street Church of Christ in Chicago. He has retired and lives in Georgia. Later Obie Elie became my classmate. We were best friends until

his death in 2008. He was an outstanding businessman in Cleveland, Ohio.

Also while at NCI, I was selected by the president of the school, Brother Marshall Keeble (December 7, 1878–April 20, 1968) one of the pioneer African American preachers in the Church of Christ, to travel with him all over the country as a “boy preacher,” and as a school representative on his fundraising trips. It was on one such trip that I met Brother J. S. Winston, whom I would get to know much better during my law school years. We later served together as members of the board of trustees of Southwestern Christian College in Terrell, Texas. My NCI experiences and contacts have served me well.

In order to graduate early, I attended summer school during the summer of 1947. I was scheduled to finish during the Christmas break of 1947. I wanted to return to Montgomery and enroll at Alabama State College for the winter quarter, which began on December 1st. I was accepted at Alabama State subject to completing my high school work; however, this work would not be completed until the latter part of December. I went to my principal, told him I wanted to enroll in Alabama State, and asked if I could leave high school early. He said that if my teachers would give me the final examinations and, of course, if I passed, he would have no objections to my leaving early. My teachers were elated about my acceptance at Alabama State and were willing to give me my examinations early.

I passed the exams, left the Nashville Christian Institute during the Thanksgiving break, and enrolled in Alabama State College. I returned to Nashville for graduation ceremonies with my NCI class in May 1948.

You can see that education was serious business in the Gray household. It had been true as well for the other children of Abraham and Nancy Gray, he a carpenter and she a domestic.

Let me take a moment to tell you about my older siblings.

My oldest brother, Samuel A. Gray, now Hassan Ghandhistani, graduated from high school in Montgomery in 1938. He attempted to take advantage of one of the New Deal programs launched during President Franklin D. Roosevelt’s administration. These were federal programs that put high school graduates to work. White graduates were given office jobs. My brother was given a pick and shovel to work in a ditch. He resented this discriminatory

treatment and did not return the next day. He left Alabama and went to Pennsylvania and lived with our aunt, Adella Steele. He later earned several degrees, including the Ph.D., and served in the United States Army Intelligence Corps. He speaks five languages fluently and is a psychologist and private tutor in Philadelphia.

Thomas (June 2, 1924–April 17, 2011), my second-oldest brother, graduated from Alabama State College with honors and was a businessman in Montgomery during the Bus Protest. He was also an original member of the board of directors of the Montgomery Improvement Association, the organization which sponsored the Montgomery Bus Protest, and was one of the eighty-nine persons arrested and charged with violating the Alabama anti-boycott law. He later became a lawyer and practiced in Cleveland, Ohio, for more than twenty years. He returned to Montgomery and for more than ten years was an administrative law judge in the Office of Hearings and Appeals with the Social Security Administration in Montgomery. He is survived by his widow, Juanita, and children Karen Gray Houston, Thomas W. Gray Jr., and Frederick Gray.

My sister, Pearl Gray Daniels (September 10, 1926–June 20, 2011), graduated from Stillman College (Tuscaloosa, Alabama), Alabama State College, and Tuskegee Institute. She left Alabama to go to Washington, D.C., where she taught for many years at the Paul Lawrence Dunbar High School. She is the author of several books, including *A Portrait of Fred Gray* (1975), and retired from Alabama State University. She is survived by a daughter, Valerie Gray Wheeler, and grandson, Nathan Wheeler.

Brother Hugh (June 2, 1928–February 9, 2008), except for a period of time in the Army, remained in Montgomery. For more than forty-five years, he was a businessman and owner of Gray's Flower Shop that was located in the community where we grew up. He is survived by two children, Eren Yvetta Smithers and Hugh C. Gray Jr.

### **A STUDENT AT ALABAMA STATE COLLEGE, 1947–1951**

I enrolled in Alabama State College for Negroes, now Alabama State University, on December 1, 1947. All my life I had been drawn to the ministry, and when I entered Alabama State I envisioned becoming a social

science teacher and a minister, as those were the principal careers then open to college-educated African American males in Alabama. You either preached or taught school. But my studies and associations at Alabama State began to change my goals.

Professor Thelma Glass taught history, geography, and English. She impressed upon me the recipe for success in college. She advised us to learn exactly what the teacher wanted, how the teacher wanted the material presented, and then to try to present it in that fashion. I have followed this advice ever since, not only in college, but in law school and law practice. Professor Glass was also an active member of the Women's Political Council, which was to play such an important role in the Montgomery Bus Boycott. She retired from Alabama State University and lived in Montgomery until her death on July 24, 2012.

Another professor who made an indelible impression on me was J. E. Pierce, also now deceased, who taught political science and had done an extensive survey in the area of voter registration. Professor Pierce often talked about the importance of obtaining our civil rights. He noted my interest in civil rights and encouraged me to go to law school. The convergence of my bus-riding experiences and his lectures helped me to decide, during my junior year, that I would attend law school and return to Montgomery to practice law. But I kept this goal to myself at that time.

I worked my way through Alabama State College as a district circulation manager of the *Alabama Journal*, the afternoon paper in Montgomery. I was known on campus as the "newspaper boy." My delivery territory, District Six, encompassed the campus and all of the east side of Montgomery where African Americans resided—African American district managers supervised African American areas, and white district managers supervised white areas. As a district manager, it was my responsibility to oversee the distribution of the newspaper for thirteen routes, to employ and manage newspaper carriers, and to increase circulation.

I reported to my substation before the papers and carriers arrived to make sure the carriers properly received and delivered the newspapers and that they paid their bills for them on time. In the evenings, I went back to the Advertiser Company in downtown Montgomery to complete my report

for the number of papers we needed the next day for each route. I would submit names of any new subscribers—we used to call them starts—and discontinue persons—stops—who no longer wanted the newspaper.

Although it seems that I was always working, always getting on and off the buses, my grades never suffered. I graduated with honors in the upper 10 percent of my class.

Alabama State College, which I attended from December 1947 to May 1951, was altogether different from Alabama State University as it exists in 2012. For example, on November 22, 2012, it dedicated a new \$62 million stadium complete with 200 loge seats; 750 club seats; 2 party terraces; 20 luxury box suites; and a 64-foot high-definition scoreboard in time for the traditional Thanksgiving Day playing of Alabama State University versus Tuskegee University football—the 89th time the schools had met in what is now nationally known as the “Turkey Day Classic.” (Unhappily for Hornet fans, ASU lost.) During my time at Alabama State, the school was small and entirely segregated—faculty, students, and staff. However, while we had an African American president, the policy-making body was the all-white State Board of Education, with the governor of Alabama serving as ex-officio chairman. These white men all believed in the “Southern way of life” that included segregation and second-class status for African Americans in every aspect of existence. This was just the way they believed and the way it was. Alabama State College, when compared to historically white institutions in Alabama, was woefully underfunded, with inferior buildings and inadequate resources. But, we had a dedicated faculty whose members were concerned about the students. They were concerned that we receive the best education the institution could give. They taught us that we were somebody and that with hard work and dedication we could succeed.

Social life on the campus of Alabama State College was typical of social life on historically black educational institutions during that period of time. There were the usual student organizations, religious organizations, sororities and fraternities. The major African American sororities and fraternities were located on the campus. The fraternities included Omega Psi Phi, Alpha Phi Alpha, Kappa Alpha Psi, and Phi Beta Sigma. The sororities were Delta Sigma Theta, Alpha Kappa Alpha, and Zeta Phi Beta. I became a member



of Omega Psi Phi, primarily because my older brother Thomas was an upperclassman at Alabama State College at the time I entered and he was a member and president of Omega Psi Phi. Not only did I later become a member, but I also became its president. The Greek-letter organizations were important on and off campus. In those days, Alabama State College was the center of cultural activities for African Americans in Montgomery because it was one of the few public places where they were not subject to constant racial discrimination.

### **PRIVATE PLEDGE TO DESTROY SEGREGATION**

By my junior year at Alabama State, I understood more fully that everything was completely segregated not only in Montgomery, but throughout the South and in many places across the nation. In Alabama's capital city—the “Birthplace of the Confederacy”—churches, schools, hospitals, and places of public accommodation were all segregated. Whites and blacks were segregated from the time they were born until the time they were buried in segregated cemeteries. If a person of color had a claim against a white person there was very little likelihood he would obtain justice. There were no African American lawyers in Montgomery at that time. Very few white lawyers would handle these cases. I concluded that in addition to being a minister and trying to save souls for eternity, that in the here and now African Americans were entitled to all the rights provided by the Constitution of the United States of America. Therefore, I decided I would become a lawyer. Privately, I pledged that I would return to Montgomery and use the law to “destroy everything segregated I could find.”

I kept my plans secret. I did not want anything to interfere with my going to law school. I completed the applications without any discussion with family members.

### **SELECTION OF A LAW SCHOOL**

In my senior year of college, I applied to several law schools, including the University of Denver and Western Reserve University, now Case Western Reserve University in Cleveland. I selected schools in cities where job opportunities existed. As far as I could discern, Cleveland was a good

place to both learn law and get a job. Another influential factor was Western Reserve University's schedule of classes. I could take classes from 8:30 in the morning until 12:30 in the afternoon and still have time to work a full-time job and study.

After I was admitted to Western Reserve University Law School, I showed Mother my acceptance letter. She said, "All right, Mr. Smarty, now that you have been admitted, where are you going to get the money from?" Of course I didn't have the money and she didn't have the money, but it was a rhetorical question because immediately she went to work and borrowed money to help me go to law school.

My brother Thomas was then in business in Montgomery. He and William Singleton operated Dozier's Radio Service, a repair shop and television and home appliances store. Thomas accompanied me to the First National Bank of Montgomery where I applied for a loan. I told the loan officer that I had been admitted to law school. I took with me the papers indicating that I would be reimbursed for a certain portion of the money once I had paid my fees and expenses. However, I did not have sufficient security, nor did my brother. Consequently, the loan was denied. My family, a few friends, and I continued to work and we raised enough money to pay the first installment on my tuition, room and board, and transportation costs.

I did not apply to the University of Alabama Law School because I knew there was no chance I would be accepted. The state of Alabama, as did all of the Southern states at that time, had out-of-state aid arrangements for African American students who on their merits should have been admitted to white colleges, universities, and professional schools. Many Southern states inaugurated these schemes to circumvent the 1938 United States Supreme Court decision, *Gaines v. Canada, ex rel.* The *Gaines* case held that states that had a segregated higher education system must provide African Americans with equal educational facilities.

If an African American student was interested in pursuing an advanced degree in a subject offered at the University of Alabama or Auburn University that was not offered at African American institutions, including Alabama State, Tuskegee Institute, or Alabama A&M, then the student was required to file an application with the state superintendent of education for out-

of-state aid. The application process included submission of proof that the student had been admitted to a school in another state. Then the Alabama superintendent of education would make available financial assistance. The state would pay the following expenses: 1) round-trip transportation once a year to the school; 2) the difference between tuition fees at the University of Alabama and the particular university chosen; and 3) the difference between room and board at the institution desired and the costs at Alabama State College. There was a specific formula to calculate expenses, but the funds were available only on a reimbursement basis. This was the catch. This policy proved especially difficult for poor African American students to overcome because they did not have the money to make the initial payment. I applied for such aid and it was granted. The state superintendent at the time was Austin Meadows, a man who became a defendant in many subsequent lawsuits that I filed. After I began to practice law in Montgomery, Dr. Meadows once stated that he was proud of the fact that he, as state superintendent, had signed my papers so I could go to law school.

On one of the last few days of my employment at the Advertiser Company, one of the white district managers asked me what I was going to do after graduation. I told him I was going to law school. Another district manager asked me, "Well, where are you going to practice law?" I said, "Right across the street." There was a long silence. The Montgomery County Courthouse at that time was located across the street from the Advertiser Company.

#### **A LAW STUDENT AT WESTERN RESERVE UNIVERSITY, 1951-54**

In September of 1951, with barely enough money to cover expenses, I took a segregated train to Cleveland to begin law studies at Western Reserve University. I was assigned housing at 1408 Bell Flower Road, known as the Hudson House. Western Reserve had several houses, each with its own housemother. I was on the second floor and my roommate was Pohlman Bracewell, from Monrovia, Liberia. Pohlman returned to Liberia, rewrote his country's tax code, and for many years was the general counsel for Firestone Rubber Company in Liberia.

Of the approximately 120 students in my class, five were African Americans including a fellow Alabamian, Ishmael Childs, a former high

school principal from Sylacauga, Alabama, who is now a retired lawyer in Cleveland. The other African Americans were Carl Chancellor, now a retired senior attorney for the Cleveland Illuminating Company; Rudy Henderson, a government lawyer with the State Department in Washington, D.C., now deceased; and Napoleon Bell, now deceased after retiring and living in Las Vegas. Pohlman Bracewell was the one African in my class.

The few African American upperclassmen were Edwin L. Davis (now deceased), Sarah Harper, George Trumbo, James B. Simmons III, Robert Penn, Clarence Holmes, James R. Willis, and C. B. King (now deceased). Edwin Davis of Miami, Florida, became one of my law partners and greatly assisted me in many cases in Montgomery and Tuskegee. I will write more about Edwin in a later chapter. Robert Penn was a state court judge in Toledo, Ohio. James B. Simmons III now practices law in his hometown of Toledo, Ohio. Clarence Holmes and James Willis now practice in Cleveland.

C. B. King was from Albany, Georgia, where he returned and practiced law for many years. He was an outstanding civil rights lawyer whose practice in Georgia paralleled mine in Alabama. He represented Dr. Martin Luther King Jr. and the Southern Christian Leadership Conference in the Albany Crusade. C. B. passed away a few years ago. The federal courthouse in Albany is named after him. Sarah Harper Trumbo and her husband, George Trumbo, are both retired judges in Cleveland.

From day one at Western Reserve, I reminded myself constantly that I would return to Alabama to practice. After all, that was the only reason I was there. As soon as I settled in at Western Reserve, I began to prepare to return to Alabama. I knew that the most difficult part of the Alabama law that differed from the general law of the other states was in the area of pleadings and practice. At that time, Title Seven of the Alabama Code was the part of the statute that I had to master. I asked the librarian if she would order for me Title Seven of the Alabama Code. I paid her, she ordered it, and in my spare time I typed and outlined that entire title of the Alabama Code.

I developed a systematic approach to studying and working. Immediately after class, one of the other African American students and I would stop by the dining facility and have lunch. I would return to the house in the afternoon and review and type up my notes. I would ascertain for each

point of law that we covered whether Alabama followed or departed from the same principle. If it differed, I found out what the Alabama rule was and committed it to memory. Then I would prepare for my next day's classes. As further preparation for returning to Alabama, whenever we had legal research papers, I would always do my paper on some facet of Alabama law. My adviser during my law school days was Samuel Sonnenfield, professor of civil procedure. We had many conversations about my future plans. He told me on one occasion that he thought I could develop into a good lawyer, but that he did not believe this would happen if I returned to Alabama. He felt that because of my color I would not be given an opportunity to develop to my fullest potential. He urged me to seek employment in the Cleveland area, particularly with one of the many African American lawyers there. I appreciated his concern, but the only reason I had gone to Cleveland to go to law school was to return to Alabama to practice. I was determined to do just that.

Professor Sonnenfield did teach me something that has been one of the guiding principles of my law practice. He advised me always to seek assistance and never to be afraid to share a fee with an older lawyer who has more experience. I really took that advice to heart. In all of my early cases, including the civil rights cases, I always involved some other experienced lawyer. Those other local African American lawyers were usually Arthur Shores, sometimes Orzell Billingsley or Peter Hall, all of Birmingham, or Charles Langford of Montgomery, who later became one of my law partners. The white lawyer upon whom I depended most for advice was Clifford Durr.

My first year of law school was very difficult. I had to prove to myself that I could do the work. I had an inferiority complex about having graduated from Alabama State College for Negroes. I had never been in an environment in which all of the professors and teachers were white. In fact, virtually everything around Reserve was white. I was under a lot of self-imposed pressure. Many of the white students had done their undergraduate work at Harvard, Yale, Princeton, and Western Reserve universities. I was anxious to see if I could compete with the white students in my class who came from prestigious universities.

There was neither money nor time to do much other than study and

participate at church. The first Sunday I was in Cleveland, I went to the East 100th Street Church of Christ and met Thomas O. Jackson (now deceased), a businessman who owned a downtown parking lot and garage. Socializing was limited to after-church dinners with many people, including Thomas and his wife, Mattie, who was a registered nurse and a graduate of then-Hampton Institute. She had done her practicum in psychiatric nursing at Tuskegee Institute. The Jacksons lived in a house behind the church. Thomas O. Jackson later served as minister of the Goulds Church of Christ in Miami, Florida, and served with me as member of the board of trustees of Southwestern Christian College in Terrell, Texas—a board which I chaired. He and his wife served many important roles in my life until his death.

I attended most church services on Sundays. When time permitted, I went to evening services and Bible Study during the week. Eventually, J. S. Winston, whom I had met while I was a student at Nashville Christian Institute, became minister and I served as his assistant. Later, the East 100th Street Church built a beautiful new building near Western Reserve University and it is now known as University Church of Christ. I learned a lot about church work and human nature while working with Brother Winston. He later retired as a full-time local minister but served with me as a member of the board of trustees of Southwestern Christian College. He died in 2001.

There was always a money crisis. I managed to pay fees on installments, but still owed money when the time came to take final exams. Nevertheless, I was permitted to take the exams.

I waited to see the results from my exams—the first substantial proof of my ability to do law school work—to see how I had done in comparison to my classmates. However, at the end of the first semester, the secretary to the dean informed me that my exam grades would not be posted until I had paid all of my tuition and fees. Of course, I knew the fees hadn't been paid. I was in agony. I had survived the first semester. I had completed all of my exams. But I was not able to ascertain the results. It was a devastating blow.

I had earlier applied for a \$250 professional scholarship from my undergraduate fraternity, Omega Psi Phi. As fate would have it, on the same day I arrived home without being able to see my grades, I found the letter from Omega Psi Phi containing a check for \$250. It was more than enough

to pay the balance due on my tuition. I ran over to the business office and paid my bill. The dean's office was notified and I received the results of my exams. I had passed and ranked in the top 15 percent of the class. This was the real pivotal point! I had proven to myself that I could do the quality of work that was expected of students at Western Reserve University. I did not graduate that high in my class, but being near the top after my first semester gave me the impetus and encouragement that I needed.

During my college days at Alabama State College and, particularly, while a member of Gamma Sigma chapter of Omega Psi Phi, I had not anticipated that sometime later my college fraternity would assist me in becoming a lawyer. However, the timing of that \$250 scholarship from Omega Psi Phi was indeed a defining influence as it gave me the courage to continue my studies and finish law school. I have expressed that appreciation to my fraternity and have also made substantial contributions to that scholarship fund so it may help other members of the fraternity pursue their goals.

Now that I had paid my first semester's tuition, I obtained the necessary certification from the business office and finally received reimbursement from Alabama's State Board of Education. I had concentrated all my energies on courses during the first semester in order to be assured of the reimbursement money. The reimbursement money was used to pay tuition and fees for the second semester.

I decided that I would work doubly hard during the summers to earn money. Unfortunately, I was unable to find employment in Cleveland, so I returned to Montgomery. The *Alabama Journal* needed a circulation manager for my old district and I readily agreed to work for them that summer. Of course, I still did not have a car, so I was back on the buses.

One of the needs for the district was additional paperboys, particularly in the Tulane Court area. While searching for a paperboy in that area one day, I saw a young lady, Bernice Hill, whom I had known for some time. She lived at 560 Smythe Curve and was sitting comfortably on her front porch. I knew she was a student majoring in commerce at Alabama State College. She was also a member of the Gail Street Church of Christ, where I had preached on occasion. I went up and talked with her and asked her about a possible paperboy. She suggested several names, one of whom I

employed. From that point on Bernice and I started seeing each other and we eventually developed a relationship. Bernice described me as the kind of person that just grows on you. I guess she meant that it takes time to get to know and like me. She really was not interested in becoming involved with a preacher.

The next summer I remained in Cleveland, picking up and delivering clothes for a dry cleaning firm on Prospect Avenue. I was able to keep the job during the next school year. Actually, during the next summer I worked two jobs. One was at Republic Steel in the hot metal finishing department, on the 11 P.M. to 7 A.M. shift. From there I would go to the dry cleaners, pick up, and deliver dry cleaning in the company truck.

Despite constant money woes and the small number of African Americans, Western Reserve was an excellent university from which to receive a legal education. During my tenure there, I never experienced any unpleasantness or any form of discrimination. It proved to be the right law school to prepare me to sit for the bar and for an outstanding legal career.

By my senior year I was already studying for the Ohio and Alabama bar exams. I knew I could not take the bar review course in Alabama because of my race, but there was an Ohio bar review course being offered in Cleveland and I took it.

The secretary of the Alabama Bar Association suggested I contact Judge Walter B. Jones, who owned Jones Law School in Montgomery which offered a bar review course. I wrote a letter to Judge Jones, dated March 11, 1954. I was surprised how quickly I received a reply from him dated March 13, 1954. In Judge Jones's letter, he assured me that if a sufficient number of persons requested a bar review course, he would seriously consider it. He concluded that I should write to him during the month of June.

He suggested that I study Title Seven of the Alabama Code, read certain selected publications in the *Alabama Lawyer*, the official publication of the Alabama Bar Association, review Alabama law relating to practice and pleading at law and in equity, and review equity rules in the back of Title Seven of the Alabama Code along with Alabama Rules of Evidence, and obtain a copy of Judge McElroy's book on evidence. He concluded the letter by saying, "with all good wishes, I am cordially yours, Walter B. Jones,



President, Jones Law School.” This letter was very helpful.

Judge Jones was one of two state circuit court judges in Montgomery at that time. Two years later, in July 1956, Judge Jones enjoined the NAACP from doing business in Alabama. He was considered a staunch segregationist and wrote a weekly *Montgomery Advertiser* column entitled “Off the Bench.” One of his articles, headlined “I Speak for the White Race,” appeared in the March 4, 1957, edition. He begins the article by stating:

I speak for the White Race, my race, because today it is being unjustly assailed all over the world. It is being subjected to assaults here by radical newspapers and magazines, Communists and the Federal Judiciary. Columnists and photographers have been sent to the South to take back to the people of the North untrue and slanted tales about the South.

He continued, “Their real and final goal is intermarriage and mongrelization of the American People.” He concluded, “We shall never submit to the demands of integrationists. The white race shall forever remain white.”

When you compare how cordial and helpful Judge Jones was in his 1954 letter informing me of what I should review in preparation for the Alabama bar, to his feeling about separation of the races, it tends to show one of the many paradoxes of how individuals who, under ordinary circumstances, would be very interesting in helping an individual, but on the other hand, when it came down to separation of the races, it was altogether a different situation.

It is also interesting to note that Judge Walter B. Jones, many years before this, had assisted another African American lawyer, Arthur D. Shores of Birmingham, my mentor, in preparing him to pass the Alabama bar examination in the 1930s. Attorney Arthur Shores’s father was a very good friend to Judge Walter B. Jones. When Arthur finished law school and prepared for the bar, Mr. Shores asked Judge Jones to tutor his son in preparation for the bar. Judge Jones did, and Arthur Shores became the dean of African American lawyers. He was a pioneer filing lawsuits in this state for many, many years. I solicited his support in many of my civil rights cases.

In a real sense, Judge Walter B. Jones not only helped Arthur Shores to

become a lawyer, but also helped me to become a lawyer. Thus Judge Jones may have indirectly and unwittingly made a contribution toward ending segregation in the State of Alabama.<sup>1</sup>

### **BECOMING A LAWYER, 1954**

At long last graduation day arrived. My mother and Bernice, who by that time was my fiancée, came for the commencement ceremony, then returned to Montgomery. I remained in Cleveland to concentrate on studying. I studied day and night. This was very necessary because I was preparing myself for not one but two bar examinations, Ohio and Alabama. The Ohio exam was given in June and the Alabama exam in July. For the past three years I had studied and attended law school. Now I was a law graduate, and all of the hard work would be to no avail if I did not pass the bar exams. The only way I would be able to practice law in any state would be, for the most part, to pass the bar examination of that state. While I was primarily interested in becoming a lawyer in Montgomery and carrying out my secret pledge, I was realistic enough to realize it was possible that the examiners in Alabama might discriminate against me. Regardless of what I did on the exam, they could say that I did not pass. I was taking the Ohio bar exam as a precaution.

Each segment of the Ohio bar exam, which was given over a three-day period, had six questions. Examinees were expected to answer five of the six. It was suggested that we read through all of the questions and then answer first the one that appeared easiest. I tried that strategy but it didn't work for me because as I read the second or third question, my mind would flash back to the first question. So, the technique that I used was simply to read the question, and if I understood it, I would answer it. If I did not understand the question or did not know the answer, I would proceed to the next one.

I remember the last day of the exams very well. By that time I was exhausted. I passed in my paper, said goodbye to a few of my classmates, and went to the train station. The train was actually scheduled to leave at 3:45

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1 Ironically, Jones Law School in Montgomery is now owned by Faulkner University, a Church of Christ-related university. I serve on the Faulkner board of trustees and, as of 2012, as chairman of the trustees' Jones Law School Committee.

P.M. and the exam was not scheduled to end until 4 P.M., but I had written all that I knew. I boarded a segregated train to Cincinnati, and transferred there to a train going to Montgomery.

The Alabama bar exam was scheduled for the fourth Tuesday in July. I arrived home in late June. From the moment I arrived in Montgomery I had very little social contact with anyone, not even my fiancée Bernice. I just studied everything I could get my hands on.

Knowing enough to pass the Alabama bar exam was not the only obstacle. There were a couple of other hurdles that I had to get over before I could take the exam. Alabama required that one register as a law student by filing an application and submitting character affidavits from five lawyers who had been practicing for at least five years. I had filed the application when I enrolled in law school, but I did not know five lawyers at the time. I completed the application, admitted that I did not know five lawyers, and informed them I would submit the affidavits as soon as possible.

At this juncture, with my dream so close to becoming a reality, all that was left for me to do was to talk to Mr. E. D. Nixon and my brother Thomas, who as a businessman in Montgomery had used lawyers in his business. I had known Mr. Nixon's wife for many years because she and I attended the same church. Ed Nixon had been "Mr. Civil Rights" in Montgomery and in the state for many years. By occupation, he was a Pullman car porter, so he was frequently in and out of town. If anybody ever had problems with the city police or any matter where they thought their civil rights had been denied, they would always contact E. D. Nixon. For more than fifty years, Nixon advocated the cause of African Americans in Montgomery and central Alabama. He was president of the State Conference of Branches of the NAACP and president of the Montgomery Branch of the NAACP. He was a founding member of the Montgomery Progressive Democratic Club, which later became a charter member of the Alabama Democratic Conference. Mr. Nixon believed that African Americans should have the same rights as other Americans. He believed that segregation was wrong and he dedicated his life, efforts, and resources to eradicating those wrongs. He was also to become one of the founders and leaders of the Montgomery Bus Boycott, which ended segregation in public transportation in the city

of Montgomery. He was actively involved in getting persons registered to vote and getting lawyers to defend African Americans whose constitutional rights were violated, and he paved the way for many of us and was a role model in the field of civil rights.

So, like other African Americans in Montgomery who had problems, I talked with Mr. Nixon about my need to have lawyers sign affidavits. There were only a handful of African American lawyers in the state. The best known African American lawyer was Arthur Shores of Birmingham. Charles V. Henley was Grand Master of the Masons; he didn't practice law, but he had a law license. At that time Oscar Adams, who later became the first African American to serve as a justice on the Alabama Supreme Court, Orzell Billingsley, Peter Hall, Charles Langford, and David Hood were also practicing law, but none had yet practiced the requisite five years. I asked Mr. Nixon to help me to get the affidavits both to register as a law student and to take the Alabama bar exam. With Mr. Nixon's and Bernice's help, I soon had the necessary affidavits.

Bernice was working for the wife of Nesbitt Elmore, a white attorney. After she informed them about my predicament, a meeting was arranged. Bernice introduced me to Elmore who in turn introduced me to his uncle, Clifford Durr. Mr. Nixon also introduced me to Mr. Durr. The first time I met Mr. Durr he did not sign the affidavit. This was understandable. Mr. Durr did not know me. The affidavit required that you know the applicant personally, that you know his character to be good, and you must state the facts and circumstances showing how you know the applicant. Later, Nesbitt Elmore, Mrs. Elmore, and Mr. Nixon encouraged Mr. Durr to sign the affidavit. The lawyers who ultimately signed character affidavits for me included Arthur Shores, Nesbitt Elmore, Charles Henley, Clifford Durr, Woodley C. Campbell, Henry Heller, and Virgil McGee. With the exception of Shores and Henley, the signers of my affidavits were white. Without their support I could not have taken the bar exam. I will always be grateful to them.

THE LONG-AWAITED DAY OF the Alabama bar exam was finally at hand—the fourth Tuesday in July 1954, at the Alabama Senate Chamber at the Capi-

tol. I arrived before 8 A.M. and I remember that as I entered the building, I was thinking of my initial desire to practice law. Just for a moment I even remembered the reason I wanted to become a lawyer. And I realized that I had come a long way from where I was born, 135 Hercules Street, to go to Nashville to high school, to college at Alabama State, to Western Reserve University to law school, and even to take the Ohio bar, which I had done a few weeks earlier.

But this one was the real test. The passing of this exam was the final hurdle which stood between my initial desire to become a lawyer and destroy everything segregated I could find, and my actually being sworn in as a member of the Alabama Bar. As I entered the Senate Chamber, I offered a little silent prayer and took my seat.

John B. Scott, a Montgomery municipal judge and the secretary to the Alabama Bar Association, checked in the applicants. Meanwhile, I looked around the room. Some twenty-five others were also being examined that morning, although a number of other recent law school graduates would be admitted to the Alabama bar without taking the exam. In those days, if you were a graduate of the University of Alabama, you did not have to take the Alabama bar examination. You were admitted on a motion. If “separate but equal” had been a reality, I should have been admitted on a motion, too, because the State of Alabama had paid a portion of my tuition, room and board at Western Reserve University in lieu of admitting me to the University of Alabama law school. So, if they had given me an equal education, I should have been given an equal bar entry. But there I was at 8 A.M. with the other would-be Alabama lawyers.

Actually, I really didn’t mind taking the exam. I felt that I had prepared myself well from the very first day I entered law school. I had always kept good notes, I had studied hard in the weeks leading up to the exam, and I was ready and eager.

Only one other African American was taking the exam that day. I do not recall the man’s name, but he lived in Louisville, Kentucky, and his intention was to return to Louisville to practice. I never learned whether he had succeeded.

In those days, as now, the Alabama bar exam covered three days. It was

completely an essay-type examination. Each day's session was divided into a morning part and an afternoon part, covering some fifteen subjects in all.

The examinees received their exam booklets, and we began to work, each retreating into his—there were no women—own world, scarcely looking at or noticing his fellows.

I approached this exam as I had the Ohio bar exam and my examinations during law school. I read the questions carefully, tried to analyze the issues, made a brief outline of my answer, and then proceeded to answer the question in the booklet. As I had anticipated, the major difference between the Alabama and Ohio examinations was in the areas of civil procedure and domestic relations. I found absolutely nothing in the examination that indicated any disparity in Alabama law toward the treatment of black and white citizens.

At the conclusion of the first day of the exam, I was completely exhausted and didn't even want to think about the next day. After a good night's rest, I was refreshed and went back the second day with the determination to give it my very best. At the conclusion, I felt comfortable that I had been reasonably familiar with the material. I believed if the examiners would grade the papers fairly, that I had written a good paper and should pass.

After having taken both the Ohio and Alabama bars, I was completely exhausted, frustrated and at wits' end. Where to begin? There was no place in Montgomery for an African American lawyer in those days to get a job working in a legal office. I knew that the white lawyers would not employ me. There were no doors open in city, county, or federal government. African American law clerks were unheard of in Alabama at that time. The lone African American lawyer in town then was Charles Langford, and his practice was still young and very limited. However, years later, we became law partners and continued to practice law together until his death.

I simply had to wait it out. I hesitated to contact too many of the local residents out of fear that I may have failed the bar. If I didn't pass, I did not want to be placed in a position of having talked to people about being a lawyer and then not making it.

Not knowing the results of either of the two bar exams made me very restless. Unable to stand the inactivity, I told my mother that I was go-

ing back to Cleveland. On my way back north I visited Robert Woods, a high school friend in Gallatin, Tennessee. I spent some days with Bob, and on the designated day made a call to Columbus, Ohio. I called from a pay phone and was informed that I had passed the Ohio bar exam. I said goodbye to Bob and caught a segregated bus to Cleveland to be sworn in on the appropriate day.

### MY FIRST CLIENT, AUGUST 1954

During that brief stay in Cleveland, I performed my first legal work. My high school classmate Obie Elie was in the demolition business in Cleveland. We had renewed our friendship while I was in law school. After I was sworn in as a member of the Ohio bar on August 26, 1954, I incorporated the Obie and Oliver Company as the first official piece of legal work of my career. I never billed for it and I was never paid. (Oliver was one of Obie's brothers and his business partner; both are now deceased.)

While still in Cleveland, I talked to my mother and she told me that I had a letter from the Alabama Bar Association. The letter is dated August 23, 1954, on letterhead of the Alabama State Bar, Board of Bar Commissioners, and signed by John B. Scott, Secretary, who stated the following:

Dear Mr. Gray: I take pleasure in advising you that you have passed the bar examination. It is now in order for you to take the oath of office as an attorney, which oath is enclosed herewith. Upon it being returned to me your name will be certified to the Supreme Court which will issue your license.

I had passed the Alabama bar! However, there was no swearing-in ceremony in Alabama at this time: the process simply entailed signing an oath before a notary public and returning it. As soon as I got back home to Montgomery from Cleveland, this was done, and my license to practice law in Alabama is dated September 7, 1954. I had reached a long-sought goal. I was now a lawyer in the state of Alabama.

Upon settling back in Montgomery, I began preparations to open an office. Interestingly, given how intimately my career would be connected

to the bus situation, I also took myself off the buses by buying my first car, a new tan 1954 two-door, stick-shift Ford.

At first I talked with attorney Charles Langford about the possibility of sharing offices with him. He then had an office at 131½ Monroe Street, upstairs in the building next door to Dean Drug Store, a business on the northwest corner of Monroe and Lawrence streets that had served the African American community since approximately 1888. I had nothing to offer Langford, so he wasn't too interested in my joining him at that time. Later he was to assist me in the legal work for the bus protest. We also became partners. Still later he was elected to the Alabama State Senate from a district that includes part of Montgomery County.

### THE OPENING OF MY LAW OFFICE, SEPTEMBER 1954

As it turned out, Dr. Solomon S. Seay Sr., a minister and the secretary-treasurer of the Home Mission Department of the African Methodist Episcopal Zion Church, came to my rescue. Dr. Seay occupied the upstairs offices of the building where Sears Auto Shop was located at 113 Monroe Street. He used only the front part of the building. The back part of the building was vacant. I talked with him and he agreed to sublease that space to me. Further, he stated that if I didn't have the rent every month he would understand. The rent was \$50 per month. It was a substantial amount considering that I had no financial resources.

Sharing offices next to Dr. Seay proved to be a significant asset. He was a man of great knowledge and wisdom. For the next few years he was to serve as my adviser, and, for all practical purposes, he was like a father to me. He gave sound advice and referred many clients, including my first wrongful death case. Later, I invited his son, Solomon S. Seay Jr., to practice law with me and we worked together for many years on many of our civil rights cases. Many years later, Dr. Seay wrote me a letter reflecting on our relationship during those early years. He said:

. . . Last night during the 10:00 clock news I was asleep until you spoke. I heard your voice in my sleep and it awakened me. I felt proud almost to tears. Perhaps this is hard to understand on your part. I say this because



so many people so often never understand the kind of person I am.

I lay in bed reminiscing first concerning you and your wife before marriage and your youthful anxieties. I thought of the factors that had to do with your determination, therefore, your goals and ultimate achievements. I remembered some things I said to you, I am sure perhaps you have forgotten.

One day I said to you: "Fred if you will continue to work hard and trust God you will make it." Those were dark days. Another time I added the following: "As you work be sure to get your fees!" I remember this one mainly because I have been such a poor example of it.

There have been three things in your favor: (1) You were born with native qualities with which to face the disadvantages confronting you. (2) You were identified with the church of your choice. (3) You married the girl that loved you and was prepared in spirit to face life with you, whatever it was like.

Well, I am Solomon S. Seay Sr. I am 72 years old. I have been preaching 51 years. I have tried to light a candle for every person traveling the dark slippery road over which I also have had to travel. I have felt the urge to put a thorn in no person's bosom even those whom I have considered unfriendly. I have tried not to be a burden to those whom I have considered friendly. In the most trying times I have never begged an enemy for mercy. I have never felt ashamed to serve in what our cultural standards would consider to be small places, for to me stations in life never make real persons. Real persons are what they are wherever they are.

. . . I shall always remember you.

Dr. Seay was a great man and he greatly inspired me to be the best. His autobiography, *I Was There by the Grace of God*, was published in 1990.

Bernice played a major role in helping me to open my law office. I borrowed some of Nesbitt Elmore's books so that the office looked like a law office when I had an open house. I invited church people, former teachers and classmates, and basically everybody that I could think of.

One of my former college classmates, Mrs. Bennye Black Reasor, assisted with the selection of office stationery. We were classmates at Alabama

State. She later was a high school instructor and an instructor at Trenholm Technical College and Alabama State University. Her daughter Joanne came to be employed as a secretary in our Montgomery office for a while. A nice group came to my open house. The next day I returned Mr. Elmore's books.

I was now open and ready to do business. I was also ready to pursue my secret goal of "destroying everything segregated I could find."