

Browder vs Gayle: The Women Before

Learn about the legal battle that made the Montgomery Bus Boycott successful.

by Tim Walker



It is Montgomery, Alabama, in 1955. An African American woman boards a city bus downtown. She sits down in the first available seat. When White passengers begin boarding, the bus driver orders her to get up and surrender her seat.

Tired of being pushed around, she refuses. After repeated warnings, the bus driver calls the police. She is arrested for violating city segregation codes and removed from the bus.

This act of defiance in the face of racial segregation is one of the most significant moments of the past 50 years, a watershed event in the Civil Rights Movement. Thousands of schoolchildren could name this courageous woman.

Or could they?

Rosa Parks' civil disobedience on a bus in 1955 was unquestionably the event that galvanized the African American activist community into organizing a successful boycott of the Montgomery City bus system.

But the incident described above could be the story of a number of brave, mostly unheralded African American women in Montgomery who refused to yield their bus seats to White patrons — months before Rosa Parks' actions on December 1, 1955.

It was four women in particular — Aurelia Browder, Susie McDonald, Claudette Colvin and Mary Louise Smith — who served as plaintiffs in the legal action challenging Montgomery's segregated public transportation system.

It was their case — *Browder v. Gayle* — that a district court and, eventually, the U.S. Supreme Court would use to strike down segregation on buses.

Probably the most well-known of the four plaintiffs was Claudette Colvin. A 15-year old student at Booker T. Washington High School, she boarded a bus on March 2, 1955. After refusing to give up her seat to a White man, Colvin was handcuffed, arrested and forcibly removed from the bus, as she screamed that her Constitutional rights were being violated.

Colvin was active in the NAACP's Youth Council and was advised by none other than Rosa Parks. ("Mrs. Parks said always do what was right," she remembered years later.)

The NAACP and other activists were initially excited at the prospect of organizing a boycott and civil action around Colvin's case. Momentum waned when E.D. Nixon discovered that Colvin was several months pregnant.

Nixon and local attorney Fred Gray were apprehensive about asking conservative-minded African American churches to fight on behalf of Colvin, who was also prone to outbursts and cursing. Many of the charges against Colvin were dropped and a boycott and legal case never materialized.

Still, community leaders knew that the time was ripe to challenge segregation. The Colvin case, Douglas Brinkley writes in *Rosa Parks*, "proved a good dress rehearsal for the real drama shortly to come."

The African American community needed a citizen whose character was unimpeachable, a "pillar of the community." Nine months later, on December 1, 1955, Rosa Parks — unbeknownst to her — would become that person.

Claudette Colvin reemerged when, two months after the Montgomery Bus Boycott began, attorneys Gray, Nixon and Clifford Durr searched for the ideal case to challenge the constitutional legitimacy of city and state bus segregation

laws. Durr believed that an appeal of Mrs. Park's case would just get tied up in the Alabama state courts.

So Gray approached Browder, Colvin, McDonald and Smith, who had been mistreated by the bus system the previous year. They agreed to become plaintiffs in a civil action, and on February 1, 1956, *Browder v. Gayle* was filed in U.S. District Court.

The specific legal question before the court was whether the segregation of the Whites and Blacks on so-called "privately" owned buses operated by the City of Montgomery violated the Fourteenth Amendment of the U.S. Constitution.

On June 19, 1956, the three-judge panel ruled that Montgomery segregation codes "deny and deprive plaintiffs and other Negro citizens similarly situated of the equal protection of the laws and due process of law secured by the Fourteenth Amendment." The court essentially decided that the precedent of *Brown v. Board of Education* (1954) could be applied to *Browder*. The U.S. Supreme Court affirmed the decision in December 1956.

With the nation's highest court now on their side, the victorious African American community in Montgomery joyously ended the bus boycott.

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Name

1. "Momentum **waned** when ED Nixon discovered that Colvin was several months pregnant." What does **waned** mean?

- a. to whine and complain
- b. to gradually decrease in size
- c. to gradually increase in size
- d. to leave behind

2. "...who was also **prone** to outbursts and cursing." What does **prone** mean?

- a. lying face down
- b. lying face up
- c. having a tendency toward
- d. loudly

3. "The African American community needed a citizen whose character was unimpeachable, a '**pillar of the community.**'" What does a "**pillar of the community**" refer to?

- a. an upright structure
- b. a nature formation
- c. a chief supporter of a state
- d. short parts for spacing

4. Explain Douglas Brinkley's statement that the Colvin case "proved to a dress rehearsal for the real drama shortly to come." 4 pts

5. Explain why Clifford Durr would have thought that Park's case would have been tied up in the Alabama state courts. 2 pts
