

## “Powers Unusual”

### *Brown v. Board of Education* and the Modernization of Law Enforcement in Florida

By Anders Walker

The federal courts are not a hollow hope. While scholars like Gerald Rosenberg have derided *Brown v. Board of Education* for failing to transform southern public schools, critics have not looked closely enough at the ruling’s positive outcomes in other areas.<sup>1</sup> As this article will illustrate, *Brown* encouraged southern states to modernize their criminal justice systems, remove power from local sheriffs, and reduce vigilante violence against African Americans. To anyone familiar with the role of such violence in maintaining white supremacy prior to *Brown*, this aspect of the ruling’s impact alone is worth recovering.<sup>2</sup>

While a variety of southern states could be used to tell the story of *Brown*’s impact on southern policing, Florida proved perhaps the most generative.<sup>3</sup> By 1958, both North Carolina and South Carolina had drawn direct inspiration from Florida, modeling their own tactics on those developed in the Sunshine State. Much of this had to do with the leadership of Governor LeRoy Collins (January 1955–January 1961). Aware that racial violence could jeopardize the finances, future, and sovereignty of his state, Collins worked closely with teams of legal experts to centralize, modernize, and improve law enforcement in Florida.

To show how *Brown* inspired Collins to transform policing in his state, this article will proceed in three parts. Part I will provide a brief background of Collins. Part II will show how Collins undermined the autonomy of local sheriffs while deploying state police to track white extremists and curtail black



Leroy Collins, governor of Florida, January 1955–January 1961.

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<sup>1</sup> Gerald N. Rosenberg, *Hollow Hope: Can Courts Bring About Social Change?* (Chicago: University of Chicago Press, 1991).

<sup>2</sup> William D. Carrigan, *The Making of a Lynching Culture: Violence and Vigilantism in Central Texas, 1836–1916* (Urbana: University of Illinois Press, 2004); Christopher Waldrep, *Roots of Disorder: Race and Criminal Justice in the American South, 1817–1880* (Durham: Duke University Press, 1998); W. Fitzhugh Brundage, *Lynching in the New South: Georgia and Virginia, 1880–1930* (Urbana: University of Illinois Press, 1993); Robert L. Zangrando, *The NAACP Crusade Against Lynching, 1909–1950* (Philadelphia: Temple University Press, 1980). I use the word modernize loosely, as a general term for increased regulation of local, popularly elected, autonomous sheriffs. Because the vehicle for this regulation was state police, centralization was a key factor in the modernization process.

<sup>3</sup> For more examples, see Anders Walker, *The Ghost of Jim Crow: How Southern Moderates Used Brown v. Board of Education to Stall Civil Rights* (New York: Oxford University Press, 2009).

activists. Part III will show how Collins's efforts drew the attention of future President Lyndon Johnson, who later tapped Collins to defuse racial tension in more recalcitrant states, most notably Alabama. Though frequently overlooked, Collins's role in brokering a peaceful resolution to the second march over the Edmund Pettus Bridge in Selma, drew from his work with policing in Florida.

## Background

Born in Tallahassee on March 10, 1909, LeRoy Collins came from modest beginnings. He grew up working in his father's general store, attended public schools, and forwent university for a one-year degree at Eastman Business College in Poughkeepsie, New York. Eastman, one of the first business schools in the country, enjoyed considerable respect in the South at the time; a destination for southern students eager to glimpse the commerce and industry of the urban North. For Collins, Eastman proved not only a primer in northern business arts but an opportunity to venture north, visit New York City and even appear in theatrical productions at then all-female Vassar College.<sup>4</sup>

Whether such diversions impacted the young Floridian's racial views is unlikely. Many years later, for example, Collins noted that even after returning to Tallahassee from Poughkeepsie he did not question the moral underpinnings of segregation. "I did not see, for many years," he noted in 1969, "that right and justice had anything to do with segregation."<sup>5</sup> Collins also claimed that he did not see much black support for dismantling Jim Crow. "Like many other privileged whites," noted Collins, "I rationalized that Negroes actually preferred it that way."<sup>6</sup>

Shortly after the outbreak of World War II, Collins enlisted in the United States Navy and shipped off to the West Coast, first to California then Seattle as a Navy lawyer. While there, Collins watched as the federal government sanctioned the internment of thousands of Japanese Americans, suspending their constitutional rights in the process. Though the rationale behind the internment (and segregation) of Japanese Americans was certainly different from the rationale behind Jim Crow, the fact that California voters endorsed the move only reinforced Collins's notion that segregation and justice were not mutually exclusive.<sup>7</sup>

After the war, Collins returned to Tallahassee to practice law and run for political office. His interest in politics stemmed not so much from his experiences in the Navy as his time at Eastman and his memories of growing up in Florida during the Great Depression. During the 1930s, he had helped found a Junior Chamber of Commerce and something called the "Catfish Club," an organization designed to bring progressive reform to Tallahassee, inspired, in part, by Franklin

<sup>4</sup> Eastman was founded by Poughkeepsie Mayor Harvey G. Eastman, a contemporary of Matthew Vassar, in 1859 during an era when business education was left to private interests. For more on Collins's background, see LeRoy Collins and Robert H. Akerman, *The Man in the Middle: A Story of America's Race Crisis*, unpublished manuscript, LeRoy Collins Papers, Claude Pepper Library, Florida State University (hereinafter Collins Papers, FSU), and Tom R. Wagy, *Governor LeRoy Collins of Florida: Spokesman for the New South* (Tuscaloosa: University of Alabama Press, 1985), 3–34.

<sup>5</sup> Collins and Akerman, *The Man in the Middle*, 42.

<sup>6</sup> Ibid.

<sup>7</sup> Wagy, *Governor LeRoy Collins*, 18–33.

Delano Roosevelt's New Deal. Collins's positive view of the New Deal, augmented by the fact that he worked briefly for Roosevelt's Works Progress Administration, probably did impact his later conciliatory approach to the federal government after *Brown*. It might even have convinced him that cooperating with the federal government could lead to substantial increases in federal funding, capable of spurring economic growth.<sup>8</sup>

While World War II helped liberalize the federal government's official position on racism, it did little to change Collins's views of segregation. "Our goodness presupposed that the Negro had his place, and that he would stay in it," wrote Collins in his memoirs, referring to his views of race in the 1940s and 1950s. "We expected Negroes to be somewhat inferior and irresponsible."<sup>9</sup> Collins did not begin to articulate a shift in this opinion until the 1960s, with the onset of the direct action phase of the civil rights movement. "My new view of the race problem came slowly," he wrote in 1969, "For me there was no sudden realization, no blinding vision, no seizure on the road to Damascus."<sup>10</sup> While such a confession provides insight into Collins's mindset in the 1960s, it also reveals the extent to which he, like most white southerners at the time, did not understand the ethical basis of *Brown*. Even southern moderates who came of age in the 1940s and '50s did not see links between racial segregation, as they practiced it, and racial repression.<sup>11</sup> To take just another Collins example, in a lighthearted poem about growing up in Tallahassee, the governor described local attitudes towards African Americans not as a deep-seated hatred, but a type of bemused wonder at the Negroes' "funny ways of shanty living."<sup>12</sup> This description arguably captured the casual manner in which most white southerners perceived the black plight in the South. In their minds, black poverty was not the product of decades of systematic legal repression so much as a deficiency of talent and ambition. An opinion poll taken in Florida during the summer of 1954 suggests that 75 percent of white Floridians actually believed that most blacks were in favor of segregation.<sup>13</sup> To them, the idea of dismantling it was outlandish, not something that could logically come from local blacks who were accustomed to "shanty living" but had to originate with meddling, northern groups like the NAACP who wanted nothing more than to destroy the South's racial harmony for its own ill-considered political gain.

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<sup>8</sup> Collins ran successfully for the state House of Representatives in 1934, shortly after graduating from law school. At the time, he was only 25. From 1935 until his election to governor in 1954, with a brief hiatus during World War II, Collins served in the state legislature, first as a representative and then as a senator. Wagy, *Governor LeRoy Collins*, 3–17.

<sup>9</sup> Collins and Akerman, *The Man in the Middle*, 44–45.

<sup>10</sup> Ibid., 47.

<sup>11</sup> Collins's willingness to reflect on his early views of segregation, something that he did in his unpublished memoirs, provides a rare window into the mind of a moderate southern governor in the 1950s. It is also worthy of some comment. Unlike Luther Hodges and J. P. Coleman, who never expressed any regret or remorse over the racial views that they held in the 1950s, Collins underwent something of a public transformation in his racial views in the 1960s. This transformation, which helps explain why he lost a race for the Senate in 1968, began gradually, beginning in the early 1960s, and coincided roughly with the victories of the civil rights movement. As Collins later explained it, these victories educated him about the plight of blacks in the South. Prior to this education, he admitted willingly, he simply had not seen segregation in a discriminatory light, nor had he seen African Americans as an oppressed class. One of Collins's first public assertions that segregation was morally wrong occurred during a 1960 speech after the first round of sit-ins in Tallahassee. LeRoy Collins, Interview, Jack Bass and Walter De Vries, May 19, 1974, Tallahassee Florida, Southern Oral History Program, #4007, Southern Historical Collection, University of North Carolina at Chapel Hill (hereinafter SHC, UNC); Collins and Akerman, *The Man in the Middle*, 47.

<sup>12</sup> LeRoy Collins, *Forerunners Courageous: Stories of Frontier Florida* (Tallahassee: Colcade Publishers, 1971), 88.

<sup>13</sup> This became obvious during a sociological study conducted by Lewis M. Killian during the summer of 1954. See Lewis M. Killian, *Black and White: Reflections of a White Southern Sociologist* (Dix Hills, NY: General Hall, 1994), 80–81.

Collins's confession that he held decidedly southern views of segregation while he was governor helps provide some context for understanding his statist response to *Brown*. It also helps illustrate an oft-overlooked fact of the politics of the period, namely that for most whites the struggle over desegregation was anything but a one-dimensional battle between forces of good and evil for simple justice. In fact, as Collins's memoirs reveal, the struggle against *Brown* was, in the opinions of many whites at least, a justifiable attempt to help blacks and preserve peace. Like an overwhelming majority of his white constituents, Collins possessed a peculiarly one-sided view of southern history, particularly the manner in which legal segregation had emerged in the 1890s. Though aimed in part at destroying black political power, Collins shared the view of southern progressives who believed that segregation reduced interracial tensions and halted "dangerous social conflict."<sup>14</sup> This view, though challenged by black scholars like W.E.B. Du Bois in the 1930s, was the dominant view in the nation during Collins's formative years.<sup>15</sup> Consequently, the idea that Jim Crow was repressive would probably have sounded alien to Collins even in 1954, as would claims that Jim Crow had played a central role in crushing a rising black middle class in the 1890s.<sup>16</sup> That there had even been a rising black middle class in the 1890s was not something that he learned in white schools, nor was it something that African Americans told him while growing up in the 1910s and 20s. In fact, Collins's limited contact with the black community in Tallahassee probably only reinforced his faith in legal segregation. If he did have contact with blacks, it was usually with black employees who were unlikely to risk their positions by complaining of white racism, or agents of black schools, like Florida A&M football coach Alonzo "Jake" Gaither who stood to lose his job if schools were integrated. Insulated from more militant black leaders like Tallahassee Reverend C. K. Steele, Collins was left, like many whites in the South, to draw conclusions about black life based on prejudice, limited information, and a historically distorted view of race.

Under these circumstances, Collins actually came to think of public school integration as a "ridiculous" objective that actually obfuscated the true needs of blacks, needs that extended to housing, jobs, moral standards, and health, all of which he believed could be better addressed through progressive social—albeit segregated—policy.<sup>17</sup> Collins's "progressive" view of Jim Crow helps explain why he fought to preserve it. It also helps explain how he could resist *Brown* and at the same time endorse causes sympathetic to blacks. For example, early in his career Collins endorsed a bill prohibiting members of the Ku Klux Klan from wearing masks during public demonstrations in 1951.<sup>18</sup> He also fought against efforts to retain Florida's white primary, which kept blacks from voting in primary elections, and was the first candidate for governor to enter segregated black communities and campaign for black votes.<sup>19</sup>

<sup>14</sup> Michael McGerr, *A Fierce Discontent: The Rise and Fall of the Progressive Movement* (New York: Oxford University Press, 2003), 183.

<sup>15</sup> For a brief discussion of national attitudes toward Reconstruction during the first two decades of the 20th century see C. Vann Woodward, *The Strange Career of Jim Crow* (New York: Oxford University Press, 1955), 69–74. Claude Bowers, *The Tragic Era* (New York: Houghton Mifflin, 1929). For one of the first challenges to the argument that Reconstruction was corrupt, see W.E.B. Du Bois, *Black Reconstruction* (New York: Harcourt Brace, 1935).

<sup>16</sup> For more on Jim Crow's impact in Florida see, Paul Ortiz, *Emancipation Betrayed: The Hidden History of Black Organizing and White Violence in Florida from Reconstruction to the Bloody Election of 1920* (Berkeley: University of California Press, 2005). See also Nancy A. Hewitt, *Southern Discomfort: Women's Activism in Tampa, Florida, 1880s–1920s* (Urbana: University of Illinois Press, 2001).

<sup>17</sup> Collins called integration ridiculous in an article written for *Look* magazine in 1958. See LeRoy Collins, "How It Looks from the South," *Look*, May 27, 1958, 92.

<sup>18</sup> Wagy, *Governor LeRoy Collins*, 32.

<sup>19</sup> Collins and Akerman, *The Man in the Middle*, 40.

Yet, when the Supreme Court issued its ruling in *Brown* on May 17, 1954, candidate Collins stood firmly against it. As governor, he issued a statement in April 1955 asserting that segregation was Florida's "custom and law" and that he would use all legal means available to him to preserve it.<sup>20</sup> Later, Collins confessed to believing that *Brown* was actually a "screwball opinion" and that "smart lawyers [would] figure ways to get around it."<sup>21</sup> This last claim manifested itself in a decision by Collins to appoint several teams of legal experts to provide him with policy guidance, a move that profoundly influenced his approach to modernizing law enforcement in the state.

### **Collins Responds to *Brown***

On July 16, 1956, a special committee of lawyers assigned by Governor Collins to handle the desegregation crisis recommended that he dramatically increase his emergency police powers.<sup>22</sup> Not long thereafter, Collins introduced legislation authorizing him to close public spaces, declare emergencies, and order state troopers to take over the handling of crisis situations.<sup>23</sup> This expansion of the governor's powers worried many, including political rival C. Farris Bryant who declared that the bill gave the chief executive "powers unusual for a governor in a Democratic society."<sup>24</sup> Unfazed, Collins requested emergency funds for hiring 100 new state troopers, all of whom would be under his direct control.<sup>25</sup> This too garnered criticism. According to state senator Harry O. Stratton, increasing the number of highway patrolmen was unnecessary. "On any given day you can drive to Duval County and see five patrolmen sitting with their feet on a desk reading a magazine," he joked.<sup>26</sup> Underlying Stratton's humor was a more serious concern, the likely detrimental effect that state troopers might have on local autonomy. "There is not a sheriff who gets along with the highway patrol," he warned legislators, "and there is not a patrolman who gets along with the sheriffs."<sup>27</sup>

Collins recognized that state troopers and sheriffs did not necessarily get along, but felt little sympathy for local law enforcement. In fact, he personally encountered problems with local law enforcement in 1956 after he commuted the death sentence of a black man named Walter Lee Irvin.<sup>28</sup> Irvin, who had been convicted for kidnapping and rape, appealed to the United States Supreme Court and received an order for a new trial.<sup>29</sup> Before the trial was held, however, Lake County Sheriff Willis McCall drove Irvin to an isolated rural area and shot him, claiming that he had tried to escape. Although Irvin survived, news of the shooting attracted international attention, leading Andrei Vishinsky, the chief Soviet delegate to the United Nations to criticize

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<sup>20</sup> "Governor LeRoy Collins: Address to the Legislature," Apr. 1955, reprinted in "Excerpts from Report of Saul A. Silverman, Staff Assistant to the Fowler Commission on Race Relations," Collins Papers, FSU.

<sup>21</sup> LeRoy Collins, Interview, Bass and De Vries, May 19, 1974, SHU, UNC, 12.

<sup>22</sup> "4-Point Legislative Plan Recommended; Supreme Court Hit," *Tallahassee Democrat*, July 16, 1954, 1.

<sup>23</sup> Malcolm Johnson, "Under the Dome," *Tallahassee Democrat*, July 26, 1956, 1.

<sup>24</sup> "School Assignment Bill Passes House by 93-1, Senate Approves Four Race Bills," *Tallahassee Democrat*, July 24, 1956, 1.

<sup>25</sup> Ibid.

<sup>26</sup> "\$7.5 Million is Voted in Emergency Funds," *Tallahassee Democrat*, July 24, 1956, 2.

<sup>27</sup> Ibid.

<sup>28</sup> Steven F. Lawson, David R. Colburn, and Darryl Paulson, "Groveland: Florida's Little Scottsboro," in *The African American Heritage of Florida* (Gainesville: University Press of Florida, 1995), David R. Colburn and Steven F. Lawson, eds., 318.

<sup>29</sup> *Shepherd v. Florida*, 341 U.S. 50 (1951).



Governor Leroy Collins signs the Florida Highway Patrol bill into law on June 21, 1955.

woman, did not forget the incident, nor did he forget McCall's flagrant disrespect for his authority.<sup>33</sup>

The Irvin case reinforced Collins's aversion to local sheriffs who were more interested in winning local elections than preserving racial peace. To Collins, preserving peace was vital to preventing forced integration. By the time Collins was inaugurated in January 1955, his attorney general, Richard W. Ervin had already laid the foundations for a moderate, long-term strategy of delay that hinged on preventing racial violence. The first step in this campaign was convincing the Supreme Court to allow the South an indefinite period of time to adjust to the idea of interracial schools, before it actually had to integrate them. To accomplish this goal, Ervin commissioned a sociological study in the summer of 1954 to prove that integration would lead to violence and unrest. For Ervin, the Supreme Court's reliance on social science evidence in *Brown* suggested that a southern response, also rooted in social science evidence, might make a convincing case for delay. Consequently he commissioned Lewis M. Killian, a sociology professor at Florida State University, to conduct a study of the potential impact that desegregation would have on white communities in the state. Killian, who still lived in the "dream world," as he would later put it, of accepting segregation as a fact of life, agreed to conduct the study and took inspiration from Kenneth B. Clark, the sociologist who had testified on behalf of the NAACP in *Brown*. Relying on an observation made by Clark that the success of integration would hinge on white leadership, Killian decided to conduct a leadership survey in Florida, partly to gauge the extent to which community leaders might go to resist *Brown*.<sup>34</sup>

<sup>30</sup> Lawson, "Groveland: Florida's Little Scottsboro," 315.

<sup>31</sup> Michael J. Klarman, *From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality* (New York: Oxford University Press, 2004), 275–77; Lawson, "Groveland: Florida's Little Scottsboro," 192–93.

<sup>32</sup> Lawson, Colburn, and Paulson, "Groveland: Florida's Little Scottsboro," 318.

<sup>33</sup> Collins and Akerman, *Man in the Middle*, 54–60.

<sup>34</sup> For more on the study, see Killian, *Black and White*, 76. For a brief description of Florida's cabinet system, see David R. Colburn and Richard K. Scher, *Florida's Gubernatorial Politics in the Twentieth Century* (Tallahassee: University Presses of Florida, 1980), 110. Members of the governor's cabinet, like the attorney general, were not appointed by the governor but independently elected. This meant that cabinet members could remain in office even while governors changed, resulting in a bizarre type of seniority over state governors. Colburn, *Gubernatorial Politics*, 110.

Florida's criminal justice system.<sup>30</sup> By the time Collins reviewed the case, he found little evidence supporting Irvin's guilt, suspected McCall of trying to murder him, and commuted his sentence.<sup>31</sup> Outraged, Sheriff McCall orchestrated a confrontation between the governor and the victim of the alleged rape on February 22, 1956.<sup>32</sup> Collins, who endured a harangue by the

Three remarkable results emerged from the study. One was a dramatic contrast between white perceptions of segregation as an acceptable institution that blacks themselves supported, and black beliefs that *Brown* was a moral opinion that only a minority of whites opposed. According to his findings, Killian concluded that 75 percent of African Americans actually believed that most whites felt the decision was right, while 75 percent of whites actually believed that most blacks supported segregation.<sup>35</sup> Such glaring interracial misunderstandings indicated the South was headed for conflict, a conclusion reinforced by surveys of white police who feared that integration would breed violence so intense that law enforcement would not be able to control it.<sup>36</sup>

Killian's findings on police opposition to desegregation became a matter of particular interest to LeRoy Collins. Suspicious that local law enforcement did not really want to control unrest, Collins endorsed the creation of a Sheriffs' Bureau, a centralized state agency designed to monitor local law enforcement.<sup>37</sup> “[M]any sheriffs had developed a sense of power and jurisdictional arrogance,” remembered Collins, “that would not tolerate ‘outside’ pressures for more efficient law enforcement.”<sup>38</sup> The Bureau, which would eventually evolve into Florida’s Department of Law Enforcement, or FDLE, initiated a statewide teletype and radio network, created a centralized database of criminal records, and gave Collins the power to order criminal investigations himself.<sup>39</sup>

One of the Bureau’s first targets was John Kasper, a segregationist who had incited a race riot in Clinton, Tennessee, over the integration of a local high school in the late summer of 1956.<sup>40</sup> One of Collins’s assistants wrote a memo to him about the Clinton violence, searching for an “effective way of dealing with so-called ‘outside agitators.’”<sup>41</sup> Collins recommended that state troopers be assigned the job of tracking Kasper. Collins’s legal advisors suggested that if local sheriffs detected “any indication of public commotion” or other racial unrest that they should be required to notify the governor.<sup>42</sup> If such “commotions” threatened to get out of hand, Collins’s advisors suggested that the Sheriff’s Bureau contact local law enforcement and inform them that they were being placed under direct gubernatorial control. “At all stages of any disturbance, local advisers

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<sup>35</sup> Lewis M. Killian, “The Report and Conclusions,” filed with “Amicus Curiae Brief of the Attorney General of Florida,” *Brown et al. v. Board of Education of Topeka*, Oct. 1, 1954.

<sup>36</sup> Ibid.

<sup>37</sup> LeRoy Collins, Press Conference, Thursday, Feb. 12, 1959. LeRoy Collins Papers, FSU.

<sup>38</sup> LeRoy Collins, “Law-Enforcement Agencies Should be Proud of Teamwork,” *St. Petersburg Times*, Sept. 5, 1988, copy in Collins Papers, Box 466, Folder: “St. Pete Times Articles by Collins, 1988,” University of South Florida, Tampa, Florida (hereinafter Collins Papers, USF, Tampa).

<sup>39</sup> LeRoy Collins, “Law-Enforcement Agencies Should be Proud of Teamwork,” *St. Petersburg Times*, Sept. 5, 1988, copy in Box 466, Folder: “St. Pete Times Articles by Collins, 1988,” Collins Papers, USF, Tampa. On October 6, 1956, Collins’s assistant Joe Grotegut asked John Wigginton, to contact the Sheriff’s Bureau and go ahead with the plan of notifying police about potential protests—but not to advertise it. “[T]he Sheriffs contacted,” Grotegut ordered, “should understand, of course, the necessity for treating the matter on a confidential basis.” Joe Grotegut to John Wigginton, Oct. 6, 1956, Series 776, Box 32, Segregation Bi-Racial Commission Folder, LeRoy Collins Papers, Florida State Archives, Tallahassee, Florida (hereinafter Collins Papers, FSA).

<sup>40</sup> Kasper ignited what historian Michael Belknap would later call the worst outbreak of anti-integration violence that fall. Michael R. Belknap, *Federal Law and the Southern Order: Racial Violence and Constitutional Conflict in the Post-Brown South*, (Athens: UGA Press, 1987), 29.

<sup>41</sup> Memo from Joe Grotegut to LeRoy Collins, Sept. 11, 1956, Series 776, Box 32, Segregation Bi-Racial Commission Folder, Collins Papers, FSA.

<sup>42</sup> “Governor’s Committee on Race Relations Operating Procedure”, attached to letter from John Wigginton to Joe Grotegut, Mar. 11, 1957, Series 776, Box 117, Segregation/Race Relations Folder, Collins Papers, FSA.

shall be subject to twenty-four hour call, with means of communication clearly made known to both the Executive Secretary and the governor's office.”<sup>43</sup>

In addition to controlling white agitators, Collins also used his executive emergency powers to corral black protest. Early on the morning of January 1, 1957, rocks crashed through the front window of a small house in Tallahassee owned by black activist Reverend Charles K. Steele. Originally from Montgomery, Alabama, Steele had become well known in Tallahassee for leading a highly publicized bus boycott, which began when two black students at Florida Agricultural & Mechanical College refused to move to the back of a local bus. Six months after the protest began, Steele’s house was vandalized. That same night, shotgun blasts were fired at a black grocery store owned by relatives of Reverend Daniel Speed, another local activist.<sup>44</sup>

Though Collins had no mandate to intervene in local crimes against blacks, this was different. Using the special emergency powers granted him by the state legislature the year before, Collins ordered all buses in Tallahassee stopped as of January 1, effectively ending the boycott.<sup>45</sup> Rather than side with the victims of the attacks, Collins justified his action by blaming the leaders of the boycott, men like Reverends Steele and Speed, for provoking the violence. “[I]rresponsible Negro leadership,” declared Collins on New Year’s Day, had driven “rabid pro-segregationists” into committing violence. To thwart such “irresponsible” leaders, “who seem to actually want to provoke incidents,” Collins terminated bus service.<sup>46</sup>

It was a remarkable response. Instead of allowing local law enforcement time to investigate the crimes and make arrests, Collins moved quickly to stop what he believed was the trigger of the attacks, the bus boycott. He even insinuated that black radicals were responsible for orchestrating the incidents. It would be almost 10 years before the civil rights movement would make the provocation of white violence a centerpiece of its direct action strategies, but Collins seemed to anticipate such moves already in 1957, immediately stifling the protest before it could draw any further attention.

Looked at institutionally, Collins’s rapid intervention in the Tallahassee bus boycott, coupled with his administration’s efforts to remove power from local sheriffs and centralize authority, represented a transformation in law enforcement in Florida. Collins’s innovations made it harder for rogue sheriffs to continue to operate unimpeded, differentiating Florida from states like Alabama, where local officials often went unchecked only to bring violence, outrage, and national scrutiny to their state. Montgomery Police Commissioner L.B. Sullivan’s refusal to protect freedom riders in 1961 made national headlines, as did Birmingham Police Commissioner Eugene “Bull” Connor’s decision to unleash dogs on black demonstrators in 1963, and Selma Sheriff Jim Clark’s personal attacks on civil rights protesters in 1965.

<sup>43</sup> Ibid.

<sup>44</sup> For more on the Tallahassee boycott see Glenda Alice Rabby, *The Pain and the Promise: The Struggle for Civil Rights in Tallahassee, Florida* (Athens: University of Georgia Press, 1999); Aldon Morris, *The Origins of the Civil Rights Movement: Black Communities Organizing for Change* (New York: Free Press, 1984), 63–68.

<sup>45</sup> For accounts of the attacks see Rabby, *Pain*; Tom R. Wagy, *Governor LeRoy Collins of Florida*. For the leadership of C. K. Steele and Daniel Speed, see Morris, *Origins of the Civil Rights Movement*, 42.

<sup>46</sup> LeRoy Collins, Proclamation Regarding Suspension of Bus Service in Tallahassee, Jan. 1, 1957, Box 116, Folder 12, Collins Papers, FSA.

LeRoy Collins was not alone in fearing such drama. On January 3, 1957, North Carolina Governor Luther Hodges wrote to Collins, requesting “a copy of the statute” that had expanded his emergency powers.<sup>47</sup> On that same day, South Carolina’s chief lawyer in charge of responding to *Brown*, David W. Robinson, wrote to Florida Attorney General Richard W. Ervin inquiring about the governor’s new emergency powers bill as well.<sup>48</sup> Several months later, South Carolina enacted a duplicate of Florida’s law, giving their governor the power to “order any and all law enforcement officers of the state or any of its subdivision to do whatever may be deemed necessary to maintain peace and good order.”<sup>49</sup>

Even federal officials took an interest in Collins’s work. In February 1959, a rising senator from Texas named Lyndon Baines Johnson invited Collins to Washington, DC, to get his advice on a bill establishing a conciliation service for diffusing civil rights unrest.<sup>50</sup> Though the bill did not go through, Johnson remembered Collins and tapped him to head a similar agency established by the Civil Rights Act of 1964.<sup>51</sup> Entitled the Community Relations Service (or CRS), the entity gained relatively undefined powers “to provide assistance to communities and persons therein in resolving disputes, disagreements, or difficulties relating to discriminatory practices.”<sup>52</sup> According to William J. Randall, a democratic representative from Missouri, the service would strive to replace “fanaticism and extremism” with “moderation” by sending “dispassionate men” into local communities to negotiate peaceful compromises without “marshals” or “troops.”<sup>53</sup>

Precisely because it focused on mediation rather than enforcement, the CRS gained a surprising amount of support from southern legislators who were otherwise adamantly opposed to civil rights reform.<sup>54</sup> In fact, after being dropped by the House Judiciary Committee, the CRS was resurrected via an amendment by Representative Robert T. Ashmore of South Carolina, an outspoken segregationist. Secretly hoping that the Civil Rights Act would fail, Ashmore included the CRS in the hopes that if the act did somehow survive a southern filibuster, the CRS would blunt its effect.<sup>55</sup>

### Collins Joins the Community Relations Service

A veteran of dealing with civil rights unrest in Florida, LeRoy Collins promised to help Lyndon Johnson rein in the civil rights movement. During a confirmation hearing held on July 7, 1964,

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<sup>47</sup> Luther Hodges to LeRoy Collins, Jan. 3, 1957, Box 116, Folder 12, Collins Papers, FSA.

<sup>48</sup> David W. Robinson to Richard W. Ervin, Attorney General, Jan. 3, 1957, Reel #1, David W. Robinson Papers, Special Collections, University of South Carolina School of Law.

<sup>49</sup> “Broad Powers on Buses Proposed by Governor,” *The State* (Columbia, SC) Mar. 1, 1957.

<sup>50</sup> Collins recounted some of the details of his meeting with then-senator Lyndon Johnson during a press conference February 12, 1959. “Of course we talked at great length about his overall interest in civil rights and his program in that area,” Collins told reporters, “He was very anxious to get the ideas that I had in respect to that, and I shared my feelings with him very freely.” LeRoy Collins, Press Conference, Feb. 12, 1959, Collins Papers, FSU.

<sup>51</sup> Transcript, “Nomination of LeRoy Collins to be Director, Community Relations Service, Department of Commerce,” U.S. Senate Commerce Committee, July 7, 1964.

<sup>52</sup> Civil Rights Act of 1964, Title X. Sec. 1002.

<sup>53</sup> “Civil Rights Bill Provides a \$20,000 ‘Peacemaker,’” *Chicago Tribune*, Feb. 28, 1964, 1.

<sup>54</sup> Robert D. Loevy, *To End All Segregation: The Politics of the Passage of the Civil Rights Act of 1964* (Lanham: University Press of America, 1990), 122–23.

<sup>55</sup> According to certain students of the bill, the inclusion of the CRS was a clear concession to conservatives who wanted to limit the potential impact of the CRA. Charles Whalen and Barbara Whalen, *The Longest Debate*, 120. See also Bertram Levine, *Resolving Racial Conflict: The Community Relations Service and Civil Rights, 1964–1989* (Columbia: University of Missouri Press, 2005), 13.



Former Governor Collins and President Lyndon Johnson, undated.

Collins asserted that the CRS would not engage in civil rights enforcement, but would instead seek to mediate disputes “after people are confronting each other.”<sup>56</sup> Collins clarified precisely what this meant in response to a question posed by Senator Norris Cotton of New Hampshire, one of the few northern opponents of the 1964 Civil Rights Act.<sup>57</sup> When Cotton asked Collins about black direct action protest, which as he put it “masquerades” as “civil disobedience,” Collins replied forthrightly that the CRS would do “everything in our power to avoid violence and disobedience.”<sup>58</sup>

Collins’s reiteration of disobedience was suggestive. While violence no doubt meant white violence, disobedience probably meant black protest. Such protest had been escalating in the South during the weeks immediately prior to Collins’s testimony, particularly in Florida. In St. Augustine dramatic night marches drew opposition from extremists within the local white community. On May 27, 1964, over 50 Ku Klux Klan members confronted marchers, threatening violence. On May 28, a white mob attacked newspaper reporters trying to cover a second night march and injured two. On June 10, an even larger mob tried desperately to break through police lines and attack marchers, reaching a few.<sup>59</sup>

Collins revealed his opinion of such confrontations during his confirmation hearing in the Senate. In response to a question from South Carolina Senator Strom Thurmond on whether the CRS would push local communities “to integrate,” Collins responded no, arguing simply that the CRS would try to keep confrontations “out of the courts” and “out of the streets.”<sup>60</sup> Keeping the movement out of the streets likely meant bringing an end to the kind of radical direct action protest that had been plaguing Florida over recent weeks. Keeping the movement out of the courts probably meant preventing black lawyers from using the courts to further such protest. This had also become a problem in St. Augustine as civil rights attorneys William Kunstler and Tobias Simon had persuaded a federal district judge to allow the night marches in the name of the civil rights activists’ first amendment rights. Despite the obvious risks involved in such a proposition, Federal District Judge Bryan Simpson issued an injunction overruling a local ban

<sup>56</sup> “Nomination of LeRoy Collins to be Director, Community Relations Service,” July 7, 1964.

<sup>57</sup> Whalen and Whalen, *The Longest Debate*, 215.

<sup>58</sup> “Nomination of LeRoy Collins to be Director, Community Relations Service,” July 7, 1964.

<sup>59</sup> As if this were not bad enough, many suspected that local sheriff L. O. Davis was deputizing members of the Ku Klux Klan to deal with the protestors. “Police-Klan Ties Hinted at in Florida,” *New York Times*, June 3, 1964, “2 Hurt in Clash in St. Augustine,” *New York Times*, May 29, 1964, 10. While local police claimed to be protecting the demonstrators, evidence exists to suggest that some participated, or at the very least allowed, attacks against them. “Nightriders Fire on Dr. King’s Aide,” *New York Times*, May 30, 1964, 14. Partly in response to this, Governor Farris Bryant sent state troopers into the city to reinforce local police. “Florida Sheriff Called Klan Ally,” *New York Times*, June 4, 1964, “Marchers Beaten in St. Augustine,” *New York Times*, June 10, 1964, 1; “Race Groups Attacked in 2 Cities,” *Chicago Tribune*, June 10, 1964, 1.

<sup>60</sup> “Nomination of LeRoy Collins to be Director, Community Relations Service,” July 7, 1964.



Governor Collins met with members of the Civil Rights task force in Tallahassee, Florida: From left are U.S. Secretary of Commerce Luther Hodges, Florida Governor C. Farris Bryant, Leroy Collins, and former Tennessee Governor Buford Ellington.

with the protest, effectively precluding St. Augustine from becoming another Birmingham. On June 10, he ordered 45 state troopers into the city, a number that he quickly increased to 150. When white extremists gathered to disrupt a peaceful black march on June 19, they were “repulsed at every turn” by state police. When black activists arrived at an all-white beach to desegregate it on June 23, police protected them from white attackers. Desperate to bring the demonstrations to a stop, Bryant invoked the same emergency power that Collins had used to end the Tallahassee Bus Boycott in 1957, calling an end to the night demonstrations in St. Augustine.<sup>63</sup>

Meanwhile, Collins joined an old ally in an effort to sell the CRS to state leaders around the country. After frightening escalations of racial violence in both the North and the South during the summer of 1964, President Johnson ordered former North Carolina Governor Luther Hodges to join LeRoy Collins on a tour aimed at quietly informing state governors of the services offered by the CRS.<sup>64</sup> Only four governors refused to speak to Collins and Hodges: Orval Faubus of Arkansas, Paul B. Johnson of Mississippi, Donald S. Russell of South Carolina, and George Wallace of Alabama. Both Faubus and Johnson denied the team’s requests to meet outright, meanwhile Wallace invited Collins and Hodges to visit Montgomery, but only if they avoided discussion of civil rights.<sup>65</sup> These four rejections aside, state leaders across the country proved receptive to the idea of a federal agency dedicated to neutralizing unrest. In fact, state governors proved so receptive that after conferring with Indiana Governor Matthew E. Welsh, Luther

on nighttime protest, thereby preventing local authorities from intervening in the rallies. This ruling resulted in violence on the night of June 9, the same day Judge Simpson issued his injunction, as well as more violence on the 10th.<sup>61</sup>

That LeRoy Collins opposed such violence is certain. In fact, he later asserted that if the CRS had been formed earlier, it could have prevented the violence in St. Augustine.<sup>62</sup> As it was, Governor Bryant borrowed from some of Collins’s tactics to deal

from becoming another Birmingham. On June 10, he ordered 45 state troopers into the city, a number that he quickly increased to 150. When white extremists gathered to disrupt a peaceful black march on June 19, they were “repulsed at every turn” by state police. When black activists arrived at an all-white beach to desegregate it on June 23, police protected them from white attackers. Desperate to bring the demonstrations to a stop, Bryant invoked the same emergency power that Collins had used to end the Tallahassee Bus Boycott in 1957, calling an end to the night demonstrations in St. Augustine.<sup>63</sup>

<sup>61</sup> “Police Rout Mob at St. Augustine: Tear Gas and Dogs Disperse Whites Attacking Negroes,” *New York Times*, June 11, 1964, 23; David J. Garrow, *Bearing the Cross: Martin Luther King, Jr., and the Southern Christian Leadership Conference* (New York: W. Morrow, 1986), 330.

<sup>62</sup> “3 States Reject Plea by Collins,” *New York Times*, July 24, 1964, 10.

<sup>63</sup> “Police Rout Mob at St. Augustine: Tear Gas and Dogs Disperse Whites Attacking Negroes,” *New York Times*, June 11, 1964, 23; “50 More Demonstrators Jailed in St. Augustine,” *New York Times*, June 17, 1964, 50; “Whites Repulsed in St. Augustine,” *New York Times*, June 20, 1964, 12; “New Racial Clash Halted in Florida: Police Guard Integrationists at Beach and on March,” *New York Times*, June 24, 1964, 19; “Florida Battles for Protest Ban: Sees Action by U.S. Court as Leading to Tragedy,” *New York Times*, June 28, 1964, 48.

<sup>64</sup> Memorandum, “Report of Nine-State Trip of Secretary Hodges and Governor Collins and Governor Ellington,” (July 7, 8, 9, 10, 1964), Box 336, Folder: WHCF Name File, Lyndon Johnson Library, Austin, Texas.

<sup>65</sup> “3 States Reject Plea By Collins,” *New York Times*, July 24, 1964, 10.

Hodges asserted publicly that “further racial demonstrations” would be unnecessary.<sup>66</sup> The “Negro” asserted Hodges, “has the law to go to and doesn’t need demonstration.”<sup>67</sup>

Civil rights activists, particularly those who had helped orchestrate mass demonstrations in places like Birmingham and St. Augustine, disagreed. Not satisfied with the 1964 Civil Rights Act, and certainly not the formation of the CRS, many of the same movement leaders who had been thwarted by Farris Bryant in Florida decided to target a small Alabama town named Selma. The ostensible goal of mounting demonstrations in Selma, an otherwise obscure place, was to rally national support for a voting rights act, something President Johnson told King could not be accomplished in 1965.<sup>68</sup> One of the biggest draws to Selma, aside from its flagrant denial of black voting rights, was the violent reputation of its sheriff, Jim Clark, together with the extremist reputations of Alabama’s governor George Wallace and the head of the state’s police force, Al Lingo.<sup>69</sup> Counting on such leaders to reject the moderation of Florida’s Farris Bryant, civil rights strategists made it clear that the goal of Selma would be the instigation of violence. On February 14, 1965, for example, Andrew Young, program director for The Southern Christian Leadership Conference, declared that “[j]ust as the 1965 Civil Rights Bill was written in Birmingham we hope that new Federal voting legislation will be written here.”<sup>70</sup> Ralph Abernathy, another influential civil rights leader, remembered the goal of Selma in even more sanguine terms. “With any luck we would be visibly abused,” remarked Abernathy, “without being maimed or killed.”<sup>71</sup>

On Sunday, March 7, Abernathy’s goal was realized. In a shocking display of police violence, Alabama state troopers and a county sheriffs’ posse assailed over 500 nonviolent protesters with clubs and tear gas, beating them viciously as they attempted to march across the Edmund Pettus Bridge on the outskirts of Selma towards Montgomery. Men on horses ran down marchers, lashing them with whips. Troopers clubbed women. White crowds, watching from the sidelines, cheered. The ensuing footage captured on camera and broadcast on national television alarmed audiences nationwide.<sup>72</sup>

Popular outrage bred support for the movement. “Decent citizens will weep,” lamented *The Washington Post*, “for the wronged and persecuted demonstrators.”<sup>73</sup> One such citizen, Minnesota Senator Walter Mondale, announced that the travesty in Selma made “passage of legislation to guarantee Southern Negroes the right to vote an absolute imperative for Congress this year.”<sup>74</sup> Without waiting to see whether other federal officials agreed, Martin Luther King, Jr., called for a second march, across the same bridge, on Tuesday, March 9. King’s announcement caused grave concern for many, including the President. “[I]t’s going to go from bad to worse,” Johnson told Tennessee Governor Buford Ellington, hoping that he might be able to convince Alabama Gov-

<sup>66</sup> “President’s Rights Team Tours States,” *Chicago Tribune*, July 9, 1964, W4. Hodges would resign as Secretary of Commerce in January 1965. “Hodges Will Direct Research Institution in North Carolina,” *New York Times*, Jan. 22, 1965, 13.

<sup>67</sup> “Hodges Hopeful Protests Can End: Says Negroes Can Turn to New Rights End,” *New York Times*, July 9, 1964.

<sup>68</sup> Nick Kotz, *Judgment Days: Lyndon Baines Johnson, Martin Luther King, Jr., and the Laws that Changed America* (New York: Mariner, 2005), 244.

<sup>69</sup> David J. Garrow, *Protest at Selma: Martin Luther King, Jr., and the Voting Rights Act of 1965* (New Haven, Conn.: Yale University Press, 1978), 34–35.

<sup>70</sup> “Voting Is Crux of Civil Rights Hopes,” *New York Times*, Feb. 14, 1965, E5.

<sup>71</sup> Ralph Abernathy, *And The Walls Came Tumbling Down: An Autobiography* (New York: Harper & Row), 1989), 308.

<sup>72</sup> “Southerners and Other in U.S. Protest Selma Police Methods,” *New York Times*, Mar. 9, 1965, 23; “Alabama Police Use Gas and Clubs to Rout Negroes,” *New York Times*, Mar. 8, 1965, 1.

<sup>73</sup> “Outrage At Selma,” *Washington Post*, Mar. 9, 1965.

<sup>74</sup> Walter Mondale, “Shocking Brutality in Selma, Ala.” *Congressional Record*, Mar. 8, 1965, 4350.



Leroy Collins talking with Andrew Young at Selma, Alabama, in March 1965. At his left are Martin Luther King, Jr., Coretta King, and Ralph Abernathy.

Luther King, Jr., and pleaded with him to postpone the protest, to which King responded that Collins urge the Alabama state troopers not to deploy brutality. Collins, in a manner that resonated with his promise to keep the movement “off the streets,” agreed and offered to work with Alabama authorities, but only after King promised to truncate the march. Instead of marching to Montgomery, Collins suggested that King hold a symbolic demonstration on the bridge, and then turn around. Though such a ceremony threatened the march’s hidden objective of provoking police violence, King found it hard to reject Collins’s proposal outright, telling him that he would not agree to anything in advance, but that he would never order demonstrators to force themselves physically through a line of police officers.<sup>77</sup>

King’s reluctance to force his way through lines of police revealed the extent to which he needed police brutality to achieve reform. Unless police attacked, King risked looking like an agitator, something that Collins already believed he was. Indeed, this was the genius behind Collins’s proposal. By suggesting that King make a symbolic protest, Collins both accommodated black demands and provided demonstrators like King with an opportunity to save face, much like he had done in Tallahassee. Yet, by encouraging King to abandon his plan, Collins also reduced the possibility that the protest might incite a violent response—precisely the factor that had made the first march such a success. While Collins appeared to be helping the movement by reducing the

ernor George Wallace to intervene and prevent a repeat of Sunday’s attack.<sup>75</sup> When Ellington warned that such communication would in all likelihood be futile, Johnson ordered LeRoy Collins to Alabama.<sup>76</sup>

What transpired during Collins’s time in Selma provides an example of how his interest in controlling local law enforcement impacted the civil rights movement. Immediately upon arrival, Collins met with Martin

<sup>75</sup> Lyndon Johnson to Buford Ellington, phone conversation, Mar. 8, 1965, 8:29 A.M. reprinted in *Reaching for Glory: Lyndon Johnson’s Secret White House Tapes, 1964–1965*, Michael Beschloss, ed., (New York: Simon & Schuster, 2001), 218. On Ellington’s work with Collins and Hodges for Johnson see Levine, *Resolving Racial Conflict*, 17.

<sup>76</sup> Garrow, *Protest*, 85–86; For more on Johnson and civil rights see Kotz, *Judgment Days*; Robert Dallek’s *Flawed Giant: Lyndon Johnson and His Times, 1961–1973* (New York: Oxford University Press, 1998); Doris Kearns Goodwin’s *Lyndon Johnson and the American Dream* (New York: Harper & Row, 1976); and Robert A. Caro’s *The Path to Power* (New York: Knopf, 1982); *Means of Ascent* (New York: Knopf, 1990); and *The Years of Lyndon Johnson* (New York: Knopf, 1982).

<sup>77</sup> For Collins’s side of the story, see Collins and Akerman, *The Man in the Middle*, 145–50. For Collins’s suggestion that King hold a symbolic demonstration, see LeRoy Collins interview with Jack Bass and Walther Devries, May 19, 1974. Southern Oral History Program, Southern Historical Collection, University of North Carolina, Chapel Hill., SHC, UNC. For King’s comments that Collins discipline police and also that he would not order marchers through a police line see Testimony of Martin Luther King, Jr., trial transcript, *Hosea Williams, et al. v. The Honorable George Wallace*, Civ. Action No. 2181-N, U.S. Dist. Ct. of Alabama, Northern Division, Mar. 11, 1965, 63. Papers of Martin Luther King, Jr., Ser. III Speeches, Sermons, etc. Mar. 1, 1965–July 3, 1965. Bertram Levine presents a slightly different account of events than that found in Collins’s memoirs, one that places more emphasis on Andrew Young and Andrew Secrest. Levine, *Resolving Racial Conflict*, 64–67.

chance of violence, he was actually hurting the movement by insuring peace. Without the shock of violence, popular support would not be mobilized behind federal legislation.<sup>78</sup>

Interestingly, Collins was not the only federal official who tried to stop violent protest in Selma. Federal District Judge Frank M. Johnson, who had authorized federal marshals in Montgomery, also tried to stop King from marching. Though sympathetic to many of the movement's goals, Johnson voiced open disdain for the type of direct action strategies that had been used in St. Augustine and now in Selma. That such strategies were necessary for black success did not strike Johnson as being true. He too believed that the movement should stay out of the streets and fight its battles in court.<sup>79</sup> Consequently, on the morning of the second march, Johnson issued a federal court injunction ordering King not to march. This injunction, however, was not enough to convince King to cancel the protest entirely. Even though he knew about Johnson's order, he met over 2,000 protesters at the Brown Chapel on the morning of the 9th and did not even mention the possibility that they might march to a specific point on the bridge and turn around. Of course, he might have hoped that they would march to a specific point on the bridge, stop, and then be attacked, but at this point LeRoy Collins intervened. Just as they were leaving the church, Collins approached King, handed the black minister a map for marching to the bridge and back, and then told him, "I think things will work out all right."<sup>80</sup> He did not explain, and probably did not have to, that he had met with Jim Clark and Al Lingo and convinced them not to attack the demonstrators.<sup>81</sup>

At this point, King's strategy, insofar as it was designed to provoke violence, was doomed. While he might have been willing to violate a federal injunction, he was certainly not willing to force his way through a line of peaceful police officers, or even to march 200 miles to Alabama's capitol. Without police violence, the demonstrators risked looking either overly aggressive or exceedingly foolish. Consequently, when the marchers crossed the apex of the bridge and police did nothing, King halted the march, conducted a brief prayer, and then ordered the 5,000 or so demonstrators to turn around.<sup>82</sup> For a lot of the participants, this was an unexpected, even disappointing conclusion to the protest.

Yet, many of the marchers had no idea just how effectively LeRoy Collins had sabotaged the demonstration. By getting the Alabama authorities to refrain from violence, Collins had taken away the chance that the demonstrators might win national sympathy by subjecting themselves to violent

<sup>78</sup> Though Bruce Ackerman does not focus on Selma, his distinction between normal lawmaking and higher lawmaking provides a useful mode of analyzing what the movement was trying to accomplish in Alabama, namely a push to draw public attention to black voting rights claims. See Bruce A. Ackerman, *We the People: Transformations* (Boston: Harvard University Press, 2000), 5.

<sup>79</sup> Jack Bass, *Taming the Storm: The Life and Times of Judge Frank M. Johnson, Jr. and the South's Fight for Civil Rights* (New York: Doubleday, 1993), 238.

<sup>80</sup> Martin Luther King, Jr., *Williams v. Wallace*, trial transcript, 68. According to Collins, he met with Al Lingo and Jim Clark, told them about the turnaround idea, and asked them to refrain from violence. Both men, upon conferring with each other, then called an unknown party, who Collins thought might be George Wallace, before they agreed to the plan. Upon agreeing, they drove Collins back to the front of the march in a patrol car. Collins later wrote that Clark and Lingo had agreed with the turnaround on the condition that the marchers: (1) follow a map drawn by them and (2) stop on the bridge no longer than 20 minutes. Collins and Akerman, *Man in the Middle*, 147.

<sup>81</sup> Ibid. See also, Garrow, *Bearing the Cross*, 403.

<sup>82</sup> King's realization that the protest was doomed held true even though the Alabama authorities moved to clear the way to Montgomery once they saw the demonstrators stop and begin to tour around. Marching to Montgomery had never been the primary goal of the demonstration. See Garrow, *Bearing the Cross*, 404.

attack. In fact, he had opened up the possibility that the demonstrators might in fact incite a negative national response by forcing their way through a line of respectful, nonviolent police. This was probably more of a concern to King than violating a federal injunction, something that the minister had knowingly done in Birmingham. The underlying principle of nonviolence demanded symbolic protest. In fact, this is what King told Collins the morning of the march. Civil rights activists, he explained to the governor, would never break through a wall of law enforcement officials, on “the basis of the non-violent spirit and the non-violent movement.”<sup>83</sup>

While Bloody Sunday represented the power of violence for arousing national interest in the civil rights struggle, “Turnaround Tuesday,” as it came to be called, represented something different. It was more of a strategic concession, a compromise that allowed for a harmless exhibition of black protest, while precluding any further outrage. Though LeRoy Collins was no longer governor of Florida, he was still reforming police behavior, and impacting civil rights.

## Conclusion

Though often derided as a hollow hope, *Brown v. Board of Education* had significant, if subterranean effects. In Florida, *Brown* pushed Governor LeRoy Collins to centralize law enforcement, removing power from local sheriffs and expanding the jurisdictional scope of state police. Such moves benefited African Americans by ending the tyranny of once-autonomous sheriffs like Willis McCall, who built careers on the torture and murder of black victims like Walter Lee Irvin. Collins’s centralization of police also benefited African Americans by providing the governor with a modality for controlling white extremists, men like John Kasper who traveled through the South inciting hatred and violence.

Yet, even as the modernization of law enforcement in Florida boded well for civil rights in some regards, it compromised them in others. This was particularly true of the direct action phase of the civil rights movement. Not opposed to using his expanded police powers to suspend civil rights protest like the Tallahassee bus boycott, Collins attracted the attention of national leaders like Lyndon Baines Johnson. Following the enactment of the Civil Rights Act of 1964, Johnson tapped Collins to head the Community Relations Service, a federal agency aimed at mediating civil rights disputes. For movement activists like Martin Luther King, Jr., this proved unfortunate. Dependant on police violence for garnering popular support, King did not welcome Collins’s intervention in mass protests like Selma in 1965. Yet, even as Collins’s ability to discipline police undercut King’s dramatic stride, Collins undoubtedly lessened the risk of physical violence and death that demonstrators confronted.

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Photo credits: Florida State Archives

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<sup>83</sup> Martin Luther King, Jr., *Williams v. Wallace*, trial transcript, 65.