

Witness in Montgomery

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Not since the celebrated bus boycott of 1955-56 or the Selma March days of 1965 has the atmosphere in Montgomery, Alabama, been so charged with racial tensions. The immediate cause is a string of incidents involving blacks and the Montgomery police, but behind these cases looms a larger issue, Mayor Emory Folmar, a conservative Republican who was beaten decisively by George Wallace in the 1982 governor's election.

Folmar is both mayor and de facto police chief of Alabama's capital city, and his hard-line, love-it-or-leave-it attitudes on public safety, community development, redistricting and other issues have led to steadily deteriorating relations with the forty percent of Montgomery's population that is black, as well as with a growing number of whites. His critics, while recognizing that the recent police confrontations were serious incidents, charge that a more flexible personality and more responsive leader than Folmar would have prevented their escalation into a full-scale community crisis.

Now, the situation is reminiscent of the earlier civil rights era in this city known as the Cradle of the Confederacy. The black churches are again the scene of mass meetings. The black leadership has held well-publicized but private strategy sessions from which has emerged an unusual—for recent years, at least—unanimity, including an economic boycott of the city's largest bank. Picket lines have been thrown up against a white-owned black radio station. Protest marches have been held. A cross has been burned in the yard of the spokesman for the black leaders.

Several incidents since the first of the year have contributed to the current situation. Most recently, an unarmed black man was killed in

1 June by a white policeman responding to a report of a shooting in the
2 neighborhood. In May, a black man who was apparently drunk but un-
3 armed was killed by a black policewoman. In April, a white policeman
4 seriously wounded an unarmed black man who was mistakenly thought
5 to be an escaped prisoner.

6 The first and most controversial incident occurred in February when a
7 group of black mourners was assembled in the deceased's home following
8 the funeral. Before the night was over, two white plain-clothes policemen
9 had been injured, one critically, and eight mourners arrested. The police
10 say they identified themselves, were taken hostage and then beaten and
11 shot. The mourners say the two whites did not identify themselves as
12 police but kicked down the door to the house and charged in with their
13 guns drawn, at which time the blacks disarmed them and then called the
14 police. Later, the mourners say, more police arrived and the two whites
15 tried to escape and shots were fired.

16 The two accounts vary so widely that Montgomery citizens can only
17 wait and hope that the upcoming trials will reveal the truth. However, the
18 police department's early handling of the incident was seen by blacks and
19 many whites as a gross over-reaction and an attempt to cover up possible
20 improper conduct by the two officers. For example, Police Chief Charles
21 Swindall held a pre-dawn press conference to denounce the mourners as
22 "wild animals who had prey on their ground." He used the word *torture*
23 to describe the treatment of the officers, said one of them had had his
24 throat slashed requiring seventy-five stitches, and made other highly
25 inflammatory comments.

26 This infuriated blacks, especially when the press later reported that
27 the most serious prior offenses of any of the accused were traffic viola-
28 tions, that the officer's slashed throat required ten stitches instead of
29 seventy-five, and that one of the officers' guns was missing, despite the
30 fact that police had immediately surrounded the house and searched
31 everyone present. Also, the police tape recorder did not work when it
32 should have automatically recorded radio transmissions and phone calls
33 about the incident. In addition, there were allegations that the accused
34 were beaten during interrogation.

1 On the other hand, many whites and some blacks criticized over-
2 reaction by black leaders, too, notably the call by State Rep. Alvin Holmes
3 for federal authorities to place the city under martial law. The circum-
4 stances of the incident cast grave doubt on the conduct of the police,
5 mused many Montgomerians, yet there was no getting around the fact
6 that two officers were seriously wounded. Why, asked whites, were there
7 not some prayers for the two officers among the vigils and protests that
8 were being held in the black community?

9 The matter of the missing tape recording from police headquarters was
10 seen as similar to a mid-1970s scandal in which police wrongfully shot a
11 black man, then allegedly planted a gun on his body. The automatic tape
12 recordings in that incident had been erased by the time the prosecutor
13 asked for them, and ultimately the public safety commissioner, the mayor,
14 and nearly a dozen police officers resigned or were fired.

15 The mayor at that time was James Robinson, and his resignation led
16 to a 1977 special election which was won by Emory Folmar, who had
17 been the city council president. Ironically, Robinson is widely perceived
18 by blacks as a basically decent man who was trapped in the Whitehurst
19 scandal by accident, while Folmar is believed by many blacks to be *the*
20 problem with the police department. In addition, Folmar is seen as being
21 generally hostile toward black interests if not actively racist.

22 Robinson usually enjoyed good relations with the black community.
23 In fact, Robinson was instrumental in changing the city's form of govern-
24 ment in the early 1970s from a three-man commission, elected at-large,
25 to the nine-district council, thus paving the way for the first black elected
26 municipal officials in Montgomery history.

27 When the first council elections were held in 1975, four black and
28 five whites were chosen, and the nine then selected Folmar as the council
29 president. It was Folmar's first venture into elective politics, and from the
30 council's first organizational meeting, he made it clear that he meant to
31 be a force to be reckoned with.

32 His District Eight constituents were overwhelmingly white and
33 among the city's wealthiest and most conservative residents. Through a
34 combination of representing his district and exercising his own philosophy

1 of government, Folmar was frequently at opposites with black council
2 members on issues ranging from council appointments to the allocation
3 of community development funds, In fairness to Folmar, it should be said
4 that he was not alone—many council votes were split five to four along
5 racial lines; but blacks resented Folmar most because he was not only
6 council president but also its most powerful personality, and at least two
7 of the white council members invariably cast sidelong glances at Folmar
8 before raising their own hands during votes on controversial issues.

9 Two council debates are good illustrations. The first concerned
10 community development money, which was intended by Congress to
11 help eliminate what planners call urban blight. To the blacks on the city
12 council, this meant the money should build sewers, sidewalks, street lights
13 and community centers in low-income areas, particularly in black low-
14 income neighborhoods which had been neglected in all the decades past;
15 Montgomery had several black neighborhoods as late as 1975 which still
16 relied on outdoor privvies because sewer lines had never reached them.

17 Long battles were fought over this money and in the end many sewers
18 and sidewalks were built. But the community development funds also
19 helped build a golf course at a recreation complex located on the eastern
20 edge of Montgomery near the suburbs where white residents have been
21 steadily relocating since World War II. Community development money
22 was also used for three neighborhood parks built in predominantly
23 white residential areas which definitely were not blighted. Folmar did
24 not win these projects without help, but he was instrumental in their
25 passage and his attitude was interpreted by blacks as one of “I don’t care
26 what Congress said, we whites, poor or not, are also getting some of that
27 government money.”

28 A second case which increased the black council members’ distaste
29 for Folmar arose when blacks moved to rename a street in honor of
30 Martin Luther King, Jr. The avenue in question, Jackson Street, was the
31 site of King’s home for the years that he was the pastor of the Dexter
32 Avenue Baptist Church; this was the house that was bombed in 1956
33 while Coretta King and child were inside (they were uninjured). Folmar
34 spoke and voted against the renaming and then introduced a compromise

1 which would have named after King a section of Interstate 85, which
2 passes through the city. This debate had occurred before, in the early
3 seventies when Montgomery still had a three-man commission form of
4 government, and the Interstate compromise initially failed because of
5 opposition from state officials. The issue then took on a new significance
6 after blacks had achieved voting power in city government.

7 One argument was that it would be wrong to dishonor Andrew Jackson
8 in order to honor King, so the Interstate memorial was an alternative
9 that coincidentally would be even more visible. Getting the memorial
10 was symbolically very important to Montgomery blacks and the street
11 renaming was the first major question with racial implications to come
12 up after the four black council members had taken their seats. The new
13 black members were surprised and disappointed that the white council
14 members had felt it was necessary to put up a fight on the issue, and the
15 black members were not satisfied totally with the Interstate memorial
16 since it was not city property. But they accepted the compromise anyway,
17 only to discover that federal highway regulations prohibit the naming
18 of interstates for individuals. Rightly or wrongly, many observers, white
19 and black, believed that Folmar had known this fact all along and had
20 deliberately led the council down a rabbit trail. Ultimately, blacks in
21 the Alabama legislature pushed through a resolution and overcame the
22 federal obstacles, and today all who pass through Montgomery on I-85
23 see a huge green sign proclaiming a three-mile stretch of the interstate as
24 Martin Luther King Jr. Expressway. But the incident seemed to decrease
25 Folmar's stature in the black community, and relations with his black
26 colleagues on the city council have continued to worsen since he became
27 mayor and his power increased.

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29 Gung-ho, stubborn, fiercely competitive, hardworking, and capable
30 are terms which are regularly used to describe the mayor. Hard-headed,
31 macho, dictatorial, intolerant, devious, racist, overly aggressive and
32 paranoid are some others.

33 Employees at city hall say that if Folmar were judged on administrative
34 ability and dedication alone, he would rank among the best mayors any

1 city could want. He is at his desk most days before other employees have
2 taken their morning showers. He is personally wealthy—before entering
3 politics he was a shopping center developer—and draws only a token
4 dollar a year as his mayoral salary (though a recent letter-to-the-editor
5 writer argued that he is overpaid).

6 He is an ex-Army officer who was a highly decorated hero of Korea.
7 He still keeps himself in rock-hard physical condition and takes a military
8 approach to organization and discipline. Nowhere is this more apparent
9 than with the police, and it is in the area of law enforcement that his
10 critics are most severe. The critics come from both inside and outside
11 the police department.

12 Outside critics charge that Folmar believes, and expects everyone else
13 to believe, that the police are always right; that he has encouraged an
14 us-versus-them mentality; that he tries to run the department himself,
15 and that the net result has been an increase of incidents of harassment
16 by police, especially of blacks and gays.

17 “Just call our city Fort Montgomery and the mayor our commander-
18 in-chief,” comments Joe Reed, a black city councilman who has been
19 Folmar’s most persistent opponent in city government and who is also
20 the head of the Alabama Democratic Conference, the state’s leading
21 black political organization.

22 Adds Willie Peak, the white president of the city council, “Most
23 whites recognize there could be possible wrongs on both sides (of the
24 February confrontation). Most whites are concerned about the ‘we can
25 do no wrong’ attitude of the police.”

26 Critics inside the police department also fault Folmar for trying to
27 run it like a military battalion with himself as general; for imposing
28 his decisions over those of experienced, career police professionals, and
29 for making promotions contingent on an officer’s personal loyalty and
30 chumminess with the mayor.

31 Since Folmar came to power, several high-ranking police officials have
32 retired from the department rather than accept the mayor’s tight control.
33 Their privately stated grievances range from favoritism in promotion, to
34 what they view as a ridiculous obsession with spit and polish, to Folmar’s

1 actual interference with field operations. It is true that Folmar has person-
2 ally shown up at all hours of day or night to participate in or take charge
3 of on-the-scene police work, and that the officers who are detailed as his
4 bodyguards move rapidly through the ranks, often bypassing officers of
5 greater experience. To give the example of just one officer, an example
6 related by other police, Folmar acknowledged the good work of the officer
7 yet refused to promote the man because “you’re not loyal to me.”

8 Folmar is the police chief, observed one ex-officer. “He personally
9 promotes; Chief (Charles) Swindall doesn’t have the gumption or the
10 power to do anything about it. Chief Swindall should have retired when
11 Folmar was re-elected.” Both current and ex-officers view this as a bitter
12 irony because they consider Swindall to be an excellent police officer and
13 actually a better chief than the man he replaced.

14 Folmar’s personal pistol-packing gave rise to the Montgomery joke:
15 “Question: Why is the Mayor’s pistol chrome-plated? Answer: So it won’t
16 rust in the shower.”

17 The police themselves tell and laugh at this joke, but they are less
18 amused by Folmar’s parade inspections and pep talks. “These are grown
19 men he’s having out there standing at attention. This isn’t boot camp,”
20 observed an ex-officer.

21 Ex-police are also critical of the department’s low salaries and note
22 that Montgomery taxpayers routinely spend five thousand or more dol-
23 lars to send a new officer through Police Academy training only to have
24 him leave for a better paying job after a year or two on the force. Many
25 ten-, fifteen-, and even twenty-year veterans are also tempted out of po-
26 lice work for higher salaries with detective or security agencies or state
27 government jobs. Asked what he considered to be the biggest problem
28 with the Montgomery police, a high-ranking official of the Alabama State
29 Troopers replied, without hesitation, “They have too many young officers
30 because they don’t pay enough to keep experienced men.”

31 Several highly symbolic changes have been made in the police force
32 since Folmar became mayor. One was the repainting of all the police cars
33 from a pleasant, non-threatening light blue to stark black and white. An-
34 other was the emergence of black SWAT-team style uniforms for officers

1 on the night shifts. The new uniforms replace the traditional policeman's
2 hat with a baseball type cap without a badge and feature bloused pants
3 tucked into high lace-up military-style boots. The people inside the cars
4 and uniforms are the same as before, but the difference in appearance is
5 striking, and ominous.

6 Ex-police say the night shift officers themselves sought the new uniform
7 because they believed it would be safer during the most dangerous hours
8 of police work—a shiny badge flashing in the night is a better target. But
9 the uniform adds to the military effect which Folmar has encouraged for
10 the department, and the change has not gone unnoticed in the community.
11 The uniforms were meant to be worn by the third shift officers, but the
12 hats, at least, have apparently been adopted as a symbol by some officers,
13 especially the younger ones, and are routinely seen at all hours. Some
14 older officers even doubt the theory behind the new uniforms. “When
15 we’re out on the street,” they say, “we want people to recognize instantly
16 that we’re police”; and the traditional uniform tells them that.

17 It is impossible to judge the accuracy of the allegation, but people
18 who say they have been harassed by Montgomery police, especially young
19 blacks, say in so many words that they believe there are certain police or
20 even squads of police who look for opportunities to provoke people, and
21 that these are the police who wear the military type uniforms. This may
22 only be a perception, but it increases fear and hostility and that creates
23 trouble for the officer on patrol. The state trooper official who spoke of
24 low salaries mentioned a second area of concern for Montgomery police:
25 “P.R.—they’ve also got a public relations problem. Brother, do they need
26 some better public relations.”

27 Even the ex-officers who are critical of the mayor, however, also note
28 that he reorganized the department into smaller divisions with greater
29 supervision and more officers on the street at all times. Folmar and Chief
30 Swindall claim that crime has been reduced since Folmar took charge.

31 A city government source from the Robinson era observed that Fol-
32 mar took office at a time when, due to the Whitehurst scandal, police
33 relations with blacks were at a low point. And then, rather than take
34 steps to identify and correct the problem, it seems that Folmar's actions

1 made things worse.

2 Not all of Folmar's strong-arm tactics were aimed specifically at the
3 black community, however. Soon after he took office the police conducted
4 an illegal drug search of patrons at a rock concert at the Montgomery
5 Civic Center. Every person entering was searched, with or without
6 probable cause, and a number of arrests were made. The arrests were
7 nullified after a federal judge sharply rebuked the police actions—and
8 the mayor—but three years would pass before another rock concert was
9 held at the Civic Center.

10 City hall insiders also view with suspicion the scuttling by Folmar of
11 the reorganization that former mayor Robinson had engineered. Basically,
12 Robinson divided the city's departments into several major divisions, each
13 of which was headed by a professional administrator who took care of
14 the details and answered to the mayor's office on policy and procedure.
15 Folmar has dismantled this system and every department head in the
16 city is under Folmar's personal supervision—and knows it.

17 Such is the background against which the current racial troubles in
18 Montgomery must be seen. Legal challenges have been raised to a Folmar-
19 backed redistricting plan for this year's city elections. A federal judge has
20 agreed with black challengers that the city's new reapportionment plan
21 was drawn to discriminate against black voters and black office holders,
22 particularly against long-time Folmar opponent Joe Reed. After the ruling,
23 Folmar said the city would appeal, and he also issued what amounted to
24 a personal attack on the federal judge, who is black. Folmar's statement,
25 to the effect that the ruling was not unexpected considering the source,
26 encouraged disrespect for the law and for federal judges and bordered on
27 outright racism. Elections may or may not be held in October.

28 Despite widespread discontent with Folmar, few have seemed especially
29 eager to challenge him. The strongest potential candidate has been city
30 council president Peak, but he has said he will not run. The announced
31 candidates to date are a young white businesswoman who said she would
32 drop out if a more experienced contender emerged, a white contractor
33 with connections to the business community, and Franklin James, a
34 member of a prominent Montgomery family and the brother of former

1 longtime mayor Earl James. Only James, who was once the state's indus-
2 trial relations director, has any political experience. James announced his
3 candidacy just as this issue was going to press, and it is too early to assess
4 his chances. However, his political reflexes are evidently in good shape
5 because he went directly to the key issue: Folmar himself. James's open-
6 ing statement included references to the incumbent's ego, grandstand-
7 ing tactics, and lightning-rod administrative style. Montgomery needs
8 a mayor, James said, who can get along with all of the city's people, and
9 who solves problems rather than creates them. James also promised that
10 his industrial relations background would bring factories and jobs.

11 Black council member Donald Watkins, an attorney who represented
12 the Bernard Whitehurst family after the 1976 shooting, has said he will
13 run against Folmar if "no credible white candidate comes forward." (The
14 statement was made before James or the contractor, David Thames, an-
15 nounced their intentions; Watkins has not indicated whether he considers
16 Thames or James to be credible candidates.)

17 Blacks acknowledge that no black mayoral candidate can win in the
18 face of a white electoral majority. However, the precinct totals cannot be
19 comforting to Folmar. He cannot be expected to get more than a handful
20 of Montgomery's black voters, and 30.2 percent of the registered voters
21 are black. He is also a Republican, and although the city elections in
22 Montgomery are not partisan contests, he would still be vulnerable against
23 a strong white Democrat who can avoid antagonizing the conservatives
24 while still expressing some of the misgivings many whites also feel toward
25 Folmar's brand of leadership. Folmar did not carry Montgomery in the
26 1982 gubernatorial race against George Wallace.

27 Folmar recently presented petitions bearing what he said were more
28 than seventeen thousand signatures of Montgomery voters who wanted
29 him to run for re-election. However, no one has collected the signatures
30 of those who will vote for *anyone* else, and Folmar is obviously sniffing
31 the political winds. While he had earlier rejected calls for committees to
32 probe issues causing racial tensions, he changed his course a few weeks
33 ago and announced his own bi-racial committee. He appointed the chair-
34 man and vice-chairman and invited council members to nominate three

1 persons each to the new committee. So far, three of the four black council
2 members have declined, saying the committee was created by Folmar
3 for political reasons and could never be effective while the chairman was
4 appointed by Folmar. Critics also say that Folmar made a mistake when
5 he named a white chairman and a black vice-chairman rather than two
6 co-chairs, and they view the structure of the committee as proof of Fol-
7 mar's determination to control even the discussion over Montgomery's
8 current problems. The committee received another wound when the
9 black vice-chairman, the president of predominantly black Alabama State
10 University, resigned without attending a meeting, saying he could not
11 take part in a committee with such obviously political overtones.

12 Meanwhile, an anonymous citizen known as Jack Smith has created
13 the Friendly Supper Club, which merely invites interested persons to
14 show up with a guest of a different race at an appointed time at a lo-
15 cal cafeteria to "break bread together" and to get to know one another
16 across racial lines.

17 The second of the dinners, in June, took place just one day after a cross
18 was burned in the yard of black county commissioner John Knight, who
19 is the spokesman for the boycott called by blacks against First Alabama
20 Bank. Coming at a time of increasing attention to Montgomery's racial
21 troubles, the contrast between the cross-burning and the Friendly Sup-
22 per Club was too great for the media to pass up. CBS and NBC both
23 sent camera crews to town, and their reports juxtaposed pictures of the
24 charred cross in Knight's yard with shots of blacks and whites smiling and
25 talking around cafeteria tables. The local media especially made a point
26 of the difference between Folmar's beleaguered bi-racial committee and
27 the independently created Friendly Supper Club. Dialogue was the order
28 of the day, but it was not the Mayor who was doing the talking.

29 One of those at the June dinner was Johnnie Carr, the president of the
30 Montgomery Improvement Association, which sponsored the bus boycott
31 in 1955-56. Dialogue is fine, said Mrs. Carr, but it is not the solution.
32 "When a city of this size can't find a decent leader for mayor, I have to
33 ask what is wrong. Folmar accuses us of crying 'racism,' but when you
34 look at the man's record, how do you explain it except as racism?"

1 Mrs. Carr said the black community views Folmar's creation of the
2 bi-racial committee as a belated attempt to gloss over the current prob-
3 lems. She believes the strategy will not work.

4 "We don't need a bandaid," she said. "We need a good physical ex-
5 amination, and then we're going to have to do some political surgery."
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