UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF ALABAMA

INTERVIEW OF

BRUCE CARVER BOYNTON

as a part of the

ORAL HISTORY PROJECT

of the

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF ALABAMA

Interviewed by Mr. Jared Morris

Frank M. Johnson, Jr.

United States Courthouse Complex

One Church Street

Montgomery, Alabama

May 18, 2018

VOLUME I

QUESTIONER: Good afternoon. Here with the Friends of the Freedom Rides museum board, and it is an honor and a privilege to get to interview Mr. Bruce Carver Boynton on this May 18th, 2018.

Before we get started, Mr. Boynton requested to offer a very brief preface before we begin the oral history.

MR. BOYNTON: Thank you very much.

And to the judges of the Middle District, the ladies and gentlemen, I would like to thank you all for the presentation that we are enjoying here today. But I would like to preface what I'm about to say so that you-all will understand.

Before Christmas, I had a pain in my neck before I had a scheduled court case the next day, so I went to the hospital to get some type of relief. What I got was three shots of morphine, one shot of Valium, and a muscle relaxer, and it affected my mind a great deal. As a result, it has also affected my memory. But because I have been writing my book, and I have just about finished the book, I am able to participate in the program today by answering questions and relating some historical events.

With that, I am prepared.

(Applause.)

QUESTIONER: As I noted, with the treasure trove of history that Mr. Boynton has, even a fraction of it is a wealth.

Mr. Boynton, to begin with, a little background. You have continued a legacy of civil rights heroism that both of your parents were also a very central part of. I thought we would begin by talking about your father and his background, Mr. Samuel William Boynton, who I believe grew up in Georgia.

MR. BOYNTON: Yes, that is right. He was born in Griffin, Georgia. And he became a county agent for Dallas County starting in 1928, and he started his civil rights activity, working to get Black people registered to vote, in 1928 in Selma. My mother joined him in 1930 when she became his coworker and worked as the home demonstration agent for Dallas County. In those two jobs, his job was to teach Black farmers the modern day of farming. Her job was to teach the Black housewife the more up-to-date method of homemaking.

But, now, the thing that I wondered, of how much my father gave his life repeatedly to the fight for civil rights; of just why would he risk his life and do it in a community where so many of the Black people were afraid to join him or participate.

But why did he do that can probably be best explained when you look at his history over in Griffin, Georgia, his hometown. His father was a very successful Black farmer, so much so that he had field hands totaling 30, and he had a school for the children of his field hands. The teacher was his wife.

And at one particular point, he -- his name was Will

Boynton. He entered a cartel agreement with the successful white farmers in that area. They agreed that they would harvest their cotton, but they would not sell it, in order to run the price of cotton up.

And my uncle tells the story that every day, the white farmers would drive by his house and say, are you holding, Will? And his reply was, yes, I'm holding.

And that actually conducted a successful cartel until 1929 when the depression hit, and many of those farmers lost everything that they had. Suicides were committed.

And one white farmer, who was a friend of my father, decided that to get away from his economic problems, he would go fishing in Florida, and he invited my grandfather to accompany him. They went to Florida, and on their return trip they were struck by an Atlantic Seaboard train, killing both of them.

I figured that that was something that stuck with my father as to how race relations could be and how Black people and white people could get along and should get along. And those were the things that inspired him to engage in civil rights, to the point that in 1957 he testified before Congress on the discrimination of voter applicants who were Black in Alabama, and that testimony was the basis for the passage of the 1957 Civil Rights Act.

There is so much more that he did, but I will say this: As a county agent, he caused -- with WPA money, he caused

a community center to be built for Black farmers in Selma. Because at that time if a farmer came to town to purchase any items, he had no place to sit down; no place to relieve himself. And with WPA funds, a building was built that was identical to City Hall, next door to City Hall. And the building had an auditorium and an office space for my father and his home demonstration agent.

But the building had this large auditorium, and he got William Gaines, who was a successful artist working for WPA, to paint two murals.

The first mural on one side of the auditorium showed a Black man on his deathbed, with mourners all around, and he had outstretched arms to -- out of the clouds came a Black female angel, driving twin horses. And the name of that mural was *Swing Low, Sweet Chariot*.

The mural on the other side showed a giant Black farmer with his hand outstretched to a small Black man with a peanut in it. And that was Dr. George Washington Carver giving a peanut to the Black farmer for his success.

My father died in 1963. His death was the cause of the Black -- the first Black memorial for voting rights to be held in Selma. And the way that that was done was with one of the people that you heard his name called today as being a Freedom Rider, Bernard LaFayette, who was assigned to Selma to organize the Black people, he got with my mother, who agreed that a

memorial service be held for my father.

And the fliers that went out said, "Memorial Service - Civil Rights Meeting For Voting." The deacons of the church were reluctant to host that meeting because they were afraid of white repercussions. But the minister was a very person who was advanced in the fight for civil rights, and he said, "If you don't hold it at this church, I'll hold it on the sidewalks." That convinced them to hold it in the church. And then that was the first of a history of voting rights meetings held on the same Thursday there in Selma.

The history of my mother was a lot that you-all know; that she was the lady that they attempted to kill on Bloody Sunday. But I think that you-all would not have known that her life in civil rights actually didn't start in 1930.

My mother's mother -- well, first, she was from Savannah, Georgia. And when the Civil Rights Act was passed to allow women to vote, my mother rode with her mother in a horse and buggy -- and she was a very young child -- to women's homes to encourage them to become registered voters. As you can see, the history in my family runs very deep for civil rights.

QUESTIONER: Mr. Boynton, in relation to the legal profession, I believe your father was also instrumental in bringing the first African American attorneys to practice in the Selma area. And I thought I would ask if you could share that story.

MR. BOYNTON: Yes. That's very true. They were -- the two of them, my mother and father, throughout the state of Alabama, were known as Mr. and Mrs. Civil Rights. And in 1954, one of my father's former 4-H Club boys was arrested for the attempted rape of about three white women, one of whom was the mayor's daughter.

They had a white lawyer. And there was a guilty verdict, as one would expect, but then he was tried again for an offense that could even get him the death penalty.

That's when my father convinced two Birmingham Black lawyers, Orzell Billingsley and Peter Hall, the two later going on to have very historic contributions in the field of civil rights -- but they came to Selma to defend William Earl Fikes.

They appealed a case that involved him being sent to the state penitentiary where he was kept away from his family, and he was questioned hour after hour without being allowed to eat. He confessed to being guilty of a crime.

The appeal concerned whether or not the confession was coerced. At that time, the United States Supreme Court had considered only coerced confessions that came as a result of physical violence. That case was decided that you can have emotional and intangible coercion that amounts to coercion that taints a confession.

So that is the type of thing that my father was involved in.

QUESTIONER: Mr. Boynton, you noted your mother, Ms. Amelia Boynton Robinson's, involvement in the Selma to Montgomery march on March 7th of 1965. I wondered if you could also touch upon the aftermath of that and her involvement and the events at the house with congressmen who came.

MR. BOYNTON: Oh, yes. Well, the home house was and had been a place where dignitaries from abroad and throughout the nation came for various reasons. Some involving civil rights, some involving just an -- of an agriculture nature.

Because oftentimes in America there would be foreigners who would come here to learn the new method of farming. When they were nonwhite, the United States Department of Agriculture would send them to Tuskegee Institute. Because my father was considered to be one of the major county agents, invariably they would end up at our house, and this would be occasions when we would see so many people from other countries.

After Bloody Sunday, there were 21 congressmen who came to reside at our house. And while there, they drafted the first draft of the Civil Rights Act of voting.

QUESTIONER: Your mother lived to be over -- well over 100 years old and was a special guest at President Obama's January 2015 State of the Union address. What did that mean to her?

MR. BOYNTON: Oh, that was -- yes. That was something that touched her very much. Because given the time that she and

my father spent fighting for Black people to have a right to vote, from the minute that it was determined that President Obama had won the election, she got telephone calls for her reaction to having a Black president.

But for her to sit in the hall of Congress for her last State of the Union message from Obama, that did do an awful lot for her morale. I would say that it was equal to Obama accompanying her across the bridge for the 50th anniversary of Bloody Sunday.

(Applause.)

QUESTIONER: Mr. Boynton, you mentioned the mural in the community center that included a depiction of Dr. George Washington Carver, and I know your parents had a special relationship with him.

MR. BOYNTON: Oh, yes. That is -- played a very important role in my life, because they both were students at Tuskegee Institute when Dr. Carver was a professor there. And Dr. Carver particularly became a good friend of my mother's, so much so that she got permission from him that she would name a firstborn boy Carver after him, and he would become the child's godfather. I am the product of that agreement.

As a matter of fact, my middle -- I am Bruce Carver Boynton, and Dr. Carver was my godfather. And, indeed, I have a child that I decided the name Carver should be passed on, and over here is my daughter, Carver. That is Carver Ann Boynton.

(Applause.)

MR. BOYNTON: And incidentally, I can remember going to Dr. Carver's funeral when I was about four years old. One of the things that makes me remember it is that my father bought me a winter suit, and it itched me all day long.

But also he mailed several letters to my mother about me, and one of which was instructions that my mother would undertake to prepare a concoction for me to get rid of a cold. And the letter said to use white onions, cut sideways, of about this much in a quart jar, and to place on the top of that about this much sugar. And when the concoction liquefied, to feed me a tablespoon of the liquid.

I've been asked if it cured my cold. And I can tell you even now that I don't remember what happened to the cold, but I never will forget the awful taste of that concoction.

QUESTIONER: Mr. Boynton, you grew up in Selma but had relatives who you visited from a very young age in Philadelphia.

MR. BOYNTON: Right.

QUESTIONER: And how did seeing both of those places and traveling between them shape your perspective as a young person?

MR. BOYNTON: That's a very interesting question.

I traveled often back to Philadelphia because at a particular time, my grandmother moved from Savannah. Her husband had died, and she settled in Philadelphia, Pennsylvania.

Now let me tell you something about my grandmother. She invested money in houses or apartment buildings, really, three-story apartment buildings. And she became the secretary for the Philadelphia Negro real estate agency. She also was able to give each one of her eight children a three-story apartment building.

Now, what was your question?

QUESTIONER: This one had to do with the influence on your perspective of being in both places.

MR. BOYNTON: Right. And over the years, starting at an early age -- and I do mean an early age -- I began to travel from Montgomery by train to Philadelphia to spend summers and everything with my Philadelphia relatives.

This was at a time when I was about eight years old. I was traveling by myself. And the Interstate Commerce Commission had decided that interstate travel would be allowed to be integrated on the facility that they were traveling on.

I think that this came as a result of *Inez Morgan versus Virginia* where, in 1945, similar to Rosa Parks but much more than Rosa Parks, this Black woman was traveling from Virginia to Baltimore, Maryland. When a sufficient number of blacks had boarded the bus, that caused the bus driver to ask her or tell her to move to the back, and she refused to do it.

She was arrested under the same trespass law that I later was arrested for. She appealed her case and won. And

that caused the Interstate Commerce Commission to adopt a ruling allowing integration of the facilities, but the train and the bus companies still insisted on segregating its facilities.

With the train -- and I was always riding the train -- with the train, the conductor would come through the coach and ask the Black passengers at a certain particular point in the trip to move to a coach that was all Black. As a matter of fact, they even had the porter standing out by the cars. And regardless of where you were going, to the question, "Where are you going?" the answer always got you this coach. And you then would look around, and you will find that you were the only Black people in the coach.

But during the early days and later on, there was a confrontation that I had with the conductors, and it was always the same. The conductor would ask me to move to the other car.

This would be after Washington, D.C., going south. Before then you could sit in an integrated coach.

But the conductor would ask me to move to an all-Black coach. I would say, "I'm satisfied with where I am." He then would say, "There is no difference between the two coaches." My reply then was, "If there's no difference, you don't mind me staying here."

(Applause.)

MR. BOYNTON: And invariably I remained in an integrated coach.

One time that I had a problem of when I changed trains in Atlanta, Georgia, coming to Montgomery. The first coach -- the first coach or the first train that I went to, the white conductor and the Black porter stood outside, and we went through this routine about "Where are you going." So I got on the coach, walked through the all-Black coach, and got off and came back to the station, determined that I would try another train, particularly a streamline train, which that one was not, and see what happens.

So about 30 minutes later, there was a call to board the Crescent Limited going to New Orleans. And it was a slick, streamline, silver train. And when I got to the boarding area, the porter and the conductor asked me the same thing. And I said something, got on the coach of all-Black passengers, but I kept walking, and I went to a coach where there was one white man sitting, two white girls, and the conductor.

And as I was putting up my bag, the conductor raised his head and simply said, "Get on back to the other car where you belong, Sam." So having gone through all this routine before, I knew what was coming, and I sat down. Sure enough, we went through the same routine.

The train didn't move out of the station. He went -- left the train, and he came back with the stationmaster, and the stationmaster insisted that I move to the all-Black coach. And I explained to him that I was an interstate passenger -- because

at this time, I was much older than eight or nine years old -- that I was an interstate passenger, entitled to sit where I wanted to sit.

So the train pulled off. Shortly thereafter, the one white male passenger got off of the coach -- or the train, and that left me and the two white girls on the train. They were going to LaFayette -- no, to LaGrange, Georgia. And they told me that they did not go along with any of that segregation mess, and they were available to be witnesses for me.

I didn't have anything to write their names and addresses down, nor did they. But they took their lipstick and, on my Kappa Alpha Psi fraternity constitution, wrote down their names and addresses. And we continued the trip.

And after they got off in LaGrange, Georgia, I got concerned because the conductor came back, and he tried to explain to me that because of my actions, I had set my race back. And as an example of that, he said that there was this Black man that they would always stop at a particular point in the trip and give him a ride to another point, but because of the way that I had acted, they didn't stop at all. So I had many experiences fighting for integration before I boarded the bus.

QUESTIONER: And leading up to that, Mr. Boynton, I want to note as well that you were not only ahead of the curve in knowing your interstate passenger rights as an

eight-year-old, but academically you were extremely ahead of the curve as well. You graduated high school at the age of 14 and finished college at Fisk University at the age of 18.

Was it a natural decision to go to -- you then attended law school at Howard University. Was that a natural decision to proceed to law school? How did that come about?

MR. BOYNTON: Well, yes, it was, because the one thing that I knew my parents did not have was quick access to a lawyer. They were not lawyers themselves. And I understood the fight that my parents were involved in.

Let me say this real quickly. I can remember and could remember at the time that I was graduating from college -- I could remember going to a Kress five and dime store when I was with my mother, and I was about four years of age, and the store had two fountains for children: one for white, one for Negro. And I think I probably was not even at an age where I would have understood the words, but I do know that I got thirsty, and I started drinking out of the white fountain. And what I remember even to this day is the expression of anguish and hate that was on this white woman's face as she looked down at me, drinking out of that fountain, and I looking up at her. So my traveling experiences have been many.

QUESTIONER: Let's turn now to the December of 1958 trip. You're a senior law student at Howard University, and you're headed home for the Christmas holidays. How did the bus

trip initially come about?

MR. BOYNTON: Well, I hadn't been to Alabama in at least four years. Back even when I was at Fisk, I would come home for two weeks and then go to Philadelphia, seeking summer employment. And this time I got employed at the United States Post Office during the Christmas holidays or leading to the Christmas holidays. And I got paid about December the 20th or so, and that was enough money to finance a trip to Alabama because I had gotten homesick from always going to Philadelphia and not seeing my family in Selma. So that was the impetus for me to want to go on a bus to Alabama.

But actually, because of the delay in trying to seek transportation, and considering that out of Washington, D.C., going upwards, you've got nothing but universities, and as a result they had already reserved reservations for train and planes, leaving nothing but the bus to ride, and that's what I took.

And, of course, I get to Richmond, Virginia. There is a delay of about 30 minutes when I decided that I wanted to get a sandwich. A cheeseburger with tea. And the rest of it is, rather, history.

I gave the waitress the order. She left, and I thought that she had taken the order, but she came back with the manager. And the manager took his finger and stuck it in my face and said, "Nigger, move." That galvanized what I would do.

I hadn't decided before then that if he refuses me, I'm going to then refuse to move, but that sit-in began at that time.

I was arrested for trespass. I didn't know anybody in Richmond to call when I was allowed to make a telephone call.

Incidentally, though, I must say the jailers were all very friendly. They wanted to know why was I in jail, and I would explain to them, because I wanted to eat in your restaurant.

And I was allowed my law books, and I really spent about three days studying. And it was three days, because after I got in touch with lawyers, as I will quickly explain to you, they wanted a Black bondsman. Because they were aware that mine was a case that would be frequently appealed, and they wanted a bondsman who would be sticking by me at all times.

But when it came time to use the telephone, I recognized that I didn't know anybody to call. Then it dawned upon me that there was -- there were two people who were classmates of mine from Richmond, Virginia. One was Douglas Wilder, who became the Black governor. The other was Henry Marsh, who then became city councilman, later the mayor. And the last time that I knew of the office that he was holding, he was a state senator from Richmond, Virginia. But Henry was not as young as I was, but everybody thought that he was, so I didn't have to go around explaining that I was the baby in the class. I let them just think that Henry was.

And I knew that Henry's father was a minister. So when I had the telephone book to look up a number, I looked for the number for Reverend Henry Marsh, and I found it.

I dialed the number, and the conversation went something like this: Reverend Marsh, my name is Bruce Boynton. I'm a classmate of your son, Henry, and I'm in jail, but please don't hang up. And then I explained that I wanted to get a Black lawyer, and the rest of it took care of itself.

QUESTIONER: Now, through the Virginia courts, you were represented by some Virginia attorneys; but for the appeal to the United States Supreme Court, you were represented by future Justice Thurgood Marshall. I wonder if you could talk about the Supreme Court appeals some.

MR. BOYNTON: Well, that's very true.

But actually, from the very first court case of the city court where I testified, I testified that I was an interstate commerce passenger and not subject to the segregation laws of the state of Virginia. And that was our argument through the circuit court and then the Virginia Supreme Court.

The day that the United States Supreme Court agreed to hear my case, or grant cert, was the day that I was taking my first day examination for the Alabama Bar. So that was blast over the news here. And also the students at Alabama State University decided to go down to the Montgomery County Courthouse and protest about the all-white lunch counter in the

courthouse. So that was in the news, too.

I passed the Bar examination, but my license were held up for six years pending an investigation of my arrest in Richmond, Virginia. Actually, I went to Tennessee and took the Tennessee Bar, which did not have a requirement that you have to be a year's residence in order to qualify for a Bar examination. But the --

If you remember, I mentioned about Inez Morgan's case and her refusal to move backwards. Well, the Supreme Court request for cert -- and, indeed, the brief that Thurgood Marshall, representing me, did -- did not contain any arguments for interstate commerce. The reason why was that the restaurant facility had been leased to a private company, and the Interstate Commerce Commission had decided that once a private individual takes control of a facility, it takes it out of interstate commerce. So knowing this, Thurgood did not envision asking the Court to ignore or overrule the Interstate Commerce Commission, but it made an argument -- he made an argument of a violation of due process and equal protection. And if you examine that, you'll know that that was an argument that would be made for any segregated facility, not just interstate commerce.

And after they had granted cert on the case, the Justices had second thoughts about hearing my case because it was based on a direction that the Justices were not prepared to

go at that time and entertain an all -- array of integrated facilities. So they actually went to Chief Justice Earl Warren and explained to him that my case should be sent back to Georgia because it is not the best case to entertain an argument on integration.

Chief Justice Earl Warren knew that I was a law student from Alabama and that if the case stood as it did, with me being convicted in the highest court of Virginia for trespass, that the state Bar would never give me a license; that I never would practice in Alabama. So it was Chief Justice Earl Warren --

And I know this from a research that was done by a Stanford University law student who had been a newspaper reporter for the Minneapolis or St. Paul daily newspaper. And her professor was the son-in-law of my mother's next-door neighbor who lived in Tuskegee, and he had suggested to her that she research the background on how the Court arrived at deciding my case. She even went to Washington and spoke with clerks and everyone.

And it was clear to her -- and incidentally, she wrote an article in the Stanford University law school paper. But it was clear to her that these are the reasons that the other Justices had objected, and this was a reason why Chief Justice Earl Warren still retained the case and how it got decided in my favor.

QUESTIONER: The rest, as they say, as you said, is

history.

MR. BOYNTON: Yes, it is.

QUESTIONER: At this time we have an opportunity for just a couple of questions from audience members if anyone has a question that they would like to pose to Mr. Boynton.

And I've been asked to repeat questions for the purposes of the video recording.

Yes, ma'am.

UNIDENTIFIED SPEAKER: Mr. Boynton, I've learned from you over the years. Every time I hear your story, I learn more.

But I would like for you just to briefly explain why you continue to be involved. A lot of people are involved in the civil rights movement, but I know for a fact that you and your wife work for the Selma Nonviolence Center. Bernard LaFayette serves as the president. What keeps you involved? With all of the challenges we have, at your age and your -- forget about age -- with all the issues, why do you stay involved, you and your wife?

MR. BOYNTON: Well, that's a very good question, and I think the easiest answer is because of family heritage. You've heard me give before a knowledge of the history of my family on my mother's side. Today you heard a bit on my father's side.

But when you consider the total history of both sides, and you recognize that you've got that type of blood going through your veins -- it also includes knowledge of my Cherokee

Indian bloodship that came from the chief of the tribe, Chief Running Water. But when you consider all of the things, actually, you recognize you don't have any choice but to be active and militant.

QUESTIONER: That may be a great segue, given the time, in order to get us back on track.

One more question. Okay. Yes, sir.

UNIDENTIFIED SPEAKER: First, Mr. Boynton, thank you for everything you and your family have done.

MR. BOYNTON: Okay.

UNIDENTIFIED SPEAKER: If you were today a young attorney coming out of law school, what civil rights vistas would you embark upon today?

MR. BOYNTON: I guess that's easy, because I am involved at this time, even though I have retired. But I am involved with the Native Americans in Phoenix, Arizona. And actually, with my involvement with them, I've learned much more about how Black people in Africa were colonized, enslaved, and their problems are identical to the problems of the Native Americans. And there is a pressing problem now about the Native Americans being required to have passports to come into America from Central America.

And one had to understand, not that you hear -- or what you hear from movies out of Hollywood, that you're fighting with the Sioux tribe or the Comanches and all of that nonsense. They

don't even call themselves tribes. Tribes -- tribes, to them, is something that the Romans named the Barbarians who were camped outside the city during that invasion.

Incidentally, on a trip with my mother to Florida, we stopped at a roadside Native American place. And I was talking to my mother and, just out of being facetious, I called her a squaw, because I had heard that so much, my Saturday attendance of movies, western movies and everything. She explained to me that the word "squaw" is a white person's name for an Indian's vagina.

So I recognize now that both races have so much in common. The Native Americans look at the whole United States of America as their people, and that they are related to them, even down to Central America, so that when they want to visit one of their own, they would have to have a passport, even though my wife and I in Phoenix were shown a city of the Native Americans that was built 2,000 years ago. Certainly much beyond the time that white folks came to the country and took it over.

QUESTIONER: There will be additional conversation and additional history, as Judge Thompson mentioned at the outset, available in the future through the Court's web site and the archives that the Court maintains here.

But at this time, we will proceed to the awards presentation portion of our program today, and I will turn the floor over to moderator Judge McPherson.

COURT REPORTER'S CERTIFICATE

I, Patricia G. Starkie, Registered Diplomate Reporter and Official Court Reporter for the United States District Court for the Middle District of Alabama, do hereby certify that the foregoing 23 pages contain a true and correct transcript of the interview of Mr. Bruce Carver Boynton in the City of Montgomery, Alabama, on May 18, 2018.

This 4th day of December, 2020.

/s/ Patricia G. Starkie
Registered Diplomate Reporter
Certified Realtime Reporter
Official Court Reporter