

The case for a historic marker, Commemorating King in Decatur:

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The corner of McDonough Street and West Trinity Place in Decatur, Georgia, is the former site of DeKalb County's Civil and Criminal Court and Jail,¹²³ where in October 1960, the Rev. Martin Luther King Jr. was sentenced,⁴⁵ jailed⁶ and driven off in chains⁷ to serve a sentence of four months of hard labor⁸ for violating probation in a misdemeanor traffic case.⁹ Segregationists were hoping to send a message that would stifle the civil rights movement.¹⁰ Instead, the illegal¹¹ sentence prompted John F. Kennedy and Robert F. Kennedy to intercede with Southern politicians on King's behalf with only days to go before the presidential election, accelerating the Civil Rights movement and revealing the power of Black voters to bring change.

Months after Georgia's segregationist Gov. Ernest Vandiver vowed to keep Martin Luther King Jr. "under surveillance at all times,"¹² a DeKalb County officer pulled King over on Clifton Road.¹³ It was May 4, 1960, and King was driving a white woman, writer Lillian Smith¹⁴, to Emory Hospital, where she was receiving cancer treatments.¹⁵ She had come for dinner at the home of Martin and Coretta Scott King,¹⁶ who had moved to Atlanta from Montgomery, Alabama, that February. King was driving a vehicle, borrowed from an Ebenezer Baptist Church parishioner, whose tag had expired. Smith insisted they were pulled over because she, as a white woman,¹⁷ was sharing a car with a Black man.

King quietly answered his traffic summons on Sept. 23, 1960, appearing before Judge J. Oscar Mitchell¹⁸ in Decatur. The expired tag charge was dropped after King showed that a renewal application had already been submitted. But Mitchell convicted King of the misdemeanor offense of "driving without a license," based on King's continued use of his Alabama driver's license¹⁹ more than 90 days after moving to Georgia²⁰, and gave him a suspended sentence of 12 months "on the public works camp," otherwise known as a chain gang.²¹ King paid a \$25 fine to resolve the misdemeanor conviction and his lawyer agreed²² in court to Mitchell's probation terms, which were to avoid violating the law in any respect.²³²⁴

The civil rights movement was heating up in 1960, threatening efforts by Mayor William B. Hartsfield to promote Atlanta as a business-friendly standout in the Jim Crow South.²⁵ But the demands of Black people to be treated equally went largely unacknowledged by the presidential candidates, Republican Richard M. Nixon and Democrat John F. Kennedy, whose campaign advisors figured they couldn't win the South by challenging segregation.²⁶²⁷²⁸

This dynamic changed after Black college students at the six Atlanta University Center schools, inspired by the sit-ins in Greensboro, N.C.,²⁹ formed the Atlanta Student Movement³⁰ and defied the go-slow advice of their elders³¹ by organizing boycotts and sit-ins. Roslyn Pope, then a senior at Spelman College, led the writing of “An Appeal for Human Rights,”³² which made the case for ending racial inequality in all areas of public life.³³³⁴ The students’ manifesto appeared as an advertisement in Atlanta newspapers on March 9, 1960, was read into the Congressional Record, and The New York Times republished it in its entirety. Vandiver, who had won election promising to keep the races separate, denounced the appeal as a communist effort to sow hatred and discord, which couldn’t possibly have been written by students.³⁵ The students launched boycotts and sit-ins involving waves of arrests, hoping to pressure store owners to desegregate. But as spring stretched into summer, their movement was losing steam.³⁶

King, at that point, had yet to spend a night in jail.³⁷ Many white Americans knew him only as the leader of the successful Montgomery bus boycott. Segregationists were holding firm; despite the Supreme Court’s *Brown v. Board of Education* ruling declaring “separate but equal” doctrines to be unconstitutional, public schools and many facilities remained racially divided across the South. Meanwhile, the NAACP discouraged the civil disobedience tactics of King’s Southern Christian Leadership Conference. Even Martin Luther King Sr., nationally influential as senior pastor of the Ebenezer Baptist Church, urged his son to stay out of the sit-ins.³⁸

The fears of these older African Americans were well-founded, shaped by the experience of living under systems of oppression designed after the Civil War to keep supplying cheap or no-cost labor across the South and to terrorize Black people into accepting the idea of white superiority. An omnipresent fear was being sent to “public works camps,” the successor to post-war convict leasing system in which private companies bought the rights to the labor of people convicted on trivial charges.³⁹

But the students’ leader, Lonnie King,⁴⁰ reminded Martin Luther King of his father’s sermon, that “you can’t lead from the back,”⁴¹ and persuaded him to join their effort to desegregate Atlanta’s public facilities. On Oct. 19, 1960, Martin Luther King Jr. asked to be served in the whites-only dining room of Rich’s department store⁴², and was among dozens arrested that day for trespassing in segregated stores across Atlanta. He was handcuffed after politely pointing out that he had spent some \$2,000 at the store that year,⁴³ and yet was denied a meal solely because of the color of his skin.

The students were taken to the Fulton County Jail, and with King among them,⁴⁴ their treatment became national news.⁴⁵⁴⁶ Hartsfield began negotiating, describing Atlanta as “a city too busy ... to hate,” which would become the city’s enduring motto.⁴⁷ Eager to end the Black community’s boycott of the segregated stores and keep the sit-ins from escalating,⁴⁸ Hartsfield brokered a deal: The department store owners would drop the charges in exchange for a temporary moratorium on the sit-ins and a promise to eventually desegregate lunch counters.⁴⁹⁵⁰⁵¹ But cries of betrayal rang

out when the activists realized that King remained in jail after everyone else was released.⁵² Unbeknownst to others in the movement,⁵³ King's arrest had violated the probation terms set by Judge Mitchell. Solicitor Jack Smith ordered King to appear in Mitchell's courtroom in DeKalb County, terrifying civil rights leaders who were convinced the law wouldn't protect him.⁵⁴⁵⁵ Coretta Scott King feared for his life, saying DeKalb was "Klan Country."⁵⁶

On Oct. 25, 1960, presiding over a crowded DeKalb County courtroom,⁵⁷ Mitchell dismissed King's testimony⁵⁸, the arguments of King's lawyer Donald Hollowell⁵⁹ and statements by Atlanta's college presidents about King's good character.⁶⁰ He pounded his gavel⁶¹ and declared King in violation of his probation,⁶² sentencing him to four months' hard labor.⁶³ Hollowell immediately asked for King's release on bond pending appeal,⁶⁴ but Mitchell denied that, too, and sent King upstairs to the DeKalb County Jail.⁶⁵⁶⁶⁶⁷⁶⁸

Before dawn the next day,⁶⁹⁷⁰ King was transferred⁷¹⁷²⁷³ to Reidsville State Prison,⁷⁴ where he wrote a letter to his wife, saying "this is the cross we must bear for the freedom of our people."⁷⁵⁷⁶ Worried King would be killed, his supporters appealed to Nixon and Kennedy to take public stands only days before the presidential election.⁷⁷⁷⁸ The Republicans remained silent.⁷⁹ Despite his reluctance to lose support among white Southern Democrats, John Kennedy called Coretta Scott King to express his concern,⁸⁰⁸¹⁸²⁸³ and his soon-to-be attorney general Robert Kennedy called Mitchell asking for King's release pending his appeal.⁸⁴⁸⁵⁸⁶⁸⁷ With the Kennedys now publicly taking political responsibility for the consequences,⁸⁸ Mitchell reversed himself on Oct. 26, setting bond at \$2,000.⁸⁹

On Oct. 27, King was released from prison. He thanked the Kennedys for their intervention,⁹⁰ and then returned on a charter flight to a jubilant crowd at the DeKalb Peachtree airport.⁹¹⁹²

That night, King's father, a Nixon supporter, led a celebratory mass meeting at Ebenezer Baptist Church, urging Black voters to switch their allegiances.⁹³⁹⁴⁹⁵ Martin Luther King Sr.'s endorsement was reprinted in the "blue bomb," a pamphlet mass-produced by Kennedy aides and Black church workers. More than a million copies praising the Kennedys' intervention appeared in Black churches around the nation on the Sunday before the election.⁹⁶⁹⁷⁹⁸⁹⁹ While 61 percent of Black voters had chosen the Democrat in 1956, 68 percent chose Kennedy in 1960, providing enough of a shift in key states to for him to win the presidency by the narrowest of margins and forever reshape American politics.¹⁰⁰¹⁰¹¹⁰²¹⁰³¹⁰⁴¹⁰⁵¹⁰⁶

A Georgia appeals court would rule in 1961 that Mitchell's sentence was "illegal."¹⁰⁷ By then, this pivotal episode had already marked a turning point.¹⁰⁸ Locally, it inspired transformative changes in Decatur¹⁰⁹ and DeKalb County.¹¹⁰¹¹¹ Nationally, it elevated King's stature,¹¹² energized the civil rights movement,¹¹³ and revealed the power of Black voters¹¹⁴ to decide elections.¹¹⁵¹¹⁶

¹ Undated plat drawing showing “DeKalb County Jail” building, dating from the era when the Black Beacon Hill neighborhood still existed in downtown Decatur and West Trinity was named Herring Street. DeKalb History Center.

² “... This building was torn down in 1948 after a new one, the DeKalb building, was completed directly behind where the Callaway building now stands. The jail occupied the top story (third) of this new multi-purpose building. There was an apartment for the jailer, county police, state court, solicitor’s office, and many other offices for county business. ... This served the county jail with jail space until 1972 when the move was made to the suburbs from downtown Decatur.” From *A History of DeKalb Courthouses*, DeKalb History Center.

³ Assorted images including an aerial photo and exterior and interior photos of the DeKalb building, its main courtroom and the jail. DeKalb History Center.

⁴ King’s Oct. 25, 1960, appearance is listed as No. 528 in the DeKalb County Court’s 1960 docket book. In longhand, it says: “King, Martin L. Jr. 31 M (male) B (Black). In the “Crime Charged” column, it says “Viol. of Prob.” No bond is listed, reflecting Judge Mitchell’s denial of King’s request to be freed on bond pending appeal. DeKalb History Center.

⁵ Associated Press photo showing King in a second-floor hallway of the DeKalb Building, titled: “Dr. Martin Luther King Jr. leaves court after a four-month sentence in Decatur, Ga., Oct. 25, 1960, for taking part in a lunch counter sit-in at Rich’s department store.” (AP Photo) ID 621839355628, *Associated Press Archives*.

⁶ “A spokesman for the jail said Dr. King spent the night _ or part of it _ in the general lockup along with other persons being held for various offenses.” “Judge Denies Motion To Set Aside King Sentence,” *DeKalb/Decatur News*, Thursday, Oct. 27, 1960.

⁷ “... the men made him dress, handcuffed him very tightly, and chained him all the way down to his legs.” *My Life, My Love, My Legacy*, by Coretta Scott King, as told to The Rev. Dr. Barbara Reynolds (New York, 2017), 92.

⁸ Branch, Taylor. *Parting the Waters: America in the King Years, 1954-1963* (New York, 1988), 356-370.

⁹ Donald L. Hollowell legal files, Martin Luther King Jr. cases, Box 11, Folders 14-15, Auburn Avenue Archives of African American History and Culture.

¹⁰ Gov. Ernest Vandiver’s executive secretary, Peter Zach Geer, was quoted as saying “I think the maximum sentence for Martin Luther King might do him good, might make a law-abiding citizen out of him and teach him to respect the law of Georgia.” “The Nation and the World ‘Sat-in’ at Decatur, Georgia,” *DeKalb/Decatur News*, Oct. 27, 1960.

¹¹ The Court of Appeals held that “because its imprisonment feature exceeded the maximum term permitted by statute, the “illegal sentence of probation” could not “form a basis for [any] subsequent order of revocation.” *King v. State*, 119 S.E.2d 77 (Ga. Ct. App. 1961).

¹² “Gov. Vandiver has again promised to keep the Rev. Martin Luther King under constant surveillance when he moves to Atlanta next February,” *The Associated Press*, Nov. 29, 1959.

¹³ King was pulled over on Clifton Road between North Decatur Road and Haygood Drive, and charged with operating a vehicle without “a correct drivers license.” Case record, *King v. State*, Nos. 38648, 38718, 119 S.E. 2d 77, 79, 81 (Ga. App. 1961).

¹⁴ Smith, the author of *Strange Fruit* and *Killers of the Dream*, was an ardent advocate for racial and gender equality who sought to use her influence and status as a prominent white Southern woman to advise and support the civil rights movement. Loveland, Ann C., *Lillian Smith: A Southerner Confronting the South* (Baton Rouge, La., 1986).

¹⁵ “The time he was arrested in his car for some minor technical oversight (his car wouldn’t start and he took the church car without seeing that a new license had not been put on it) I WAS IN THE CAR WITH HIM. He was really arrested because the cop saw my white face, followed the car out to Emory where I was staying (taking my usual X-ray treatments) and arrested him for that, using the license as an excuse. I think Dr. King should be more astute and shrewd about seeing that he never technically breaks the law. But the real reason was me.” Lillian Smith, in July 1962 letter to Mimi Pace Newcomb, *How Am I to be Heard? Letters of Lillian Smith*, edited by Margaret Rose Gladney (Chapel Hill, N.C., 1993) 301.

¹⁶ A policeman, no doubt noting that the woman was white, pulled Martin over and gave him a summons for driving with an out-of-state license. This happened in DeKalb County, a suburb of Atlanta, which was Klan country.” Coretta Scott King, *My Life, My Love, My Legacy*, 91.

¹⁷ It was a customary practice for police to conduct traffic stops when they spotted “interracial groups of travelers.” Branch, *Parting the Waters: America in the King Years*, 356.

¹⁸ King was represented during this Sept. 23, 1960, appearance by Decatur attorney Charles M. Clayton, who also had served as principal of the segregated Herring Street School, where Decatur’s African American children were educated. Decatur’s public schools weren’t completely integrated until 1972. *BEACON: A brief history of Decatur’s African-American Community*. City of Decatur, www.decalurga.com/beacon.

¹⁹ King’s Alabama license was valid until 1962. Nevertheless, he pleaded guilty to operating a motor vehicle without a valid driver’s license, because he had failed to obtain a Georgia license within 90 days of moving from Alabama. Case record, *King vs. State*.

²⁰ King had announced in Montgomery that Feb. 1, 1960 would be the day his family would move to Atlanta, according to the Nov. 29, 1959 *Associated Press* article cited above. If his family did in fact move to Georgia on that date, he would have missed this administrative deadline by three days.

²¹ “To sentence Martin Luther King to hard labor for a trivial offense hearkens back to a 100-year history of using the system to brand African-Americans as unworthy and immoral ... the ultimate example of trying to humiliate King in front of his followers.” Douglas A. Blackmon, author of *Slavery by Another Name - the Re-Enslavement of Black Americans from the Civil War to World War II* (New York, 2008). Interview with Michael Warren, June 18, 2020.

²² “I didn’t even know it at the time but the lawyer pleaded guilty for me and they had fined me something like \$25 or \$50 and placed me on probation for I guess six months. I didn’t even pay attention to the case, it was such a minor case; I didn’t pay attention to it and never knew that the lawyer had really pleaded guilty. He had just told me, “I’ve got everything worked out.” He made me think it was clear and all I needed to do was pay. Actually they later admitted in court that they had never fined or arrested anybody on a charge like that, and they really had nothing on the statute to reveal how long you had to be in Atlanta before changing your license. So it was obviously a case of persecution.” *The Autobiography of Martin Luther King, Jr.*, Edited by Clayborne Carson (New York, 2001) 146-147.

²³ King sat in the back of the courtroom and heard Mitchell dismiss the expired tag charge and impose a \$25 fee on the second charge of driving without a Georgia license. He did not see the sentence form that Mitchell filed and that Clayton was privy to, requiring that King “shall not violate any Federal or State penal statutes or municipal ordinances for one year’s time.” David J. Garrow, *Bearing the Cross: Martin Luther King Jr. and the Southern Christian Leadership Conference* (New York, 1986), 142.

²⁴ “Martin’s lawyer didn’t disclose this detail to Martin.” Coretta Scott King, *ibid*, p 91

²⁵ Branch, *ibid*, 356.

²⁶ “Democratic leaders in Georgia felt it would sink their ticket if Kennedy expressed support for King,” Thomas Oliphant and Curtis Wilkie, *The Road to Camelot: Inside JFK’s Five-Year Campaign* (New York, 2017). 340.

²⁷ Civil rights as an issue was driven underground by both presidential campaigns. Branch, *ibid*, 341.

²⁸ “No less than three Southern governors had informed Kennedy headquarters directly that if he intruded in Southern affairs to support or endorse Martin Luther King, then the South could be given up as lost to the Democratic ticket.” White, Theodore H., *The Making of the President 1960* (New York, 1961) 322.

²⁹ “Why don’t we make it happen here?” *SNCC: What We Did*, by Julian Bond, <https://www.sncclibraryproject.org/we-were-sncc/what-we-did>, accessed Feb. 28, 2020.

³⁰ “We finally realized we have to change this. We cannot, you know, go through life being segregated and made to feel inferior. ... eventually things began to change, really triggered by the Atlanta Student Movement,” Roslyn Pope, interviewed by Decatur High School student Genesis Reddicks, Jan. 29, 2020. To be archived at the DeKalb History Center.

³¹ Community elders and leaders of Atlanta’s historically Black colleges urged the students to wait for judicial rulings, and not risk their educations. Maurice C. Daniels, *Saving the Soul of Georgia: Donald L. Hollowell and the Struggle for Civil Rights* (Athens, GA, 2013), 99-106.

³² Pope, who was president of Spelman College’s Student Government Association, said she wrote it out long-hand, while Morehouse College student Julian Bond typed it up on Prof. Howard Zinn’s typewriter. Pope, *ibid*.

³³ The appeal “spelled out all our areas of discontent in every aspect of life, including transportation, education, law enforcement, religion, you name it. And it became kind of a road map for our movement to take on all these things. And she wrote that document.” Atlanta Student Movement co-founder Charles Black, interviewed by Decatur High School Daxton Pettus, Jan. 29, 2020. To be archived at the DeKalb History Center.

³⁴ “Everything was at stake. You know, our lives were at stake. We could not continue, once we really locked into the idea of how inhumane it was and how we were being robbed of our citizenship, our humanity ... it just could not continue. And so a lot of wonderful things came from it. But the ‘Appeal for Human Rights’ set off the movement and let people know what we were thinking and what we were planning for and how we were going to change the face of Atlanta and Georgia and the whole country.” Pope, *ibid*.

³⁵ “...Vandiver called a press conference to criticize our document and even said in the press conference, “I read that document, supposedly written or purported to be written by students, but it sounds so much like the literature coming out of Moscow.” Now, that was an insult, but also a boost. Why do I say that? He gave the document publicity and exposure that we did not have the resources to give.” Dr. Otis Moss, Jr., as told to Jeanne Law Bohannon for the Atlanta Student Movement Project at Kennesaw State University, Aug. 25, 2017.

³⁶ “Remember, we started March 15th and this was October 19. And our boycott was losing some steam because people were saying, you know, ‘this ain’t working.’” Black, *ibid*.

³⁷ Garrow, *ibid*, 144.

³⁸ King had an agreement with his father and the established Black community that he would not get involved in the civil rights activities in Atlanta. You know, their attitude was, you know, we got this, you know, we don’t need junior.” Black, *ibid*.

³⁹ By 1930, when King was 1 year old, Georgia had more than 8,000 men, nearly all Black, working in chain gangs in 116 counties, and approximately half of the 1.1 million African Americans in Georgia that year “lived under the direct force and control of whites, unable to move or seek employment elsewhere under the threat that doing so would lead to the dreaded chain gang.” Douglas A. Blackmon, *Slavery by Another Name – The Re-Enslavement of Black Americans from the Civil War to World War II* (New York, 2008), 371.

⁴⁰ “I said ML, you can’t lead from the back... he said what time and where tomorrow. .. I’ll see you there.” Lonnie King, as told to Carole Merritt, Nov. 21, 2005, Cat. No. VIS 180.018.001, *Voices Across the Color Line oral history transcriptions*, Kenan Research Center, Atlanta History Center.

⁴¹ Martin Luther King Jr. agreed to join the sit-in at Rich’s department store at 10 a.m. on Oct. 19, 1960 after ASU organizer Lonnie King reminded him of his father’s sermon titled ‘You can’t lead from the back,’ Daniels, *ibid*, 109.

⁴² Arrested along with Martin Luther King in the Magnolia Tea Room of Rich’s Department Store were Lonnie King, Marilyn Pryce and Agnes Blondean Orbert. Pryce recalled that “one of us, I don’t know if it were me or someone else, said, ‘We just want to be served.’ ‘Well you know we can’t serve ya’ll, we don’t serve negros in here.’” Marilyn Pryce Hoytt interview, 2018-07-13, Atlanta Student Movement Project, KSU/45/12/001, Kennesaw State University Archives.

⁴³ Daniels, *ibid*, 110.

⁴⁴ “When King was arrested, you know, this gave new life to our efforts because people who were giving up, ready to give up, decided they could hang in there. And that made all the difference.” Black, *ibid*.

⁴⁵ Governor Ernest Vandiver “wanted to send out a strong, clear signal of segregationist resolve in Georgia,” and “promised to get King out of jail on the condition that Kennedy make no public statement about the matter.” Branch, *ibid*, 359.

⁴⁶ King had advocated a “jail not bail” strategy for those arrested in civil disobedience efforts to increase pressure on authorities, and like the other students, refused to pay a \$500 bond to go free pending prosecution on the trespassing charge. Daniels, *ibid*, 110.

⁴⁷ WSB-TV newsfilm clip of Gov. Ernest Vandiver and Mayor William B. Hartsfield responding to the full-page advertisement “An Appeal for Human Rights” published in newspapers by a student civil rights group in Atlanta, Georgia, 1960 March 9, *WSB-TV newsfilm collection*, reel 0919, 49:52/58:10, Walter J. Brown Media Archives and Peabody Awards Collection, The University of Georgia Libraries, Athens, Ga, as presented in the Digital Library of Georgia.

⁴⁸ Hartsfield “was not completely hostile” according to NAACP Executive Secretary Roy Wilkins, who feared a white backlash and had reservations about mass direct civil disobedience. Daniels, *ibid*, 113.

⁴⁹ On Oct. 22, Hartsfield met with 60 Black representatives of leading civil rights groups and negotiated a compromise: Demonstrations would be suspended for 30 days and all the jailed protesters released. Daniels, *ibid*, 114.

⁵⁰ Hartsfield also let it be known that Kennedy wanted him to intervene, effectively blaming a Northern Democrat, after Kennedy aide Harris Wofford enlisted Atlanta attorney Morris Abram to urge the mayor to find a way of releasing King and the students. Branch, *ibid*, 355.

⁵¹ “Well, I would not want to say who I talked to talked with in the Kennedy headquarters, but I did talk with them and they transmitted to me their friendly interest of Senator Kennedy in a friendly solution of this matter, coupled with the statement that neither they nor Senator Kennedy

had any desire to be put in the position of interfering.” Mayor William B. Hartsfield speaking to reporters about recent civil rights demonstrations and the arrest of Dr. Martin Luther King, Jr. in Atlanta, Georgia, 1960 October 24. *WSB Newsfilm collection*, Walter J. Brown Media Archives and Peabody Awards Collection, The University of Georgia Libraries, Athens, Ga., as presented in the Digital Library of Georgia.

⁵² “Something peculiar and unexpected and brutal happened. When we went to the jail, the (Fulton) county jail, to pick up all of the students ... there was a deputy sheriff waiting for Dr. King, from DeKalb County.” Moss, *ibid*.

⁵³ “Few people knew of King’s DeKalb case, and fewer still that he would not be released along with other demonstrators from the Fulton County jail that Sunday - even Coretta didn’t learn that King was still being held until she arrived at a victory party at Paschal’s Restaurant and was told that King wasn’t there.” Garrow, *ibid*, 145.

⁵⁴ Smith demanded a harsh penalty, saying King had shown “no sign of penitence or remorse.” Branch, *ibid*, 358.

⁵⁵ On Mitchell: “Well, he was a racist first of all, and he didn’t mind saying so. He could be very abusive toward African-Americans who appeared in his court.” DeKalb County Judge Clarence Seeliger, interviewed by Decatur High School student Halle Gordon, Jan. 15, 2020. To be archived at the DeKalb History Center.

⁵⁶ “I was also told that if Martin were made to work on a state chain gang, he would be exposed to anyone who wanted to take a shot at him. In the climate we faced, Martin had to be freed or he would likely face death.” Coretta Scott King, *ibid*, 92.

⁵⁷ “Judge Oscar Mitchell of Dekalb County criminal court heard two hours of argument in a courtroom packed with Negro and white spectators ... More than 200 white persons and 100 Negroes crowded into the small courtroom.” “Martin Luther King Draws 4-Month Sentence in Court,” *The Associated Press*, Oct. 26, 1960. Associated Press Archives.

⁵⁸ Mitchell refused to reconsider the driving without a license conviction, even though King testified: “I had an Alabama license.” Court transcript, Case No. 10,443, “Revocation of Suspended Sentence, Civil and Criminal Court of DeKalb County (Criminal Division), Oct. 25, 1960. Hollowell legal files, *ibid*.

⁵⁹ Hollowell objected, describing Mitchell’s sentence as unusually harsh. “We submit Your Honor that the judgment which we are asking Your Honor to vacate, in all legal fairness, and in all conscionable fairness, we would submit that it should be vacated and this man ought to be at liberty. I don’t think the Solicitor could bring me in one case . . . which shows that there has ever been in the history of the State of Georgia, from the time of its inception, been an individual who was sentenced to serve four months on the public works for failing to have a driver’s license.” Daniels, *ibid*, 115-116.

⁶⁰ Mitchell “definitely was a symptom of the time. He was a racist and it angered him that African Americans were asserting their rights to vote and to become active members of our society. And he did not want it. I think Dr. King represented that effort. And so when he appeared in his court, he had no compunction about giving him anything by way of any mercy. If he had the opportunity, he was going to punish Dr. King. And he did.” Seeliger, *ibid*.

⁶¹ “I was at that hearing. And the judge sat sideways at the bench while the defense was presenting the case. The attorney was Donald Hollowell, and he wasn’t listening to anything he said. He had a comic book, as a matter of fact. Thumbing through this comic book while King’s defense was being presented. And when Hollowell had finished he turned to him and said, “Are you through?” Boom, four months.” Black, *ibid*.

⁶² “He appeared before me and was sentenced and I gave a probated sentence, and then he came back before me for violating the conditions of the probation. And I did revoke the probationary portion of the sentence.” Judge J. Oscar Mitchell, “I Remember,” oral history interview transcript, <https://www.dekalbhistory.org/documents/2012.3.4aOscarMitchell.pdf>, DeKalb History Center.

⁶³ “The judge sentenced Dr. King to four months ... on public works, which meant the Georgia chain gang.” Moss, *ibid*.

⁶⁴ Hollowell’s appeal, filed Oct. 27, 1960, argued that Mitchell’s sentence was “excessive ... void, unjust and contrary to law.” *King v. State*, 119 S.E.2d 77 (Ga. Ct. App. 1961).

⁶⁵ Daniels, *ibid*, 115.

⁶⁶ “I watched in horror as Martin was immediately taken from the courtroom, his hands in metal cuffs behind his back. When Daddy King, Christine, A.D. and I were allowed to see him for a few moments, I couldn’t stop the tears from streaming down my face.” Coretta Scott King, *ibid*, 92.

⁶⁷ “He and Coretta were allowed a brief visit with King in a holding cell behind the courtroom. King was calm and sought to comfort his wife. ‘Corrie, you have to be strong. I’ve never seen you like this. You have to be strong for me.’ Then he was taken to the county jail.” Garrow, *ibid*, 145-146.

⁶⁸ King and eight other prisoners divided the bunks in a crowded cell at the DeKalb County Jail Branch, *ibid*, 360.

⁶⁹ King’s attorney, Donald Hollowell, called the DeKalb County Jail just before 8 a.m. to advise that he’d be appearing with a writ of habeas corpus, and was told King had already been removed to Reidsville. Branch, *ibid*, 360.

⁷⁰ “We were informed that Rev. King has been taken down to Reidsville at 4:05 a.m.” King’s attorney Donald Hollowell, speaking in Decatur, Ga., on Oct. 26, 1960. (Behind Hollowell, the side of the DeKalb Building, the back of the Antioch A.M.E. church, and the side of Decatur’s junior high school can be seen. The date and location are incorrectly described here as Oct. 27 and Atlanta.) [wsbn43747](#) | 1960 Oct. 27 | “Series of WSB-TV newsfilm clips of African American attorney Donald Hollowell speaking to reporters about the imprisonment of Dr. Martin Luther King, Jr. from Atlanta, Georgia, 1960 October 27.” *WSB Newsfilm collection*, Walter J. Brown Media Archives and Peabody Awards Collection, The University of Georgia Libraries, Athens, Ga., as presented in the Digital Library of Georgia.

⁷¹ “He was immediately sent in the dead of night to Reidsville prison in the back of a paddy wagon with the loose German shepherd dog in there.” Black, *ibid*.

⁷² Andrew Young, in a 2009 interview with Maurice C. Daniels, said: “They took him from the DeKalb County jail, put him in leg irons and handcuffs, and laid him on the floor in the back of a paddy wagon with nobody back there but a German Shepherd. ... He never talked about the incident that much but mentioned how that was the worst night of his life. Fortunately, he loved dogs and was not afraid of the police dog. But that night was hell on earth.” Daniels, *ibid*, 117.

⁷³ “... In the middle of the night, several men came to Martin’s cell, shone a flashlight in his face, and ordered him to get up. Martin later told me that the terrors of southern justice, wherein scores of Black men were plucked from their cells and never seen again, ran through his mind as the men made him dress, handcuffed him very tightly, and chained him all the way down to his legs. They then placed him in the back of a patrol car, along with a large German shepherd. During the 230-mile night ride through rural Georgia, the men did not tell Martin where they were going.” Coretta Scott King, *ibid*, 92.

⁷⁴Coretta Scott King “was nearly hysterical,” having received the one phone call King was allowed upon arrival at the prison. Branch, *ibid*, 360-361.

⁷⁵“Today I find myself a long way from you and the children. I am at the State Prison in Reidsville which is about 230 miles from Atlanta. They picked me up from the DeKalb jail about 4 'o'clock this morning. I know this whole experience is very difficult for you to adjust to, especially in your condition of pregnancy, but as I said to you yesterday this is the cross that we must bear for the freedom of our people. So I urge you to be strong in faith, and this will in turn strengthen me. I can assure you that it is extremely difficult for me to think of being away from you and my Yoki and Marty for four months, but I am asking God hourly to give me the power of endurance. I have the faith to believe that this excessive suffering that is now coming to our family will in some little way serve to make Atlanta a better city, Georgia a better state, and America a better country. Just how I do not yet know, but I have faith to believe it will. If I am correct then our suffering is not in vain.” Martin Luther King, Jr. Papers (Series I-IV), Martin Luther King, Jr., Center for Nonviolent Social Change, Inc., Atlanta, Ga., Box 7, folder 24.

⁷⁶ “The letter that Dr. King wrote to Mrs. King, Coretta Scott King. I have used it for many years. Everybody ought to read that first letter from a jailhouse, before Birmingham.” Moss, *ibid*.

⁷⁷ Wyatt Tee Walker, who led the Southern Christian Leadership Conference, spread the alarm by telephone, believing King’s life was at stake: “The state road gang meant cutthroat inmates and casually dismissed murders. King had to be freed or he would be dead.” Branch, *ibid*, 359.

⁷⁸ Speaking by phone with Kennedy aide and King friend Harris Wofford, Coretta Scott King said “They are going to kill him. I know they are going to kill him.” Garrow, *ibid*, 146.

⁷⁹ Either President Eisenhower or Vice-President Nixon could have acted - yet neither did. ... he felt it quite possible that Texas, South Carolina and Louisiana might all be won to him by the white vote and he did not wish to offend that vote.” White, *ibid*, 315.

⁸⁰ Kennedy aides Harris Wofford and Louis Martin urged their boss Sargent Shriver to ask Kennedy to call Mrs. King to express empathy. “It would reverberate all through the Negro community in the United States” while remaining under the radar of Southern white voters. Branch, *ibid*, 360.

⁸¹ Shriver slipped past other campaign staff as Kennedy was going to sleep and urged him to make the call, stressing King’s “lousy treatment” and Mrs. King’s emotional breakdown. “What the hell,” he said. “That’s a decent thing to do. Why not. Get her on the phone.” Branch, *ibid*, 361.

⁸² “On the other end of the telephone was Sargent Shriver, the brother-in-law of Sen. John F. Kennedy, who was in the final week of his presidential campaign. ‘May I speak to Mrs. King?’ Sargent Shriver said. ‘Please hold for Senator Kennedy.’ After a brief greeting, Senator Kennedy expressed his concern for me and Martin. ‘I know this must be very hard for you. I understand you are expecting your third child, and I just wanted you to know that I was thinking about you and Dr. King. If there is anything I can do to help, please let me know.’ Of course I told him that I appreciated his concern and would welcome any assistance. After the call, things happened fast...” Coretta Scott King, *ibid*, 93.

⁸³ “‘She is a friend of mine, and I was concerned about the situation,’ Kennedy told a reporter, confirming the call. ... Kennedy and Coretta Scott King hadn’t met and never would.” Branch, *ibid*, 365.

⁸⁴ “John F. Kennedy, at that time did call Mrs. King; and then later—maybe the same day or the next day—his brother, Robert F Kennedy, did make a call to me. And he was very nice to me, he was not belligerent, he appeared not to be offended at me in any way, he was primarily interested

in his brother being elected, and asked me was the—under the laws of this state and the constitution of this state—could Dr. King be permitted to make bond. And I told him at the time that my research—that I had a hearing set for that morning— he called me at 8:00 in the morning—and I told him I had a hearing set, a bond hearing set, at 10:00 that morning. And from my understanding of the law, that would be entitled to make a bond; and at the hearing, why, he was granted bond. Mitchell, *ibid*.

⁸⁵ Robert Kennedy reprimanded Wofford and Martin for orchestrating his brother’s phone call, saying their stunt likely lost them the election. But then he called the DeKalb courthouse, asked for Mitchell, identified himself and “said he was calling simply as a lawyer to express to the judge his belief that all defendants had a right to release on bond while they appealed.” Garrow, *ibid*, 147.

⁸⁶ Robert F. Kennedy told campaign aides John Siegenthaler and Louis Martin that “he had called Judge Mitchell from a phone booth in New York to register his opinion that any decent American judge would release King on bond by sundown.” Branch, *ibid*, 167.

⁸⁷ Vandiver later said that he, too, helped pressure Mitchell to change his mind: “I got a call from then-Sen. John Kennedy (asking) is there anything you could do to help get him out? Because it will be helpful to my career.” Vandiver said he then called Georgia’s former secretary of state George Stewart, who went out to talk with Judge Mitchell. “Judge Mitchell agreed, and I do not know what George told the man. He might have told him that he would get him appointed federal judge or something. Anyway he agreed that if either Senator Kennedy or Bobby Kennedy would call him personally and ask him to release Dr. King, that he would release him. I called Bobby Kennedy and related the message that George Stewart had brought back to me. Bobby Kennedy called Judge Mitchell, and Martin Luther King was released from jail.” -- Vandiver, in a 1996 interview with Daniels. Daniels, *ibid*, 118.

⁸⁸ “I called my brother-in-law and confidant, Bob Russell, and we talked about it,” Vandiver says. “We agreed it would be political suicide for me to be publicly identified with the effort. We decided to ask George Sewart, executive secretary of the Georgia Democratic Party, to approach Judge Oscar Mitchell in DeKalb County. George did, and Judge Mitchell said he would release Dr. King if he got a call from either John Kennedy or Robert Kennedy.” Thus was altered the course of history, the nation and perhaps the world.” “Gov. Vandiver's courage comes to light with time,” by Jim Minter, *The Atlanta Journal and Constitution*, Jan. 8, 1998.

⁸⁹ The bail order, signed by J. Oscar Mitchell and dated Oct. 27, 1960, set bond at \$2,000 pending King’s appeal, and noted that the judge was required to grant bail per GA code 6-1005. A court transcript shows Hollowell had requested a \$1,000 bond, saying anything more would be a hardship. Mitchell doubled it. Hollowell legal files, Folder 14.

⁹⁰ “I owe a great debt of gratitude to Senator Kennedy and his family for this. I don't know the details of it, but naturally I'm very happy to know of Senator Kennedy's concern and all that he did to make this possible. I might say that there are no political implications here. I'm sure that the senator did it because he is really concerned and his humanitarian bent. And I will always say that I'm deeply indebted to him for it.” WSB-TV newscast clip of Dr. Martin Luther King, Jr. leaving the Georgia State Prison in the company of Donald Hollowell, Ralph D. Abernathy, and Wyatt T. Walker, Reidsville, Georgia, 1960 October 27. *WSB Newscast collection*, Walter J. Brown Media Archives and Peabody Awards Collection, The University of Georgia Libraries, Athens, Ga., as presented in the Digital Library of Georgia.

⁹¹ “By the time the plane got to the DeKalb airport, we looked around and here are all these people. I mean, tons of people, like a sea of people came out to greet him! And I remember when

he got off of that plane, this beautiful big smile on his face. And everybody was, just, we were so happy that Dr. King is here and President Kennedy and his brother had to do with him, getting out of prison.” Decatur Mayor emerita Elizabeth Wilson, interviewed by Decatur High School students Adelaide Taylor and Liza Watson, Jan. 21, 2020. To be archived at the DeKalb History Center.

⁹² “Martin Luther King Jr. is welcomed back from Georgia’s Reidsville State Prison by supporters and family gathered at the DeKalb Peachtree Airport, on Oct. 27, 1960. Pictured from left to right are The Rev. Wyatt Tee Walker; Coretta Scott King and Martin Luther King; King’s sister Christine holding her niece and nephew, Yolanda King and Martin Luther King III; and the Rev. Samuel Williams.” Associated Press photo, ID 601027059, *Associated Press Archives*.

⁹³ Martin Luther King, Sr., had endorsed Nixon on Oct. 18, but his son was withholding his endorsement of either candidate, wanting to keep his movement nonpartisan and holding out for a concrete gesture in exchange. Branch, *ibid*, 349.

⁹⁴ Martin Luther King Sr. told the audience of about 800 people: “It took courage to call my daughter-in-law at a time like this. He has the moral courage to stand up for what he knows is right. I’ve got all my votes and I’ve got a suitcase, and I’m going to take them up there and dump them in his lap.” Daniels, *ibid*, 118.

⁹⁵ King’s father acknowledged that he had endorsed Nixon only days earlier, “and then he raised his voice, “But!” I have never been able to write so well that I didn't need an eraser.” ... And then he went on to say he was changing his endorsement as of that moment. ... Dr. Abernathy followed him and said, “it's time to throw away all of the Nixon buttons and lift up Senator Kennedy.” Moss, *ibid*.

⁹⁶ Printed on blue paper, the pamphlet titled “No Comment Nixon Versus a Candidate with a Heart, Senator Kennedy,” cited King as saying he was “deeply indebted to Senator Kennedy, who served as a great force in making my release possible.” Two million copies were made, distributed in 10,000 churches by the National Baptist Convention. Branch, *ibid*, 368-372.

⁹⁷ “... they were shipped by Greyhound bus. On the Sunday before the election, these pamphlets were distributed outside Negro churches all across the country.” White, *ibid*, 323.

⁹⁸ “Blacks were voting largely Republican during this time, partly out of loyalty to Lincoln, you know, and whatever else. And in the major cities across the country where they have large Black populations, the Kennedy campaign distributed the blue bomb with all this support of Kennedy to what he had done. And the votes among Black people in the major cities across the country switched from Republican to Democrat in that election. And Kennedy ended up winning by less than one vote per present nationwide as a result of that.” Black, *ibid*.

⁹⁹ “The story is that Kennedy won by about 113,000 votes. Someone figured it out and said he won by less than one half vote per precinct, but that was not an accident. A flyer was prepared, endorsed by ministers across the country. African American ministers. Someone said they printed 11 million copies. Pretty fantastic for 1960. They were distributed in Atlanta, Cleveland, Chicago, New York, Detroit, St. Louis, San Francisco, L.A., and all of the major urban centers and American churches. In every church. So, I maintain without any fear of successful contradiction that Dr. King elected President Kennedy and Vice President Johnson.” Moss, *ibid*.

¹⁰⁰ *Chart: The Black Vote (for president) 1936-2016*, Joint Center for Political and Economic Studies & Pew Research Center, as shown on www.blackdemographics.com/culture/black-politics/

¹⁰¹ The Kennedys’ intervention did not become a major issue in the last few days of the campaign, and political analysts were initially at a loss to explain how Kennedy, down in the

polls, eked out a victory on November 8. His margin was two-tenths of one percent: 34,221,463 votes to Nixon's 34,108,582. Analysts later reached consensus that the negro vote was a deciding factor, and that Blacks switched because "Kennedy had acted in response to King's plight, whereas Nixon had not." Branch, *ibid*, 375.

¹⁰² Several weeks later, President Eisenhower complained to reporters that Nixon had lost simply because of "a couple of phone calls." Garrow, *ibid*, 49.

¹⁰³ "... one plain fact shined through everywhere: Two little phone calls about the welfare of a Negro preacher were a necessary cause of Democratic victory." Branch, *ibid*, 374.

¹⁰⁴ "Poor Richard Nixon, because he was a shoo-in before they arrested Martin Luther King." Pope, *ibid*.

¹⁰⁵ "It made the big difference in the country in that it led directly to the election of John F. Kennedy over Nixon in 1960. You know, there's just no dispute about that, because Nixon was leading by double digits two weeks before the election, and this happened, we got the blue bomb out, we won by less than one vote per precinct. So that was a major turning point in the country. And of course, by extension the world." Black, *ibid*.

¹⁰⁶ "One cannot identify in the narrowness of American voting of 1960 any one particular episode or decision as being more important than any other in the final tallies: yet when one reflects that Illinois was carried by only 9,000 votes and that 250,000 Negroes are estimated to have voted for Kennedy; that Michigan was carried by 67,000 votes and that an estimated 250,000 Negroes voted for Kennedy; that South Carolina was carried by 10,000 votes and that an estimated 40,000 Negroes there voted for Kennedy, the candidate's instinctive decision must be ranked among the most crucial of the last few weeks." White, *ibid*, 323.

¹⁰⁷ "Since the sentence as originally entered was, as to that part of it relating to imprisonment, illegal and therefore a nullity, it could not be enforced by any subsequent order such as that passed revoking its probationary feature. The probationary feature of the sentence being void, the defendant was not under probation at the time he allegedly committed the crime [trespass] for which the purported probationary sentence was sought to be revoked. Accordingly, no probationary sentence may be revoked for the commission of this crime. The judgment of revocation in case No. 38718 is reversed." *King v. State*, *ibid*.

¹⁰⁸ The local paper's front-page analysis that day concluded: "One thing is for sure. Regardless of the legal aspects, it didn't do "Decatur, Georgia" and DeKalb County any good." Linton Broome, "Handcuffed Martin Luther King hung his head and became a martyr," *DeKalb/Decatur News Sun*, Thursday Oct. 27, 1960.

¹⁰⁹ Wilson credits King's treatment in Decatur for inspiring her to stand up to the Ku Klux Klan, desegregate the city/county library and the city school system, and eventually run for office, becoming Decatur's first African-American mayor. "Dr. King's story for me helped me to become the mayor of Decatur ... That whole history of the Kennedys, politically, that is when I saw how the political system could really work, because I guess if Daddy King and Coretta had never contacted the Kennedys about helping to get Martin out of Reidsville, I don't know how long he would have been there." Wilson, *ibid*.

¹¹⁰ Hartsfield said: "I have made requests of all the news agencies that in their stories they make clear that this hearing did not take place in Atlanta, Georgia." Branch, *ibid*, 359.

¹¹¹ Seeliger said Mitchell's treatment of African-Americans inspired his campaign to unseat the judge in 1980; Seeliger then hired DeKalb County's first Black bailiff, Nesby Thomas, and had him remove a Confederate battle flag Mitchell had on display in the courtroom. "I said the

Confederate flag used to be a flag of honor, but now it represents an attitude toward race and therefore should never be in any courtroom.” Seeliger, *ibid*.

¹¹² “... Before, King had been a curiosity to most of the larger world ... now, as ... a catalytic agent in the outcome of the presidential election, he registered as someone who might affect the common national history of whites and Negroes alike.” Branch, *ibid*, 378.

¹¹³ King’s traffic case brought together Hollowell, who had been representing the Atlanta Student Movement participants in court, and Thurgood Marshall, who oversaw the NAACP’s legal strategy. Marshall’s secretary wrote to Hollowell as King’s representative on Nov. 3, 1960, saying: “Mr. Thurgood Marshall, Director-counsel, NAACP Legal Defense and Educational Fund, Inc., has authorized me to inform you that said organization has agreed to accept full legal and financial responsibility in your recent cases, namely, your arrest for participating in the sit-in demonstration and Rich’s, Inc., on Oct. 19, 1960; the revocation of the sentence of Sept. 30, 1960, involving your driving without a proper Georgia license Tag.” Hollowell legal files.

¹¹⁴ Martin Luther King Jr. himself also maintained that Black votes got Kennedy elected. In a Dec. 30, 1960 speech in Chattanooga, Tennessee, he said “It is pretty conclusive now that the Negro played a decisive role in electing the President of the United States, and maybe for the first time we can see the power of the ballot and what the ballot can do. ... Now we must remind Mr. Kennedy that we helped him get in the White House. We must remind Mr. Kennedy that we are expecting him to use the whole weight of his office to remove the ugly weight of segregation from the shoulders of our nation.” Daniels, *ibid*, 119.

¹¹⁵ “The case was clear: Kennedy had responded to King; Nixon had not. A few days later, John Fitzgerald Kennedy was elected president by about a hundred thousand votes. This was a significant election in the shift of Black Americans from voting Republican to voting Democrat. Many historians say -- and I agree -- that Black voters, grateful for Kennedy’s intervention on behalf of my husband, made the difference in the 1960 presidential election.” Coretta Scott King, *ibid*, 94.

¹¹⁶ “What Judge Mitchell did was an outward manifestation of the oppression that all African-Americans faced. That a prestigious man who was standing up for the rights of all of our citizens as well as African-Americans could be abused in such a manner, think, sent a message across the country. And that’s why I believe a monument to the jailing of Dr. King and what happened thereafter -- that is to say, how he got out after the imposition of the Kennedy presidential campaign that caused Dr. King to get free on bond, to be removed from Reidsville, and ultimately to have that conviction set aside by the court of appeals -- was an important issue across the board. Dr. King should be remembered for that, and sad to say so should Judge Mitchell, because what he did, what he caused, and what he represented.” Seeliger, *ibid*.