





The Holmes/Hunter Trial Re-enactment

Bailiff Parker C. Morgan Class of 2012
Presiding Judge W.A. "Gus" Bootle
State's Attorney David S. Ballard Class of 2011 State's Attorney Erik B. Chambers Class of 2011 Plaintiff's Attorney Chadrick A. Mance
Plaintiff's Attorney
Hamilton Holmes
State David S. Ballard Plaintiff Chadrick A. Mance
Judicial Findings and Court Order
Presiding Judge W.A. "Gus" Bootle Ronald L. Carlson

Program

Welcome Emmanuel Azih Davenport-Benham Chapter BLSA President and Class of 2012
Introduction Ronald L. Carlson Fuller E. Callaway Chair of Law Emeritus
Re-enactment Ronald L. Carlson
Transition to Commentary and Panel Discussion Ronald L. Carlson
Panel Moderator Lonnie T. Brown, Jr. A. Gus Cleveland Distinguished Chair of Legal Ethics and Professionalism
Commentator
Panelists
Robert Benham
Justice of the Supreme Court of Georgia; Second African
American Graduate of the UGA School of Law (1970)
Kenneth I. Dious
Early African-American Graduate from UGA (BBA'68, J.D.'73)
Maureen Downey
The Atlanta Journal-Constitution Reporter
(local, state and federal education policy)
Horace T. Ward
Closing Remarks Rebecca Hanner White
Dean and J. Alton Hosch Professor of Law

Reception immediately following in the Larry Walker Room of Dean Rusk Hall.

Historical Background

From the UGA Hargrett Rare Book & Manuscript Library Web page - http://www.libs.uga.edu/hargrett/archives/

Until 1961 the University of Georgia, like all Georgia state institutions of higher education, was segregated by both state law and social tradition. On January 6, 1961, history was made when the state's flagship school was issued a court ruling that ordered the immediate admission of two African American teenagers, Charlayne Hunter and Hamilton Holmes, and set the stage for the university to be thrust into the national spotlight as it dealt with the ensuing controversy, violence - and change.

The first challenge to a segregated University of Georgia occurred during the Reconstruction era in 1866 or 1867 when a large group of African Americans confronted Chancellor Patrick Hues Mell with the demand that their sons be allowed to attend the university. P. H. Mell, Jr. recounts that Dr. Mell responded by saying "this is a white man's college and you are perfectly powerless to help yourselves." The group only dispersed after finding itself outnumbered and surrounded by heavily armed white students and residents of the town.

The first modern challenge to segregation at UGA came from Horace Ward; an African American who applied for admission to the university's law school on September 30, 1950. With this action Ward, who held a masters degree in political science from Atlanta University, began a 7 year legal battle to become the first African American to enter the University of Georgia.

The university and the State of Georgia fended off Ward's quest through aggressive delaying tactics and legal maneuvers that some, such as journalist Bill Shipp, would argue included the strange coincidence of Ward receiving a draft notice just a month before his original court date in 1953. Not easily discouraged, Ward reactivated his lawsuit upon being discharged from the military. The state and university continued to fight Ward's admission through February 12, 1957; at which time Judge Frank A. Hooper dismissed the court case. Now enrolled in Northwestern University's Law School (one of the reasons used

for dismissal of his case) Ward, weary of fighting, decided against filing an appeal.

Upon graduation from Northwestern's Law School, Ward returned to Georgia and joined the law firm of attorney Donald Hollowell; a well-known African American lawyer. In an interesting turn of history Ward, as part of Hollowell's legal team representing Charlayne Hunter and Hamilton Holmes, was one of the lawyers who assisted the two Atlanta teenagers in their successful fight to become the first black students at the University of Georgia.

During fall quarter, 1960, the university avoided admitting the two African American students by employing various delaying tactics. In the meanwhile Holmes, who had plans to become a medical doctor, enrolled at Morehouse College in Atlanta and budding journalist Charlayne Hunter enrolled at Wayne State University in Detroit.

Finally on Friday, January 6, 1961, with the issuance of U.S. District Court Judge W. A. "Gus" Bootle's historic ruling that found that the University of Georgia had used race as the determinant in excluding Holmes and Hunter from admission, the long struggle to integrate the state's institutions of higher education began to see light. Although on Monday, January 9, 1961, at the request of State Attorney General Eugene Cook, Bootle issued a stay of his ruling, it was quickly overruled later in the day by Judge Elbert Tuttle of the 5th U.S. Circuit Court of Appeals in Atlanta. The stage was set for the immediate admittance of Hamilton Holmes and Charlayne Hunter to UGA.

The next bit of legal maneuvering involved Judge Bootle issuing a temporary injunction that prevented Governor Ernest Vandiver, Jr. from enforcing the Georgia law mandating that state funding be cut to any university or college that integrated its student body. With that ruling the university could remain open and on Tuesday, January 10, 1961, 19 year old Holmes and 18 year old Hunter were admitted as transfer students.

Accompanied by Hollowell's law clerk, Vernon Jordan, the two reported to Registrar Walter Danner's office at 2:25 p.m. and registered for classes. As the two students registered a group of

approximately 100 white students congregated outside in the corridor and shouted "Two, four, six, eight, we don't want to integrate".

Despite having to deal with heckling, protests and the presence of news reporters from around the country, the first day of integrated classes on Wednesday, January 11, 1961 was generally considered a success. The day's events had been calm enough for Charlayne Hunter's father to say that he thought it reflected well on the people of Georgia and to be the subject of a news commentary by Chet Huntley of NBC's "Huntley-Brinkley Report" in which he put forth the opinion that "there are places in the North now which might note and emulate the example of adult behavior set by the University of Georgia."

The situation was soon to change, though. After a close basketball game that resulted in a loss to Georgia Tech, the atmosphere of the evening of January 11th quickly became charged as a crowd began to gather outside Charlayne Hunter's Myers Hall dormitory window. This increasingly unruly group, eventually numbering over 1000 (including many non-students), shouted racial insults, and tossed firecrackers, bottles and bricks at the dormitory window.

Georgia state troopers, positioned on the outskirts of the campus, refused to respond to Dean Joe Williams somewhat slow call for assistance; saying that they only took orders directly from the governor. The small group of local police on the scene was overwhelmed and the rioting escalated until finally broken up by the arrival of the no nonsense Dean of Men William Tate. The Dean who began confiscating student IDs was joined by additional Athens police who lobbed tear gas into the crowd.

The state troopers, arriving almost two and a half hours after they had originally been called, were too late to be of much assistance to the Athens police. The police reacted to the violence by arresting 18 people (both students and non students) while Dean Williams suspended Hunter and Holmes from school for "their personal safety" and had them driven back home to Atlanta.

Disheartened by what had happened, a group of UGA faculty drew up a bold resolution that condemned the riot and the slow response by law and university officials. Most importantly, though, the over 300 faculty members who signed the resolution demanded the immediate return of the two suspended black students, thus risking their jobs by drawing the wrath of powerful segregationists, such as Board of Regents member, Roy V. Harris.

Judge Bootle ordered the readmission of Hunter and Holmes and on January 16, 1961 the two students returned to classes. Hoping to help insure continuing peace on campus, the University's faculty decided to create a "Faculty Night Patrol" in which a number of their members were stationed around campus that evening. Thomas Brahana writes in his manuscript entitled "The Integration of the University of Georgia: a Personal Account" (found in UGA 02-013:1) that he and Sociology Professor, John Belcher, saw 4 to 6 men with rifles who did not appear to be students standing across from Myers Hall. The next day the local paper reported that the FBI had arrested four men as they loaded rifles into the trunk of a car.

Although Hamilton Holmes and Charlayne Hunter continued to be treated with open disdain by some students, mostly the two were just left alone and "tolerated". In later interviews Hunter and Holmes recalled the loneliness of having few friends or social outlets but added that they believed they had been treated fairly by their teachers and had gotten a good education while at the university.

Editorial Note

The introduction to the trial, testimony and judicial order have been drafted by Professor Ronald L. Carlson, with valuable contributions on the transcript and other portions of the case by UGA law students Christopher Bruce and Meghan Callier. At strategic points in the witness testimony, Professor Carlson has inserted transitions and at other points he has added a few literary flourishes. Wherever this has occurred, a successful effort has been made to keep all such additions consistent with the history of the period and the temper of the times. All rights reserved. No unauthorized copying of presentation materials without permission of the author.

Acknowledgments

We wish to acknowledge and sincerely thank the following individuals and organizations for their assistance with today's program:

Davenport-Benham Chapter of the Black Law Students Association

School of Law Faculty, Staff and Students

50th Anniversary of Desegregation at UGA Committee

Georgia Association of Black Women Lawyers