

University Honors Program
University of South Florida
St. Petersburg, Florida

CERTIFICATE OF APPROVAL

Honors Thesis

This is to certify that the Honors Thesis of

Anita Richway Cutting

Has been approved by the Examining Committee
on December 14, 2000
as a satisfactory thesis requirement
for the University Honors Program

Examining Committee:

Major Professor: Raymond O. Arsenault, Ph.D.

Member: Darryl G. Paulson, Ph.D.

Member: Jay H. Sokolovsky, Ph.D.

From Joe Waller to Omali Yeshitela:
How a Controversial Mural Changed a Man

by
Anita Richway Cutting

A Thesis submitted in partial fulfillment
of the requirements of the
University Honors Program
University of South Florida

December 7, 2000

Thesis Advisor: Raymond O. Arsenault, Ph. D.

Acknowledgments

I would like to thank all of the people who helped me with this thesis by sharing their memories of the incident. While *St. Petersburg Times* newspaper articles provided the skeleton for my thesis, the memories and thoughts of the historical players gave the story its life. I am grateful to Omali Yeshitela, who graciously submitted to a lengthy and interesting interview. I am indebted to Peggy and Frank Peterman, who gave me multiple interviews and answered what now seems like naïve questions. Throughout my research I had to continually remind myself of the constraints placed on African Americans during the 1960s, a reality that they will never forget. I also want to thank Dr. Darryl Paulson and Dr. Jay Sokolovsky for serving on my committee. And finally, I want to thank Dr. Raymond Arsenault, who first told me the about the mural incident, and then guided me as I researched the incident and tried to put it into historical perspective. I hope I have done this story justice.

Table of Contents

<i>Acknowledgments</i>	iii
<i>Prologue</i>	1
<i>Chapter 1</i>	
Growing Up Black in St. Petersburg	4
<i>Chapter 2</i>	
SNCC Joins the Local Movement	19
<i>Chapter 3</i>	
Ostracized by Their People	31
<i>Chapter 4</i>	
Court Battles and Publicity Cultivate Waller's Militant Persona	42
<i>Epilogue</i>	61
<i>Selected Bibliography</i>	76

Prologue

Shortly before noon on December 29, 1966, Joseph Waller Jr., the twenty-five year old vice chairman of the local chapter of the Student Nonviolent Coordinating Committee (SNCC), led seven African-American men on a protest march to city hall. They marched in unison, marking their steps with a loud rhythmic chant that bolstered their confidence and demonstrated their solidarity, occasionally breaking their cadence to invite other African Americans to join their procession. Many onlookers were reluctant to join the group, intimidated by the fact that conservative black community leaders had recently condemned SNCC's efforts and accused the group of seeking nothing more than publicity. Still they marched on, committed to their plan to hold a civil rights protest on the steps of city hall.¹

They planned to protest the George Snow Hill mural, "Picnickers at Pass-a-Grille," a depression era painting that had hung on the interior staircase wall of city hall for over twenty years. The mural, which contained grossly exaggerated caricatures of two black musicians, was offensive to the black community. Expecting an easy victory, the local chapter of SNCC petitioned St. Petersburg Mayor Herman Goldner to remove the mural. When the city refused, Waller thought that he had found an issue around

¹ Omali Yeshitela, *Social Justice and Economic Development for the African Community* (Oakland: Burning Spear Uhuru Publications, 1997); Omali Yeshitela, interview by author, 29 June 1999; "Eight March in Protest of Murals," *St. Petersburg Times*, 25 December 1966; Frank Caperton, "Negro Community Leaders Meet, Describe March on City Hall Unnecessary," *St. Petersburg Times*, 24 December 1966.

which the black community could rally. He perceived the mural to be an icon of white supremacy, and the city leaders' refusal to remove it was proof of their contempt for the black community. Waller decided to use media attention, directed at the mural, to dramatize the racist attitude of the city fathers. Once this racism was exposed, he was confident that the city would not only agree to remove the mural, but also would use part of a fifty million dollar federal grant, tentatively dedicated to waterfront beautification, for improvements in the black community.²

When the protesters arrived at city hall, they gathered outside, creating a loud commotion intended to attract the press. An elderly black woman who had joined their march addressed the crowd. As she spoke in broken sentences and used poor grammar to complain about insurance fraud in the black community, some members of the white crowd, including members of the press, began to laugh at her. The crowd's reaction infuriated Waller, who had hoped to enlist the press in his fight against city hall, but who now realized that he faced a solidly insensitive white community. At that moment, Waller decided to tear down the mural. Eighteen-year-old Joseph Wall Jr. saw Waller turn to go inside city hall, and followed him as he sprinted up the stairs and ran into the building. Together, they ripped the mural off the wall, prompting a white woman to scream out, "You black bastards!" as Waller and Wall ran down the steps clutching the mural. Outside, they presented the mural to the astonished crowd, with Waller proclaiming, "We're gonna take this picture down where ALL the black folks can see

²Omali Yeshitela, interview by author, 29 June 1999.

it."³ Police pursued and arrested the protesters as they attempted to carry the mural back to the black community.

The mural protest marked a transformation in Waller, and in St. Petersburg's civil rights movement. In spite of his radical edge, Waller had been a welcome participant in civil rights activities staged by the conservative black leaders who recognized his commitment to their common cause. Although his militant posture attracted the attention of white city leaders, they were confident that they, and the black moderates, could control Waller and his small band of radical followers, thereby posing no real threat to the status quo. That changed when he tore down the mural. City fathers interpreted the destruction of city property as a disregard for the law and set out to make an example of Waller. Throughout his incarceration, and ensuing trial, Waller's bravado appealed to marginalized African Americans who had grown impatient waiting for improved living conditions, better jobs, and an equal education. They joined Waller's Junta of Militant Organizations and the African People's Socialist Party, providing Waller with a sword the city feared he would wield against them. City leaders have struggled to strike a truce with the radical activist, born from the mural protest, ever since.

³Ibid.

Chapter 1 Growing Up Black in St. Petersburg

Joseph Waller Jr. was born in St. Petersburg on October 9, 1941, into a segregated society that appreciated hard-working African Americans, as long as they abided by the customs of Jim Crow and remained in their place.¹ Restrictive housing patterns squeezed the growing black population into overcrowded neighborhoods, and the city's unwillingness to spend tax money to improve their community forced African Americans to live in ghetto like conditions. Jim Crow customs prevented African Americans from enjoying miles of beautiful beaches and ample public recreational facilities available to white citizens. Underpaid black teachers struggled to educate black children in poorly equipped segregated schools, with out-of-date books discarded by the white schools. The downtown stores welcomed the profit derived from the black community, but insulted black patrons by blatantly watching them as they shopped, forbidding them to try on clothes before they purchased them, forcing them to use separate restrooms and drinking fountains, and refusing to serve them in store cafeterias. Jim Crow customs required blacks to pay at the front of the bus, and then walk to the rear of the bus where they boarded and found a seat. When African Americans tested the limits of Jim Crow, members of the white community, and police officers charged with keeping the social order, reminded them of their place.

¹Omalı Yeshitela interview by author, 29 June 1999.

Waller lived in the Gas Plant area of St. Petersburg where his family taught and nurtured him. Waller's maternal grandmother, who cared for him while his mother worked as a beautician, told him stories from the Bible, emphasizing stories that dealt with triumph over oppression. His aunt taught him to read before he entered school and he sharpened his reading skills by reading the newspaper, where he encountered stories of racial discrimination and lynching. It is therefore no surprise that, as a small child, he had begun to analyze his place beyond the African-American community. While a shoeshine boy on Central Avenue, he questioned his employer's policy prohibiting him from shining the shoes of black patrons; he later quit when the same employer ordered him to dance on the sidewalk to drum up business. Another memorable childhood incident occurred when a police officer apprehended Waller in the downtown district, suspecting him of committing some unnamed crime. The police officer took Waller to face his accuser, who informed the officer that Waller was not the suspect. Although the police officer immediately released him, Waller felt victimized by the officer's readiness to suspect him, and frightened by what could have happened if the storeowner had not cleared him.²

In August 1955, the Emmett Till lynching in Mississippi had a profound effect on Waller, and the black community. Till, a fourteen year old African American from Chicago, was beaten and murdered for allegedly whistling at a white woman. The highly publicized murder, complete with images of Till's mutilated corpse, served as a chilling reminder of what could happen to African Americans who forgot their place. Waller, who was almost fourteen years old at the time of the murder, had begun challenging the

²Omalı Yeshitela, *Social Justice and Economic Development for the African Community* (Oakland: Burning Spear Uhuru Publications, 1997), pp. 2-5.

white insurance agent who collected his family's monthly insurance payment. Objecting to the fact that the salesman regularly walked, uninvited, into the house, Waller began chasing the agent out of his home. Waller's mother, fearful of reprisals against her son, punished Waller for his confrontational attitude towards the white man. Till's murder validated his mother's fears and demonstrated the very real danger that African Americans faced.³

In spite of the warning, that same month, Dr. Ralph Wimbish, a prominent black medical doctor and chairman of the local branch of the NAACP, tested the city's enforcement of segregation at St. Petersburg's beaches. St. Petersburg had one black beach, the South Mole, located at the eastern end of First Avenue South. Unhappy with the poor conditions at the beach, the black community pressed city leaders to provide a better beach. Because whites controlled much of the waterfront and loudly protested the placement of a black beach near their neighborhoods, the city faced a difficult dilemma. Wimbish realized the answer lay, not in establishing another black beach, but in opening existing beaches to the entire community. Accompanied by seven members of the NAACP, Wimbish drew attention to the issue by attempting to purchase tickets at Spa Beach. The ticket clerk refused to sell them tickets and called the police, who asked them to leave Spa Beach and go to the South Mole to swim. Wimbish and his group left the beach without incident, but three weeks later, the activists petitioned St. Petersburg City Council to lift the racial restrictions on the public beaches. Because city council ignored their petition, the group filed a suit, *Alsop vs. St. Petersburg*, in Federal District Court on

³Omali Yeshitela interview by author, 29 June 1999.

November 30, 1955. Although the courts ruled in favor of the African Americans on February 2, 1956, city officials refused to open the beaches to black citizens. City officials tried to take the case to the US Supreme Court, complaining that they would lose valuable revenue because white citizens and white tourists would not swim at integrated beaches. When the US Supreme Court refused to hear the case, the African Americans gained the legal right to swim at city beaches.⁴

Still, the city did not relent, closing Spa Beach on June 5, 1958, after eight African Americans purchased tickets and swam at the beach for just forty minutes.⁵ Three days later, the city closed Spa Pool after a black youth swam in the pool.⁶ Many white citizens, realizing that Federal Courts would eventually force the city to open the recreational facilities, were furious with the city's overreaction. When the city's segregationist mayor John D. Burroughs met with a church group that opposed the beach closing, he explained, "I like the Negro. I like him in his place. I do not believe in integration."⁷ Eventually, city leaders realized that the beach closures threatened the local tourist industry, and they reopened the beaches on January 7, 1959.⁸

⁴ "Use of Spa First Tested Aug. 21, 1955," *St. Petersburg Times*, 6 June 1958; Rick Baker, *Mangroves to Major League* (St. Petersburg: Southern Heritage Press, 2000) p. 214.

⁵ Jerry Blizen, "Spa Beach Closed by City after Its Use by 8 Negroes," *St. Petersburg Times*, 6 June 1958.

⁶ Ben Cate, "Council to Caucus Today on Closing of Pool, Beach," *St. Petersburg Times*, 9 June 1958.

⁷ Geoffrey Drummond, "Church Group Calls for City Hall to Open Spa," *St. Petersburg Times*, 23 September 1958.

⁸ Geoffrey Drummond, *St. Petersburg Times*, 7 January 1959.

Waller was not in St. Petersburg to celebrate the opening of the beaches. As an adolescent he was determined to resist the racial discrimination that he faced in St. Petersburg. When he was sixteen years old, while delivering dinner to his father at the Atlantic Coastline railroad station, he created an incident when he refused to address a police officer, who had stopped him, as "sir." Later, he held a one-man sit-in at a lunch counter at Webb's City until a respected black teacher, Olive B. Mc Lin, convinced him that he was placing himself in danger. Finally, in his senior year, he had an argument with a black male teacher who told the class that African Americans had to prove themselves to white people. Disillusioned with his teacher, whom he had looked up to, and with St. Petersburg, he quit high school and joined the U.S. Army. In December 1959, he underwent basic training in South Carolina.⁹

After completing basic training, Waller served a tour of duty in Germany where his experiences gave him a different view of racial discrimination. While he continued to encounter racial discrimination in the military, off base he experienced a freedom that he had never enjoyed in the United States. In Germany, his race did not restrict his housing choices. German storeowners welcomed the black GI's, allowing Waller to shop in stores without feeling that the shopkeepers were constantly watching him. With the exception of a few scattered restaurants that were segregated to accommodate the white servicemen, German restaurants served Waller without incident. In Germany, Waller not only tasted the liberation that African Americans dreamed of in America, but he developed friendships with other African Americans, and blacks from other parts of the

⁹ Omali Yeshitela, *Social Justice and Economic Development for the African Community* (Oakland: Burning Spear Uhuru Publications, 1997), pp. 4-6.

world, that broadened his perspective of the black struggle. This made the escalating civil rights movement in America more poignant for Waller, as personal correspondence, television, radio, and newspaper coverage chronicled the civil rights efforts back home, including the rising, sometimes violent, resistance of Southern white supremacists.

On February 1, 1960, four black freshmen from North Carolina's A&T College in Greensboro, went to a Woolworth's Drug Store counter and asked to buy coffee and donuts. The server politely informed the group that she could not serve them. When the manager arrived, he tried to reason with the young men, inviting them to go to the hotdog stand downstairs where the store traditionally served black patrons, but the students stood their ground until it was almost time for the store to close. When they arrived back on campus, news of their protest preceded them. The following day twenty eager students joined the four freshmen at the Woolworth's lunch counter. When Woolworth's again refused them service, they simply took turns occupying all of the seats so no paying customers could patronize the lunch counter. By the fourth day, students from other colleges had joined their movement, swelling their ranks. Within two weeks, the student sit-in movement spread to surrounding towns and quickly swept the South like wildfire. Civil rights activists, who were committed to Gandhian methods of non-violent direct action, offered training courses to help the activists survive the verbal and physical assaults they would surely endure. White hoodlums tested their training, and arrests accompanied their activities, but neither weakened their resolve. Recognizing the power that the student movement had unleashed, the Congress on Racial Equality (CORE) and the Southern Christian Leadership Conference (SCLC), offered to absorb the student activists within their organizations, but the students resisted. Instead, on April 15, 1960,

recent veterans of the sit-in movement formed the Student Non-Violent Coordinating Committee (SNCC), a student-led organization dedicated to nonviolent direct action.¹⁰

The sit-in movement arrived in St. Petersburg on March 2, 1960 and lasted until January 3, 1961. The sporadic nature of the demonstrations did not indicate a lack of commitment from civil rights activists, but instead reflected their willingness to suspend their protests in order to accommodate meaningful negotiations with white civic leaders. Unlike the movement in Greensboro, which was primarily conducted by college students, the St. Petersburg movement drew its strength from the NAACP, the Citizen's Cooperative Committee, and ministers from local black churches. On the first day six activists visited three lunch counters: S. H. Kress, W. M. Henry Store, and Maas Brothers. All three stores refused to serve black patrons. *The Evening Independent's* editorial staff branded the sit-ins "A Communist plot to disrupt businesses and disturb the peace," and called for, "prompt police action and a quick application of such fines and penalties the law provides."¹¹ The following day students from Gibbs High School unsuccessfully attempted to gain access to the lunch counters at Webb's City and S. H. Kress by standing in the store aisles for approximately twenty minutes before leaving. On March 20, with the sit-in movement spreading across the state, Governor Leroy Collins denounced the stores' discriminatory practices as "unfair" and "morally wrong." St. Petersburg City Manager George K. Armes, ignoring the moral issues Collins had raised, announced that city codes prohibited integrated food service and suggested stores

¹⁰ Howell Raines, *My Soul Is Rested* (New York: Penguin Books, 1977), pp. 75-82.

¹¹ Rick Baker, *Mangroves to Major League* (St. Petersburg: Southern Heritage Press, 2000), p. 223.

should close their lunch counters when confronted with black patrons.¹² On November 30, 1960, talks between black civil rights leaders and the white business community began to break down, prompting Wimbish to increase economic pressure on the stores by urging African Americans to purchase goods only at stores that did not discriminate against black patrons. Taxicab drivers shuttled shoppers to friendly stores, and pickets surrounded the targeted stores, driving tourists and sympathetic customers away. Dr. Enoch Davis, pastor of St. Petersburg's Bethel Baptist Church, and a member of the biracial Executive Committee of the Council of Churches (ECCC), solicited the ECCC's help. Davis and members of the ECCC met with St. Petersburg's city council and store managers, who realized that Tampa and other local communities had already desegregated. Disruption of business, loss of revenue, and pressure from civil rights groups convinced the managers to follow suit, ending their discriminatory practices on January 3, 1961.¹³

In March 1961, Dr. Ralph Wimbish launched another offensive on Jim Crow when he led the fight to force the integration of local hotels. Because St. Petersburg hotels refused to house black baseball players during spring training, Wimbish and several other families played host to the visiting baseball players, enjoying both the contact with their famous guests and the extra income the baseball team provided. They realized, however, that their willingness to provide housing for the black baseball players indirectly supported Jim Crow. Therefore, in 1961, Wimbish announced that the black

¹² Ibid., pp. 225-26; Ragnar Sigurdsson, "The Sit-Ins and the Theatre Protests in St. Petersburg 1960-1963" (University of South Florida, 1988).

¹³Ibid.

community would no longer house the black baseball players. When the New York Yankees could not convince St. Petersburg's hotels to house the black players, the team moved its spring training camp to Fort Lauderdale. The New York Mets, a new National League team, could fill the void left by the Yankees, but would come to St. Petersburg only if the team could find an integrated hotel. Relenting, city officials worked with team officials, securing team housing at the Colonial Inn on Treasure Island. That same year the Outrigger Inn, known as the home of the St. Louis Cardinals, finally began to house the black St. Louis Cardinals team members. Forced to confront the financial impact of prejudice, city business leaders had rescinded their position, and the city's hotels began to open to black visitors.¹⁴

Buoyed by the success of the national sit-in movement, CORE took the strategy of non-violent direct action on a ride through the Deep South to test discrimination on interstate travel. Interracial teams of activists, nicknamed the Freedom Riders, rode public buses from Washington DC to Mississippi. They defied discriminatory seating customs, with black team members sitting in the front of the bus, white team members sitting in the back of the bus, and at least one interracial pair sharing a seat. At each bus stop, they attempted to use segregated facilities that were still off limits to blacks in the South. Before embarking on the journey, team members had endured three days of intensive training designed to prepare them for the mental and physical abuse they would

¹⁴Jack E. Davis, "Baseball's Reluctant Challenge: Desegregating Major League Spring Training Sites, 1961-1964," *Journal of Sports History* 19, no. 2 (1992); Ralph Wimbish, "Growin' Up: A Boy, a City, Baseball," *St. Petersburg Times*, 3 April 1985.

endure. Although they thought their trainers had been rough, nothing could have prepared them for the violence they faced at the hands of angry mobs.¹⁵

On May 4, 1961, the Freedom Riders split into two groups, boarded two separate buses, with one group riding on a Greyhound bus and one group riding on a Trailways bus, and embarked on their dangerous journey. Their first violent encounter occurred at the bus depot in Rock Hill, South Carolina. A group of young white men, who were hanging out at the bus depot when the Freedom Riders arrived, brutally punched and kicked John Lewis and Albert Bigelow, when Lewis, an African American, and Bigelow, a white activist, attempted to enter the white waiting room. The intensity of the attacks against the Freedom Riders escalated in Alabama. Anticipating the Freedom Riders' arrival in Anniston, an angry mob of Klu Klux Klan members met the Greyhound bus, carrying nine Freedom Riders and five regular passengers, with clubs and knives. The police held the Klansmen off while the bus made its escape, but the mob pursued them and overtook the bus outside of town. Someone firebombed the bus and Klansmen beat the passengers as they fled the burning vehicle. When the other, Trailways, bus arrived in Anniston later that day, policemen met the bus and told the passengers what had happened to the Greyhound bus. The police held the bus in the bus depot while the regular passengers, fearful of the same reprisals, ordered the Freedom Riders to comply with southern seating customs. When the activists refused to move the frightened passengers attacked the activists, first beating them senseless and then physically dragging the injured activists to the appropriate sections of the bus. With the social order restored, police allowed the bus to continue on to Birmingham. When the Trailways bus

¹⁵ Raines, *My Soul Is Rested*, pp. 109-16.

arrived in Birmingham, the Freedom Riders discovered that a large group of KKK members, and reporters, had amassed to meet them. In spite of the dangerous crowd, and the anticipated trouble, the Birmingham Police were not present to protect the Freedom Riders. After the activists disembarked the bus, violence erupted when Jim Peck, a white Freedom Rider, offended white supremacists' sensibilities by asking the Klansmen not to hurt his black comrade. Klansmen beat the Freedom Riders with fists, pipes, and other objects for a full fifteen minutes until the Birmingham police arrived to break up the melee. Images of the burning bus outside of Anniston, and a hospital interview with Peck, who suffered the worst injuries in Birmingham, made the international news and focused world attention on the Freedom Riders.

The ferocious attacks, and the Kennedy administration's attempts to persuade the Freedom Riders to suspend their journey, threatened to end the Freedom Rides. SNCC feared that if activists let violence end the Freedom Rides, then white supremacists would adopt violence as a strategy to fight the civil rights movement. SNCC, therefore, pushed CORE to continue the journey, and sent fresh volunteers to replace the injured activists. The Kennedy administration, unable to stop the activists, arranged for their protection of the activists with Alabama state officials and the Freedom Rides eventually continued. In spite of state assurances to protect the Freedom Riders, the violence continued to escalate, with the most vicious attack occurring at the next stop in Alabama, where a large crowd of white supremacists ambushed the Freedom Riders at the Montgomery bus depot. The police, who had been at the bus stop just minutes before the bus's arrival, suddenly disappeared as the vicious mob descended upon the Freedom Riders. Fueled by hate and emboldened by mob mentality, men, women, and children lost control and

joined in the action, pummeling the activists with pipes, suitcases, purses, and anything else they could get their hands on. Ten minutes after the violence began, the police reappeared and dispersed the crowd. Three Freedom Riders lay unconscious on the ground, as did John Seingenthaler, Robert Kennedy's chief assistant, who had been knocked out with a lead pipe while he attempted to help two white female Freedom Riders escape. Reporters interviewed two Freedom Riders, beaten badly enough to require hospitalization, that night.¹⁶ African American William Barbee vowed, "As soon as we're recovered from this, we'll start again."¹⁷ Jim Zwerg, a white activist, voiced the sacrifice that he, and other Freedom Riders were prepared to make when he pledged, "We will continue our journey one way or another. We are prepared to die."¹⁸

From his home in Germany, Waller followed the ugly turn in white America's resistance to the civil rights movement with great interest. The concept of direct action, with men and women bravely exercising their rights against the interference of those who would stand in their way, appealed to Waller. He disagreed, however, with the activists' refusal to fight back when confronted with physical abuse. Waller had already decided that, upon returning to the United States, he would stand up for his rights and, if physically attacked, he would fight back. Shortly after reenlisting in 1962, he received orders transferring him to Fort Benning, Georgia, where he fully expected to die,

¹⁶Taylor Branch, *Parting the Waters: America in the King Years 1954-1963* (New York: Simon & Schuster Inc., 1988), pp. 412-50.

¹⁷Ibid., p. 450.

¹⁸Ibid.

"because my attitude was such that I knew that I would not tolerate that kind of overt aggression if it were directed at me."¹⁹

Waller returned to Fort Benning, Georgia, with a heightened awareness of racial discrimination, which he found prevalent in his new assignment. When the Army sent his unit into Albany, Georgia, to help quell a racial disturbance, the officers did not issue ammunition to the black soldiers. On a convoy to Patrick Air Force Base during the Cuban missile crisis, a white-owned restaurant in Palatka, Florida refused to serve him because he was black. Later, back at Fort Benning, a white female clerk accused him of trying to hold her hand when he touched her hand while handing her money. Finding the situation intolerable compared to the freedom he had enjoyed in Berlin, Waller wrote to President John F. Kennedy demanding a discharge. To his relief and surprise, the Army granted him a general discharge in April 1963.²⁰

Upon his discharge from the Army, Waller returned to St. Petersburg, where he worked briefly as a carpet layer and a tile layer's assistant before landing a job at the *St. Petersburg Times*. At the *Times* he worked as a "copy person," a proofreader, and finally an apprentice printer. He enjoyed the intellectual activity of the newsroom and made friends with Peggy Peterman, an African-American reporter, who was involved in the local civil rights movement. He also enrolled in classes at Gibbs Junior College, and like other African-American students at the campus, enlisted in the local civil rights struggle. He attended meetings at the NAACP and participated in demonstrations to

¹⁹ Omali Yeshitela interview by author, 29 June 1999.

²⁰ Omali Yeshitela, *Social Justice and Economic Development for the African Community*, pp. 6-7; Omali Yeshitela interview by author, 29 June 1999.

desegregate local movie houses and bowling alleys, but he soon questioned the tactics and aims of the NAACP, which he considered too timid.²¹

In 1965, he took a fateful leave of absence from his job at the *St. Petersburg Times*, traveling to Los Angeles, where he witnessed the Watts Riot, a six-day conflict that caused over forty million dollars of property damage and killed thirty-four people. After the riot, while attending a Martin Luther King speech at Will Rogers Park, he was surprised to see the crowd boo King off the platform for trying to deliver a message of nonviolence. Clearly, the tone of the civil rights movement was changing.²²

In 1966, after returning to Florida, Waller served as the campaign manager for Attorney Frank Peterman, a black attorney running for a seat in the state legislature. Peterman had known Waller since the early Sixties when Peterman's law firm had handled a wrongful death case involving Waller's six-year-old niece. Peterman found Waller to be an intelligent young man with a quick wit and a good sense of humor. Peterman liked Waller and kept in touch with him throughout the years, especially after Waller began working with Peterman's wife, Peggy Peterman, at the *St. Petersburg Times*. To prepare for the campaign, Waller traveled to South Carolina to participate in a CORE sponsored workshop designed to help black candidates run for public office. During the workshop, he met several influential civil rights activists from CORE and SNCC.²³

²¹Ibid.

²²Ibid.

²³Frank Peterman, telephone interview by author, 27 June 1999; Omali Yeshitela interview by author, 29 June 1999.

Although Peterman ultimately lost the election, winning only thirty-two percent of the vote, Waller's involvement proved to be a valuable experience. After the campaign, Peterman recommended him for a position in CORE's Voter Education Project, which the Southern Regional Council funded. Attorney John Due, the director of the project, assigned Waller to handle voter-registration and anti-poverty work in six North Florida counties. However, after Waller advocated "black power" in Gainesville in 1966, Vernon Jordan, director of the Voter Education Project for the Southern Regional Council, ordered Due to terminate Waller.²⁴

Willie Ricks, a SNCC organizer, and Stokely Carmichael, the new chairman of SNCC, introduced the slogan "Black Power" during the James Meredith March in June 1966.²⁵ The slogan heralded a change in SNCC's ideology. Since its creation in 1960, SNCC had used "direct action," a form of nonviolent civil disobedience, to challenge racial segregation and disenfranchisement of the black community. Carmichael represented a more militant faction that urged members of the black community to change their destiny by exercising their own political, economic, and social power.²⁶ Agreeing with this new philosophy, Waller returned to St. Petersburg and organized the Florida Chapter of SNCC.

²⁴*St. Petersburg Times*, 9 November 1966, sec. B, p. 1; Correspondence with Attorney John Due, 5 July 1999; Kate Tuttle, *Vernon Euilion Jordan Jr.* [database online], available from Africana.com website; Frank Peterman, telephone interview by author, 27 June 1999.

²⁵Joanne Grant, *Ella Baker: Freedom Bound* (New York: John Wiley & Sons, Inc., 1988), p. 193.

²⁶*A Circle of Trust: Remembering SNCC*, ed. Cheryl Lynn Greenburg (New Brunswick: Rutgers University Press, 1998) pp. 152-76.

Chapter 2

SNCC Joins the Local Movement

Waller's Florida Front of the Student Nonviolent Coordinating Committee (SNCC) joined a vibrant civil rights community controlled by well-established moderate civil rights organizations. Employing a combination of orderly protest, legal redress, and diplomacy, they had a long and successful record of accomplishment in St. Petersburg. However, in spite of their gains, Waller believed that a large segment of the black community had grown impatient with the moderate leaders' goals and strategies. Although the civil rights community had successfully integrated the local restaurants and stores, many African Americans were too poor to exercise their new freedoms. They lived in an overcrowded ghetto, without basic amenities like paved streets, streetlights, and sewers that the city had neglected for decades. Racial customs influenced their job choices forcing many into menial labor positions. When they were lucky enough to secure a job with the city, their employer prohibited them from supervising white workers and paid them less money than their white counterparts. Waller believed the local civil rights leaders had failed to address these important issues, of improved living conditions, better jobs, and economic development within the black community. He planned to use SNCC to mobilize the black community to fight for this agenda.¹

¹Omali Yeshitela, interview by author, 29 June 1999.

Approximately twenty activists, ranging in age from their late teens to their early twenties, joined SNCC. Many members belonged to laboring class families and joined against the expressed wishes of their families who feared for their jobs and for the safety of their children. As laborers, they relied upon white good will to keep their jobs and, therefore, did not want their family name associated with the militant group. They also worried that SNCC's "black power" rhetoric would provoke racist attacks against their family.²

Similar fears were prevalent among the leaders of the civil rights community. Thus far, St. Petersburg had escaped the violent attacks that plagued other Southern black communities during the civil rights movement. Nevertheless, they feared that direct challenges to white authority would result in violence. Waller exhibited a confrontational attitude, unwilling to wait for white authorities to bestow him with the rights he believed he possessed. Although the moderate groups agreed with his goals, they worried that his militant style would destroy the delicate relationship between black leaders and the white community. They understood the frustration of those who wanted to see a faster pace of change, and agreed the city should do more to improve the black community, but they felt they were pushing for change as hard as they dared.³

Frank and Peggy Peterman secretly served as behind-the-scenes advisors to SNCC. They supported Waller's efforts to build a self-determining black community and admired his self-assurance. In a recent interview, P. Peterman recalled that unlike many African Americans, Waller exuded strength and carried himself as if he were white. His

²Tommy Williams, interview by author, 28 August 1999.

³Ibid.

persona demonstrated his belief that he was free and his determination that racism would not deprive him of his freedom. Both seasoned civil rights activists and members of the NAACP and Citizens Cooperative Committee (CCC), the Petermans acted as a sounding board for the Waller as he formulated SNCC's strategy. The endorsement of these two highly respected civil rights leaders boosted the morale of SNCC and increased members' feelings of self worth. For some members, the Petermans' respect dispelled accusations that the members were hoodlums, defining them, instead, as civil rights activists. Others enjoyed the opportunity to transcend class boundaries to forge relationships with educated and powerful members of the black community.⁴

Initially, local civil rights leaders welcomed SNCC's participation in protests against stores that continued to deny full service to blacks. For instance, they picketed Times Square Liquor because the store allowed blacks to purchase alcohol in the package store but refused to serve blacks at the bar. They also picketed Webb's City Department Store to pressure the store to provide better jobs for black employees and to use some of the profit derived from black patronage to support economic development efforts in the black community. In keeping with SNCC's determination to help the black underclass, they convinced Webb's City to donate surplus food to the needy blacks in Jordan Park. Although the black community applauded SNCC's efforts, Waller wanted to address bigger issues. The award of a fifty million dollar federal grant to the city of St. Petersburg, money the city planned to spend on waterfront beautification, infused Waller with a sense of urgency. He desperately wanted to convince city leaders to spend a

⁴Frank Peterman, telephone interview by author, 27 June 1999; Peggy Peterman, interview by author, 20 July 1999.

portion of the grant to make improvements in the black community. But he and others realized that any hope of securing part of the grant depended upon a unified front. Waller needed a tangible victory that would demonstrate SNCC's power, enlist the black community in their battle, and raise public awareness for their cause. Accordingly, his attention turned to the racist mural that had hung in city hall, against the objections of the black community and moderate civil rights leaders for over two decades.⁵

On August 20, 1940, St Petersburg city council commissioned George Snow Hill, a local artist employed by the Federal Art Project of the Works Progress Administration, to paint two murals for the new city hall. Hill was a prolific painter and examples of his work already decorated the St. Petersburg Coast Guard Air Station, the Gulfport Casino, and the Clearwater Municipal Auditorium. In accordance with federal guidelines to ensure public acceptance of the murals, Hill selected two local themes, "Fishing at Municipal Pier" and "Picnicking at Pass-a-Grille," as subjects for the murals. He submitted preliminary sketches to federal authorities, Mayor Walfred Lindstrom, and St. Petersburg city council for their review. City council approved the sketches and agreed to pay \$932 for the murals, with the Federal Art Project assuming the remaining \$1794 payment.⁶

Hill painted the seven by ten foot murals in rich oil colors. He worked from memory, recalling pleasant afternoons spent fishing at the pier and family outings to

⁵Tommy Williams interview.

⁶St. Petersburg, FL, Index of City Council Minutes Relating to "Murals for City Hall," (Microfiche on file at St. Petersburg City Hall); Lennie Bennett, "Modern Eyes Ponder Mural," *St. Petersburg Times*, 23 August 1998; Karal Ann Marling, *Wall-to-Wall America: A Cultural History of Post-Office Murals in the Great Depression* (Minneapolis: University of Minnesota Press, 1982); "City Hall Mural Artist Confused by Row," *Evening Independent*, 30 December 1966.

Pass-a-Grille beach. Although the federal government canceled all outstanding Federal Art Project grants in 1941, Hill continued work on the murals at his own expense, completing them in March 1945. On March 6, 1945, St. Petersburg's city manager informed city council that he had inspected the murals and felt they were excellent pieces of artwork. He secured city council approval for the final expense, twenty-five dollars to mount the murals on the first landing of the grand marble staircase of city hall. Once installed, the murals' strategic location commanded the attention of visitors to city hall.⁷

A 1953 *St. Petersburg Times* article praised the two murals: "The Coloring is rich and the atmosphere reaches out past the canvas to hold the attention of admirers." The article noted the murals "attracted interest and comment daily."⁸ Apparently the reporter was unaware that "Picnicking at Pass-a-Grille," with its caricatures of two black musicians entertaining a group of white picnickers, offended many members of the black community. The black musicians' grossly enlarged pink lips and exaggerated grins made them look more like apes than men. In contrast, the whites in the picture had normal features. Other elements of the picture, although less dramatic, were equally troubling. For instance, the white picnickers' muscular physiques and erect posture made them appear superior to the slouched black entertainers. The position of the entertainers, standing outside the shelter, looking in on the picnic, depicted racial segregation. The black musicians did not look directly at their white audience, a gesture that would have been frowned upon in a Jim Crow society. Nor does the white audience look towards the

⁷Ibid.; "Local Artist Painted Murals at City Hall," *St. Petersburg Times*, 13 December 1953.

⁸Ibid.

black entertainers, suggesting the white picnickers took the black entertainers for granted. Hill, who once declared, "that painting is a powerful means of communication,"⁹ had indeed delivered a powerful and disturbing message.

Several members of the community called attention to the racist nature of the mural and asked city hall to remove it. Ruth MacLellan, a white civil rights activist and a member of the St. Petersburg Council on Human Relations, and her husband, Charles MacLellan, lodged complaints about the mural as early as 1959. Earnest L. Fillyau, a young black laborer who would later serve as a city council member during the 1990s, was so offended by the mural that he routinely took the elevator to the second floor to avoid seeing the mural. He maintains that he made verbal and written complaints about the mural to city officials. According to Frank Peterman, the mural was a focal point of the black community; during the 1960s he not only lodged written complaints, but also met with city leaders to ask them to take the mural down. In the early 1960s, Reverend Enoch Davis and a group of black citizens went before city council in a futile attempt to secure the removal of the mural. "Instead of removing the painting," Davis recalled, "the members of the council listened and laughed but did nothing about our request."¹⁰ The fact that the mural was still hanging in 1966, despite such protests, testified to the disregard the city fathers had for the feelings of their black constituents.¹¹

⁹Virginia Riley, "There's Art in Them Hills," *St. Petersburg Times*, 21 May 1961.

¹⁰Enoch Davis, *On Bethel Trail*, St. Petersburg: Valkyrie Press, 1979.

¹¹Ruth MacLellan interview by author, 22 July 2000; Earnest L. Fillyau interview by author, 22 July 2000; Frank Peterman, telephone interview by author, 27 June 1999.

Frank Peterman affirmed Waller's plan to initiate a campaign against the offensive mural. He was present during meetings where SNCC activists discussed their strategy, but he maintains they never discussed physically removing the mural. However, during one meeting the group joked that they were wasting time strategizing when they could easily remove the mural if they went to city hall dressed in coveralls, the common uniform of black laborers. Since the white community generally ignored hard working black laborers, they would be invisible, which would enable them to remove the mural without challenge. Although they laughed at the sad truth, they fully understood that only by forcing the city to remove the mural would they demonstrate their political power to the black community.¹²

On December 9, 1966, Waller wrote Mayor Herman Goldner, advocating the removal of the mural. Stating the case for removal in a respectful but firm manner, the letter asserted, "This picture, as we are sure you must know, depicts Negroes in a most despicable, derogatory manner."¹³ In response, Mayor Goldner insisted that he failed to find anything offensive in the mural. In fact, he said that he had looked at the mural for ten years and had nothing but admiration for the mural. Denying that he was a racist, he suggested that Waller's criticism of the mural could hurt the over-all cause of equal opportunities that they both supported. "I think too," he added, "that all of our minority groups must mature to the point where self-consciousness is not a motivating factor for

¹²Frank Peterman, telephone interview by author, 27 June 1999; Omali Yeshitela interview by author, 29 June 1999.

¹³Joseph Waller, Letter to City Hall requesting removal of mural, 9 December 1966, located on microfiche at Pinellas County Clerk of the Court.

complaints." Accordingly, he urged Waller to, "give this matter further consideration in the best interests of our mutual objectives."¹⁴

On December 15, 1966, possibly before Waller had even received his response from the mayor, the *St. Petersburg Times* ran an article describing SNCC's objections to the mural. The article also revealed the mayor's response to SNCC, suggesting that the mayor was either testing the political climate to see if the community would support his decision or he was trying to embarrass Waller by making him feel impotent. That same day, Chester K. Guth, the chairman of the St. Petersburg Community Relations Commission (CRC), wrote a provocative response to Waller's letter. "It is our feeling that this mural is a work of art," Guth maintained, "and it points out in a manner stronger than words, that the St. Petersburg Beaches are open to our Negro citizens. It also pays tribute to the tremendous capacity and talents of our Negro citizens to entertain."¹⁵ He then compared the mural to masterpieces that others might find offensive, such as Dante's *Inferno*, and suggested that the critics could "go down a long list of accepted masterpieces [and] in the end burn them all because someone takes exception."¹⁶ Like Goldner, Guth urged Waller to direct his focus on other, more productive issues.

The reaction Waller received from city hall surprised and enraged him. His response to their letters, December 20, reminded the mayor that blacks were not welcome

¹⁴Mayor Herman Goldner, Letter to Joe Waller in response to SNCC's request to remove mural, 13 December 1966, located on microfiche at Pinellas County Clerk of the Court.

¹⁵Herman Guth, Letter to Joe Waller in response to SNCC's request to remove mural, 15 December 1966, located on microfiche at Pinellas County Clerk of the Court.

¹⁶*Ibid.*

at Pass-a-Grille Beach. Instead, black bathers were restricted to the South Mole, a gritty area on Tampa Bay at the eastern end of First Avenue South. He then elaborated on SNCC's objection to the painting. "We are primarily concerned because this painting [offers] gross distortions of supposedly Negroid features. Further, it attempts to give added credence to the lie that Black People are lazy, shiftless, and happy-go-lucky with a tremendous capacity and talent . . . to entertain."¹⁷ Waller then referred to the characteristically poor relations between city government and the black community: "Moreover, it may interest you to know that 'racial unrest' has existed in St. Petersburg for many years because of the social, economic, and political evils existing in this city. This unrest will surely continue as long as the local powers maintain their present callous indifference toward legitimate grievances offered by Black People."¹⁸

On December 23, 1966, the *Evening Independent Newspaper* ran an article indicating that Waller planned to stage a march protesting the mural, the "alleged failure to spend sufficient tax money in the Negro districts, and racist City Manger Lynn Andrews' spending money on riot equipment rather than community relations during a recent garbage collector's strike."¹⁹ The title of the article, "City Police to Ignore Rights Protest Parade," implied the police did not think the protest worthy of their attention. The flippant tone of the article, belittling Waller's position as vice chairman of SNCC

¹⁷Joseph Waller, Letter to Mayor Herman Goldner, 20 December 1966, located on microfiche at Pinellas County Clerk of the Court.

¹⁸Ibid.

¹⁹"City Police to Ignore Rights Protest Parade," *Evening Independent*, 23 December 1966.

and challenging his assertions that the city squandered money that it should have spent to improve the black community, did not surprise Waller. He ignored their disrespect, hoping the article would rally black supporters to his cause. However, that same day, Waller learned of a more serious threat to his plans that came from within the black community.

Upon learning of Waller's plans, Reverend Enoch Davis called a meeting of the Citizens Cooperative Committee (CCC) to construct the black community's response to SNCC's plans. The timing of the march may have concerned Davis, since the Bi-Racial Committee was embroiled in heated negotiations with the city manager to encourage the city to hire more black police officers. Andrews was proving a formidable foe against the group's efforts, and Waller's confrontational attitude towards Andrews would not help their cause. Both city leaders and the black community looked to the CCC for guidance, so their advocacy or opposition would affect SNCC. Therefore, when Waller discovered the group had not invited him to their meeting at Second Bethel Church, he went there to confront them. After he knocked on the door, Olive B. McLin, who had been his high school English teacher, invited him into the meeting. Unlike some members, McLin felt the committee should include Waller in their discussion. Insulted by his exclusion from the meeting, Waller walked in and announced that he had heard the CCC was going to try him without a hearing, thereby angering CCC's members who told him the meeting was private and asked him to leave. The meeting continued after Waller left without further incident.²⁰

²⁰Waller received a phone call warning him that the group was meeting, but he does not remember who called him or if the caller was affiliated with the group. Source: Omali Yeshitela, telephone interview by author, 18 July 2000. The newspaper article

Although Waller was not welcomed at the meeting, other visitors, who did not belong to the CCC, were allowed to stay. The committee had invited two white members of the Community Relations Committee (CRC), Reverend William McKee and Herman K. Guth, to participate in the discussion. It is unknown what happened in the private meeting, but the public statement issued at the meeting's conclusion suggests that either Guth did not tell the CCC that he had already corresponded with SNCC and had refused to remove the mural, or the CCC persuaded Guth to reconsider his position. A spokesperson for the CCC announced that although it agreed the city should remove the mural, it felt that SNCC was seeking publicity by targeting the mural. It suggested that SNCC should take their grievance to the CRC. The statement issued by the CCC further insulted SNCC by ignoring the other issues Waller planned to protest when it added, "there are many more important grievances than the mural." Furthermore, it proclaimed that SNCC's Christmas Eve protest march was "unnecessary." However, the most devastating statement, "The group proposing the march does not represent the black community," served as a supreme insult and effectively ostracized SNCC from the moderate black civil rights community.

reported that the following people were at the meeting: Monroe McRae, funeral director, Dr. Fred Alsup, member of the Biracial Unit, James B. Sanderlin, attorney and president of the St. Petersburg Council on Human Relations, Louis O. Harper, president of the NAACP, W. M. Butler, president of Melrose Park YMCA, A. J. Polk, retired Florida A&M Professor, Leonard Summers, member of the Biracial Unit, Olive B. McLin, Gibbs High School teacher and President of the Metropolitan Council of Negro Women, Fanny Ayer Ponder, Gibbs High School teacher and member of the Biracial Unit, Reverend Enoch Davis, Pastor of Bethel Baptist Church, Reverend William McKee, member of the Community Relations Committee, and Chester K. Guth, chairman of the Community Relations Committee. Source: Frank Caperton, "Negro Community Leaders Meet, Describe March on City Hall Unnecessary," *St. Petersburg Times*, 24 December 1966; Peggy Peterman, telephone interview by author, 20 July 2000.

On Saturday, December 24, 1966, Waller led six men and one woman, all members of SNCC, on a two-mile march to city hall. They carried signs targeting the city manager, chanting, "Lynn Andrews has got to go," as they marched. Although they beckoned to other blacks to join the march, the onlookers declined. They arrived at city hall shortly before noon, and delivered a ten-minute speech to a handful of newsmen, journalists, and bystanders who had gathered to hear what SNCC had to say. The SNCC activists complained about hiring practices at the Police Department, an issue the more conservative Bi-Racial Committee was working to rectify. The group also expressed their discontent with the local news media, claiming members of the media were racists. With city hall closed and the downtown community busy with Christmas preparations, the small group attracted little notice as they marched back to the black community. Their next march would more eventful.²¹

²¹"Eight March in Protest of Murals," *St. Petersburg Times*, 25 December 1966.

Chapter 3 Ostracized by Their People

SNCC members were confident and excited as they prepared for their second assault on city hall, scheduled for December 29, 1966. They planned to conduct a protest march to city hall, where they would hold a noon press conference calling attention to the racist mural hanging on the stairway wall. It was their hope that the news media would include images of the mural in their stories, images that the public would find so blatantly offensive that they would join them in pressuring city leaders to remove the mural. The city would have no choice but to remove the mural, giving SNCC a victory, which would promote their stature as a civil rights organization and empower SNCC to convince the embarrassed city leaders to make amends with the black community by spending some of the fifty million dollar federal grant to make long awaited improvements in the black district.

To realize their goals they would have to appear more powerful than their small numbers implied. They had staged their Christmas Eve march so that working African Americans could join their ranks, but since the conservative black leaders had ostracized them, no one participated in their march. This time, they hoped to attract teenagers who were out of school for the holidays. Not only would the youngsters swell SNCC's ranks, but also the fact that the city's impressionable youth had joined the militant organization would convey a frightening message to city leaders.

SNCC activists needed publicity to deliver their message to the public. Therefore, they staged their protest to coincide with a city council meeting, ensuring that city leaders, members of the community, and the press would be on hand to hear their concerns. In 1966, there were three well-established television stations in Tampa, each of which assigned a bureau reporter and a cameraman to cover news in St. Petersburg. St. Petersburg's two major newspapers and local radio stations also covered the city. The news teams roamed through St. Petersburg like a pack, traveling in vehicles equipped with police monitors that enabled them to hear and respond to newsworthy events. On Thursdays, the news teams gathered at St. Petersburg's city hall to cover the city council meeting and to visit with St. Petersburg's popular mayor, Herman Goldner, who was known for his charismatic personality and his willingness to help members of the young press corps. By conducting their protest on the day of the city council meeting, SNCC knew that the press would be there to report their protest. But they also hoped to have a sympathetic journalist there to record the event. Accordingly, Waller telephoned *Times* reporter Peggy Peterman, SNCC's friend and confidant, that morning to inform her that SNCC was holding a press conference at noon. Although Peterman could not attend because she had another assignment across town, she approved of SNCC's plans and wished them luck.¹

When the SNCC activists gathered in the parking lot of Webb's City before noon, they were excited at the prospect of winning a major victory for the black community. They believed their strategy would work and were anxious to prove themselves. Proudly,

¹WTVT News Operations Manager Jules McGee, interview by author, 23 July 2000; Peggy Peterman, interview by author, 20 July 1999; Omali Yeshitela, interview by author, 29 June 1999.

they marched toward city hall carrying signs that proclaimed their discontentment with city leaders. Loudly chanting, "Lynn Andrews has got to go!" they called out to other African Americans to join them. Their spirits soared and their voices rose as black youths and at least one elderly black woman joined their procession, creating a loud spectacle as they approached city hall.

When he caught sight of the approaching protesters at Ninth Street and First Avenue North, St. Petersburg Police Detective Homer Allen, an eight-year veteran of the department, rushed to the police station to warn the watch commander that a group of "black agitators" was marching towards city hall. Alarmed, the commander dispatched him to city hall to observe the demonstration. Thomas Witham, the white manager of the Driftwood Café, located at 22 Fifth Avenue North, noticed the protesters as they marched passed his café. On the pretense of "paying his water bill," he followed the protesters to city hall. The protesters' chants rang through the halls of the County Courthouse, located across the street from city hall, prompting State Attorney Investigator Dennis Quilligan and Justice of the Peace Richard Carr to go to their office windows, which faced city hall, to watch the demonstration. When the protestors arrived at city hall, they had their audience.²

²Judge Richard Carr and Dennis Quilligan remember the incident differently. They recall that almost immediately upon their arrival, several of the activists ran into city hall and came back out with the mural. They do not remember a black woman making a speech. However, Detective Homer Allen's police report indicates that there was a black woman among the agitators, supporting Tommy Williams's and Omali Yeshitela's version of the story. WTVT News Operations Manager, Jules McGee, who was a cameraman for another station, and WTVT cameraman Chip Collins were busy inside city hall chambers when the group arrived, and therefore did not see the events leading up to the mural's removal. Sources: *Ibid.*, Judge Richard Carr interview; Dennis Quilligan interview; Tommy Williams, interview by author, 28 August 1999; Baker, *Mangroves to Major League*, 241; Omali Yeshitela interview; St. Petersburg Police

The SNCC activists stood on the steps of city hall, loudly proclaiming their complaints against the city. Since the television reporters were nowhere in sight, Waller waited, hoping the loud commotion would draw the cameramen outside to record his speech. The elderly black woman who had joined the march used that opportunity to address the crowd. As she spoke in broken sentences and used poor grammar to complain about insurance fraud in the black community, some members of the white crowd, including some members of the press, began laughing at her. The SNCC protesters could not believe the crowd's reaction. The possibility that the audience would laugh at her, or them, had never crossed their minds. Waller became enraged and, at that moment, decided to tear down the mural. Eighteen-year-old SNCC activist Jody Wall turned to Waller, searching his expression for some clue as to what they should do. He saw Waller turn to go inside city hall and he followed him, sprinting up the stairs to the mural. Together they tore down the mural carried it outside, ignoring a white woman inside city hall who screamed, "You black bastards!" as they rushed by. Once outside, they paused on the steps of city hall to hold up the mural. "We're gonna take this picture down where all the black folks can see it," Waller proclaimed.³

When the protesters had arrived at city hall, the three television cameramen were busy upstairs in the city council chambers. Attracted by the commotion outside, WTVT cameraman Chip Collins came out of council chambers just in time to witness the two activists ripping the mural from the wall. Following them outside, and turning on his 16

Department Larceny Report #76981 filed by Detective Homer Allen, 29 December 1966, (microfiche on file at St. Petersburg Police Department).

³Tommy Williams interview; Omali Yeshitela interview; "Arrests Follow Scuffle: 6 Negroes Seize City Hall Mural," *St. Petersburg Times*, 30 December 1966.

MM Bell and Howell camera on the way, he began filming as they presented the mural to the crowd.⁴

From his office window, Quilligan watched Waller and Wall sprint up the stairs and disappear into city hall. When they came out of city hall, they were holding the mural above their heads. Since Allen was the only police officer at the scene, Quilligan ran out to assist him.⁵

When Waller and Wall came out of city hall with the mural, the other SNCC members were as surprised as the astonished crowd. In a matter of seconds, their whole protest had changed. They had never planned to remove the mural, and therefore, had no idea what their next move should be. Waller had removed the mural in front of police officers, and now he was suggesting they take the stolen mural back to the black community, a route that would take them past the police department. With little time to think and no better plan in mind, they followed Waller back to the black community with their trophy in hand and a cadre of police officers, journalists, and outraged white citizens following closely behind.

Holding the four by seven foot mural stretched out between them, the activists took up much of the sidewalk, prompting them to yell at pedestrians, "Move over or we'll move you over!" Detective Allen ordered the group to halt, but they ignored him. Sgt. Lester Hoffman arrived on the scene and used his police radio to call for more assistance. Again Allen ordered the group to halt, and the activists continued, turning right on

⁴WTVT Cameraman George (Chip) Collins, interview by author, 23 July 2000.

⁵State Attorney's Office Investigator Dennis Quilligan, interview by author, 23 July 1999.

Central Avenue, making their way back to the black community. By the time they reached the 600 block of Central Avenue, police reinforcements had arrived, and Allen grabbed Wall by the arm, informing him that he was under arrest. When Wall struggled to break free of Allen's grip, Witham, the manager of the Driftwood Café who had followed the group to city hall and now joined the police in their pursuit of the activists, stepped in to help. Witham grabbed Wall around the neck and helped Allen wrestle him to the ground. Don Star, an off-duty reporter for the *St. Petersburg Times*, and St. Petersburg police sergeant Handley, then helped subdue and handcuff Wall.⁶

In the meantime, Officer Lawrence Ingham and Sgt. Hoffman confronted the other members of the group. After Ingham grabbed twenty-four year old Tommy Williams to place him under arrest, Williams grappled with the police officers in order to give Waller a chance to escape with the mural, prompting several other protesters to throw themselves against Ingham and Hoffman. Ingham wrestled Williams on top of several green benches before pinning Williams to the ground. Two white onlookers offered to assist Ingham and held Williams's hands while Ingham handcuffed the suspect.⁷

Lt. Adkins saw Waller and another protester running across Central Avenue at Eighth Street. Stopping his cruiser in front of them on the northeast corner of the intersection, the second protester dropped his portion of the mural and ran westbound on

⁶Tommy Williams interview; "Arrests Follow Scuffle: 6 Negroes Seize City Hall Mural," *St. Petersburg Times*, 30 December 1966; St. Petersburg Police Department Larceny Report #76981 filed by Detective Homer Allen, 29 December 1966, (microfiche on file at St. Petersburg Police Department).

⁷St. Petersburg Police Department Supplement Report #76981 filed by Officer Ingham, 29 December 1966, (microfiche on file at St. Petersburg Police Department).

Central Avenue, leaving Waller alone to grapple with the cumbersome painting. Waller also ran westbound on Central Avenue, dragging the mural behind him. According to Adkins, Waller ignored his order to halt, and began waving the mural violently in the air "as if he was trying to destroy it." During the pursuit, he turned and faced Adkins, throwing the mural in Adkins's path, forcing him to run around the mural, only to grab it up and throw it in his path again. Finally, Adkins managed to catch Waller and place him under arrest. With Waller handcuffed in the cruiser, Adkins folded the mural and placed it in the trunk before transporting both Waller and the mural to the St. Petersburg police station.⁸

Police arrested six members of SNCC during the melee and took them to police headquarters for processing. In the booking area, police ordered the activists to sit on a small bench. According to Tommy Williams, the bench was already full when a police officer ordered him to sit down. Williams continued to stand, provoking the officer to punch him in the stomach, causing him to fall to the ground. Williams sat on the ground, but yelled at the officer, "You wouldn't do this if I didn't have my hands cuffed behind my back."⁹ Police charged Joseph Waller Jr., Jody Wall, Tommy Williams, and Lemuel Green with grand larceny, resisting arrest with violence, destruction of public property, and unlawful assembly, affray, or riot, and held them each on an eight thousand dollar

⁸St. Petersburg Police Department Supplement Report #76981 filed by Lt. Adkins, 29 December 1966, (microfiche on file at St. Petersburg Police Department).

⁹Tommy Williams interview.

bond. Police issued lesser charges against Crawford Louis Jones and John Wesley Bryant, who were held on seven thousand dollar bonds.¹⁰

Following their arrest, the St. Petersburg police took the SNCC protesters to the Justice of the Peace Court, District 5, to appear before Judge Richard Carr, who had witnessed the demonstration from his office window. Eighteen uniformed and plain clothed officers from the St Petersburg Police Department and the Pinellas County Sheriff's Department guarded the courtroom and more officers waited in the hallway and outside the building. Years later, Carr recalled that he had called in the extra officers to avoid further civil disruption. While he did not think there were enough black people there to be a threat, he worried that outraged white citizens might disrupt the proceedings. He explained, "I wanted to make sure that no other people got involved. I ran a strict court."¹¹

Throughout the Justice of the Peace hearing, the defendants were defiant. According to Carr, the arrested protesters "had a cocky attitude," and the *St. Petersburg Times* account of the hearing supports his appraisal of their demeanor: "As the six sat on the prisoners' bench, the bailiff attempted to read the warrants being prepared in the judge's office. 'We can stand the cracker law, man -- if you'd only read it loud enough so we could hear,' one complained. He laughed when the bailiff referred to the 'peace and dignity' of the State of Florida." Both Waller and Wall resisted swearing that they were indigent in order to secure a public defender. Waller refused to swear that he was

¹⁰"Six Negroes Seize Mural from City Hall," *St. Petersburg Times*, 30 December 1966, sec. B, p. 1.

¹¹Judge Richard Carr of St. Petersburg, telephone interview by author, 16 July 1999.

indigent until an attorney represented him. "I don't have an attorney – or a legal mind," he said. "Obviously," the judge retorted. When Wall proclaimed his religion prevented him from taking an oath of indigence, Carr advised him that he could affirm instead. Waller tested Carr's patience further when he insisted that he wanted a public defender only "if he is not part of this racist power structure." When Carr threatened him with a thirty-day contempt of court charge, Waller responded, "I'll be doing some time anyway."¹² All six defendants faced three additional municipal charges: resisting arrest, defacing municipal property, and participating in an affray, riot, or unlawful assembly. Since each of the charges carried a five hundred dollar bond, increasing their total bond fifteen hundred dollars each, they were unable to make bail and were transported to Pinellas County Jail.¹³

Later that night, Frank Peterman received a telephone call informing him that Waller and five other members of SNCC had been arrested for removing the mural. His four-year-old son, Frank Peterman Jr., overheard the conversation. Grabbing his father's hat and brief case, said, "Come on Daddy, we've got to go get Joe out of jail."¹⁴

That same night, Peterman attended an emergency meeting of the NAACP prompted by the mural incident. Dr. Fred Alsup, Dr. Ralph Wimbish, Dr. G. H. Leggett, Louis Harper, the incoming president of the St. Petersburg branch of the NAACP, and Marvin Davies, the state field director of the NAACP were also at the meeting. Davies spoke for the group: "It is highly unfortunate that the despicable mural was removed

¹²Ibid.; "Six Negroes Seize Mural from City Hall," *St. Petersburg Times*.

¹³Ibid.

¹⁴Frank Peterman, telephone interview by author, 27 June 1999, Miami.

from the wall of City Hall. We feel another method could have been employed to accomplish similar results. We, as concerned leaders of the St. Petersburg community, oppose any act which defaces public property. However, we too are opposed to any stereotype paintings of any nature."¹⁵

The following day, the *Evening Independent* ran an interview with Hill, the artist who painted the mural. In poor health since a recent heart attack, Hill spoke only briefly: "I think anybody can understand how one can feel, having done something for someone's hometown. This act by irresponsible people naturally doesn't make me feel good." Hill's wife said that two city hall officials had visited Hill the previous week to warn him "there may be trouble" over his controversial painting. Hill, who could not understand why anyone considered his painting offensive, claimed it depicted a typical beach scene: "The troubadours, and there were several groups of them, would travel from Pass-a-Grille northward, playing at the various picnic shelters along the beaches. These musicians would play what the people wanted to hear and work their way up the beach. There was no feeling of anything but affection for the troubadours. There was an affectionate relationship between the picnickers and the musicians."¹⁶

The editors of the *St. Petersburg Times*, a newspaper generally supportive of civil rights, wrote a scathing editorial condemning Waller's actions: "A handful of Negro extremists yesterday gave a perfect demonstration of how to destroy public sympathy and cooperation with the Civil Rights Movement." The editorial argued that objections to the

¹⁵"NAACP Says Mural Incident Unfortunate," *St. Petersburg Times*, 30 December 1966, sec. B, p. 1.

¹⁶"City Hall Mural Artist Confused by Row," *Evening Independent*, 30 December 1966, sec. A, p. 3.

mural "showed a lack of poise and common sense. . . . Hoodlumism is no solution to the grievances of the Negro minority, however real those may be. Such actions bring nothing but injury to the cause of racial equality and justice."¹⁷

Mayor Herman Goldner agreed: "I want to make one thing clear. While this was an incident with racial overtones, there is no attitude at City Hall that this was a responsible act of our Negro citizens but an irresponsible act of a few members of our Negro community. I am sure that the vast majority of our Negro citizenry are as ashamed of these persons who committed this act as we are."¹⁸

By all accounts, Waller's plans collapsed in a few short minutes. The mural had been the focal point of his plan to provide the public with tangible evidence of the city's disregard for the black community. After he removed the mural, he had nothing to offer but himself. Therefore, he held his militant posture and stood his ground, refusing to apologize for his impulsive act. While the other SNCC members backed down and let their lawyers work to get them out of their predicament, Waller carried his fight into the courtroom, using publicity from the ensuing trials to spread his message.

¹⁷Editorial, "Smashing Race Relations," *St. Petersburg Times*, 30 December 1966, sec. A, p. 12.

¹⁸Jesse Moore, "Mural Ripped Off City Hall Wall," *Evening Independent*, 29 December 1966, sec. A, p. 1.

Chapter 4

Court Battles and Publicity Cultivate Waller's Militant Persona

The St. Petersburg police department transferred the six defendants to the Pinellas County jail, in downtown Clearwater, on the morning of December 30, 1966. Jailers initially segregated the SNCC activists from the other inmates, and denied them access to televisions and newspapers. Therefore, they were grateful when a trustee smuggled in a newspaper that featured their protest in its headlines. After reading the newspaper article, they tore the paper into small pieces and flushed it down the toilet so jailers would not catch them with the illegal contraband.¹

In spite of their new notoriety, incarceration was a sobering experience for the SNCC activists. The excessive bond prevented them from bonding out of jail, giving them a preview of what was to come if the courts found them guilty. Only Waller seemed unshaken by the experience, resolutely using his incarceration to attract publicity for his cause. Once in jail, he began a hunger strike, prompting jailers to transfer him to the jail's hospital ward. In the meantime, Public Defenders Robert E. Jagger and Paul Barnard, assigned to defend Joseph Wall and Lemuel Green, filed a writ of habeas corpus to reduce their clients' bond or to release their clients on their own recognizance. On January 3, 1967, Circuit Court Judge Joseph P. McNulty complied, reducing their bonds

¹St. Petersburg Police Department Larceny Report #76981, Continuation Sheet filed by Detective Homer Allen, (microfiche on file at St. Petersburg Police Department); Tommy Williams interview; Herman Vincent, Former Captain at Pinellas County Sheriff's Office and Commander at Pinellas County Jail, interview by author 1 December 2000.

to eight hundred and fifty dollars, allowing all but Wall, who was indigent, to bond out of jail.²

On January 6, 1967, Judge Carr presided over the preliminary hearing to review the charges authorities had filed against the defendants. Jagger later described the hearing as "a bit of a circus." Before the hearing, SNCC supporters picketed outside the St. Petersburg courthouse, prompting Carr to secretly move the hearing to the Circuit Court Room in the Clearwater Courthouse. Authorities did not inform the public of the unprecedented change of venue until after the hearing had begun. According to Jagger, when "the city brought in the mural – all bundled up and completely destroyed – by the authorities," he moved that the mural was of no value and therefore the larceny charge should be dropped.³ Earnest Tartler, a professional artist and fine art appraiser, testified the mural had been worth eleven thousand dollars before the activist removed it from the wall, but in its damaged condition claimed it was worthless. Many other witnesses, including detective Allen and city manager Andrews testified for the city in what became

²Throughout Wall's incarceration, Jagger and Barnard waged a campaign to free him, arguing it was "unfair for a man who cannot afford it to have to meet any bail requirements at all, if he would otherwise be eligible for bail." Both the *St. Petersburg Times* and the *Evening Independent* supported their efforts, publishing articles and editorials that decried the injustice of releasing serious criminals who could afford bail while incarcerating indigent subjects. The *Evening Independent* also reasoned that the unfair practice burdened taxpayers by forcing them to pay for food and housing for the defendant and for welfare for their abandoned families. Although the Wall case did not result in an immediate remedy, it did help to convince the judiciary to revamp the guidelines for releasing prisoners on their own recognizance. Source Howard Noyes, "More Arrests Due in Mural Removal?" *St. Petersburg Times*, 31 December 1966; Editorial, "The Dollar Tag on Justice," *Evening Independent*, 8 April 1967, sec. A, p. 12; Carole Horn, "Jailed 98 Days, Penniless Man Gets a Hearing," *St. Petersburg Times* 7 April 1967, sec. B, p. 11; Robert E. Jagger interview.

³Robert E. Jagger, personal correspondence with author, 29 July 1999.

the longest preliminary hearing in Carr's career, lasting over six and a half hours. Based on the hearing, Carr found sufficient cause to bind the defendants over to the courts to stand trial. They faced charges of destruction of city property and disorderly conduct in Municipal Court, grand larceny in Circuit Court, and malicious destruction of property, resisting arrest, and unlawful assembly in the Civil and Criminal Court of Record.⁴

Judge Henry Esteva presided over the first municipal trial on January 30, 1967, with Waller and Bryant as the first two defendants. Complying with the defendants' request for a black attorney to handle their case, the court assigned Frank Peterman to represent the two SNCC activists. At the onset of the trial, Waller created a sensation by firing Peterman and asking for a continuance so he could secure new legal representation. After Esteva conferred with Peterman in his chambers, Esteva informed Waller, "You have had ample time to inform this court, through Mr. Peterman, of your intention to change attorneys. This court appointed Mr. Peterman to represent you and he is here ready, willing and able to defend you. But, due to the obvious animosity between attorney and client, I'm releasing Mr. Peterman."⁵ In a recent interview, Peterman recalled that he was confident that he could win his clients' freedom, but Waller wanted to build the case into a larger political issue. Peterman explained that the white

⁴ Ibid.; Paul Schnitt, "Mural Case Hearing a Court Spectacular," *Evening Independent*, 7 January 1967, sec. A, p.1; The Civil and Criminal Court of Record handled misdemeanor cases for the city. There are no newspaper reports indicating the activists stood trial in the Civil and Criminal Court. Judge Richard Carr said that, most likely, the city dropped those charges before the trial. Sources: "High Court Asked to Bar Waller Trials," *St. Petersburg Times*, 22 April 1967. Judge Richard Carr, telephone interview by author, 26 November 2000.

⁵ Don Starr, "Waller Sentenced in Mural Case," *St. Petersburg Times*, 31 January 1967.

establishment had always been able to use the power of the police and the court system to keep black people in their place, and Waller wanted to prove that he was not afraid of the police or the courts. Waller agreed with Peterman's assessment, adding, "I felt like the case was a political trial all along, and it had to be treated politically." He had asked Peterman to file for a postponement in order to give James Farmer, of the Congress on Racial Equality (CORE) a chance to send a CORE lawyer to defend him. Peterman did not feel it was in either of his clients' best interest to delay, and therefore ignored Waller's request.⁶

In spite of Waller's unwillingness to speak in his own behalf or to interrogate witnesses during the trial, in which he was not "represented by legal counsel," the trial continued. Peterman argued that Bryant was not directly involved in the destruction of the mural, convincing Esteva to drop the charge of destroying public property against him. Esteva did find Bryant guilty of disorderly conduct, but withheld his sentencing pending a background check. Esteva found Waller guilty of destroying public property and disorderly conduct, sentencing him to a total of one hundred and eighty days for the two charges. When Esteva announced Waller's sentence, the SNCC leader responded, "That is white of you," prompting the judge to charge him with contempt of court.⁷

After the trial, journalists interviewed Waller in his holding cell. When reporters asked him why he had challenged Esteva, he responded, "That was white justice. The whole thing was planned and decided before I went into court. It didn't make any

⁶Frank Peterman interview; Omali Yeshitela interview.

⁷Starr, "Waller Sentenced in Mural Case," 31 January 1967, sec. A, p. 3;
"Waller Starts Serving Mural Case Sentence," *Evening Independent*, 31 January 1967.

difference what I said." Since Waller was a leading figure in the local civil rights movement, reporters asked him if his incarceration would hurt the movement. He answered, "The movement doesn't need me. It will go on. I could go away forever and it wouldn't make any difference. My people will just take over. I was just one small part of the thing." He went on to attack the white press, which he alleged, would not get the story right.⁸

Later, officers transported Waller to St. Petersburg Municipal jail, where he refused to submit to their authority. He resumed his hunger strike, refused to speak to any of the jailers, and sang freedom songs in an attempt to incite support from his fellow prisoners. According to Warden Lee, the other prisoners ignored Waller.⁹

The other SNCC defendants learned a valuable lesson from the first municipal trial. Williams recalled that Waller was "really outspoken," prompting the judge to find him guilty. Realizing that the court had the power to send him away to prison for a long time, Williams decided that he had already made his point. He let his lawyers speak for him, adding, "I did not want to act like a jackass." In subsequent municipal trials, the other four defendants were given thirty day suspended sentences and probation, making Waller the only defendant who served time on the municipal charges.¹⁰

⁸Starr, "Waller Sentenced in Mural Case," 31 January 1967, sec. B, p. 11.

⁹"Waller Refused Food in Municipal Jail," *Evening Independent*, 1 February 1967, sec. A, p. 15.

¹⁰Tommy Williams said that he served six months in Pinellas County jail for the mural incident. However, there are no records to substantiate his claim it is unlikely that Williams, who had not touched the mural, would receive a stricter sentence than the other defendants. Perhaps he was unable to bond out as quickly as the other defendants bonded out, making it seem like he served a long jail sentence. Sources: Tommy Williams interview; Horn, "Jailed 98 Days, Penniless Man Gets a Hearing."

CORE sent John Due, CORE member and prominent civil rights attorney, to defend Waller. Due argued that since authorities had already convicted Waller in municipal court, the upcoming trials in circuit court and the civil and criminal court of record would constitute double jeopardy. Attorney Leslie H. Levinson of Gainesville, working with Due, filed a petition to the State Supreme Court to block the pending trials. However, the circuit court turned down Levinson's request for a stay, forcing Waller and the other six defendants to stand trial for grand larceny.¹¹

Circuit Judge Charles Phillips presided over the circuit court trial. During a recent interview, Phillips revealed that he sympathized with the defendants, believing it would have been wise for city leaders to take down the murals when the black community first complained. He contended that city leaders were wrong to leave the mural in a public place, ignoring the protests of the black community. However, while it was permissible to condemn the mural, it was not permissible for the activists to destroy the mural. At the time of the trial, Phillips had no idea the minor felony would be fraught with complications and would have historic ramifications.¹²

Clearwater city leaders were afraid that civil rights protests staged at the downtown courthouse would lead to riots in their city. Recognizing their concerns, but

¹¹Although the other five defendants faced similar charges, they were not included in the petition. Nor did SNCC or CORE supply them with legal counsel, instead leaving their defense to the Public Defender's Office and St. Petersburg Attorney E. M. Davis. However, Williams said that the other members of SNCC did not resent the fact that Waller got the "high priced attorneys" since the white power structure targeted him. Source: "High Court Asked to Bar Waller Trials," *St. Petersburg Times*, 22 April 1967, sec B, p. 3; Tommy Williams interview.

¹²Circuit Judge Charles M. Phillips, interview with author, 18 November 2000.

convinced that the protesters would stage their protest without the city's permission, Phillips presided over a meeting between Waller and city leaders to discuss the issue. Phillips characterized Waller as a very loud and forceful orator whose abrasive style intimidated many people. However, recognizing that Waller was a highly intelligent man, Phillips was able to look past his rhetoric. He supported Waller's request for a parade permit from the city and won Waller's assurances that the demonstration would be peaceful. Later, Phillips met with city leaders and members of the law enforcement community to orchestrate a strategy to handle problems if they occurred. City leaders insisted that a large cadre of police was required, but Phillips tempered their plan by getting the police to wear plain clothes rather than their uniforms that might incite trouble. Anxious law enforcement officials orchestrated a strategy that included darkening the second story windows of the courthouse so the public could not see inside. Their plan was to quietly arrest rioters, whisk them into court, and give them an immediate hearing. All of this proved unnecessary as the protesters conducted themselves without incident. Throughout the trial, the protest was limited to picketers who demonstrated outside the courthouse to show their support for the SNCC activists.¹³

Another problem arose when the court tried to find a jury to hear the case. According to Phillips, the unusually large number of lawyers involved made jury selection more difficult. Gainesville attorney John Due represented Waller, St. Petersburg attorney E. M. Davis represented Jones and Williams, and Public Defenders Robert E. Jagger and Paul Barnard represented Bryant, Wall, and Green. Assistant State Attorneys Richard Mensh and Allen Allweiss represented the state. During the jury selection

¹³Ibid.

process, each attorney had six peremptory challenges, which allowed the attorney to excuse a juror without giving a reason for the candidate's dismissal. Phillips chuckled when he recounted that, after the bailiff brought one group of jurors for the attorneys to interview, one of the attorneys walked up to the bench and said, "See that bunch? Put them on my tab," dismissing the entire group. On the second day, lawyers asked Phillips to dismiss the entire thirty-three-man panel that had survived the previous day's purging, because one of the panel members had obtained a newspaper article about the incident and had subsequently discussed the case with a person who was not on the jury panel. Afraid that it would be extremely difficult to select another panel from the diminishing jury pool, Phillips denied the request and the jury selection continued.¹⁴

After the court selected a jury, the problems did not end. With four defense attorneys executing separate strategies, courtroom tensions mounted. Jagger and Barnard built their case on legal strategy, questioning whether a mural attached to a wall – a piece of real estate – could be the subject of larceny. Due's primary defense strategy was to prove the municipal trial constituted double jeopardy. However, in the Circuit Court, Due's defense stressed that since the mural was offensive to black people, Waller's action was not criminal. Due attacked city Manger Lynn Andrews's position on the city's Community Relations Commission (biracial committee), city policy in the hiring of

¹⁴Ibid.; "Cloud Hangs over Mural Case Juror," *Evening Independent*, 26 April 1967, sec. A, p. 3.

African Americans, the garbage strike, and other 1966 incidents involving Negroes. The other defense attorneys joined the state in objections to the trend of Due's questions.¹⁵

SNCC activists had an opportunity to testify in the trial. First, Waller asserted that he "yanked down the mural in a moment of emotional fervor 'to focus attention' on the troubles of Negroes in St. Petersburg." He showed no remorse when he told the court "he would commit the same act again 'if it would benefit the black people in the ghettos.'" The following day, Wall admitted he had helped Waller tear down the mural but insisted they had acted on the spur of the moment. The other defendants made it clear that they had not plotted to steal the mural. They had performed similar protest marches before and had no idea this one would be any different.¹⁶

The defense attorneys' closing arguments demonstrated the differences in their tactics. When Jagger alluded to the Midas touch, stating, "Whoever touched the tapestry might conceivably be guilty," Due responded, "Don't pay any attention to Mr. Jagger. He doesn't know what he is talking about. This mural was offensive and we had a right to tear it down." After four hours of deliberation, the jury found Waller and Wall guilty and ruled the other four innocent. On July 6, 1967, Phillips denied Waller's appeal for probation, declaring that he was not a good probation risk, and sentenced him to a term of six months to five years in prison. Considering probation for Wall, he withheld sentencing that day. He later sentenced Wall to three years probation. Phillips believed

¹⁵ "Racial Overtones Stir Dissent: Friction Flares in Mural Case." *Evening Independent*, 3 May 1967, sec. A, p. 1; Robert E. Jagger interview; Correspondence with Attorney John Due, 5 July 1999.

¹⁶ Alan Hopkins, "Mural Case: 2 Guilty, 4 Innocent," *St. Petersburg Times*, 5 May 1967, sec. B, p. 1; Judge Charles M. Phillips interview; "Mural Case Figure Receives a Sentence," *St. Petersburg Times*, 7 July 1967, sec. B, p. 3.

that Waller would continue his civil rights efforts and, therefore, needed to learn that the law would not tolerate acts of destruction. However, he never thought Waller would serve more than six months for his minor infraction.¹⁷

In January 1968, Waller's friend, Frank Peterman, and American Civil Liberties Union lawyer Gardner W. Beckett Jr., joined his defense team. After filing an appeal to the Second District Court of Appeal in Lakeland, they appeared before Phillips, requesting that their client's release on bond while he waited for the outcome of his appeal. Waller had been serving his sentence at a state correctional institution in Bushnell, teaching English and grammar to illiterate inmates. Waller appeared at the hearing, promising he would not involve himself in any movements if Phillips would free him on bond. He maintained, "What happened Dec. 29, 1966, occurred as a result of a program I initiated to bring the plight of my people to the attention of the people in St. Petersburg. This has been accomplished. There is no need for anything more."¹⁸ Four prominent members of the black community, Marianne Kelsey, who was a writer for the *Evening Independent*, Leroy Kelsey, Dr. Gilbert Leggett, and Peterman, appeared as character witnesses in Waller's behalf. However, Assistant State Attorney Richard Mensh opposed Waller's request: "The habits of this defendant relative to his respect for the law is the only issue here . . . not the political law of bigotry. It goes back to Moses, who said, 'Thou shall not steal.'" Belittling Waller's motivation for the crime, he added, "People are entitled to dissent by evolution, not revolution." This argument seemed to

¹⁷Robert E. Jagger interview; "Mural Case Figure Receives a Sentence," *St. Petersburg Times*, 7 July 1967, sec. B, p. 3; Judge Charles M. Phillips interview.

¹⁸"Judge Phillips Studies Waller's Bid for Bail," *St. Petersburg Times*, 6 January 1968.

convince Phillips, who denied Waller's request for bail. Nevertheless, on March 20, 1968, the Second District Court of Appeals ordered Judge Phillips to set bail for Waller. Phillips set Waller's bond at two thousand five hundred dollars, allowing Waller to post bond on March 29, 1968.¹⁹

Shortly after he got out of jail, civil rights activists invited Waller to come to Gainesville to participate in a demonstration to raise public awareness for activist Irvin Lee "Jack" Dawkins. Dawkins had been in jail since mid March on a charge of arson. Although Waller had promised he would not participate in civil rights demonstrations while out on bail, he got on a bus and headed for Gainesville. When he arrived in Gainesville, on April 4, 1968, he learned that Martin Luther King had been assassinated in Memphis. The shocking news intensified the tension surrounding the demonstrations; while the black community tried to cope with the tragic news, the white community fearfully waited for the response to King's death. In the midst of the explosive atmosphere, the local civil rights community held a demonstration during which Waller vowed, "The bullet that killed Dr. Martin Luther King also killed nonviolence." Levy Wilcox, a thirty-two year old activist from Jacksonville, pledged, "I am here to wake up this town and wake up it better or there ain't going to be any town." Although the demonstration was orderly, the police arrested both activists "as a preventative measure to prevent riots." The police alleged that the two men had tried to get the crowd to storm the jail where Dawkins was housed. Police originally set bond on the charge for twenty

¹⁹"Mural Case Figure Receives a Sentence," *St. Petersburg Times*, 7 July 1967, sec. B, p. 2; "Judge Phillips Studies Waller's Bid for Bail," *St. Petersburg Times*, 6 January 1968, sec. B, p. 4; "Phillips Turns Down Waller Bid for Bail," *St. Petersburg Times*, 12 November 1968, sec. B, p. 4; "Court Orders Bail Be Set for Waller," *St. Petersburg Times*, 21 March 1968, sec. B, p. 5; "Waller Release on Bond Seen," *St. Petersburg Times*, 24 March 1968, sec. B, p. 10.

five thousand dollars, but the courts reduced the bond to five thousands dollars, allowing Waller to bond out of jail on May 6. However, six hours after his release, his St. Petersburg's bail bondsman revoked his bond. His Gainesville bondsman soon followed suit, revoking his five thousand dollar bond for inciting a riot. Authorities held Waller in the Alachua County jail until May 29, 1968 when he finally raised enough money to satisfy the bonds.²⁰

During his confinement, Waller reflected upon his successes and failures, evaluating his effectiveness as a civil rights leader. Realizing that his incarceration had effectively destroyed St. Petersburg's local chapter of SNCC, and cognizant of SNCC's national decline, he sensed that attempts to revitalize the local chapter would be futile. Instead, he resolved to create a coalition of black organizations that would use direct action to fulfill the needs of poor black people. Upon his release, Waller returned to St. Petersburg and founded the coalition, naming it the Junta of Militant Organizations (JOMO).²¹

On July 12, 1968, JOMO received publicity when the St. Petersburg police department arrested Waller after black youths, who had been with Waller only minutes before, threw rocks and bottles at police officers. The incident occurred outside the church where striking garbage workers and nationally recognized civil rights supporters gathered for a rally and a protest march. The city's black garbage workers had walked of

²⁰Gainesville eventually dropped charges against Waller. Sources: Omali Yeshitela interview; "Gainesville Incident: Activists Bound Over," *St. Petersburg Times*, 18 April 1968; "Waller out of Jail, but Not for Long," *St. Petersburg Times*, 7 May 1968, sec. B, p. 2; "Waller Free after Posting 2 Bail Bonds," *St. Petersburg Times*, 30 May 1968, sec. B, p. 2; "Inciting to Riot Charges Dropped," *St. Petersburg Times*, 23 July 1968, sec. B, p. 7.

²¹Omali Yeshitela interview.

their jobs in May 1968, spawning racial unrest and skirmishes with police as the white authorities tried to contain and control the black community. When a young girl announced that one of the police officers outside the rally was the Intelligence Bureau detective who had arrested her sister earlier that day, the group began taunting the police. Strike organizers came outside to see what was going on and spoke to Waller, who raised his arms and ordered the group to disperse. The crowd complied, demonstrating his control over the militant group. Minutes later, several youths returned, throwing rocks and bottles at the police officers. The police concluded that Waller, as the leader of the group, was responsible for the attack. Joe Savage, the leader of the garbage strikers, insisted that Waller had not taken part in the altercation, but instead had taken specific action to quell the disturbance. The city did not pursue the charges against Waller.²²

One month later, police arrested Waller and several members of JOMO for verbal assault after Waller used a megaphone to yell, "Pig, pig, pig, you white pigs," at police officers as they patrolled through a black neighborhood district at Twenty Second Street and Eighth Avenue South. Waller contended that he simply meant to warn the community that police, who were harassing black citizens, were in the vicinity. However, Peterman offered another explanation for Waller's actions. He theorized that Waller demonstrated defiance, standing up to police officers, as a way to recruit black people to his movement. Although middle class blacks disapproved of Waller's actions, they were not the people he intended to attract. Waller's lack of fear, and his willingness to stand up to their white oppressors, helped him to recruit lower income black workers

²²"Rock-Throwing Aftermath," *St. Petersburg Times*, 13 July 1968, sec. B, p. 1; "Fired Workers Back Waller." *Evening Independent*, 13 July 1968, sec. A., p. 3.

into his movement. His actions also earned him a nine-month jail sentence from municipal court judge Esteva, who declared, "Many of your people think your community would be better off without you."²³

ACLU attorney Gardner Becket subsequently contested the guilty verdict through the court system, appealing the conviction to the circuit court, the State Supreme Court, and the US Supreme Court. Although the state courts upheld the conviction, and the US Supreme Court refused to hear the case, each appeal bought Waller temporary freedom by allowing him to bond out of jail while waiting for his new hearing. The press chronicled his saga as he rode an emotional roller coaster, surrendering to authorities to serve his sentence, and then obtaining release while he waited for the verdict from a higher court.²⁴

Waller capitalized upon the publicity to spread his message. During one of his incarcerations, the *St. Petersburg Times* published a letter that Waller wrote to the black community: "Today I write to you from the bowels of hell. Again I am in the white man's jail. But jail is nothing new to me as it is nothing new to any black man who has resisted America's racist way of life. Many men who resisted are dead. Death and jails have always been weapons whites have used to keep black people chained by fear." Indicating that he would have no difficulty choosing between slavery and death, he

²³"Five Are Arrested for Abusing Police," *St. Petersburg Times*, 15 August 1968, sec. B, p. 2; Virginia Ellis, "Waller Given 270-Day Term on 3 Charges", *St. Petersburg Times*, 27 August 1968, sec. B, p. 1; "Waller Is in Jail; Vows Hunger Strike," *St. Petersburg Times*, 18 July 1969, sec. B, p. 2.

²⁴"Waller Defense Plans Appeal," *St. Petersburg Times*, 29 August 1968, sec. B, p. 9; "Judge Delays Joe Waller Bond Appeal," *St. Petersburg Times*, 31 August 1968, sec. B, p. 9; Virginia Ellis, "Waller Bond Ruling Is Upset," *St. Petersburg Times* 1968, sec. B, p. 3.

continued: "For me there can be only one choice. I will either live as a man or die as a man. It's that simple." Such rhetoric simultaneously emboldened and frightened his supporters, as did his plans to begin a hunger strike. He vowed, "For the entire period that I am in their jail, I will neither eat their food nor drink their water. And they shall release me alive . . . or they shall keep me for as long as it takes to die without food and water. Under these conditions, they may have my body. But my soul belongs to the black folks."²⁵ Fortunately, his lawyers secured his freedom on a four thousand five hundred dollar bond ten days later. On June 19, 1969, as he faced another deadline to turn himself in, members of his Junta of Militant Organizations offered to serve the sentence in his stead. When it came time for Waller to report to jail, a large contingent of JOMO members demanded Mayor Goldner's personal guarantee that he would prevent anyone from injuring Waller while in custody. They also called for the city to commute Waller's sentence, threatening persistent demonstrations aimed at disrupting St. Petersburg downtown tourist traffic if the city did not comply. St. Petersburg Junior College's student government president, Daniel W. Wedge, insisted that, "arresting Joe Waller on this old charge will accomplish no more than alienation of a large community of people." Even the conservative and moderate black city leaders who had once condemned Waller as a troublemaker came to his aid. During a December 22, 1972 hearing before Municipal Judge George S. Saltzman, they urged the judge to commute Waller's sentence. Reverend Enoch Davis, the city's most revered civil rights leader, praised Waller for his contributions to voter-education projects, clothing drives, and

²⁵ "Waller Is In Jail; Vows Hunger Strike," *St. Petersburg Times*, 18 July 1969, sec. B, p. 2.

campaigns to eradicate narcotics traffic in the black community. On December 29, 1972, Judge Saltzman commuted Waller's sentence, giving him six months probation.²⁶

Throughout Waller's public three-year struggle to reverse his verbal abuse conviction, his attorneys, Gardner Becket and Leslie Harold Levinson had continued to fight Waller's mural conviction through the legal system. On November 13, 1969, the US Supreme Court heard the case. Levinson argued that the grand larceny conviction was based on the same activity that gave rise to the municipal convictions. Assistant State Attorney General George R. Georgieff contended the municipal violations were petty offenses, not crimes, and therefore the courts did not prosecute Waller for the same crimes. On April 6, 1970, Chief Justice Warren E. Burger spoke for a unanimous court, ruling that "the city and state can act only once in a single crime." With his judgment, he vacated Waller's circuit court conviction and remanded the case back to the Circuit Court to decide if Waller had been the victim of double jeopardy. Judge B. J. Driver ruled that Waller was not the victim of double jeopardy, but refused to reinstate the original conviction, setting the stage for retrial. After Waller waived his right to a jury trial, the circuit court retried the case before Judge Robert Williams on August 29, 1971.²⁷

During the second trial, at least one witness cast doubt on the impetuous nature of Waller's actions. City Manger Lynn Andrews testified that he saw Waller, accompanied

²⁶ "Waller Fails to Turn Himself In," *St. Petersburg Times*, 23 June 1969, sec. B, p. 7; M. P. Fleischer, "Waller Begins Serving 1968 Jail Sentence," *St. Petersburg Times*, 5 December 1972; Allen Cowan, "City Court Has No Request to Commute Waller Term," *St. Petersburg Times*, 6 December 1972; Jill Maunder, "Waller Has Reformed Judge Is Told," *St. Petersburg Times*, 22 December 1972.

²⁷ Charles Stafford, "State's Second Charge against Waller Attacked," *St. Petersburg Times*, 14 November 1969, sec. B, p. 10; "Supreme Court Upholds Waller," *St. Petersburg Times*, 7 April 1970; Alan Hopkins, "Waller May Face Court on Charge Judge Rules," *St. Petersburg Times*, 5 August 1970.

by another black man, examining the lower corner of the mural to see how securely it was attached to the wall. Andrews alleged the two men fled when they noticed he was watching them. Even Waller's testimony seemed to imply that he had long intended to remove the mural from the wall: "It was not my intent to destroy it (the mural). Removal of the mural was a part of the demonstration. *We didn't anticipate getting out of the building with the mural.*" Becket, defending Waller, argued the state failed to prove intent to destroy the mural or to deprive the city of its use. Arguing for the state, Mensh declared, "The state's position is simple. On Dec. 29, 1966, the law of Florida was violated by Joe Waller and regardless of his motives or how he felt about the picture, he took the law in his own hands and committed grand larceny." On August 30, 1971, Judge Williams found Waller guilty of grand larceny.²⁸

Refusing to give up, Beckett appealed the new conviction to the Second District Court of Appeals in Lakeland, but the Lakeland court upheld the circuit court decision. Next, he challenged the decision in the State Supreme Court, but the court refused to hear the case. Running out of options, Beckett filed an appeal to the US Supreme Court, maintaining that Waller was the victim of double jeopardy. While both Beckett and Waller waited for the Supreme Court's response, the *St. Petersburg Times* published an editorial calling for Waller's freedom, affirming a shift in public opinion. "If today's St. Petersburg City Council were asked to remove from City hall a painting with an offensive caricature of black people," they contended, "it would act quickly." Although editors made it clear they were not condoning Waller's "radical ideas," they asserted, "justice has not been done in this case. The punishment does not fit the crime." Accordingly,

²⁸Kay Masters, "Waller Waves Jury Trial," *Evening Independent*, 30 August 1971; "Waller Served 488 Days for Mural Theft," *Evening Independent*, 31 August 1971.

they urged the Supreme Court to vacate his sentence: "Adequate punishment already has been administered for Waller's crime. More time in jail is an offense to the conscience of our community and to the justice rendered by our courts."²⁹ When, with three justices dissenting, the US Supreme Court refused to review the case, Waller's defense team was left with few options. In mid October 1973, Becket filed the team's final appeal, a plea for reconsideration of the sentence, to the circuit court where it all began.³⁰

On October 29, 1973, Waller appeared before Circuit Court Judge David Seth Walker. St. Petersburg attorney Ike Williams joined Becket to represent Waller, facing Assistant State Attorney Richard Mensh who represented the state. Each side came armed with lengthy arguments and a contingent of witnesses to support their position. However, they never got a chance to present their case to the court. Instead, they listened, as Walker ended the SNCC activist's seven-year legal battle by reducing his sentence to the eighteen months already served on the charge. Addressing the defendant, Walker said, "I remember specifically, clearly and with some amount of embarrassment the mural you removed from city hall." The judge empathized with Waller's indignation, characterizing the mural as an illustration of "one race of God's children being humiliated by another race of God's children." Although the judge denounced Waller for taking the law into his own hands, he said the defendant had paid for his crime. Both sides were astonished by Walker's actions. Mensh stared at the judge for several

²⁹Editorial, "Times (and Sensitivities) Change," *St. Petersburg Times*, 28 May 1973.

³⁰ "High Court Upholds Waller Conviction," *St. Petersburg Times*, 15 April 1972, sec. B, p. 15; Jill Maunder, "Court of Appeal Upholds Waller's Larceny Conviction," *St. Petersburg Times*, 22 December 1972, sec. B., p. 6; "Us Supreme Court Declines to Review Waller's Petition," *St. Petersburg Times*, 18 October 1973.

seconds, in disbelief before storming from the courtroom. When the press asked Waller what he thought of the verdict, he ecstatically responded, "Just that the power of the people is fantastic."³¹

³¹Boyer, Dean, "Judge Lifts Waller's Remaining Prison Term," *St. Petersburg Times*, 30 October 1973, Sec. B, p. 1; David Seth Walker, Circuit Court Judge, interview by author, 27 November 2000.

Epilogue

There is no public consensus about the civil rights organizations that Joe Waller established in St. Petersburg. While many members of the black community speak fondly of JOMO, some members of the white community cannot shake the feeling of foreboding they associate with the militant group. During the 1970s, the St. Petersburg police department officials did not attempt to hide the fact that it kept JOMO members under constant surveillance, and the FBI wiretapped JOMO as part of its COINTELPRO operation. The law enforcement community, and an apprehensive white public, worried about Waller's affiliations with Black Panther members Huey Newton, Angela Davis, Stokely Carmichael, and Willie Ricks, and feared JOMO would incite riots similar to those that had erupted in other cities.¹

The public has similar concerns about Waller's current civil rights group, the African People's Socialist Party (APSP), also known as the Uhurus. In 1972, Waller established the APSP in St. Petersburg and changed his name to Omali Yeshitela, which in Swahili means "an umbrella to protect one thousand people." Waller created the APSP to call attention to the plight of the poor through direct action, and planned to develop special programs designed to address their needs. However, Yeshitela's 1978 call for black "micro-nationalism" detracted attention from his goals, earning him a

¹Kenneth O'Reilly, *"Racial Matters": The FBI's Secret File on Black America 1960-1972*, New York: The Free Press, 1989; Bette Wimbish, interview by author 27 March 2000; Rich Oppel, "The World of Joseph Waller Jr.," *St. Petersburg Times*, 25 August 1978, sec. B, p. 1.

reputation as a racial separatist. The sight of Yeshitela, constantly escorted by a corps of tough young followers, further disturbed authorities who worried that he would use his militant following to incite an uprising in the black community. They breathed a sigh of relief when Yeshitela moved the APSP headquarters to Oakland, California in 1981, where he continued to develop the APSP in the void left by the defunct Black Panther Party. However, after the 1988 New Year's Day shooting of one of his civil rights associates by a St. Petersburg police officer, he returned to the city with a renewed determination to revitalize the local chapter of the APSP.

Barely two weeks after his return, while taking his son to school, he noticed a crowd of African-Americans watching two police officers who had stopped a vehicle full of African Americans. One of the officers searched the vehicle while the officer lined up the passengers and driver behind the vehicle and took their pictures. Outraged, he joined the crowd and led them in a chant, "The police and the Klan go hand in hand." Police arrested Yeshitela, who used the publicity from his arrest to herald his return to the community.²

In 1996, Yeshitela and the APSP again stepped into the limelight after St. Petersburg police officer James Knight shot and killed TyRon Lewis, only two blocks away from the group's headquarters, during a traffic stop. Within minutes, Uhuru members were on the scene, handing out leaflets that decried police brutality against the

²In 1978, Yeshitela said that the only way that blacks would prosper was to separate themselves financially and socially from the white community. He opposed moving all of the blacks to a separate part of the country, arguing that if there was a single black community that white authorities would be able to wipe them out with a bomb. Instead, he wanted to form black nations within each city which would be self governed. He envisioned the black nationals arming themselves with weapons and protecting themselves from white intrusion. Sources: Ibid.,

black community to the angry crowd. That night, violence exploded in the black community as African Americans threw rocks and bottles at police officers and set a series of fires. The police chief and other local officials accused the Uhurus of inciting the uprising.

Five days later, the Uhurus held a community tribunal at their headquarters, finding Police Chief Darrel Stephens and Mayor David Fischer guilty of genocide and the two police officers guilty of murder. The tribunal sentenced the police officers to death in Florida's electric chair, implying to authorities that Uhuru members would attempt to assassinate the condemned. Publicity about the tribunal intensified pressure on the Grand Jury, which was conducting its own inquiry into the police shooting.

As the Grand Jury neared the end of its investigation, the city braced itself for trouble. Since the Uhurus had warned the city that some members of the black community would riot if the Grand Jury found Knight innocent, Stephens prepared for an Uhuru led uprising when the Grand Jury released its verdict, clearing Knight. On November 13, 1996, police attempted to arrest members of the APSP to get them off the streets. The Rapid Response Team arrested three Uhurus, on minor charges, at the Uhuru Headquarters. Other Uhuru members interfered with the arrests, prompting police to use pepper spray against them. Later that night, police fired teargas into the Uhuru Headquarters when approximately seventy-five men, women, and children from various civil rights organizations disobeyed police orders to evacuate the building. The police action heightened tensions in the black community, provoking violence that night. During the ensuing disturbance, one St. Petersburg police officer was shot in the leg and

a Sheriff's Office helicopter pilot received a minor injury when a bullet grazed his elbow while he flew over the disturbance.³

At a November 27, 1996 workshop to explore ways to heal the city, Henry Cisneros, the federal Secretary of the Department of Housing and Urban Development, urged city council to talk to the newly formed Coalition of African American Leaders. After meeting with the group Cisneros singled out Yeshitela, a member of the coalition, as "a thoughtful voice who should be heard." Reluctantly, Mayor Fischer agreed to talk to the coalition, avowing, "If we don't include everybody (in the discussion) it just simmers."⁴

By October 12, 1997, the *Times* reported that Fischer and Yeshitela had formed a truce and that "St. Petersburg's ultimate outsider had entered the mainstream of St. Petersburg politics." Pointing out that his goals had not changed, the reporter proclaimed that Yeshitela had undergone a transformation from a street protester to a welcome participant at the city's conference table. Taking advantage of the opportunity to deliver his message, he abandoned his criticism of the police department and attempted to enlist bankers and business leaders in economic development efforts within the black

³According to Yeshitela, the purpose of the tribunal was to arm the community with information about what happened. A minister, a Tampa civil rights activist, and a member of the APSP served as the tribunal board, hearing evidence from witnesses who were at the shooting. After the witnesses testified, Yeshitela asked them to determine if Mayor Fischer and Police Chief Darrel Stephens were guilty of genocide as defined by the Geneva Convention. The panel retired, and upon their return stated it wanted to extend its findings. The tribunal panel proclaimed that Fischer and Stephens were guilty of genocide. It also found the two police officers guilty of murder, and sentenced them to death by the State's electric chair.

⁴Smith, Adam C., "Race Talks May Include Uhurus," *St. Petersburg Times*, 27 November 1996, sec. B, p. 1.

community. Yeshitela explained, "My struggle has never been to stand and yell from afar, but to actually change conditions and to empower the African Working class." He added, "It doesn't make sense simply to yell from afar when we can make our point, and I think make it well, at the table."⁵

Six months later, community activists surprised city council when they objected to the city's plans to hang two recently completed scenic murals, painted by Tarpon Springs artist Christopher Still, on the staircase walls of city hall. Their plan would require them to move the remaining WPA mural that continued to hang on the northeast wall, and to cover the blank southeastern wall. Historic preservationists opposed moving the remaining mural to the Museum of history, worrying the painting would be damaged during the move and arguing the WPA mural was an integral part of city hall, a building that was also built with WPA funds. Civil rights activists paid little attention to the remaining mural, but they cared deeply about the blank wall where a racially offensive companion mural once hung.⁶

The significance of the blank wall surfaced after a July 16, 1998 city council meeting revealed that one of the new Still murals would grace the previously blank wall. Yeshitela suggested that before covering the wall, the city should first apologize to the black community for their predecessors' unwillingness to remove the mural. Perkins T Shelton, a long time NAACP activist, indicated that the blank wall had long served as a memorial to Waller's courage. Shelton initiated the idea of a plaque to commemorate the

⁵Harper, James, "Uhuru Leader Moves Into Mainstream," *St. Petersburg Times*, 12 October 1997, sec. B, p. 1.

⁶Carlos Moncada, "Dissention Continues Over Racist Mural," *Tampa Tribune*, 10 July 1999; Kelly Ryan, "City Agrees to Reconsider Mural's Historical Significance," *St. Petersburg Times*, 2 July 1999.

historically significant event. Jeanie Blue, a young black activist involved in the Juneteenth Celebration, also supported a plaque, suggesting it would serve to commemorate the evolution of the relationship between the African-American community and city government. At the August 20, 1998 city council meeting, African-American councilman Ernest Fillyau remembered 1966 as a revolutionary period in St. Petersburg, which he compared to the Holocaust -- painful to remember but important not to forget. Fillyau urged his fellow council members to commemorate the incident with a plaque. City council and Mayor Fischer agreed to postpone their decision until they could review their options.⁷

Initial news coverage suggested that the council would sanction a plaque to commemorate the historic event. On September 10, 1998, city council members agreed that they should apologize to the black community for their predecessors' unwillingness to remove the offensive mural. Furthermore, council member Kathleen Ford went beyond the original request for a plaque when she directed the city's legal staff to look into the possibility of helping Yeshitela regain his civil rights, which he had forfeited after his felony conviction for removing the mural. Buoyed by city council's sympathetic rhetoric, and eager to participate in the creation of the city's first civil rights memorial, a group calling itself the Concerned Citizens Action Committee (CCAC), met with members of city government to draft recommendations for a fitting tribute.⁸ Don

⁷Alice Caldwell, "Mural to Grace City Hall's Blank Wall Again," *St. Petersburg Times*, 18 July 1998; David K. Rogers, "City Vows Care in Decision to Replace Mural," *St. Petersburg Times*, 21 August 1998.

⁸Kelly Ryan, "St. Petersburg to Apologize for Racist Mural," *St. Petersburg Times*, 11 September 1998.

McCrae, Mayor David Fischer's Chief of Staff, helped draft the text for the proposed plaque, meeting individually with city council members to solicit their revisions. On June 11, 1999, the *St. Petersburg Times* reported McCrae's activities and printed the proposed wording for the plaque. Although the *Times* article revealed that some council members wanted to edit the text of the plaque, the reporter underestimated the intense opposition to the plan that existed within the council.⁹

The following day, city council chairwoman Bea Griswold revealed her opposition to the plaque in a *St. Petersburg Times* interview. First, she challenged the placement of the plaque at city hall: "There has been so much history in that building, we could put plaques all over the front steps." She insisted, "Unless we're going to say City Hall is a history museum for plaques, why start?"¹⁰ She also criticized McCrae's attempts to facilitate the plaque, accusing him of seeking a "consensus by survey." Finally, she opposed a direct apology to Yeshitela, explaining that when city council members agreed to apologize, they did not intend to apologize directly to Yeshitela. Besides, Griswold had her own plans for the staircase walls. She wanted to remove the

⁹The proposed text: "Until 1966, two murals depicting early St. Petersburg history were mounted on the left and right walls. One, depicted a scene that was viewed by the African-American community as being racially offensive. Joseph Waller, in an act believed to be spontaneous, physically removed the offensive mural. As a result of that act, Mr. Waller (now known as Omali Yeshitela) was convicted as a felon and spent two years in prison. For many, this act was viewed as the beginning of the civil rights movement in St. Petersburg. On Sept. 10, 1998, upon petition by the Concerned Citizens Action Committee, the City Council of the City of St. Petersburg adopted a resolution that directed the commissioning of this plaque as the city's expression of apology to the community and Mr. Yeshitela." Kelly Ryan, "Plaque to Note Mural's Demise," *St. Petersburg Times*, 11 June 1999.

¹⁰Kelly Ryan, "Apology Plaque Splits City Hall," *St. Petersburg Times*, 12 June 1999.

existing mural and install city and state seals on each side of the staircase. Councilman Frank Peterman Jr., the son of one of the attorneys who defended Yeshitela in 1966, accused Griswold of "playing with semantics" and vowed to support the mural. Undaunted, Griswold placed the proposed plaque, and her alternate proposal of city and state seals, on the agenda for the next city council meeting.¹¹

Plaque supporters arrived early for the June 17, 1999 city council meeting, hoping to challenge the issues raised by Griswold. Since the meeting started in the early afternoon, many supporters were unable to attend the meeting, creating extra tension for the dozen or so supporters who were able to be there. Before the meeting began, Councilman Peterman briefly met with the group to warn them that council might not allow them to speak. Peterman's news agitated the group, but he asked for their cooperation and assured them he would do everything he could to support their cause. When the meeting began, Peterman asked city council to let the group speak before voting on the agenda issues concerning the plaque and the blank staircase wall. Some city council members objected because the meeting was not a public forum; they felt that allowing the delegation to speak would be unfair to the general public. A debate ensued, with black Councilwoman Rene Flowers and Councilman John "Jay" Lasita Jr. siding with Peterman, who urged the council to let members of the group express their views. When the issue was put to a vote, plaque supporters won the opportunity to speak. As a

¹¹Ibid.

concession to the council's "full" schedule, Peterman agreed to limit the number of speakers and to postpone the discussion until early evening.¹²

As the meeting wore on into the early evening, a stream of plaque supporters joined the original delegation. Old and young, male and female, black and white, laborers and professionals -- they came to take part in the discussion. By the time the council was ready to discuss the plaque, a large and diverse crowd filled council chambers. The first two speakers objected to the plaque, both blaming Yeshitela, as chairman of the APSP, for the 1996 St. Petersburg race "riots." The other speakers, however, made impassioned pleas to city council to install a plaque. They agreed that the mural was offensive and felt that Yeshitela's stand was heroic. Although some tempered their support of Yeshitela with disclaimers that they did not then, or now, always agree with Yeshitela's rhetoric, they felt that tearing down the mural was a brave act of civil disobedience. The city, they pointed out, now had the opportunity to seek reconciliation with the black community by commemorating the historic event with a memorial plaque. After listening to the public testimony, city council addressed the issue of the plaque.

Chairwoman Griswold introduced the agenda item by maintaining that city council had never approved a historical plaque to commemorate the civil rights incident. Reading from the Sept. 10, 1998 minutes, she established that city council passed a resolution to apologize to the black community and agreed to help Yeshitela get his civil rights back, but it did not agree to a plaque. Therefore, she instructed city council to act cautiously and carefully when considering the merit of the plaque. Questioning the character of Yeshitela, the man she feared would be memorialized by the plaque, she

¹²Kelly Ryan, "Apology to Yeshitela Divides Council," *St. Petersburg Times*, 18 June 1999, sec. A, p. 13.

produced material from his APSP website and read a brief excerpt from the “revolutionary” material. The introduction of the inflammatory material changed the focus of the discussion from the significance of a historical event to a contemporary analysis of Yeshitela’s character. Griswold then invited council members to respond.

In spite of her concerns, some council members supported the plaque and challenged Griswold’s objections. Councilman Lasita argued it did not matter who suggested the plaque; expectations had been raised in the black community, and he was in favor of honoring the council’s commitments. Councilwoman Flowers asked her colleagues to disregard Yeshitela’s current affiliations, and to focus instead on his contributions to St. Petersburg’s civil rights movement. She compared Yeshitela to Martin Luther King Jr., pointing out that both suffered arrests for civil disobedience. Peterman, who was a small child when his father defended Yeshitela, also endorsed the plaque. Yeshitela, he explained, had not set out to destroy the mural, but rather had acted out of anger after observers had made fun of an elderly black woman during the protest. Mayor David Fischer also supported the plaque, declaring that the 1966 civil rights protest was a watershed moment in St. Petersburg’s civil rights history.

Other council members, led by Griswold, expressed staunch opposition to the plaque. Before she spoke, she handed the chairman’s gavel to her neighbor, a symbolic gesture to relinquish her role as chairman. In an emotional speech, Griswold declared that she had sworn an oath to protect the Constitutions of the United States and the State of Florida and could not agree to the plaque. Referring to the revolutionary rhetoric of the APSP’s website, she proclaimed, “This is not about black and white, it is about the red, white and blue.” Although Ford applauded Griswold, disapproving murmurs rose

from the stunned audience. Adding fuel to the fire, Ford advanced Griswold's position against Yeshitela, claiming that the material from the website sounded like treason. She asked for an opinion from the city's legal staff, insinuating that Yeshitela's rhetoric was criminal. The city attorney responded that the statements made on the website, including a call to overthrow capitalism, were protected by the First Amendment and did not constitute treason. At that point Councilman Larry Williams chimed in, siding with the opposition – he argued, not because of Yeshitela's affiliations, but rather because he disagreed with Yeshitela's remedy for removing the mural. This too drew a strong reaction from the largely pro-plaque audience. With emotions running high, city council recognized the futility of coming to a consensus that evening and scheduled a workshop, in a less public setting, to examine the issue further.

Since many members of the public were learning of the 1966 civil rights event for the first time, the CCAC held a rally to teach the public about the mural incident and to give them a forum to discuss the issues. Several members of city council attended the rally, including Councilman Bill Foster, who had opposed the plaque. After attending the rally and having the opportunity to hear Yeshitela speak on the issue, Foster expressed a change of heart. "I've never heard Omali's side of the story until tonight," Foster told a *St. Petersburg Times* reporter, "I never knew that he had made numerous requests to have the mural removed." This confession raised the very real possibility that other members of council also had failed to explore the historical evidence.¹³

It was understandable why city council had not reviewed the historical evidence; it was not available to them. Early in my research, I discovered city hall had little

¹³Carlos Moncada, "Bare Wall Exposes Conflict," *Tampa Tribune*, 25 July 1999.

information on the incident. Therefore, I photocopied several 1966 newspaper articles that described the civil rights protest and delivered them to Councilman Lasita who promised to distribute them to each city council member. During my meeting with Lasita, I suggested that the city council should remove itself from the business of writing historical commentary; instead, it should solicit the help of Dr. Raymond Arsenault, history professor at the University of South Florida. As a scholar familiar with the city's civil rights history, he could help them understand the historical context of the event and write the text for the plaque. Lasita welcomed Arsenault's help and promised to invite him to participate in city council's upcoming workshop on the plaque.

Lasita followed through with his promise but Arsenault's "participation" in the September 9, 1999 plaque workshop proved embarrassing. Anticipating his eventual involvement in the plaque workshop, Arsenault carefully drafted a plaque text that recorded the historic details but omitted an apology, which he felt should be reserved for the dedication ceremony. Satisfied, he waited for the invitation from Lasita. When Lasita finally called Arsenault, four days before the workshop, Lasita invited Arsenault and Perkins Shelton to participate in the workshop. Apologizing for the late invitation, he explained that he had just learned that staff had neglected to contact Arsenault. Two days before the workshop, a disappointed Lasita informed Arsenault that Chairwoman Griswold would not allow the two guests to address council during the workshop. Hoping that Griswold would change her mind, Arsenault and Shelton reluctantly accepted Griswold's conditions and attended the awkward meeting.¹⁴

¹⁴Preliminary Draft: "From 1945 to 1966, two murals painted by George Snow Hill were displayed on the left and right panels of this landing wall. Originally commissioned by the Federal Art Project of the Works Progress Administration in 1940, both paintings

Again the group floundered, unfamiliar with the historical details of the incident. At one point Lasita asked for, and was denied permission, to question the two guests for clarification of the facts. During the discussion, some objected to mentioning Waller's new name, which Arsenault did not feel would compromise the historical significance of the plaque. Ford posed the strongest opposition to the plaque, with Peterman, Lasita, and Flowers speaking in its behalf. While Foster was for the plaque, he vacillated on some points, and Kersteen was largely silent. As the discussion continued, hopes of a resolution vanished when someone raised the issue of the NAACP's complaint that for several years, they had failed attempts to obtain civil rights markers for other historical sites. The meeting ended with the city council still hopelessly divided. Subsequent attempts to resolve the issue have ended in the same deadlock.¹⁵

On his fifty-ninth birthday, Yeshitela learned that Governor Jeb Bush and three members of Florida's Cabinet ordered his civil rights restored after a group of local activists enlisted ACLU attorney William D. Slicker to apply for the restoration of his

depicted scenes related to local history and culture. The painting mounted on the left panel presented a Pass-a-Grille beach scene featuring racial images and caricatures that offended many African Americans and civil rights advocates. Following an unsuccessful appeal to Mayor Herman Goldner, who refused to facilitate the mural's removal, Joseph Waller (later known as Omali Yeshitela) and several other members of the local chapter of the Student Nonviolent Coordinating Committee physically removed the mural on December 29, 1966. A series of arrests and trials ensued, culminating in Waller's felony conviction and imprisonment. Convicted in both municipal and state courts, Waller filed an appeal that led to a 1973 United States Supreme Court decision reaffirming the United States Constitution's prohibition of double jeopardy. Despite this ruling, Waller spent more than two years in jail. On September 10, 1998, the St. Petersburg City Council adopted a resolution authorizing this plaque as a commemoration of an event widely regarded as a milestone in the local struggle for civil rights." Source: Raymond Arsenault, "*Commemorative Plaque Text: Preliminary Draft*," 9 September 1999; Raymond Arsenault, telephone interview by author, 20 July 2000.

¹⁵ Raymond Arsenault, telephone interview by author, 20 July 2000.

civil rights in December 1999. Yeshitela still waits to learn if the group will be able to secure him a full pardon, which would allow him to carry a gun and would remove his criminal record from the books. On October 11, 2000, Yeshitela exercised his newly restored rights by registering to vote. After he registered, at the courthouse across from St. Petersburg City Hall he told reporters that he was moved to see black women sitting behind the counter as registration clerks, a sight he would not have encountered in 1966. Other important changes had occurred in the city since that time. The schools were integrated, residential segregation had begun to break down, African Americans were elected to city council, and Mayor Fischer's chief of staff Don McCrae and St. Petersburg Police Department chief Goliath Davis won the top jobs in city government. The city had changed, and so had Waller, who implied that he might run for public office. "Before we did not have the kind of respect for the electoral process that we ultimately gained," he said. "We made the error in ceding this means of struggle to the opposition." Yeshitela also used media attention to again ask city council to formally apologize to him, and the black community, for the racist mural their predecessors had refused to remove from the staircase wall.¹⁶

Although the southeast staircase wall of St. Petersburg City Hall remains empty, it is not blank for those who know its thorny history. For them, the white wall is a screen where they project their own version of an important chapter of St. Petersburg's civil rights history. For some, Waller committed a brave act of civil disobedience when he tore down the mural. He took direct action and stood up to authorities, jeopardizing his freedom to deliver his message of black empowerment to the African-American

¹⁶Gilmer, Bryan, "Activist Regains the Vote," *St. Petersburg Times*, 11 October 2000, sec. B, p. 1.

community. For others, Waller committed a serious crime, destroying public property and threatening the social order to attract publicity for his personal aggrandizement. No matter which version they see when replaying the past, the unifying reality is that Joe Waller emerged as an important figure in St. Petersburg's civil rights movement.

Selected Bibliography

Books and Journals

- Arsenault, Raymond. *St. Petersburg and the Florida Dream: 1888-1950*. Gainesville: University Press of Florida, 1988.
- Baker, Rick. *Mangroves to Major Leagues: A Timeline of St. Petersburg, FL (Prehistory to 2000 A.D.)*. St. Petersburg: Southern Heritage Press, 2000.
- Bothwell, John Richard. *Sunrise 200*. St. Petersburg: Times Publishing Company, 1975.
- Branch, Taylor. *Parting the Waters: America in the King Years 1954-1963*. New York: Simon & Schuster Inc., 1988.
- Carson, Clayborne. *In Struggle: SNCC and the Black Awakening of the 1960s*. Cambridge, Massachusetts: Harvard University Press, 1981.
- Cone, James H. *Black Theology & Black Power*. Maryknoll, New York: Orbis Books, 1997.
- Davis, Enoch. *On Bethel Trail*. St. Petersburg: Valkyrie Press, 1979.
- Davis, Jack E. "Baseball's Reluctant Challenge: Desegregating Major League Spring Training Sites, 1961-1964." *Journal of Sports History* 19, no. 2 (1992): pp. 144-62.
- Grant, Joanne. *Freedom Bound*. New York: John Wiley & Sons, Inc., 1998.
- Lewis, John. *Walking with the Wind*. San Diego: Harcourt Brace & Company, 1998.
- Marling, Karal Ann. *Wall-to-Wall America: A Cultural History of Post-Office Murals in the Great Depression*. Minneapolis: University of Minnesota Press, 1982.
- Meier, August and Elliot Rudwick. *Core: A Study in the Civil Rights Movement 1942-1968*. New York: Oxford University Press, 1973.
- O'Reilly, Kenneth. "Racial Matters"-- *The FBI's Secret File on Black America, 1960-1972*. New York: The Free Press, 1989.
- Raines, Howell. *My Soul Is Rested*. New York: Penguin Books, 1977.
- Yeshitela, Omali. *Social Justice and Economic Development for the African Community*. Oakland: Burning Spear Uhuru Publications, 1997.

Interviews

Carr, Richard, former Justice of the Peace. Telephone interview by author, 16 July 1999.

_____. Telephone interview by author, 25 November 2000.

Collins, George (Chip), former cameraman for WTVT News. Telephone interview by author, 23 July 2000.

Due, John, Attorney. Correspondence with author, 5 July 1999.

Fillyau, Earnest L. Interview by author, 22 July 2000.

MacLellan, Ruth. Interview by author, 22 July 2000.

McGee, Jules, WTVT News Operations Manager. Interview by author, 23 July 2000.

Peterman, Frank. Telephone interview by author, 27 June 1999.

_____. Correspondence with author, 20 July 2000.

Peterman, Peggy, former reporter for *St. Petersburg Times*, Interview by author, 20 July 1999, St. Petersburg.

_____. Telephone interview by author, 20 July 2000.

Phillips, Charles M., former Circuit Judge. Interview by author, 18 November 2000.

Quilligan, Dennis, former State Attorney's Office Investigator. Telephone interview by author, 23 July 1999.

Walker, David Seth, Circuit Court Judge. Telephone interview by author, 27 November 2000.

Williams, Tommy, former member of the Florida Front of SNCC. Interview by author, 28 August 2000, St. Petersburg.

Wimbish, Bette C. Interview by author, 27 March 2000. St. Petersburg.

Vincent, Herman, former Pinellas County Sheriff's Office Captain and Commander of Jail. Interview by author, 1 December 2000.

Yeshitela, Omali, formerly Joseph Waller Jr. Interview by author, 29 June 1999, St. Petersburg.

_____, telephone interview by author, 18 July 2000.

Electronic Sources

Tuttle, Kate. *Vernon Euilion Jordan Jr.* [database on-line] available from Africana.com website.

Unpublished Papers

Baker, Robert. "The Sunshine Mystique: St. Petersburg and the Sit-In Movement." Term paper submitted to Dr. Raymond Arsenault, University of South Florida, 1994.

Sigurdsson, Ragnar. "The Sit-ins and the Theatre Protests in St. Petersburg 1960-1963." Term paper submitted to Dr. Raymond Arsenault, University of South Florida, 1998.

Public Records

Goldner, Herman, Former Mayor of St. Petersburg, to Joseph Waller, 13 December 1966. Microfiche copy in Court Records at Pinellas County Clerk of the Court.

Guth, Chester K., to Joseph Waller Jr., 15 December 1966. Microfiche copy in Court Records at Pinellas County Clerk of the Court.

Waller, Joseph, to City Hall, received 9 December 1966. Microfiche copy in Court Records at Pinellas County Clerk of the Court.

_____, 20 December 1966. Microfiche copy in Court Records at Pinellas County Clerk of the Court.

Newspapers

Evening Independent, 1966-1971.

St. Petersburg Times, 1936-2000.

Tampa Tribune, 1999.