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W.A. 'Gus' Bootle Dies; Ordered University of Ga. to Desegregate

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W.A. "Gus" Bootle, 102, a federal judge who surged to national attention for presiding over civil rights cases and ordering the University of Georgia to desegregate its campus, died Jan. 25 at his home in Macon, Ga. He had congestive heart failure.

For years, Judge Bootle was an easy-mannered, skeet-shooting Georgian known chiefly for his "firm but friendly" treatment of moonshiners. He then entered the controversial terrain of racial justice.

He was reportedly the first district court judge to enforce the Civil Rights Act of 1957, the first federal civil rights law since Reconstruction. Such an embrace was in direct contrast to strong political pressure from the white establishment. Sen. J. Strom Thurmond (S.C.), who was then a Democrat, had filibustered the bill for more than a day.

In his decision, the judge enjoined the registrars in Georgia's Terrell County from disenfranchising black voters. He explained what he expected from the registrars, underscoring that black voters did not have to yield their place in line when a white voter approached.

Judge Bootle's 1961 ruling in the University of Georgia case legally ended 175 years of racial segregation at Georgia's premier institution of higher learning. He stayed his order so the state would have time to appeal. Hours later, Elbert Tuttle, chief judge of the U.S. Court of Appeals for the 5th Circuit in Atlanta, said that Judge Bootle's stay was "improvidently granted" and overturned it.

Judge Bootle then signed a restraining order prohibiting the legislature from enacting a state law to pull funding for any integrated school. The judge's order was said to have provided political cover for the segregationist governor, S. Ernest Vandiver Jr. (D), and members of the legislature.

Meanwhile, Charlayne Hunter and Hamilton Holmes were the first black students to enroll at the university. They entered the school through a back door to circumvent students and townspeople who showed up en masse to intimidate

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them. In contrast with integrations at other state schools, things went much smoother in Georgia.

Still, Judge Bootle was pilloried for his work, burned in effigy and mobbed at his home. "It wasn't hard at all," he said about his decision in the case. "Once you decide what's right, the making of it is easy. Right is right."

William Augustus Bootle was born Aug. 19, 1902, in a shack in Round O, S.C. The whistle-stop community was near Walterboro, S.C., where his father farmed and ran a sawmill. He was raised in Reidsville, Ga., and was valedictorian of his high school. He returned to farm labor until a benefactor, impressed with his academic record, offered to pay for his education at a Macon Baptist school that is now Mercer University.

Unimpressed with advocates he had seen in the local courthouse, he felt he could do a far better job and enrolled at Mercer's law school. In 1925, he graduated at the top of his class and commenced courtship of a pretty singer from a local woman's college whom he had met at a musical function.

Her name was Virginia Childs. At night she sang at a blues club using the pseudonym Daisy Douglas. When they married in 1928, the Macon paper ran a headline: "Master Mercerian weds Wesleyan blues singer."

She died in June 2004.

Judge Bootle was dean of Mercer's law school in the mid-1930s and had a key role in revising the school's charter. He wanted to ensure its academic independence from the Baptist Church, which traditionally controlled its trustees.

University President R. Kirby Godsey said in an interview yesterday: "He stressed that a center of learning could not be subject to the vicissitudes of religious viewpoints and had to be protected from trends -- whether more conservative or more liberal -- that come to sway in the religion."

Days after the U.S. Supreme Court's landmark 1954 ruling in *Brown v. Board of Education* desegregated public schools, President Dwight D. Eisenhower appointed Judge Bootle, a Republican, to the U.S. District Court in Macon.

"I was right there at the bend of history," Bootle told an Atlanta reporter in 2001.

He tried to change the socially accepted prejudices of his past, starting with courtesy titles. "I couldn't say 'Mr.' or 'Mrs.' to black people," he said about the pre-Brown years. "I couldn't even say 'ladies and gentlemen of the jury.' I said 'members of the jury.' Now wasn't that a damn fool situation!"

A case focusing on such courtesies appeared on his docket in 1961. A Georgia man named Preston King refused to obey his draft notice, saying that draft board members, seeing he was black, refused to address him as "sir" or "Mr. King."

Judge Bootle sentenced King to 18 months in prison, but King fled to England and did not return until after President Bill Clinton pardoned him in 2000 -- largely at Judge Bootle's urging.

About the time of the pardon, Judge Bootle was reunited with King. The following exchange was reported:

"Someone told me that I called you Mister during the trial," Judge Bootle said. "Did I?"

"I thought you were making a statement," King said. "You were contending with the jury and contending with the prosecution. And at the very end of it, you said to make a point, 'Mister.' "

"Did I?"

"You did."

"Well, I'm glad I did. I didn't remember."

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In 1965, the judge overturned convictions of a dozen blacks prosecuted under the state's anti-trespass laws, which were being abused to keep blacks from certain neighborhoods.

The next year, he sentenced two members of the Ku Klux Klan to long prison terms for killing Lemuel Penn, a Washington educator in Georgia for Army reserve duty. Two state courts had acquitted the men before Judge Bootle found them guilty of having violated Penn's civil rights.

The judge retired to senior status in 1970 and was an agile skeet shooter well into his nineties.

Survivors include three children, Dr. William A. Bootle Jr. of Warner Robins, Ga., Dr. James C. Bootle of Atlanta and Ann Hall of Macon; six grandchildren; and eight great-grandchildren.

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