

**IN THE JUVENILE COURT  
FOR MONTGOMERY COUNTY, ALABAMA**

**In re: the matter of**

**CLAUDETTE COLVIN,**  
(d.o.b. Sept. 5, 1939).

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§ Case No. \_\_\_\_\_  
§ (Circuit Court Case No. 28785)  
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**MOTION TO SEAL, DESTROY,  
AND EXPUNGE JUVENILE RECORDS**

Come now attorneys Phillip D. Ensler and Gary L. Blume, the latter of Blume & Blume, Attorneys at Law, P.C., as attorneys for Claudette Colvin, the above-captioned now adult/former child in these proceedings and, pursuant to the provisions of §§12-15-136 and 12-15-137 *Code of Alabama* (1975), respectfully move the court to:

- I. Vacate all Orders and Findings in connection with Claudette Colvin's case(s);
- II. Order the sealing, destruction, and expungement of all Legal and Social files and electronic records of the Court concerning Claudette Colvin;
- III. Order the sealing, destruction, and expungement of all records, reports, files, and electronic records of the Juvenile Probation Office concerning Claudette Colvin;
- IV. Order the sealing, destruction, and expungement of all Law Enforcement records, files, and electronic records concerning Claudette Colvin;

- V. Order the sealing, destruction, and expungement of all Preliminary Inquiry reports, records, files, and electronic records concerning Claudette Colvin;
- VI. Order the sealing, destruction, and expungement of all Predispositional Study reports, records, files, and electronic records concerning Claudette Colvin;
- VII. Order the sealing, destruction, and expungement of all Psychiatric or Psychological reports, records, files, and electronic records concerning Claudette Colvin;
- VIII. Order the sealing, destruction, and expungement of all Supervision reports, records, files, and electronic records concerning Claudette Colvin;
- IX. Order the sealing, destruction, and expungement of all Department of Youth Services reports, records, files, and electronic records concerning Claudette Colvin.

In support thereof, counsel aver the following:

1. Claudette Colvin (d.o.b. 9/5/1939) was the child involved in the above-captioned Juvenile Court case file(s). Claudette Colvin is now an 82-year-old adult.
2. Claudette Colvin turned the age of 21 years on September 5, 1960. At that point, the Juvenile Court's jurisdiction over her expired. Implicit therewith was that she achieved final discharge status regarding these cases.
3. More than two (2) years have elapsed since the final discharge of Claudette Colvin.

4. More than five (5) years have elapsed since Claudette Colvin attained the age of majority.
5. The said Claudette Colvin has not been convicted or adjudicated delinquent or youthful offender of any felony or misdemeanor involving sexual offenses, drugs, weapons, violence or threats of violence, prior to the filing of this Motion and no proceeding is pending seeking the conviction or adjudication of such offense. Indeed, since the incident that gave rise to the charges in this case, Claudette Colvin has not been arrested or otherwise referred to law enforcement under any circumstances.
6. The charges in this case all resulted from Claudette Colvin's March 2, 1955, exercise of her constitutional right to equal protection of the laws under the 14<sup>th</sup> Amendment of the U. S. Constitution. Specifically, then 15-year-old Claudette Colvin refused to comply with the unconstitutional Jim Crow era law requiring people of color to surrender their seats on public buses in favor of white bus riders. That law was subsequently held unconstitutional in *Browder v. Gayle*, 142 F.Supp. 707 (M.D. Ala. 1956).
7. Exhibit A to this Motion is the sworn affidavit of Claudette Colvin. The contents of Ms. Colvin's affidavit are hereby incorporated by reference herein.
8. This Court has jurisdiction to consider this motion, pursuant to the laws in effect at the time of Ms. Colvin's prosecution in the Montgomery County Juvenile Court. Although the charges were appealed to Circuit Court, jurisdiction was remanded back to the Juvenile Court in accordance with Title 13, §362, *Code of Alabama (1940)*.

9. The setting aside, sealing, destruction, and otherwise expungement of the records of the prosecution of Claudette Colvin serves the interests of justice and further, acknowledges her integral role in the Civil Rights Movement.

So moved on this the 26<sup>th</sup> day of October, 2021.

Phillip D. Ensler

*s/ Phillip D. Ensler*

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*s/ Gary L. Blume*

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Certificate of Service

I hereby certify that I have served a true and correct copy of the above Motion upon District Attorney Daryl Bailey, via hand delivery on this the 26<sup>th</sup> day of October, 2021.

*s/ Gary L. Blume*

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Gary L. Blume

**IN THE FIFTEENTH JUDICIAL CIRCUIT  
JUVENILE COURT OF MONTGOMERY COUNTY, ALABAMA**

**AFFIDAVIT OF CLAUDETTE COLVIN**

JEFFERSON COUNTY

STATE OF ALABAMA

Before me, the undersigned notary public in and for said County and said State, personally appeared Claudette Colvin, who being by me first duly sworn, deposes and says as follows:

1. My name is Claudette Colvin and I am over the age of nineteen (19) years.
2. I am a resident of the state of Alabama. I live in Birmingham at 400 University Park Drive, Birmingham, Alabama, 35209.
3. I understand that this affidavit will be submitted in a court of law pursuant to an endeavor to expunge my juvenile record in the case at issue and/or otherwise pursue such relief as is legally available to clear my name.
4. On March 2, 1955, while riding a City of Montgomery bus home from school, I was arrested for violating Montgomery's segregation ordinance regarding where Black residents were permitted to sit on city buses.
5. I remember the date and situation well because Black History Month, which was then called Negro History Month, had just ended. Miss Geraldine Nesbitt, my English teacher, and Ms. Josie Lawrence in particular had emphasized the importance of knowing about our history and being proud of ourselves.
6. I was also thinking of a Black boy, Jeremiah Reese, from my neighborhood who had recently been sentenced to death. He was in our school band. I was thinking of how unfair it was that there were two sets of standards, one for white people and one for African Americans. A white man would never have been sentenced to death doing what my friend was convicted of. All of these things were on my mind that afternoon.
7. Normally, my schoolmates and I rode home on a special bus that was designated only for Black children. Before that special bus existed, the Black children had to dodge spitballs and worse from the white children. My parents always warned me never to fight back. They said if I did, I would be sent to a reformatory to pick cotton and grow my own food. They said it was not safe to fight white children, so the other Black children and I had to run away from them if they picked fights with us. The special bus gave us a safe way to ride to and from school.

8. But on March 2, 1955, we were let out of school early, I believe because there was a faculty meeting. The other teenagers and I walked downtown to catch the city bus home to King Hill. It was divine intervention that I ended up riding that bus that day.
9. When the bus arrived, I paid my fare and I sat near the front of the colored section. I did not violate the segregation law.
10. But a young white woman got on the bus and there were no seats left in the section designated for white people. The driver told my friends and I that we would all have to clear out of our row so the white woman could sit. All four of us were going to have to stand up so she would have the whole row to herself and not have to be seated near us.
11. My three seatmates got up, but I felt glued to the seat. People think it was just about a seat on a bus but it was about so much more than that. It was about my constitutional rights. It was about history. It was about injustices that I personally witnessed every day.
12. I remember a white person on the bus shouted that I had to move. My friend Margaret yelled back, "She doesn't have to do anything but stay Black and die." When she said that, I thought, well if I'm going to die, I'm going to die for something.
13. I wasn't afraid of death. My sister Delphine had died two years earlier on my 13<sup>th</sup> birthday. When you're a teenager, death doesn't scare you.
14. Sitting there, it felt to me as though Harriet Tubman's hand was on one shoulder pushing me down and Sojourner Truth's hand was on the other. History had me glued to the seat. Thoughts of my friend on death row kept me sitting.
15. But I *was* frightened when I was dragged off the bus, handcuffed, and taken to the jail. I remember the sound of the key turning in the lock. I remember there was no mattress on the cot, but I curled up and tried to sleep. I thought the jailer might come and rape me and kill me. I prayed that my friends would tell my parents what had happened to me on the bus.
16. I sat in jail and thought about heaven and hell. I recited my favorite Psalms, 1 and 32. I prayed.
17. Eventually, I was sentenced to probation pending good behavior. I cried when that happened.
18. And I *did* behave well. I was taught to obey my parents and I did. I was never arrested or referred to law enforcement again.
19. But as far as I know, I was never let off probation.
20. I stayed in Alabama for almost five years after that. I got my GED and worked a few different jobs.

21. I was afraid to work as a domestic servant because you never knew who might be in the Klan. I didn't want to be in those people's homes. They smile to your face, but I didn't know who might someday come and rape me or kill me.
22. So I worked at restaurants. And over and over again, I was fired from those jobs after my bosses found out that I was "that girl" who had sat on the bus. And back then they didn't just say "girl" they used the n-word. I was notorious and employing me was a liability.
23. Eventually, when I was about 20, I left Montgomery because it was impossible for me to find work here. I was a single mom of two sons and I needed to work. I moved to the Bronx and found a community of Jamaican women. We worked as domestics, but we unionized with 1199. I'm proud of that.
24. I didn't talk with my Jamaican friends much about what had happened to me in Montgomery. Coming from where they did, they would not understand. The American South was like apartheid South Africa back then. My Jamaican friends were used to riding subways in New York with all different races and there were no segregation laws. They simply would not have understood giving up your seat and that white people in the South could be so evil.
25. I did come back to Alabama visit during summers to see my family. I never thought much about the fact that I was a fugitive from justice. But I know my family thought about it. I know they were terrified every time I came home because I was on probation from the court, and they were afraid of the consequences of having me there. Every time these saw a police car in the neighborhood, they thought the police were there to get me. They did not want to scare me, but they were afraid I would be taken from them again.
26. My conviction for standing up for my constitutional right terrorized my family and relatives who knew only that they were not to talk about my arrest and conviction because people in town knew me as "that girl from the bus."
27. I lived many more decades in New York because things were better and safer for me there. People did not know me for what I did. So I was able to work and live my life.
28. I am an old woman now. Having my records expunged will mean something to my grandchildren and great grandchildren. And it will mean something for other Black children.
29. I always tell my grandchildren that they have to know how to live in this world. It is a white person's world. White people make the rules and Black people just have to follow them. Even today, I am horrified by reports of the double standard in policing that persists. We live in a world where a white man with an assault rifle who has killed multiple people will be arrested, but an unarmed Black man who is fleeing from police will be shot in the back. We live in a world where the state just spent \$400 million of

COVID money on prisons but there are people in this state who don't have access to hospitals. I think that's wrong.

30. I want us to progress, not regress, as a society. I want us to move forward and be better. When I think about why I'm seeking to have my name cleared by the state, it is because I believe if that happened it would show the generation growing up now that progress is possible and things do get better. It will inspire them to make the world better.

Further affiant sayeth not.

Claudette Colvin  
Claudette Colvin

STATE OF ALABAMA

JEFFERSON COUNTY

I, the undersigned, a notary public in and for said county in said State, hereby certify that Claudette Colvin, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, she executed the same voluntarily on the day the same date.

Given under my hand and official seal this 21 day of October, 2021.

Brandy Dixon  
Notary Public  
My commission expires: Apr 6, 2022

