

MISSISSIPPI LEGISLATURE:

OLD WINE IN NEW BOTTLES

by
~~Arthur~~ John
Perdew

The Mississippi Legislature, elected by the whites of the state, met in a special session from June 14 to ~~July~~ July 9, and passed a package of eleven bills and resolutions concerning voter registration and several others on a variety of right-wing issues. The same legislators who last year passed a packet of laws designed to terrorize the civil rights movement in the state, this year seems to have voted to open voting to Negroes. What do this year's laws represent, and why did the Legislature approve them?

For the last four years, of course, Negroes in Mississippi have been organizing to stand up to the people who make them poor, starve their children and crush their soul. Because thousands of poor people in Mississippi were getting out of their "place" and refusing to cooperate with the rulers of the state and because public opinion in the country supported them, the federal government was forced at least to pretend to do something to guarantee citizens their rights. The Justice Department filed suits against about three-fourths of the county registrars, who were preventing Negroes from voting, and investigated some complaints of beatings and discrimination in public places, and the President said he condemned violence. Murderers and bombers, however, were not punished, and they continue to do their work.

Meanwhile, the Freedom Democratic Party challenged the right of the five Mississippi Congressmen to sit in Congress. A short time after, following weeks of brutality and mass arrests in Selma, the President told Congress they should pass another law, to allow Negroes to vote.

The leadership in Mississippi was at work, too. The Mississippi Economic Council (MEC), an organization of businessmen who act as a state Chamber of Commerce, began to issue statements urging whites in the state to stop beatings and killings and to obey the law of the land. Other organizations in the state then issued statements agreeing with the MEC.

The state's Negro teachers, meeting in Jackson during this period, heard their president, C.J. Duckworth, complain that educated Negroes could not vote in Mississippi. The state NAACP announced that it would conduct a summer project of voter registration by drawing on educated adults, who would be more "respectable" than the COFO workers of the year before. And state and national officials of the NAACP threatened to pull out of the COFO with the comment that it had become dominated by SNCC and was too radical.

When the President proposed his voting rights bill, the governor urged all whites to register if they hadn't done so, to offset Negro registration. He then began to talk of calling a special session of the legislature

to revise the state's voting laws which had so often been challenged in federal courts. The Voting Rights Bill then before Congress would also strike down most of the legal devices used to stop Negroes from voting, and it threatened to bring in "federal registrars", who could be expected to register Negroes.

Johnson and the other leaders of the state, then, were faced with a problem: how can we control the Negro vote and prevent it from threatening our power to run this state the way we want to, for our benefit?

Defiance of the law and encouragement of violence had not worked--it had only made things worse, because people began to realize throughout the state and the country how desperate the leaders were to stop Negroes from voting. They began to realize that the power of the most "distinguished" and powerful men in the state depended on keeping their opponents from having any political power. And the movement just grew stronger.

Opening the session on June 14, Governor Johnson said he had called it to place "ourselves in the most advantageous position possible" to counter what he called a "discriminatory, harsh, punitive and, in my opinion, unconstitutional" voting rights act then before Congress. After attacking the federal bill which is supposed to help Negroes vote, he proposed his own set of bills which, judging from newspaper accounts of their provisions seemed roughly the same as the federal bill. They aren't, but more on that later.

The bills were drawn up, according to the Greenwood Commonwealth of June 19, 1965, in secret conferences stretching over two or three weeks, by attorneys Charles Clark, Robert Cannada and Dan Shell, all of Jackson. Cannada and Shell are members of the Jackson White Citizens Council. They are also prominent lawyers whose law firms represent the following companies:

SHELL - Mississippi Chemical Corp., Lawyers Title Insurance Corp., First Mississippi Corp., Pan American Petroleum Corp., The City of Jackson, U.S. Fidelity & Guaranty Co., The Federal Land Bank of New Orleans, and many other companies prominent in Mississippi; and

CANNADA - American Telephone and Telegraph Co., General Electric Co., Dr. Pepper Bottling Co., Delta Cotton Oil & Fertilizer Co., Greyhound Corp., and about 25 other prominent Mississippi and U.S. corporations.

The third lawyer, Charles Clark, may or may not be a Citizens Council representative, but his law firm seems to be in the same league with the other two. They represent, among many others, First National Bank of Jackson, First National City Bank of New York (third largest bank in the country), Metropolitan Life Insurance Co., The Standard Oil Co., of California, Chrysler Corp., Southern Railway System, the duPont Co., Alcoa, the American Tobacco Co., and television station WLBT, which was recently placed on probation by the Federal Communications Commission for presenting blatantly biased news coverage.

It should be clear from this that, whatever was the real purpose of the Legislature in passing Johnson's voting bills, the state's business leadership, the Citizens Councils, and at least part of the political leadership of Mississippi were cooperating with one another.

But it's no quite so simple as that, for the leaders of all major groups in power in Mississippi seem to be divided on how best to hold on to their power.

This became clear during debate on Johnson's proposals. Supporters said that since Congress would, with Lyndon Johnson's backing, certainly pass a voting rights bill, Mississippi should attempt to keep control of registration by imitating the federal proposals. They claimed that if Johnson's proposals were not passed whites would have to stand Mississippi's rigid qualifications, while Negroes would flood the voting rolls with the help of federal registrars.

Opponents of the governor's recommendations said that the federal government would do what it wanted anyway, and it was best to make them force the state to cooperate.

Both sides, obviously, wanted to preserve the atmosphere of "states' rights" and racism which they have always used to divide the people of the state. The disagreement could hardly be described as one between conservatives and moderates. It was mainly a matter of strategy.

It's easy to see how meaningless are the laws which the Mississippi legislature passed if the background of the legislators is examined. There was so little difference in both the arguments and backgrounds of those who voted for and against that it would seem that they chose up sides at random. For example, when the House voted on a bill to do away with the requirement of "good moral character" and "knowledge of the constitution", 75 members voted yes and 44 voted no.

Now, if this bill were really going to result in more Negro voters, one would expect representatives from counties with a black majority to vote against it. This was not so, for 12 voted yes and 12 voted no.

Or look at the State Senate and its vote on a constitutional amendment which would "relax state voting requirements" (Greenwood Commonwealth, June 22, 1965): of the 19 senators from Black Belt counties, seven voted yes and twelve voted no, while the overall vote was 24-22. Of the seven known members of the Citizens Council in the Senate, four voted yes and three voted no. Of the 29 senators from where less than 5% of the Negroes over 21 were registered, thirteen voted for and sixteen voted against. Of the 20 senators from counties with no towns larger than 2500 people, nine voted yes and eleven voted no. Of the 27 senators from counties where more than half the families earn under \$3000 a year, fifteen voted yes and twelve voted no.

Back in the House, those who apparently graduated from college, according to the Legislative Handbook of 1964, voted 42-23 for the bill, while the whole house voted in about the same proportion.

The only characteristic of all the ones checked out which seemed to have anything to do with determining how members of the House voted, is age. All twelve House members over 65 voted for the bill, despite the saying that old people are usually conservative.

None of the usual theories about the causes of racism seem to work here--low income, high proportion of Negroes, low urbanization, age, even Citizens Council membership. This could mean one of two things, or both: either the legislation involved no real issues pitting rich against poor, black against white, rural against urban and so on; or the individual legislators representing different interests were divided. There are some signs of division:

1) Although two of the three lawyers who drafted the legislation eventually approved by the legislature are Citizens Council members, the Greenwood Citizens Council for one publicly opposed passage of the legislation.

2) Although the businessmen who form the Mississippi Economic Council seem to have initiated the present series of statements against violence and defiance of the law, House members who belong to local Chambers of Commerce or Jaycee groups voted much like the House as a whole. Twenty-four voted yes and thirteen voted no. The same is true of lawyers and farmers as separate groups.

3) Even if this year's vote is compared with the votes of last year, there is no pattern. Of the seventy representatives who voted last year for the "genocide" bill (providing that the mothers of illegitimate children serve prison terms or be sterilized), forty voted for "relaxing voter registration procedures", and thirty voted against. Even the genocide bill's sponsors voted three to four on the voting bill.

Now that the legislature has passed the governor's voting bills, what can the civil rights movement expect of them? While they are described in the press as being quite liberal, there are some catches.

1. A new registration application asks for name, date of birth, citizenship, and all addresses for the past two years with dates; and applicants must swear they will "bear allegiance" to the state and national constitutions. The catch is that if the applicant makes a mistake he can be charged with perjury.

2. To become a voter a person must be able to read and write, and filling out the application for registration is considered proof of literacy. After the application is filled out the registrar marks it "approved" or "not approved", but the wording of the new law could be taken to mean that the applicant must actually ask to be registered as well.

3. Everyone over 21 who has lived in the state for two years may vote except "idiots, insane persons, and Indians not taxed", and persons convicted of certain felonies. The catch is that the law still requires payment of a poll tax for two years, and the wording of the law is vague enough so that it is difficult to tell whether one can pay poll taxes without being registered, or register before paying poll taxes. A registrar who wanted to

prevent Negroes from voting could conceivably do so on a technicality such as this.

4. New laws have repealed the requirement for "knowledge of the constitution" and for "good moral character". Publication of the names of applicants before approval is no longer required, and registered voters may no longer challenge applicants. Illiterate voters can no longer be "helped" in the voting booth.

5. A proposed constitutional amendment is to be submitted to the voters of the state on August 17. It changes the state constitution to conform with the laws described above. Attorney General Patterson has already ruled that even if the amendment is not given majority approval by the state's voters, the other laws will still apply.

The constitutional amendment, thanks to Rep. Williams of Coahoma County and his supporters in the opposition, provides also that at any time in the future the legislature may add any "qualifications" for voting it sees fit.

The strategy behind this last provision is apparently based on the idea that the federal voting rights act will be in effect only for five years, at which time Negroes could again be taken off the voting rolls.

While the legislators of Mississippi were going through the motions of suddenly approving of Negro voting, they struck back at the forces which are conspiring to bring some democracy to the state of Mississippi. One supporter of the bill, Sen. Ed Pittman of Hattiesburg (Gov. Johnson's home town), said that the committee set up to study further revisions in voting laws "might help us solve the problems created by the two-party system in the state." His uncle, Claude Pittman, was last month defeated for reelection to mayor of Hattiesburg by a Republican.

The legislators ended up passing a raft of resolutions and bills which revealed their true political opinions. They recommended, among other things, that the State Sovereignty Commission (official segregation agency which during the special session charged Communists were running the civil rights movement in the state) be reactivated and furnished with more state money. They asked Congress to outlaw the Communist Party and to investigate the civil rights movement for Communist influence. They approved a proposed amendment to the U.S. Constitution to permit states to apportion state legislatures on the basis of factors other than population, which would usually mean continued domination by small rural counties. They also approved a proposed amendment to prevent any federal control of schools, which would probably mean continued segregation. And they spent more than \$220,000 to finish up a state Police Academy, which has already cost \$800,000. Meanwhile the Jackson Daily News (June 21, 1965) carried a picture of Jackson's new riot squad of 16 men.

Other bills passed permitted state vocational schools to use state funds even when they lose federal aid by refusing to desegregate, commended the federal government for its policy in Vietnam, provided jail sentences and fines for demonstrating near courtrooms and various state government buildings, and allowed Benton County

to levy a special tax to cover the expense of federal court suits. And as school desegregation plans were announced in Jackson, legislators approved a resolution urging use of a 1864 law permitting segregation of students by sex (to protect Negro boys from white girls?).

Perhaps the most open retaliation against the federal government was a proposal to tax contractors at the federal space center in southeast Mississippi. The bill was originally written to tax private industries as well but was quickly changed to cover only the space center when businessmen complained. The bill was finally withdrawn when federal officials complained. The proposed tax would ultimately have cost U.S. taxpayers about \$1.5 million a year.

Legislators did offer more tax (exemptions to businesses entering the state without the benefit of an existing tax exemption program, and they instructed the committee studying voting laws to study bond issues, another form of subsidy for businesses.) The legislature of Mississippi managed to cover an amazing number of right-wing causes in a short four weeks.

Conservative politicians and newspaper and magazine writers will probably call this special session proof that Mississippi has finally "come to its senses" and will use the new voting bills as an excuse not to enforce the voting rights act and other federal authority to ensure rights denied for two centuries. But to do that they will have to ignore and distort the continued bombings, shootings, arrests and other signs of the Mississippi dictatorship. Even so, the Jackson Daily News reported on July 3 that more than 50 crosses were burned in the state between 9:30 and 10:30 p.m. the night before, in what was described as a revival of the KKK.

They will have to ignore the fact that it is still no crime in Mississippi to kill a Negro. They will have to ignore the fact that the sheriffs, registrars, mayors, legislators, and almost all other officials in the state will remain in office until 1967 and 1968, while former governor J.P. Coleman sits in judgment upon his life-long friends in Mississippi with the approval of President Johnson and the U.S. Senate.

They will have to ignore the fact that, with one eye on a future when more Negroes will vote, the national Democratic Party is quietly picking out cooperative Negro "leaders" such as Aaron Henry and setting them up in positions of "influence".

They will ignore these facts unless the people of Mississippi prevent them.

by John Perdue
Atlanta, Georgia
July 14, 1965