

HEARINGS
BEFORE THE
UNITED STATES
COMMISSION ON CIVIL RIGHTS

VOLUME I
VOTING



HEARINGS HELD
IN
JACKSON, MISS
February 16-20, 1965

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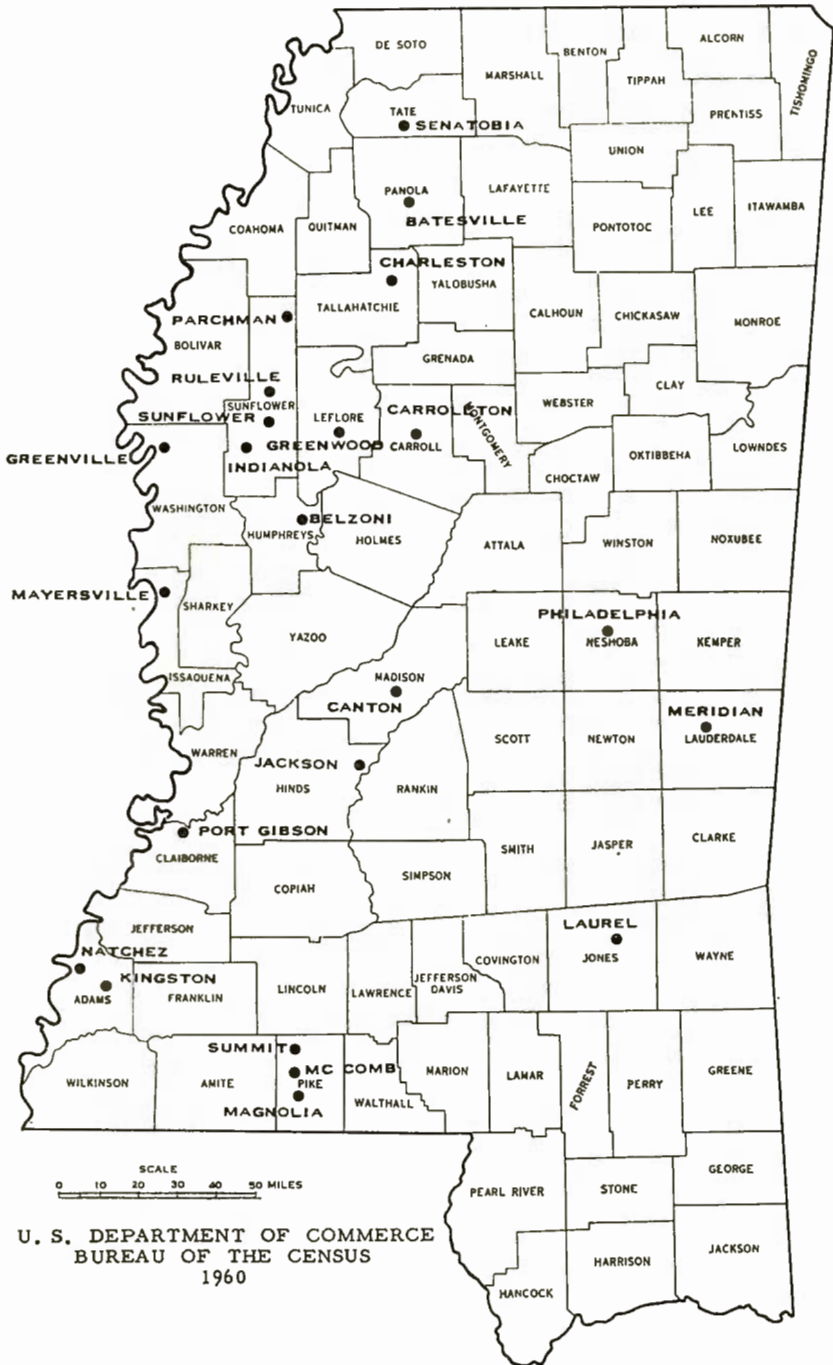
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MISSISSIPPI



U.S. COMMISSION ON CIVIL RIGHTS

TUESDAY MORNING SESSION, FEBRUARY 16, 1965

The Commission met in the Recreation Hall, Veterans Administration Center, 1500 East Woodrow Wilson Dr., Jackson, Miss., at 9:30 a.m., Tuesday, February 16, 1965, the Hon. John A. Hannah, Chairman of the Commission, presiding.

Present: John A. Hannah, Chairman; Eugene Patterson, Vice Chairman; Mrs. Frankie Muse Freeman, Commissioner; Erwin N. Griswold, Commissioner; Rev. Theodore M. Hesburgh, C.S.C., Commissioner; Robert S. Rankin, Commissioner.

Also present: Howard W. Rogerson, Acting Staff Director; William L. Taylor, General Counsel; Samuel J. Simmons, Director of Field Services; Warren I. Cikins, special assistant to the Staff Director; M. Carl Holman, Information Officer; Michael Finkelstein, Assistant General Counsel; Charles Humpstone, staff attorney; Roy Littlejohn, staff attorney; Richard Bellman, staff attorney; Brian Olmstead, staff attorney; Edwin Wolf, staff attorney; John Birkle, Financial Management Officer; Robert Amidon, Chief of Investigations; Alan Marer, staff attorney, Department of Justice.

PROCEEDINGS

Chairman HANNAH. Ladies and gentlemen, this public hearing of the U.S. Commission on Civil Rights will now come to order.

I am John A. Hannah of East Lansing, Mich., the Chairman of the Commission, and I should like to introduce all of the members of the Commission.

On my right, Eugene Patterson of Atlanta, Ga., editor of the Atlanta Constitution and Vice Chairman of the Commission.

On my left, Mrs. Frankie Muse Freeman of St. Louis, Mo., who is associate general counsel, St. Louis Housing and Land Clearance Authorities.

On my right, Dean Erwin N. Griswold of Cambridge, Mass., dean of the Harvard University School of Law.

On my left, Reverend Theodore M. Hesburgh, South Bend, Ind., president of Notre Dame University.

And on my right, Robert S. Rankin, of Durham, N.C., professor of political science, Duke University.

This hearing is being held under the authority of the Civil Rights Act of 1957, as amended.

The Commission on Civil Rights is an independent agency of the U.S. Government, established by Congress in 1957 and authorized by the Civil Rights Acts of 1957, 1960, and 1964:

1. To investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, or national origin;
2. To study and collect information concerning legal developments which constitute a denial of equal protection of the laws under the Constitution;
3. To appraise Federal laws and policies with respect to equal protection of the laws;
4. To serve as a national clearinghouse for civil rights information; and
5. To investigate allegations of vote fraud.

Under the law, the Commission submits reports to the President and to the Congress containing its findings and recommendations for corrective legislation or executive action.

In carrying out its factfinding duties the Commission has held formal hearings in many States including Alabama, Arizona, California, the District of Columbia, Georgia, Illinois, Indiana, Louisiana, Michigan, New Jersey, New York, and Tennessee.

The Commission in planning this hearing decided to limit its inquiries in general to the two areas of voting and law enforcement and to limit its inquiries in these fields to occurrences that are relatively recent, generally subsequent to January 1, 1964.

To answer questions that could be raised by persons who may have filed complaints with the Commission and are not being called upon to testify—I would just add that in general the Commission has excluded the calling of witnesses to testify in the area of voting from counties involved in voting cases now in the courts instituted by the Department of Justice. Nor does the Commission intend to delve here into other cases that are involved in Federal court proceedings.

The Commission is not a prosecuting agency. It cannot and does not seek to punish anyone. The information the Commission collects at this hearing will be evaluated, along with other information, in its report to the President and the Congress, at which time the Commission may also recommend such corrective action as appears to it to be necessary.

In an effort to secure a just and accurate assessment of the status of civil rights in Mississippi in voting and law enforcement, the Com-

mission has subpoenaed many witnesses to appear before it at this hearing. The first part of the hearings will deal with voting—followed by sessions where witnesses will testify on alleged inequities in law enforcement.

The final sessions will be of a different nature. For these sessions the Commission has invited knowledgeable Mississippians to participate in panel type discussions to state their views on civil rights problems and progress in Mississippi.

While the sole purpose of all Commission hearings has been the securing of information as required by law, these hearings have frequently had an important collateral effect. Commission hearings have frequently played a useful role through stimulating discussion among responsible community leaders of the causes and effects of racial discrimination. These discussions have opened channels of communication between the races, have increased understanding, and have encouraged the correcting of injustices.

It is the hope of the Commission that this Mississippi hearing will prove no less valuable in producing useful information and in helping the people in Mississippi find just and effective solutions to their civil rights problems.

Now I am going to call upon Mrs. Frankie Freeman to read a statement with reference to the rules that govern this hearing. Mrs. Freeman.

Commissioner FREEMAN. Thank you, Dr. Hannah. As the Chairman has said, this hearing has been divided into two parts. First, there was an executive session which was held in the Federal building on February 10 and 11, 1965; then, beginning this morning, testimony will be received in public in this room.

At the outset I should emphasize that the observations I am about to make on the Commission's rules constitute nothing more than brief summaries of the significant provisions. The rules themselves should be consulted for a fuller understanding. Staff members will be available to answer questions that arise during the course of the hearing.

In outlining the procedures which will govern the hearing, I think it important to explain in some detail the differences between the public session and the executive session concluded last week.

Section 102(e) of our statute provides as follows—and I quote:

If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall receive such evidence or testimony or summary of such evidence or testimony in executive session. The Commission shall afford any person defamed, degraded, or incriminated by such evidence or testimony an opportunity to appear and be heard in executive session, with a reasonable number of additional witnesses requested by him, before deciding to use such evidence or testimony.

Such an executive session was held last week. That session was held solely to comply with the statutory requirement. No one was subpoenaed to appear in that session. However, notice was given to individuals inviting them to appear in conformity with the statute where it was determined that testimony might tend to defame, degrade, or incriminate them. These persons had the right to be represented by counsel and to bring a reasonable number of witnesses and to request that the Commission subpoena additional witnesses. In other words, the executive session was for their benefit alone and if they determined to forgo that opportunity, that was their privilege.

The public hearing is authorized under section 105(f) of our act and almost all persons who are scheduled to appear have been subpoenaed by the Commission.

All testimony at the public sessions will be under oath and will be transcribed verbatim by the official reporter. Everyone who testifies, submits data or evidence, is entitled to obtain a copy of the transcript on payment of costs. In addition, within 60 days after the close of the hearing a person may ask to correct errors in the transcript of the hearing of his testimony. Such requests will be granted only to make the transcript conform to testimony as presented at the hearing.

All witnesses are entitled to be accompanied and advised by counsel. Counsel may subject his client to reasonable examination. He may also make objections on the record and argue briefly the basis for such objections.

Persons subpoenaed to the public session may request that witnesses be subpoenaed in their behalf. All requests for subpoenas must be in writing and must be supported by a showing of the general relevance and materiality of the evidence sought. In addition, all witnesses have the right to be accompanied by a reasonable number of witnesses who need not have been subpoenaed and to submit statements prepared by themselves or others for inclusion in the record, provided they are submitted within the time required by the rules.

Witnesses at Commission hearings are protected by the provisions of Title 18, United States Code, section 1505 which makes it a crime to threaten, intimidate, or injure witnesses on account of their attendance at Government proceedings.

Copies of the rules which govern this hearing may be secured during any recess from a member of the Commission staff. Persons who have been subpoenaed have already been given their copies.

Finally, I should point out that these rules were drafted with the intent of insuring that Commission hearings be conducted in a fair and impartial manner. In many cases the Commission has gone significantly beyond congressional requirements in providing safe-

guards for witnesses and other persons. We have done this in the belief that useful facts can be developed best in an atmosphere of calm and objectivity. We hope that such an atmosphere will prevail at this hearing.

Chairman HANNAH. Thank you, Mrs. Freeman.

There are three additional persons sitting at this table I should like to introduce.

On my right is Mr. Howard Rogerson, the Acting Staff Director of the U.S. Commission on Civil Rights. And at the left, second from the end is Mr. William Taylor, the General Counsel of the Commission, and his assistant, Mr. Finkelstein.

In order to accomplish its purpose, the Commission hopes to adhere to a fixed time schedule with the morning session running from 9 until 12:30, and the afternoon session from 2 until 5 or a few minutes after 5. It is hoped that the questioning by the Commission Counsel and by the Commissioners can be sufficiently brief and concise so as not to require evening sessions.

Before opening the regular hearing this morning, we want to call upon the Governor of Mississippi and the mayor of Jackson who have been invited to meet with the Commission and to speak briefly.

It is a great pleasure for me to have the opportunity to present to the Commission the distinguished Governor of the State of Mississippi, Governor Paul B. Johnson.

I should say that the statements by the Governor and by the mayor are being offered at the invitation of the Commission, and there will be no questioning of either the Governor or the mayor. They are free to say whatever they care to.

STATEMENT OF HON. PAUL B. JOHNSON, GOVERNOR OF THE STATE OF MISSISSIPPI

Governor JOHNSON. I believe, Dr. Hannah, that you and Dean Griswold asked me about every question known to man when we had the pleasure of having you in my office. However, I certainly have no objection at any time, without taking up too much time, to answering questions pertaining to my State.

I would like to begin by saying to the members of this Commission and to those present, and to the members of the television and radio audience, what I said some while back: That I felt that perhaps some of us in the past—and I can afford to talk about some of the past leadership because I have been a part of the past in some leadership capacity—that perhaps we had made a very serious mistake in the past when commissions have come in here.

The responsible people of the State, the leaders in business, the

leaders in politics or government, have boycotted or refrained from attending the hearings. As a result, we have permitted every type of person known to man to go into these hearings and to tell every type of a falsehood about the State of Mississippi without anyone in the State rebutting it.

The same has been true in the past insofar as the television people are concerned. Their business has been news. When they have in the past come in to see government leaders, government leaders have been a bit reluctant about going on television and stating Mississippi's position. As a result, some of the television people have had to go on the streets and pick out someone who is not typical of the State of Mississippi and put them on nationwide television.

For this reason, I ask the leaders here in Mississippi, when they have an opportunity to present Mississippi's position, that they should do so.

As a result of these feelings, I made a statement some 2 or 3 weeks ago that when the Civil Rights Commission came to Jackson, that it was my hope that the responsible business, religious, civic leaders of this State, along with the government officials, were to appear, give their testimony, and try as best they can not only to present the positive approach, but for that positive approach to be the official position of the State of Mississippi.

And in asking the people to do this, I would not ask any public official in Mississippi to do something that I would not do myself. I am delighted to be here this morning before this Commission, and I have a statement that I would like to read because I would like for this statement to be a part of the record, Dr. Hannah.

My statement is entitled "Mississippi, the State of Law and Order."

The Civil Rights Act of 1964 as passed by the Congress is the law of the land, and Mississippi knows it.

Most Mississippians do not like the new law. They are convinced that its passage was unwise and unnecessary. Some of them will challenge its constitutionality in the courts, as is their right. But resistance will be confined to such accepted legal processes. Law and order will be maintained in Mississippi by Mississippians.

Violence against any person or any group will not—I repeat, will not be tolerated. Criminal acts will be punished with all law violators being dealt with equally.

In stating these policies, I am joined and supported by the statewide association of local law enforcement officials. Other leaders and statewide organizations representing business, professional, industrial, and religious groups have urged our people to make the necessary adjustments to the Civil Rights Act in a calm, intelligent manner, regardless of personal convictions.

I wish to assure all Americans that Mississippi will continue to be the most law-abiding State in the Nation.

The Federal Bureau of Investigation's 1964 report of crime in the United States established Mississippi as the State with the lowest crime rate in the Nation. In the past, at the present time, and in the future the streets, the alleys, the byways, sidewalks, playgrounds, the recreational areas, and schoolyards and corridors, and all other public areas of Mississippi, are completely safe for all persons by day and by night. I believe this to be a record without equal in any other State of the Nation.

The unfavorable and in many instances the false image of Mississippi that has been created by the few in our State who have committed unpardonable criminal acts has been exploited by unfriendly national news media. Most thoughtful persons will concede that Mississippi is facing enough problems and difficulties without having to endure longer the excessive criticism and artificially created characterization to which the State and its citizens have been subjected.

What we need from our fellow Americans is good will, encouragement, understanding, and assistance. Having accepted the will of the Nation's majority, Mississippi now asks those who have criticized our former position and actions to get off of our back and to get on our side.

With your help, I predict that from this turbulent time will be born expanding opportunities for the disadvantaged people, white as well as nonwhite, of our potentially wealthy or rich State, increasing productivity through which we can earn a standard of living closer to the national average, a better balanced and more rapidly growing local economy through which we can shoulder a more proportionate share of the national load, and a full integration of Mississippi into the wealthy, growing, urban industrial society which in the present day is America.

This is my statement on law and order in Mississippi. This is not new to the people of this State who are knowledgeable, who are responsible, and who have heard me since I took office.

The day that I was inaugurated Governor of Mississippi, I made the statement that if my own brother interfered with law enforcement in the State of Mississippi, he would be the first to go to jail. This holds today as it did then.

In my inaugural address I said to the people of Mississippi pretty much the same thing as has appeared by the statements adopted by the people on the local level in official positions, and by the industrial people of this State; and that was to the effect that you and I are a

part of this world, whether we like it or not; the things that are done, legislation that is passed, affects Mississippi as well as it does any of the other 49 States, whether we like it or not; that we are Americans as well as Mississippians, whether we like it or not; that as long as I sat in the Governor's office, that there would be no prejudice, no ignorance that would control the Governor's office. That is as true today as it was the day that I spoke.

And I say to this Commission that I am delighted that you are here; that you will be a real fact-finding committee. We believe in Mississippi that the facts will show, or will bear out to a great extent the statement which I have read.

I do want you to know that I am pleased to be on this program. It is no imposition to me at any time to work with fellow Americans on any problems that demand communication between all of the people of this country, for I know that by doing away to a great extent with the great poverty areas not only of our State but of this entire United States—and incidentally, there are problems everywhere.

I visited with industrialists in St. Louis recently, and I am sure that some of the panel know what I am talking about. But I do not condemn the leadership of any other State in this Union because of conditions that may be prevalent in their State. I believe that people on the local levels and on State levels can solve their own problems. And by trying to meet this challenge, with a spirit of good will among men, certainly I know that not only Mississippi, but that this entire Nation will find certainly in this principle that I have this morning enunciated, the golden dawning of a grander day for all our people.

Thank you.

Chairman HANNAH. Thank you very much, Governor Johnson. We are grateful to you for coming here this morning, and we appreciate the many kindnesses and courtesies that you have afforded us.

Governor JOHNSON. And I would like to say to the news media that a copy of this statement that I have read into the record will be available at my office if any of them should be interested.

Chairman HANNAH. Thank you very much, sir.

Governor JOHNSON. Thank you.

Chairman HANNAH. Our next guest this morning is the long-time Mayor of the City of Jackson, to whom we extended an invitation to appear this morning and make any statement that he would care to. Mayor Thompson, we appreciate your being with us. Will you take over, sir.

STATEMENT OF HON. ALLEN C. THOMPSON, MAYOR OF THE CITY OF JACKSON, MISS.

Mayor THOMPSON. I certainly do appreciate this opportunity.

When you wrote me a letter, you invited me to extend a welcome and to say anything else that I wanted to say. That is a very bad thing to say to a person who has been mayor of a city for 16 years and likes to talk about his city.

However, as I understand it, you have allotted me 15 minutes, and you won't embarrass me if I go maybe a minute or two over. I promise to do the best I can.

Chairman HANNAH. 1 or 2 minutes.

Mayor THOMPSON. 1 or 2 minutes. [Laughter.]

Mayor THOMPSON. It is now 5 minutes to 10, Dr. Hannah. And in all seriousness, I am going to try to make this just as interesting as I possibly can, and at the same time extend to you people one of the most cordial welcomes you have ever had anywhere.

We are delighted to have people come to our city. We know that when you come here, that you are interested in getting down to business.

It is very difficult for me to tell you people about what a wonderful city Jackson is when all you are thinking about is hearing other witnesses and getting through with your work and going on home. But I am going to try to paint you a picture of what we actually have here, without being really able to take you out and show you this glorious city. It makes us very happy when you go home and tell the people that you are impressed with the city of Jackson, the capital city of Mississippi.

Now, as I understand it, you are here, among other things, to get a balanced picture of the civil rights in Mississippi. I am most anxious to give you the facts as they really exist.

I am confident that when you present the facts, that you acquire here in Jackson, to the President, the Congress, and to the people of the United States, that such a group of people as you have a hearing over this country that thousands of Mississippians would not have if we went out and said "Look what is happening in the city of Jackson and the State of Mississippi."

Certainly, I cannot cover everything that I want to say in the 15 minutes that you have allotted to me. But I worked all yesterday and all night on this statement, and when you stop me, it is in print, so it can go into the record so you can read it if you want to. And then I will be available for you all morning if you want to ask me any questions, embarrassing or otherwise.

You will probably be like the thousands of other visitors who come

to Jackson, really amazed to find that Jackson, just a typical Mississippi city, is so beautiful, progressive, and peaceful.

No visitor has the time or the desire, as I have said, to go over and see all of these wonderful things that we have.

Now bear this in mind: Nothing that I will say today is meant to be offensive. I will try my best not to even indicate anything that is offensive. But if I do, just say "He didn't know any better and he didn't mean it," because I do not want to say one thing that is offensive to you or to anybody in the Nation.

Now the matter of civil rights is a very delicate matter for discussion, because almost everyone has set beliefs and is quite sure that his convictions are the only proper one. I found this to be the case when as president of all the mayors in the United States, the American Municipal Association, I travelled in every State, made talks all over the country, and I saw that their problems were particular and peculiar to their area, not mine. But we went along with some of their problems and asked that they go along with some of ours.

But understanding that the matter of civil rights never has been able to find a common meeting ground—of course, we are finding a meeting ground under the law at the present time, and we will show you that as we go along—therefore, I will present to you some of the marvelous accomplishments in Jackson, with the underlying theme running through my statement being this: All persons are entitled to have their rights protected.

To look at this beautiful city today it is hard to believe that a hundred years ago during the Civil War it was known as Chimneyville.

Now I am not going to go into my usual welcome and show you how the people came to the gates of Jackson and says "Surrender," and the mayor said "We're not going to do it." And they sent a letter back to General Sherman and said, "What terms will you make? The Confederate Army has left; we are defenseless." And General Sherman wrote a letter and said, "General Blair will be there with you and he will protect you."

And then to go on through the next few years to show the horror and the destruction during the Reconstruction days, you say to me, "Why bring that up? Why live in the past? Why fight the Civil War over again?" I am not doing that. I mention it first for several reasons: First, to show that Jackson and Mississippi—show what they have done over the years to rise from the ashes of disaster to one of the most glorious places in the world, in the main through the efforts of their own citizens until, of course, in recent years.

I do not have to tell you that the Federal Government has spent millions and millions of dollars putting conquered countries such as

Japan and Germany back on their feet, when not one single penny was put into Jackson and Mississippi and the South during these times when we needed the money the most.

Certainly over the last 4 years the people of Jackson and Mississippi, as they did during the Reconstruction days, wondered whether there are any personal rights. But although most of our time has been taken up with racial problems, Jackson has made amazing progress.

Just to mention our schools, think of this now—most of you are interested in schools. As I mentioned to one or two of you, I was a professor, I was a Greek professor—I don't know whether many people know that—in college, many years ago. But 16 years ago, when I became mayor, we had 18 schools in our city. Think of it now. Today we have 55 schools. We had 9,500 students then; today we have 40,000.

We have spent \$30 million on our school construction alone. This has been money that we have raised ourselves. We have not needed, we have not wanted, and we do not want Federal money put into our educational system. We believe that the financing of the local government is all that is needed for our educational system.

Now this excellent school system, regarded as one of the best in the Nation, is one of our ways of guaranteeing civil rights to every person. No one today or in the future has much chance in a competitive world as we have today without a good education.

Many other cities are not providing the financial support for their schools. You know particularly probably the one I am talking about which is in danger of losing its accreditation because the people will not vote the taxes to finance a school program.

The Jackson School District has been ordered desegregated by a Federal court order. This decision has been accepted by the people.

Now as to Federal financial aid to our school—I want to be sure and get this over and make it crystal clear so that there can be no misunderstanding about my position in this matter—the civil rights law says Federal financial aid will not be given to schools which do not comply with the civil rights law. But more than that, the civil rights law says that the Federal agencies are authorized to issue rules and regulations of their own supplementing the civil rights law.

Health, Education, and Welfare 441, "Assurance of Compliance," requires that the schools will comply with all the requirements made by the Department of Health, Education, and Welfare. This goes much further than the civil rights law and puts unlimited power in the hands of the Director of the Department.

I have no jurisdiction or authority over the school. The commis-

sioners and I appoint members of the school board. We call for the bond issues for the construction of schools. We levy the taxes for the school budget, and I as mayor sign all the checks. But the school board runs the school system.

However, I am unreservedly recommending to the Jackson School Board that we do not take 1 penny of Federal money for our schools.

I have made this explanation rather lengthy to show that the schools can still obey the civil rights law, but at the same time not take any Federal money. This will probably be brought to your attention sometime in the future, and I wanted to show you the actual facts as they exist today.

Sometimes I show slides of our city. Oh, if you had time and we were not down here on business, you would love to see them. Beautiful \$12 million airport, \$25 million reservoir just 2 miles north of our city—incidentally, paid for by ourselves—10,000-seat coliseum, 45,000-seat stadium, the new libraries, 16 new fire stations. Think of it, every fire station brand new except one; we have been putting it in bond elections for many years. We will have to get it built pretty soon. New through streets, new water, new sewer system, parks, playgrounds, colleges, churches, a hustling, happy, busy city, where everyone who wants to work can get a job.

Think of it: There is not any need in this city for anybody who wants to work not being able to work—wanting to be liked and respected by the Nation. But more important than that, more interested in earning the respect of the Nation of which we are a part.

The city of Jackson has no slums. We do not have any Federal urban renewal. We have not needed it. We realize there are some cities that have to have the money. We have the money in this city. We are one of the few cities in the world, after our budget is fixed, where we have enough cash to operate. Two and a half million dollars for incidentals as we go along.

Miracles have been worked in this city, and I wish you could go through some of the old slums and see how the people have worked out these problems with the help of the city, but not any real authority, to where everybody has a decent place to live, and if they don't have a decent place, all they have to do is take it up with us and we take it up with the owner of the property and they work the matter out.

This is another way that we are protecting the civil rights of the people of this city.

Jackson is a city where law and order prevails. Main thing, we have one of the best police departments in the world. It is large, it is powerful, it is trained.

We have received a great deal of criticism—I have 5 minutes. I'm watching the time very carefully, and don't worry.

We were criticized in the press, television, magazines: "What do you mean having such a powerful force? What do you mean?" One large city, the city council criticized us. The next day they had a terrible riot and for weeks they had to work and do everything they could to put it down. What did they do? They added more policemen; they added more riot training; they added more equipment. They attempted to do just what we were trying to do, to protect the rights, the civil rights of our people.

We do not have any harassment on the streets, in the homes; and when there is, we have people here who will testify that I personally said that we would catch them, it doesn't matter whoever it is. And we will, as long as I live, continue to investigate, and we will find the people who have perpetrated these crimes against anybody in this city.

Now, when the civil rights law became effective, we were among the first to let it be known that we were going to obey the law. I do not know whether you know it or not, but I fought this civil rights law probably more than any other mayor in the United States. I went all over the country talking about it. I went to Washington talking about it. Frankly, I think it is a terrible piece of legislation, but Congress passed it, and as long as it is on the books, we are going to obey the law.

Now, the thing that worries me, though—and I want to get this point over—is not so much the civil rights law, but the pressure groups who are going to say the civil rights law does not go far enough. "If you do not do this, if you do not do that," which is beyond the civil rights law, "we are going to march, we are going to demonstrate, we are going to intimidate, we are going to threaten, we are going to bring violence by nonviolence, we are going to tear up your city unless you do everything that we say."

We are going to abide by the civil rights law. Now we have gone through some turbulent times. I have just a few minutes to wind this up. I'm not worried. I know that the rest of the Nation, when they realize and see the facts, are going to know that we are a part of America. In fact, we are going to demand that we be considered as a part of this country. We are going to earn the respect.

But now here is what does worry me—and I mention this for your information as to what has happened, what is happening today and what is going to happen in the next few months. First, one of the hardest things we have ever had to endure was the invasion of the COFOs last summer. Although, of course, there were a few sincere members, the most were here either as troublemakers or as completely innocent or ignorant of the difference between right and wrong, with no ability to bring any good to the community. They were not ac-

cepted, or practically completely ignored by the good people of this city.

One of the greatest tributes I can give to our people, white and colored, is the fact that we went through this potential explosive time without any real trouble. It was worse than the suffering that Job had to put up with in the old days.

They and other such agitators promised that we are going to have the same thing this summer, only a little worse.

Second, another inexcusable thing to me—and I know this is probably not in your field, but I want to mention it—is the fact that—is the acceptance of the so-called Freedom Democrats by persons who, many of them, are sincere. But just to think of it: When they went into Congress, in our own Congress in a free country, how many Congressmen voted against seating the Mississippi Congressman, without even investigating whether this group were lawful or unlawful, at the foundation of our whole government, the right to be represented in our Congress.

Then next, the threat of a boycott of Mississippi worries a great many people. It doesn't worry me, because I know when people find out about it, they will say that is un-American. And then those people who are not interested in whether it is un-American or not will find out that a boycott hurts the people for whom they are making the most noise the greatest.

Finally, I am worried about some of our fine, wonderful, colored people in Jackson who obey the laws of the city, work at jobs every day, are interested in their families and churches—when there was a bombing at one of the professors' houses, I went out there and everybody said, "That's fine." And then all of a sudden something else came along and a pressure was started.

Now listen, they are subject to threats and intimidation by so-called leaders of pressure groups who won't let them put up Christmas trees during Christmas time, who make them boycott, who refuse to let them have \$2,500 which I personally raised the other day for a colored youth center, and numerous other things. Now that is what I'm worried about.

But now listen: No matter what is said, the citizens of Jackson, both white and colored, Dr. Hannah and gentlemen and lady of the Commission, are guaranteed equal protection under the law in Jackson, and in Mississippi.

This is a city where it is up to the individual to decide for himself how far he will go. This depends on what use he makes of the splendid educational facilities he has in this city. It depends upon his ability, depends upon his intelligence, his courtesy, his common-sense, and upon the assumption of responsibility to his family, to his fellow man, and to his community.

We welcome you to our city. We hope you enjoy it. And if there is any further question you wish to ask me, I am always available.

Thank you.

Chairman HANNAH. Thank you very much, Mayor Thompson. We appreciate your being with us this morning.

Mayor THOMPSON. Right on time, too; 15 minutes.

Chairman HANNAH. The U.S. Commission on Civil Rights during all the 7½ years of its existence has been very materially assisted in carrying forth its work by State advisory committees that exist in all 50 States and in the District of Columbia. And this morning, before we begin to call subpoenaed witnesses, we are going to have a representative of the Mississippi Advisory Committee introduce the State Advisory Committee from Mississippi and make a brief statement.

They have a written statement of some length which will be printed in the record. But we are going to ask the spokesman, who is the chairman of the State advisory committee, to condense his remarks to a period of not to exceed approximately 20 minutes so that we can keep on our time schedule.

Mr. Taylor, will you call the representative of the advisory committee?

Mr. TAYLOR. Dr. Albert Britton, chairman of the Mississippi State Advisory Committee to this Commission.

Chairman HANNAH. Dr. Britton, will you raise your right hand.

(Whereupon, Dr. A. B. Britton, Jr., was duly sworn by the Chairman and testified as follows:)

TESTIMONY OF DR. A. B. BRITTON, JR., CHAIRMAN, MISSISSIPPI STATE ADVISORY COMMITTEE TO THE U.S. COMMISSION ON CIVIL RIGHTS

Chairman HANNAH. Dr. Britton, will you introduce your fellow committee members, and then proceed with your statement?

Dr. BRITTON. Thank you, Dr. Hannah.

I would like to introduce, Dr. A. B. Beittel, secretary of the committee; Rev. Blanton Doggett, of Tupelo, Methodist clergyman; Mrs. Martin L. Harvey, of Jackson, mortician and co-owner of Collins Funeral Home; Rev. Charles C. Hunter, of Yazoo City, pastor of St. Mary's Catholic Church; Rev. Charlemagne P. Payne, Sr., of Jackson, District Superintendent, Methodist Church of the Jackson District of the Mississippi Conference; Mrs. H. J. Price, of Magnolia, housewife; Dr. George E. Powers, of Gulfport, dentist; Mrs. Hazel Brannon Smith, of Lexington, editor of four weekly newspapers.

On behalf of the members of the Mississippi State Advisory Committee to the U.S. Commission on Civil Rights, I wish to welcome the Commission to Mississippi.

We have invited many other prominent Mississippians to join the committee, but economic and political pressures have prevented their acceptance.

In addition to the difficulties encountered in attempting to enlist new members, persons now serving on the committee have suffered intimidation and reprisals. Several committee members have been victims of both economic and social pressures, and in at least one instance a member has been forced to leave the State.

In January 1963 we made our last report to the Commission. It was a report of administration of justice in the State. At that time, because we found that there was a pattern of denial of equal protection of the law, we made the following recommendations to the Commission:

1. That the President direct the Department of Justice to investigate every allegation of physical abuse of authority by State or local officials in Mississippi and institute criminal proceedings in all cases in which such action appears to be warranted, regardless of the prospects for conviction;

2. That the Commission on Civil Rights hold formal public hearings in Mississippi, and

3. That the Commission on Civil Rights make recommendations to the Congress for the passage of further legislation designed to protect American citizens from being physically abused by persons acting under the color of governmental authority at any level.

We are encouraged that each of the recommendations have been implemented, at least in part. We are especially heartened by the fact that the Commission on Civil Rights has decided to come to the State so that it can hear directly from Mississippi citizens.

Since our last report to the Commission the State of Mississippi has continued to be the subject of attention throughout the Nation. Regrettably, most of this attention has resulted from Mississippi's resistance to change in the areas of voting rights, education, and desegregation of places of public accommodations.

In 1963, civil rights organizations accelerated efforts to achieve registration of Negroes. As a result of this activity there were mass arrests, private violence, and violence on the part of law enforcement officials.

In the summer of 1964, civil rights organizations launched a summer project where students from all over the country came to the State for the purpose of helping Negroes to exercise their responsible political activities. Again, these activities were met with strong resistance. Three such young workers were brutally murdered in Neshoba County.

The members of the Mississippi Advisory Committee felt a keen responsibility for ascertaining what the real climate in the State was. So we decided to hold some open meetings throughout the State.

We held these meetings usually—in every instance, I should say, in Federal buildings, and the meetings were very orderly in each city except in one, and that was in Natchez, where, while meeting there in the post office building, we received a call—at least the postal officials did—that a bomb had been placed in the meeting room, so we had to evacuate the place. And when we returned, we were faced with spectators who seemed very obviously antagonistic to what we were doing, and they indicated this by glaring at witnesses, and as a result, an atmosphere of fear hung over the whole day's proceedings.

This fear has been indicated to us by the fact that a number of people have asked that we not hear their testimony in open meetings. So they were given the opportunity to state what they wanted to in executive sessions.

Now, there are some good strong foundations for these people to be afraid. And this is indicated by the testimony, for example, of a former police officer of the McComb department who testified before our hearing in Greenville and a few hours after he testified before this hearing a bombing of his home took place.

Now I don't mean to say that we have evidence that this bombing was due to the fact that he appeared before the committee, but the coincidence is startling.

In view of the risks involved, the advisory committee feels encouraged by the large number of people who were willing to cooperate by coming to testify. We are also encouraged by the press which attended these meetings; although the coverage that was given was not extensive, it has been reasonably objective.

In this section of the report that I am about to read now, I wish to summarize some of our negative findings.

The transcripts of committee sessions contain detailed testimony indicating that duly constituted law enforcement officials, as well as private citizens, have actively prevented efforts of individuals and groups to register to vote in a number of our counties. There have been cross burnings, bombings, church burnings, and killings.

In one southwest area alone, a total of 16 cross burnings, five murders, and one person's mysterious disappearance were reported to the committee.

Several responsible persons declared that in one city in the southwestern part of the State a reign of terror prevailed. They expressed the belief that the local police and other law enforcement officials had no desire to apprehend and seek conviction of the hoodlums involved in these incidents.

In the Mississippi Delta area, harassment of voter registration workers has taken many forms. There have been a number of reports to the committee that, under color of law, voter registration workers have been stopped on the roads and highways and subjected to cursings, insults, and physical beatings.

In the central Mississippi area, the story was very much the same. At Canton, witnesses reported that the police continuously harassed persons attending voter registration rallies held in Negro churches. Two witnesses testified that they and others in their company were stopped on the highway just outside Canton, arrested, and pistol whipped by the deputy sheriff as other law enforcement officers stood by and watched.

Several witnesses reported that in some sections of Mississippi there appeared to be a pattern of collusion between local law enforcement officers and hoodlum elements. A witness from one southwest Mississippi town testified that the mayor, the chief of police, and the local leader of the Ku Klux Klan were friends and constant companions.

Many Negroes reported that they have come to feel that to complain to law officers is to invite the presence of night riders only a few short hours later.

Many other witnesses appearing before the advisory committee testified that those seeking to register to vote have been fired from their jobs, have had their loans called in, and their credit cut off, have been forced to leave their homes, and, in many cases, have been subjected to acts of physical violence. Evidence of such activity was particularly strong from communities in Sunflower and Madison Counties.

In spite of this, we do have some signs of progress. While there is considerable evidence that in many quarters Negro Mississippians have suffered unjust and often brutal treatment, there is also other evidence which leads us to conclude that in some Mississippi communities sincere and honest efforts are being made to guarantee the rights of citizenship.

In Washington and Harrison Counties the committee found that there was little official resistance to the efforts of Negroes to become registered voters.

And another encouraging sign has been the fact that a number of Mississippi cities in their places of public accommodation have decided to accept all citizens.

Another sign that some degree of progress is being made is the spirit of cooperation with which the advisory committee has been received in some communities. In the past, we have had difficulty getting officials before our committee, the people who are the leaders in their community. But here recently, we have had the mayor and

the chief of police of Greenville before our committee; we had the mayor and chief of police of Gulfport, and the circuit clerk of Harrison County to testify. And in Meridian and in Vicksburg, we have had representatives of the chambers of commerce to come and testify in our meetings.

In reviewing signs of progress in the State, the committee wishes to take note of several activities on the part of private groups.

(1) The Mississippi Council on Human Relations, which was first organized in 1956 and was forced to disband, has been reactivated.

(2) A group of Mississippi white women organized and formed the Mississippians for Public Education for the reason that they wanted to keep the public schools open.

(3) Several hundred community leaders in McComb issued a statement repudiating lawlessness in that community and calling for a restoration of law and order.

(4) Soon after the enactment of the Civil Rights Act, the Jackson Chamber of Commerce publicly urged compliance with the public accommodations section of the Act. Other chambers of commerce have done this since that time, such as the ones in Vicksburg, Gulfport, Winona, and Montgomery Counties.

(5) An interfaith, interracial "Committee of Concern" was formed in Jackson for raising funds to help to rebuild 40 burned or bombed Negro churches.

(6) Mississippi college students, both white and Negro, have expressed an interest in helping to rebuild these churches this summer.

Now, my conclusions: Based upon information collected by the committee through open meetings and other factfinding activities, the committee concludes that its findings of 1963, with minor exceptions, are valid today. And for the purpose of emphasis, the committee includes a restatement of these findings in its conclusions.

The first finding of this committee is that justice under law is not guaranteed for the Negro in Mississippi in the way that it is for the white man.

The second finding of this committee is that the State government of Mississippi is not sufficiently concerned with the task of protecting the rights of all the citizens of Mississippi. Even if police brutality were less severe and widespread than we have believed, a responsible State government would take energetic steps to ascertain the facts and punish the wrongdoers. A firm position on this matter by the State Government would reduce the tendency of lesser officials to abuse their authority and would enhance the respect of the people for the State government. As matters stand today, we are forced to report that the attitude of the State government toward the realization of the

rights of all our citizens has been one of obstruction rather than protection. Sections 2155.4-2155.6 of the Mississippi Code are an indication of the prevailing official attitude.

While this committee feels that the accounts of its meetings in the press of the State have usually been fair and objective, we find that in general the press is failing to meet its obligation to our society. When an element of government exceeds or neglects its proper role in a free society, it is the duty of the press to alert the people to the situation. The people of Mississippi are largely unaware of the extent of the problem of illegal official violence and the press is partly to blame. It is a zealous crusader against governmental injustice when the Federal Government is believed to be at fault, but closes its eyes to State or local official mistreatments.

This committee finds many citizens of Mississippi continue not to have the equal protection of law due them as American citizens.

We note with approval and commendation the increased activity of the U.S. Department of Justice and the Federal Bureau of Investigation in attempting to secure equal protection for all citizens, especially in the accelerated prosecution of voter denial suits and the enlargement of the FBI office in Jackson, but encourage the Justice Department to be more vigorous in instituting pattern suits in the fields of education and public accommodation.

However, at this time we deem it of utmost importance that some procedure be devised whereby the physical safety and security of all persons seeking to obtain or exercise their constitutional rights may be guaranteed. This is a function which normally and rightfully belongs to the local and State authorities. But the quality of law enforcement varies so widely throughout the State as to make the usual avenues for securing protection inadequate.

In the light of the public statement of cooperation made by Gov. Paul Johnson, we respectfully suggest that Governor Johnson, who is the chief law enforcement officer of this State, use the prestige of his office to initiate a voluntary, statewide program of cooperation between local and State law enforcement officers with Federal authorities to the end that all Mississippi citizens may be secure in their homes and persons.

We are encouraged by the fact that a small number of public officials have expressed a desire to take leadership away from the people of intolerance and place it in the hands of those who have an honest desire to live in an atmosphere of decency and human dignity.

In a few instances we have seen individuals and organization leaders publicly state and defend a position to make equality a reality in our State. These individuals should be encouraged. Individuals who are

willing and able to give affirmative leadership in the State, rather than the leaders of reaction, should be sought for advice and consulted on political matters by the Federal Government.

The committee wishes to stress that Mississippi's most pressing problem continues to be that of persuading white Mississippians of good will to speak out publicly for law enforcement, equal protection under the law, and implementation in our public and personal lives of ideals and principles consistent with our Judeo-Christian heritage in a democratic society.

In summary, the Mississippi committee will continue its much needed work. It will go to every section of the State to provide citizens with an opportunity to tell the Federal Government about their complaints of denial of equal protection, and to record the positive experiences of communities in resolving conflict.

The members continue to maintain faith that the forces of justice in this State, which are silent, will be inspired and motivated to speak out and oppose the forces of tyranny and injustice. It will look to the leaders of the Federal Government to fulfill their responsibilities forcefully. The people of this State and the country can depend on us to press on toward our ultimate goal of equality of opportunity in Mississippi.

I thank you.

Chairman HANNAH. Thank you, Dr. Britton. Would you just stay there for a moment and see if the Commissioners have any questions.

Would any member of the Commission like to ask Dr. Britton any questions? Father Hesburgh.

Commissioner HESBURGH. Dr. Britton, do you perceive a climate of change at this moment?

Dr. BRITTON. Yes. There seems to be a climate of change, Father Hesburgh. But I think we are going to have to wait a while to properly interpret that.

Commissioner HESBURGH. What would you think are the most important elements in fostering a climate of change?

Dr. BRITTON. I think the most important element is for those who are in control, those who have been elected to public office, to take a stand for upholding the law, and not only take a stand verbally, but do something about the situation.

Commissioner HESBURGH. Have you found in your hearings about the State that things are generally better in the large city than in the countryside?

Dr. BRITTON. We do find that there is quite a difference in the situation.

Commissioner HESBURGH. Thank you, Dr. Britton.

Chairman HANNAH. Mr. Rankin?

Commissioner RANKIN. Would you say COFO has been an asset or a liability to the committee in doing its work?

Dr. BRITTON. Well, I would say that COFO has acted as a stimulus in the community to bring about or make known those things that before COFO came not many people knew about. It is one of the duties of this committee to gather facts to present to you, so they have in a way been a help to this committee.

Chairman HANNAH. Dr. Britton, I believe you are a medical doctor?

Dr. BRITTON. Correct.

Chairman HANNAH. Is it your feeling, or do you have any personal knowledge, that Negroes sometimes suffer injuries that they are unwilling to report to the public officials because of fears of one kind or another?

Dr. BRITTON. Yes, Dr. Hannah. This is true. We have found this—the committee has found this to be true. And some of us who are physicians come in contact with these people and have also found this to be true.

Chairman HANNAH. People are injured in commotions of one kind or another and they do not report their injuries to the police?

Dr. BRITTON. This has been known to a number of people in the State—that there are Negroes who are afraid to report certain things to authorities. Now this may not be true in some of the larger cities, but in some of the smaller communities it is.

Chairman HANNAH. Well, Dr. Britton, thank you very much. And I should like on behalf of the Commission to thank all the members of the State Advisory Committee of the State of Mississippi for the very effective assistance you have given to the Commission, and sometimes at great inconvenience and sometimes even hazard to yourselves. We are grateful to you. And your entire statement will be included in the record.

Thank you.

Dr. BRITTON. Thank you.

STATEMENT OF DR. A. B. BRITTON, JR., CHAIRMAN, MISSISSIPPI STATE ADVISORY COMMITTEE TO THE U.S. COMMISSION ON CIVIL RIGHTS

Dr. Hannah and members of the Commission :

On behalf of the members of the Mississippi State Advisory Committee to the United States Commission on Civil Rights I wish to welcome the Commission to Mississippi. The committee wishes me to express our appreciation for this opportunity to present a report of our activities during the last 2 years and our observations on civil rights problems and progress in the State.

Before proceeding with my statement, I would like to introduce the other committee members. They are:

Dr. A. B. Beittel, secretary, of Jackson. Retired college president and presently a field staff member of the American Friends Service Committee.

Rabbi David Z. Ben-Ami, of Hattiesburg. Former Rabbi at Beth-Israel, Hattiesburg.

Rev. Blanton Doggett, of Tupelo. Methodist clergyman.

Mrs. Martin L. Harvey, of Jackson. Mortician and co-owner, Collins Funeral Home.

Rev. Charles C. Hunter, of Yazoo City. Pastor of St. Mary's Catholic Church.

Rev. Charlemagne P. Payne, Sr., of Jackson. District superintendent, Methodist Church of the Jackson District of the Mississippi Conference.

Mrs. H. J. Price, of Magnolia. Housewife.

Dr. George E. Powers, of Gulfport. Dentist.

Mrs. Hazel Brannon Smith, of Lexington. Editor of four weekly newspapers.

We have invited many other prominent Mississippians to join the committee, but economic and political pressures have prevented their acceptance. Two well-known leaders declined membership on the grounds that while they would like very much to have the opportunity to serve, they did not feel that they could afford to make the sacrifices which would be involved. They indicated that, based on their personal observations over a period of years, the Federal Government seemed to them unwise and unappreciative in asking Mississippians such as themselves to risk economic reprisal and total loss of community effectiveness by taking a role of civil rights leadership, while at the same time, the Government tended to rely wholly on Mississippians who oppose civil rights when seeking appointees for other Federal posts.

In addition to the difficulties encountered in attempting to enlist new members, persons now serving on the committee have suffered intimidation and reprisals. Several committee members have been victims of both economic and social pressures, and in at least one instance a member has been forced to leave the State. One extremist organization boasted of its success in inhibiting the work of the committee.

In January 1963 we made our last report to the Commission. It was a report of administration of justice in the State. The facts contained in the report were based on findings from six open meetings held in Jackson, Greenville, Clarksdale, and Meridian between the period October 1, 1961, and December 31, 1962. More than 150 persons had appeared before the committee to give testimony relating primarily to instances of denial of equal protection of the law to Negro citizens on the part of law enforcement officials. At that time, because we found that there was a pattern of denial of equal protection of the law, we made the following recommendations to the Commission:

1. That the President direct the Department of Justice to investigate every allegation of physical abuse of authority by State or local officials in Mississippi and institute criminal proceedings in all cases in which such action appears to be warranted, regardless of the prospects for conviction;

2. That the Commission on Civil Rights hold formal public hearings in Mississippi on charges of denial of equal protection of the law on account of race, and that these hearings be held periodically so long as the present situation exists and the Commission remains in force; and

3. That the Commission on Civil Rights makes recommendations to the Congress for the passage of further legislation designed to protect American citizens from being physically abused by persons acting under the color of governmental authority at any level.

We are encouraged that each of the recommendations have been implemented, at least in part. We are especially heartened by the fact that the Commission on Civil Rights has decided to come to the State so that it can hear directly from Mississippi citizens.

CLIMATE OF THE STATE

Since our last report to the Commission, the State of Mississippi has continued to be the subject of attention throughout the Nation. Regrettably, most of this attention has resulted from Mississippi's resistance to change in the areas of voting rights, education, and desegregation of places of public accommodations. Prior to the spring of 1963, efforts to bring about change were primarily confined to a small number of persons. During the spring and summer of 1963, civil rights organizations accelerated efforts to achieve registration of Negroes at the polls and to eliminate other discriminatory practices. As a result of this activity there were mass arrests, private violence, and violence on the part of law enforcement officials.

In the summer of 1964, civil rights organizations launched a summer project in Mississippi with the aid of 600 to 700 college students and other volunteer workers from all parts of the country. Community centers designed to prepare Negro citizens for the exercise of political responsibilities were established in many Mississippi communities. Again, these activities were met with strong resistance. Three such young workers were brutally murdered in Neshoba County.

The members of the Mississippi Advisory Committee felt a keen responsibility to inform themselves and the many thousands of other responsible Mississippians concerning the climate existing in some parts of their State which permits acts of reprisal and intimidation against people who attempt to assert rights granted to them under the Constitution of the United States. Various local and national news media have published and broadcast numerous stories concerning denials of civil rights in Mississippi. The committee was convinced that these incidents needed to be authenticated if they were to be believed and corrective action taken by the general public in Mississippi. Such authentication, the committee felt, would be enhanced if witnesses would make their testimony public before an official group representing the Federal Government.

It was for this reason that in 1963 and 1964 the Mississippi Advisory Committee held nine open meetings in the cities of Jackson, Natchez, Greenville, Biloxi, Meridian, and Vicksburg. At these meetings, the advisory committee heard testimony from 125 complainants.

The open meetings were held in civil service examining rooms of the post offices in every city the committee visited except in Vicksburg. In this city the meeting was held in the armory of the U.S. Army Reserve unit. All the meetings were well attended. Every meeting was orderly with the exception of the Natchez meeting. There, Post Office officials received a phone call during the committee meeting, warning that a bomb might have been placed in the meeting room. The room was evacuated and a policeman searched it thoroughly before the meeting was allowed to continue. It was at the Natchez meeting that several clearly antagonistic spectators appeared. They refused to identify themselves when they were asked to do so. Throughout the entire meeting they made their presence felt by glaring at witnesses and others in the room. An atmosphere of fear hung over the whole day's proceedings.

As in previous years, the procedure at these open meetings was to make advance public announcement of the place, date, and time of the meeting. The press and public were invited

to attend. Anyone desiring to make a complaint or submit information on local patterns and practices was given an opportunity to be heard. In a number of instances, those unwilling to appear in public session because they feared reprisal were given the option of being heard in executive session. Such fears on the part of some of the witnesses are not without strong foundation. At the Greenville meeting one of the witnesses testified concerning the atmosphere of terror that he felt existed at that time in the city of McComb. He had been a member of the McComb Police Department until a few days before the meeting. In a matter of hours after he had given his testimony, his home was bombed. While we do not have concrete proof that the home of this witness was bombed because of his testimony, the coincidence is startling.

In view of the risks involved, the advisory committee feels encouraged by the large number of people who were willing to cooperate by giving their testimony. We are also encouraged by the coverage which the press gave these meetings. Although the coverage has not been extensive, it has been reasonably objective.

COMMITTEE FINDINGS

Negative findings

In this section of the report the committee has summarized specific testimony presented at the meetings.

The transcripts of committee sessions contain detailed testimony indicating that duly constituted law enforcement officials, as well as private citizens, have actively thwarted efforts of individuals and groups to register to vote in a number of our counties.

Witnesses from several southwest Mississippi counties, mainly Adams, Amite, Pike, Copiah, and Wilkinson, reported that crosses had been burned in their yards. These persons expressed their belief that there was no basis for these acts other than voter registration activities.

In the same locality one witness reported that his home was shot into; another witness reported that he was kidnaped and beaten; one that he was stopped on a lonely road and whipped by hooded men; and another that his store was bombed. In these counties alone a total of 16 cross burnings, five murders, and one mysterious disappearance was reported to the committee.

Several responsible persons declared that in one city in the southwestern part of the State a reign of terror prevailed. They expressed the belief that the local police and other law enforcement officials had no desire to apprehend and seek conviction of the hoodlums involved in these incidents.

In the Mississippi Delta area, harassment of voter registration workers has taken many forms. There have been a number of reports to the committee that under color of law, voter registration workers have been stopped on the roads and highways and subjected to cursings, insults, and physical beatings. It was reported that on one occasion in Yazoo County a carload of voter registration workers was stopped by a highway patrolman, verbally assaulted, and arrested. A citizen of Leflore County reported that he was assaulted by a local town marshal. A witness living near Tchula, Miss., testified that after attempting to register to vote in Holmes County, his house was fire-bombed. The deputy sheriff arrested and charged the witness with doing it himself. Only quick action by the U.S. Department of Justice saved the witness from a prison term. A Greenwood, Miss., witness reported that he had been struck by two bullets fired from a passing car. No arrests were ever made for any of these crimes.

In the central Mississippi area the story was very much the same. At Canton, witnesses reported that the police continually harassed persons attending voter registration rallies held in Negro churches. Two witnesses testified that they and others in their company were stopped on the highway just outside Canton, arrested, and pistol whipped by the deputy sheriff as other law enforcement officers stood by and watched. Others in Canton told of suffering job losses, arrests, boycott and other forms of intimidation because they attempted to register or to encourage others to do so. Many of these people testified that they were arrested on flimsy charges and held under maximum bail. We have no information to indicate that white citizens not involved in voter registration efforts received similar treatment.

Several witnesses reported that in some sections of Mississippi there appeared to be a pattern of collusion between local law enforcement officers and hoodlum elements. A witness from one southwest Mississippi town testified that the mayor, the chief of police, and the local leader of the Ku Klux Klan were friends and constant companions.

Many Negroes reported that they have come to feel that to complain to law officers is to invite the presence of nightriders only a few short hours later. A witness from a rural area in central Mississippi told of calling the sheriff to report that young hoodlums had driven up and down the road and shot into seven different homes. When the constable arrived the next morning after being summoned, he brought with him the young men identified by the witness as the participants in the previous night's incident. That night, the witness said, the same young men returned to shoot up the neighborhood again.

In Jackson, another witness testified that she was assaulted in the bus station. She stated that when the police arrived they arrested her instead of her assailant.

Two other witnesses told of being stopped in their vehicle by members of the Jackson police force. The officers explained that they merely wanted to provide protection for the civil rights workers. Shortly afterward the civil rights workers were stopped a few miles further up the road and beaten. The witnesses felt that it was the police who advised the assailants of their presence. These and other witnesses testified concerning several occasions when the police offered protection to the civil rights workers, but were absent when lawless elements arrived to harass and intimidate.

Witnesses reported that a number of private homes, churches, and other buildings used for voter registration meetings were bombed or burned in the night. Several burnings and bombings were reported in the southwest Mississippi area. A house and a church were reported bombed in Canton. In the only case to our knowledge where those responsible were convicted the judge released the convicted men with light fines and suspended sentences. Meanwhile other judges in Mississippi have levied maximum fines against civil rights workers for far less serious offenses.

Many other witnesses appearing before the advisory committee testified that those seeking to register to vote have been fired from their jobs, have had their loans called in, and their credit cut off, have been forced to leave their homes, and, in many cases, have been subjected to acts of physical violence. Evidence of such activity was particularly strong from communities in Sunflower and Madison Counties.

SIGNS OF PROGRESS

While there is considerable evidence that in many quarters Negro Mississippians have suffered unjust and often brutal treatment, there is also other evidence which leads us to conclude that in some Mississippi communities sincere and honest efforts are being made to guarantee the rights of citizenship.

We are pleased to note that in Washington and Harrison Counties, for example, there has been comparatively little official resistance to the efforts of Negroes to become registered voters. Witnesses appearing before the advisory committee testified that discrimination at the polls in these localities was kept to a minimum. While we seriously question some aspects of the Mississippi voter registration laws, we are heartened to find that in these counties the State laws are apparently being administered as fairly as these laws permit.

Another encouraging sign has been the fact that in a number of Mississippi cities places of public accommodation which were formerly segregated now provide service to all citizens. We feel that this change has occurred as a direct result of the passage of the civil rights law of 1964. In each of the cities we visited, there are now a few places where Negroes can be fed and lodged.

In the first 6 months of 1963, the committee heard a significantly large number of complaints about incidents growing out of attempts by Negroes to be served in bus stations.

Since then, the number of such complaints has lessened. There are several reasons for this change. A number of bus stations have simply decided to comply with the law. Others have replaced their lunch counters with vending machines, thus avoiding the possibility of providing personal nondiscriminatory service to all customers. Still other bus stations have closed their doors altogether. There are still some reported to be unchanged in the practice of unlawful segregation.

As the advisory committee met in various towns its members made arrangements several times to have lunch together in a public restaurant when these meetings extended through the noon hour. On every such occasion, a representative of the advisory committee would make arrangements with the restaurant management in advance. We were always cordially welcomed and graciously treated. However, we still feel that we cannot do this without first making advance preparation. The climate in Mississippi is not yet such that we can be certain that a biracial group will be served upon entering an establishment unannounced.

Another sign that some degree of progress is being made is the spirit of cooperation with which the advisory committee has been received in some communities. In the past it has been an extremely rare thing to be able even to communicate with the legally constituted leaders in government. In our meetings, sheriffs and other officials were always invited to appear, especially when the committee had advanced information that these officials were to be involved in a complaint. Until quite recently, little response to these invitations was ever noted. However, there are now hopeful signs of a change of attitude on the part of some officials.

At our meeting in the city of Greenville, the mayor and the chief of police both came and stayed throughout the proceedings. Each made statements that were helpful to the committee. Their spirit of cooperation made frank discussion of controversial issues and practices much easier for all concerned.

The mayor and chief of police of Gulfport and the circuit clerk of Harrison County attended our meeting at Biloxi. They were quite helpful in providing facts and figures concerning their civil jurisdiction as well as in expressing opinions which increased the committee's understanding of the status of civil rights in these localities.

At Meridian and Vicksburg, representatives of the local chambers of commerce attended the meetings. Their testimony concerning business climate and unemployment practices was particularly valuable.

In reviewing signs of progress in the State, the committee wishes to take note of several activities on the part of private groups. The Mississippi Council on Human Relations, which was first organized in 1956 and was forced to become inactive, was reorganized in May 1962. It is composed of several hundred representative citizens. At the present time it has a full-time staff director and has organized a local chapter in Jackson and the Gulf Coast. On a continuing basis it sponsors programs and projects designed to strengthen the relationship between the various racial groups in the State. From all indications, the organization will continue to gain support.

In 1963 our committee was encouraged when a group of Mississippi white women organized the Mississippians for Public Education. This is a statewide organization with local chapters in many communities and is concerned with keeping the schools open regardless of developments in the area of desegregation.

In 1964, several hundred community leaders in McComb issued a statement repudiating lawlessness in that community and called for a restoration of law and order.

Soon after the enactment of the Civil Rights Act, the Jackson Chamber of Commerce publicly urged compliance with the public accommodations section of the act.

Within recent weeks, the Mississippi Economic Council, which is equivalent to a State chamber of commerce, issued a resolution calling for the following:

1. A respect for law and order must be maintained, and penalty must be equitably applied to all violators;
2. Communication between the races must be maintained;
3. Registration and voting laws should be impartially administered for all;
4. Public education must be maintained and strengthened.

This statement was endorsed by the chambers of commerce of Jackson, Vicksburg, Gulfport, Winona, Montgomery County, and by the Mississippi Manufacturers Association, and was entered into the Congressional Record by Senator John C. Stennis.

An interfaith, interracial "Committee of Concern" was formed in Jackson by ministers and laymen on September 9, 1964, for the purpose of raising funds to rebuild 40 Negro churches which have been bombed or burned since June 1964.

A goal of \$300,000 has been set.

One church has already been completed and was dedicated in January. Construction is now underway on 15 others.

A number of Mississippi college students, white and Negro, have expressed a desire to help rebuild the churches this summer.

CONCLUSIONS

Based upon information collected by the committee through open meetings and other factfinding activities, the committee concludes that its findings of 1963, with minor exceptions, are valid today. For purposes of emphasis the committee restates these findings:

1. The first finding of this committee is that justice under law is not guaranteed for the Negro in Mississippi in the way that it is for the white man. This is true to the extent that much of the basic meaning of being an American citizen is denied to nearly half the citizens of the State. The idea of the dignity and worth of every individual is fundamental to the American way of life and to the Judeo-Christian code of ethics on which our system is based. These concepts are systematically violated and an injustice done to us all when 42.3 percent of the citizens of this State must either accept an inferior station in life and an attitude of servility, or endanger themselves and their families by protesting. All Mississippians are thereby denied the privileges of living under the best and fairest form of government yet devised. We find that terror hangs over the Negro in Mississippi and is an expectancy for those who refuse to accept their color as a badge of inferiority; and terrorism has no proper place in the American form of government.

2. The second finding of this committee is that the State government of Mississippi is not sufficiently concerned with the task of protecting the rights of all the citizens of Mississippi. Even if police brutality were less severe and widespread than we have believed, a responsible State government would take energetic steps to ascertain the facts and punish the wrongdoers. A firm position on this matter by the State government would reduce the tendency of lesser officials to abuse their authority and would enhance the respect of the people for the State government. As matters stand today, we are forced to report that the attitude of the State government toward the realization of the rights of all our citizens has been one of obstruction rather than protection. Sections 2155.4-2155.6 of the Mississippi code are an indication of the prevailing official attitude. These sections make a conviction for perjury in a civil rights case easier to obtain than in any other perjury case. Since Negroes represent the overwhelming majority of persons likely to be forced to make sworn statements in order to secure basic rights, this 1960 legislation seems designed to intimidate or punish those of the Negro race who would assert these rights.

3. While this committee feels that the accounts of its meetings in the press of the State have usually been fair and objective, we find that in general the press is failing to meet its obligation to our society. When an element of Government exceeds or neglects its proper role in a free society, it is the duty of the press to alert the people to the situation. The people of Mississippi are largely unaware of the extent of the problem of illegal official violence and the press is partly to blame. It is a zealous crusader against governmental injustice when the Federal Government is believed to be at fault, but closes its eyes to State or local official mistreatment of Negro citizens.

4. This committee finds many citizens of Mississippi continue not to have the equal protection of law due them as American citizens.

We note with approval and commendation the increased activity of the U.S. Justice Department and the Federal Bureau of Investigation in attempting to secure equal protection for all citizens—especially in the accelerated prosecution of voter denial suits and the enlargement of the FBI office in Jackson.

However, at this time, we deem it of utmost importance that some procedure be devised whereby the physical safety and security of all persons seeking to obtain or exercise their constitutional rights may be guaranteed. This is a function which normally and rightfully belongs to local and state authorities. But the quality of law enforcement varies so widely throughout the State as to make the usual avenues for securing protection inadequate.

In the light of the public statements of cooperation made by Gov. Paul Johnson on February 9, 1965, we respectfully suggest that Governor Johnson, as chief law enforcement officer of the State, use the great prestige of his office to initiate a voluntary, statewide program of cooperation between local and State law enforcement officers with Federal authorities to the end that all Mississippi citizens may be secure in their homes and persons.

5. We are encouraged by the fact that a small number of public officials have expressed a desire to take leadership away from the forces of intolerance and place it in the hands of those who have an honest desire to live in an atmosphere of decency and human dignity. In a few instances we have seen individuals and organization leaders publicly state and defend a position to make equality a reality in our State. These persons should be encouraged. Individuals who are willing and able to give affirmative leadership in the State, rather than the leaders of reaction, should be sought for advice and consulted on political matters by the Federal Government.

The committee wishes to stress that Mississippi's most pressing problem continues to be that of persuading white Mississippians of good will to speak out publicly for law enforcement, equal protection under the law, and implementation in our public and personal lives of ideals and principles consistent with our Judeo-Christian heritage in a democratic society.

SUMMARY

The Mississippi committee will continue its much needed work. It will go to every section of the State to provide citizens with an opportunity to tell the Federal Government about their complaints of denial of equal protection, and to record the positive experiences

of communities in resolving conflict. The members continue to maintain faith that the forces of justice in this State which are silent will be inspired and motivated to speak out and oppose the forces of tyranny and injustice. It will look to the leaders of the Federal Government to fulfill their responsibilities forcefully. The people of this State and the country can depend upon us to press on toward our ultimate goal of equality of opportunity in Mississippi.

Chairman HANNAH. I would suggest that, before we proceed with the witnesses from Issaquena County, we take a 10-minute break, and that we convene again at approximately 10:45, or a minute or two after that.

(Short recess taken.)

Chairman HANNAH. We will proceed with the hearing. Mr. Taylor, will you introduce the next witness?

Mr. TAYLOR. Mr. Chairman, the next group of witnesses are from Issaquena County, and I would like Mr. Humpstone, a staff attorney, to give the Commission a little background information about the county by way of introduction.

Mr. HUMSTONE. Issaquena County lies in the west of the State along the Mississippi River. The population of the county as estimated in 1963 was 2,700 of whom 68 percent were Negroes.

In 1960 there were about 1,100 voting-age Negroes and 640 voting-age whites living in the county. It is currently estimated that 100 percent of the white voting-age population is registered to vote. As late as October 1964, no Negro was registered. Since then, nine Negroes have registered to vote.

Issaquena is a rural agricultural county consisting largely of cotton plantations. Eighty-five percent of the Negroes and 44 percent of the whites work in agriculture. In 1959, the median income for white families was about \$3,500; for Negro families, about \$960.

The median education level of Negroes in Issaquena County is completion of the fourth grade, of whites, completion of the eighth grade. In the 1960-61 school year, the Sharkey County and Issaquena County merged school district—that is, the two counties are in a single school district—spent about \$215 for each white child and about \$120 for each Negro child.

Chairman HANNAH. Any questions anyone would like to ask Mr. Humpstone? If not, proceed, Mr. Taylor.

Mr. TAYLOR. The first witness is Mrs. Jeremiah Blackwell.

Chairman HANNAH. Mrs. Blackwell, come forward.

Mrs. Blackwell, will you raise your right hand.

(Whereupon, Mrs. Jeremiah (Unita Zelma) Blackwell was duly sworn by the Chairman and testified as follows:)

Chairman HANNAH. Have a chair, please. Mr. Taylor, will you proceed with the questioning.

TESTIMONY OF MRS. JEREMIAH (UNITA ZELMA) BLACKWELL,
ISSAQUENA COUNTY, MISS.

Mr. TAYLOR. Mrs. Blackwell, will you state your full name and address for the record?

Mrs. BLACKWELL. My name is Unita Zelma Blackwell, General Delivery, Mayersville, Miss.

Mr. TAYLOR. How long have you lived in Issaquena County?

Mrs. BLACKWELL. Three years and over.

Mr. TAYLOR. And where did you live before that?

Mrs. BLACKWELL. I lived in Helena, Ark.

Mr. TAYLOR. Is there currently an effort to get Negroes in Issaquena County to vote?

Mrs. BLACKWELL. It is now. It has been since June of 1964.

Mr. TAYLOR. Could you tell us a little bit about it and your part in it?

Mrs. BLACKWELL. Well, I am now a COFO worker, and we are getting people to go down to the courthouse to register to vote. They are afraid, but they goes now, because, you know, since COFO came in there and explained to the peoples that they had a right to register, to go down to try to register to vote, and people are going out now to, you know—they's afraid to go and get cut off their welfare and get thrown off the farms and everything else, but they're standing up because we are talking to them and explaining everything.

Mr. TAYLOR. Do you know of any Negroes who were registered to vote in the county prior to the summer of 1964?

Mrs. BLACKWELL. No, because they didn't even want to talk about it. They used to talk about it and they just said "You know the white folks, they don't want us over to the courthouse, and you just can't do that."

Mr. TAYLOR. Can you give us an estimate of just how many Negroes attempted to register since the drive began?

Mrs. BLACKWELL. About 150 attempts.

Mr. TAYLOR. Did you try to keep some records of this?

Mrs. BLACKWELL. Well, up until the time now, we're just too busy going from house to house and talking to people. People are just going now every once in a while on their own now.

Mr. TAYLOR. Do you know of any Negroes who have passed?

Mrs. BLACKWELL. Yes, I do.

Mr. TAYLOR. About how many?

Mrs. BLACKWELL. Well, about nine or ten.

Mr. TAYLOR. Have any of the applicants for registration had better than a sixth grade education?

Mrs. BLACKWELL. Yes.

Mr. TAYLOR. Have there been any high school or college students?

Mrs. BLACKWELL. There has been ; teachers.

Mr. TAYLOR. Have they passed ?

Mrs. BLACKWELL. Well, I know of a teacher ; she went twice, and then she passed the last time she went. And I know a college student, and he didn't pass, and I know another college student, and she didn't pass. And that's the way it has been.

Mr. TAYLOR. How far did you go in school ?

Mrs. BLACKWELL. I went through the eighth grade.

Mr. TAYLOR. Have you attempted to register ?

Mrs. BLACKWELL. I have. Three times.

Mr. TAYLOR. Well, tell us about your first attempt.

Mrs. BLACKWELL. Well, the first time I went over, my husband and I—well, the first time, it started the day before then ; the COFO workers came in, and we had a mass meeting, and they says, "Well, who would volunteer to go over to the courthouse and try to register to vote." And we had people—to start off, we had three or four go that day and three or four go the next day, and the first day there was a group that went, and we were in the group that went the next day. And my husband and I went in, and she says, "What do you want?" and we said, "We came in to try to register." And she says, "Well, can't all of you—one at a time." And so we just went out.

And she told me to sit down, and I sit down at a little table, and she gave me this slip of paper—because I had never saw one before—and I looked at it and took my time, and I filled it out, and she stood there hanging over the bannister. And then she gave me a book, pointed out a section for me to copy, and I copied it and tried to interpret it like it said. And then the next it says about the citizenship—obligations of a citizen—and I put that down.

And then I asked her when it got down there what oath, general oath, minister's oath, I said "What oath reckon I should take?" She said "I can't help you. You have to do it yourself."

Mr. TAYLOR. She gave you a copy—she gave you a section of the Mississippi constitution to interpret ?

Mrs. BLACKWELL. That's right. The first time I went in was 182.

Mr. TAYLOR. Do you have a copy of your application form ?

Mrs. BLACKWELL. That's right, I do.

Mr. TAYLOR. Could you read that section that she gave you to interpret ?

Mrs. BLACKWELL (reading) :

The power to tax corporations and their property shall never be surrendered or abridged by any contract or grant to which the State or any political subdivision thereof may be a party, except that the legislature may grant exemption from taxation in the encouragement of manufactures and other new enterprises of public utility extending for a period of not exceeding 5 years, the time of such exemptions to commence from date of charter, if to a corporation ; and

if to an individual enterprise, then from the commencement of work; but when the legislature grants such exemptions for a period of 5 years or less, it shall be done by general laws, which shall distinctly enumerate the classes of manufactures and other new enterprises of public utility entitled to such exemptions, and shall prescribe the mode and manner in which the right to such exemptions shall be determined.

MR. TAYLOR. Thank you. Did you go back to find out whether you had passed the test?

MRS. BLACKWELL. She said come back in 30 days.

MR. TAYLOR. Did you pass?

MRS. BLACKWELL. No, I didn't. And I asked when could I take the test again and she said about 2 weeks.

MR. TAYLOR. Did you go back again a second time?

MRS. BLACKWELL. I did go back.

MR. TAYLOR. Do you know what section of the constitution you were given to interpret the second time?

MRS. BLACKWELL. Yes, I do. 111.

MR. TAYLOR. That is the section dealing with the judicial sale of land. Did you attempt to interpret—

MRS. BLACKWELL. No. I had wrote out affidavits showing that I had had over a 6th grade, you know, schooling, and I gave it to her and explains that—and she says “Well, that’s all right; you’ll have to do it anyway.” And so I just didn’t fill it out. I just wrote it and signed my name and came out.

MR. TAYLOR. Did you go back a third time?

MRS. BLACKWELL. I did.

MR. TAYLOR. And what section did you get on the third time?

MRS. BLACKWELL. Ninety-seven.

MR. TAYLOR. Did you pass?

MRS. BLACKWELL. I did. And this time she helped, because of all you know, so much had been going on and everything; all the civil rights and Justice Department, everybody running in. And she was all upset. And I went in and asked for a precinct map to find out what precinct I live in because I was paying my poll tax and one of these days I may pass, but you have to pay, you know, 2 years, and so I went in there and I says “Could you give me a precinct map, Mrs. Vandevender,” and she says, “Well, Unita, I just don’t have one and we don’t know—we don’t have anything but land maps, and that’s all I can give you,” and I said, “Well, since I’m here, I’ll take the registration test.”

And I filled it out and I had section 97 and I wrote it down and looked it over and I picked some of the words out of, you know, what I had wrote down; put that in there and turned it over. And I misspelled “length” and I said “Oh, my Lord.” And so then I filled

out the rest of it and when I got through I handed it to her, and I said "Well, I misspelled this, and well, I didn't date the top," and she said "Oh, that's all right, it's all right, it's all right." And then she ran and got the book and, you know, she was just tired of looking at me.

Mr. TAYLOR. Did you understand section 97?

Mrs. BLACKWELL. Well, I don't know. Because I just picked out, you know, what—half of what was in there.

Mr. TAYLOR. Mrs. Blackwell, what kind of farm labor do most of the Negroes in Issaquena County do?

Mrs. BLACKWELL. Well, they drive tractors, which consists of \$5 a day, \$6, and if you're a real good tractor driver, here lately you can get \$7 and stay on a man's place, and \$3 a day for chopping cotton and \$2 for picking a hundred—you know, \$2 a hundred.

Mr. TAYLOR. Did you ever ask the registrar for a copy of your application?

Mrs. BLACKWELL. Yes, I did, because I wanted to find out, you know, what it had looked like, what I'd done wrong, and, you know, she told me I could get a copy.

Mr. TAYLOR. Did you get a copy?

Mrs. BLACKWELL. Yes. I asked her "Do I get a copy?" and she said she would mail it out to me, and she told me it was \$2.50, and I told her I didn't have the \$2.50. And so I left.

And about 2 or 3 days later I went back with \$2.50. And the next time I said I want another copy, so I paid \$5 for copies.

Mr. TAYLOR. Do you think things are changing now in Issaquena County?

Mrs. BLACKWELL. Well, I hope so. But, you know—well, the people now are still afraid, and they still, you know—they just don't know what to do, because now they say the checks is going to get cut off. Because there's not no work or nothing in the wintertime, and they slowly but surely they're going down to the courthouse and trying to register to vote.

Of course they're not passing, but they're going.

Mr. TAYLOR. Do you intend to vote now that you are registered?

Mrs. BLACKWELL. I do intend to vote.

Mr. TAYLOR. Why do you think it is important?

Mrs. BLACKWELL. Because it is very important to have the people represented, and I wants somebody to represent me.

Mr. TAYLOR. Thank you, Mrs. Blackwell.

Chairman HANNAH. Any members of the Commission have any questions? Father Hesburgh?

Commissioner HESBURGH. Mrs. Blackwell, do you anticipate having any difficulty because of coming here today and making this testimony?

Mrs. BLACKWELL. Well, I don't know, because it has got to the place, you know—well, the other day we was coming out—we had been to Mr. Jackson house, and was talking to him about coming to a parent's meeting, and some white guys came up in a truck and blocked us and got out and told us all kinds of nasty things, "Get out of here and don't come back." This was a Wednesday, and the Sunday before then, and the same truck, they run a lot of school kids out because they was down talking to people, and had a shot gun out and flashing it, you know, and saying "I could have killed you way back yonder in the woods," and all this kind of stuff. And you just get to the place you know it's going to happen but you've just got to stand up and got to do something.

Commissioner HESBURGH. Thank you very much.

Chairman HANNAH. Mrs. Freeman?

Commissioner FREEMAN. Mrs. Blackwell, is the office of the registrar open every day?

Mrs. BLACKWELL. Well, yes, except Saturdays.

Commissioner FREEMAN. Do people go in and try to register every day?

Mrs. BLACKWELL. They goes down—I don't know whether they go every day or not, because sometimes they go five or six and she throws them out and says "You have to stand outside because you are blocking the way" and "You have to go in one at a time" and "You can't stand in the hall because you're blocking the hall" and "You're still blocking the way". So that's the way it is.

Commissioner FREEMAN. At the time you went down to try to register did you see any white persons trying to register?

Mrs. BLACKWELL. No. They was just in there drinking coffee, and the Highway Patrols, and you know, just standing around.

Chairman HANNAH. You are excused, Mrs. Blackwell. Thank you very much.

(Witness excused.)

Chairman HANNAH. Mr. Taylor, will you call the next witness.

Mr. TAYLOR. The next witnesses are Mr. and Mrs. Clarence Hall.

Chairman HANNAH. Mr. and Mrs. Hall.

Mr. and Mrs. Hall, will you raise your right hand.

(Whereupon, Mr. Clarence Hall and Mrs. Clarence Hall were duly sworn by the Chairman and testified as follows:)

Chairman HANNAH. Mr. Taylor, will you proceed with the questioning.

TESTIMONY OF MR. AND MRS. CLARENCE HALL, JR., ISSAQUENA
COUNTY, MISS.

Mr. TAYLOR. Mr. Hall, will you give your full name and your address and occupation?

Mr. HALL. Clarence Hall, Jr., Route 1, Box 103, Glen Allen, Miss.; farmer and work in a factory in Mississippi, Atkins Saw Plant.

Mr. TAYLOR. How many years of school have you had?

Mr. HALL. Eight years.

Mr. TAYLOR. Have you served in the Armed Forces?

Mr. HALL. Yes, I have.

Mr. TAYLOR. When was that?

Mr. HALL. World War II.

Mr. TAYLOR. Were you overseas?

Mr. HALL. Yes, I were.

Mr. TAYLOR. And did you receive any decorations?

Mr. HALL. Two battle stars.

Mr. TAYLOR. Mr. Hall, have you attempted to register to vote?

Mr. HALL. Yes. Yes, I have.

Mr. TAYLOR. How many times?

Mr. HALL. Twice.

Mr. TAYLOR. Can you tell us about the first time?

Mr. HALL. Yes, I can.

The first time I went down to pay my poll tax in 1957. When I got down, I paid my land tax and intended to pay my poll tax, and the tax collector there told me she couldn't take my poll tax because I hadn't registered to vote. So I in turn went to the registrar office.

When I got to the registrar office they told me the registrar had come down to Jackson because her sister had died, although the registrar was there, because I knew her personally. She were there. Then I left.

The next day I came back and paid my poll tax, she received my poll tax and later on I went and taken the literacy test, which she gave me section 80, and I did not pass it. She told me the only thing I missed on it was citizenship, and I didn't pass.

The second time, in 1959 I went back to pay my poll tax, Mr. Duffin and I. When we got down to the sheriff's office, I stated to the tax collector there I wanted to pay my poll tax. She said "I haven't got any order from the sheriff to collect poll tax from you."

And I said "Can you get in contact with the sheriff?" and I said "I'd appreciate it very much if you would." So she called the sheriff, whose name was Newton. At that time—it had taken about an hour or hour and a half to get to the courthouse. When I got to the courthouse he said "Good morning, boys," and I didn't say anything

because I knew I wasn't a boy and he wasn't talking to me. And he said to follow him, and his deputy took me and Duffin over in the jailhouse, and taken us inside. And when we got inside the jailhouse they closed the door. Four of us was in there together.

The words he stated, he said "I know you boys want a road down there, and I'm going to send all the equipment from down the lower end of the county and up into the upper end of the county"—which is the district I live in—"and build you all a good road. We want to keep things just like it is in Issaquena County."

When he got through talking I said "I'm not interested in a road; I'm here to pay my poll tax. If you're going to receive them or not, I would like to know." But he looked at me very hard, but he's smaller than I am. And he said "If you've got to, pay your poll tax." And I said "Thank you, I'll pay them."

Mr. TAYLOR. Was there something wrong with the road conditions near your house?

Mr. HALL. Yes. The road was very bad. There was from about 10 to 14 families on the road which is about a mile and a half or 2 miles long, nothing but mud at the time. And the children had to come out on tractor or trailer to get to school, rain, snow, or sleet. And they didn't have any way—the buses couldn't get down to take them to school. And the road was very bad, and so I laid off at that time, which was 1959. I didn't try to register no more.

But for the kids on the upper end to get a road where they could go to school, the word went out in the community there that if Mr. Duffin and I hadn't paid our poll tax we would have got a new road.

Although that were in 1959, the road didn't get completed and get a road in there until 1964, when a new supervisor came in in January 1964. Within 6 months' time he had a road from the gravel road to my house and gravel in every driveway, which is about two miles and a half. Eight years the previous supervisor stayed in, he didn't do anything. He dragged the road 25 times, and told the operator on his road grader not to come to my house, to cut off before he got to my house.

Mr. TAYLOR. Did you try to register again in 1964?

Mr. HALL. Yes; I did.

Mr. TAYLOR. Have you a copy of your application?

Mr. HALL. I have now.

Mr. TAYLOR. What section of the Mississippi constitution were you given to interpret?

Mr. HALL. 190.

Mr. TAYLOR. Section 190 of the Mississippi constitution reads as follows:

The exercise of the right of eminent domain shall never be abridged, or so construed as to prevent the legislature from taking the property and franchises of incorporated companies, and subjecting them to public use; and the exercise of the police powers of the State shall never be abridged, or so construed as to permit corporations to conduct their business in such manner as to infringe upon the rights of individuals or general well-being of the State.

Did you go back after completing your application to find out if you had passed the test?

Mr. HALL. Yes. My wife went back for me as I work every day and can't get off to go down there. She went back.

Mr. TAYLOR. How much later?

Mr. HALL. Thirty days later. And they told her I failed to pass the test.

Mr. TAYLOR. Have you attempted to get other people to attempt to register to vote in Issaquena County?

Mr. HALL. Yes; I have.

Mr. TAYLOR. What do you do to accomplish this?

Mr. HALL. Well, we have meetings throughout the county. I tells them that the only way they are going to get represented is by going down there trying to vote, which we have literature tests which is very hard, too hard to pass. And I tell them, without they go down there and vote, they cannot be represented.

What I mean about that, you don't have any representatives in the county, you don't have any in the State legislature, you don't have any in Congress; nobody to represent us. If we had representatives on our school board, we wouldn't have 175 or 200 kids out of school today. But we don't have representatives.

And without they vote and getting the vote right, we will never have representatives.

And I told them the Government will not call us monkeys, coon, and things. When the man who's running for office holler the loudest word "nigger," he won't get elected if we can vote like every other citizen.

Mr. TAYLOR. Thank you.

Mrs. Hall, I would like to ask you a few questions. Have you ever attempted to register to vote?

Mrs. HALL. Yes; I have.

Mr. TAYLOR. What sections of the Mississippi constitution were you given to interpret?

Mrs. HALL. 161, the 16th day of July.

Mr. TAYLOR. Did you pass when you took the test that time?

Mrs. HALL. No; I didn't.

Mr. TAYLOR. That's the section that deals with the concurrent jurisdiction of chancery and circuit courts.

Mrs. HALL. That's right.

Mr. TAYLOR. And it reads:

And the chancery court shall have jurisdiction, concurrent with the circuit court, of suits on bonds of fiduciaries and public officers for failure to account for money or property received, or wasted or lost by neglect or failure to collect, and of suits involving inquiry into matters of mutual accounts; but if the plaintiff brings his suit in the circuit court, that court may, on application of the defendant, transfer the cause to the chancery court, if it appear that the accounts to be investigated are mutual and complicated.

Did you pass that time?

Mrs. HALL. No; I didn't.

Mr. TAYLOR. What section were you given the second time to interpret?

Mrs. HALL. Eighty-two.

Mr. TAYLOR. Did you pass that time?

Mrs. HALL. No; I didn't.

Mr. TAYLOR. Did the registrar tell you why you had failed that time?

Mrs. HALL. She said I signed the minister's oath and the general oath, and misspelling a couple a words.

Mr. TAYLOR. Did you try again to register?

Mrs. HALL. I did.

Mr. TAYLOR. And what section were you given that time?

Mrs. HALL. Twenty-four.

Mr. TAYLOR. What was the result?

Mrs. HALL. I passed.

Mr. TAYLOR. Did you request copies of your earlier applications?

Mrs. HALL. The first one; that was all.

Mr. TAYLOR. Was there any charge for that, Mrs. Hall?

Mrs. HALL. \$2.50.

Mr. TAYLOR. Thank you.

Chairman HANNAH. Do Commissioners have questions? Father Hesburgh?

Commissioner HESBURGH. Mr. Hall, you had some difficulty getting to vote. Did you have some difficulty getting in the Army?

Mr. HALL. I did not.

Commissioner HESBURGH. Do you think a man who serves his country in battle has a special right to vote, or is entitled to vote in a very special kind of way?

Mr. HALL. Well, when a man put his life up for his country, I do think he should have a right to every right that's given to any other citizen of the United States of America.

Commissioner HESBURGH. Why do you want to vote, Mr. Hall?

Mr. HALL. I wants to vote so I can place people in positions where they are going to represent me and other poor people—their needs.

Commissioner HESBURGH. Thank you, Mr. Hall.

Chairman HANNAH. Mrs. Freeman?

Commissioner FREEMAN. What was your rank when you were in the Army?

Mr. HALL. Sergeant.

Commissioner FREEMAN. Mrs. Hall, when did you pass the voting registration test?

Mrs. HALL. Fourth day of January 1965.

Commissioner FREEMAN. Just last month?

Mrs. HALL. That's right.

Chairman HANNAH. Dean Griswold?

Commissioner GRISWOLD. Mr. Hall, what was the date on which you most recently took the test?

Mr. HALL. The 10th of August 1964.

Commissioner GRISWOLD. Had you planned or thought of seeking to take it again?

Mr. HALL. I do.

Commissioner GRISWOLD. In the near future, or—

Mr. HALL. Yes, in the near future.

See, I works every day and I have to take off a day to go down there. See, I works in a plant.

Commissioner GRISWOLD. Have you arranged to take a day off from time to time?

Mr. HALL. Well, I cannot just do it with that personal excuse, you see. And sometimes I can get an excuse to get off that day.

Commissioner GRISWOLD. That costs you a day's wages?

Mr. HALL. It do that.

Commissioner GRISWOLD. Do you feel subject to any pressure at the plant because of your efforts to vote?

Mr. HALL. Well, the tension is kind of building up in the last few days a little. I can kind of tell about there formerly and the last few days, the tension is building up a little bit.

Commissioner GRISWOLD. But your employer does allow you a day off on your request in order to register to vote?

Mr. HALL. No; not to register to vote. I don't tell him anything about I'm going to register to vote.

Commissioner GRISWOLD. He must know what your purpose is, don't you think?

Mr. HALL. Well, I imagine he do, because when they taken deposition a few weeks ago I was on the witness stand and my name came out in the papers. And I gathered from that, why he saw that and he knows, a little tension will follow most of the time.

Commissioner GRISWOLD. Do you anticipate any difficulty getting time off when you want to next try to register to vote?

Mr. HALL. Well, I don't know. I couldn't answer directly now.

Chairman HANNAH. How long were you in the armed services?

Mr. HALL. I was in the armed services 5 years 4 months.

Chairman HANNAH. In the Army?

Mr. HALL. In the Army.

Chairman HANNAH. I gather you were overseas?

Mr. HALL. I were overseas 3 years.

Chairman HANNAH. Where did you serve overseas?

Mr. HALL. European theater of operations.

Chairman HANNAH. You had no problems in the armed services?

Mr. HALL. I did not.

Chairman HANNAH. Do you have children in school?

Mr. HALL. I had one in school, but he is not in school today.

Chairman HANNAH. Will he be in school tomorrow or next week?

Mr. HALL. He will not unless the condition is changed.

Chairman HANNAH. Why will he not be in school?

Mr. HALL. Because our—they taken our—at least the kids—their button to school, which is COFO, they're student nonviolent. And the principal put them on a bus and sent them all home. And now you have to sign for the right for your kids to go to school.

You didn't sign them in school, and I don't think you should have to sign to send them back to school.

Also we sent a committee to talk to the school board, the superintendent of education, and he refused to talk with them. He told them—we told them that we wanted—the parents wanted to meet the board of education and explain to them and get their decision on why the kids had to pull off their button to go back in the school, and other problems which we are having at the school we want to tell them.

And the school board, school board of education, refused to meet the parents. They turned it down: "No, we can't meet you."

Chairman HANNAH. Is it a son or daughter that you have in school?

Mr. HALL. A son.

Chairman HANNAH. How old is the boy?

Mr. HALL. Eight years old.

Chairman HANNAH. And he was sent home because of some button he was wearing? Is that what I understand you to say?

Mr. HALL. He wasn't sent home because of the button he was wearing, but the other people's children in the neighborhood was sent home, and we are trying to get to meeting with the school board to clear up all the problem. And we decided, after they sent one of them home, to take all of them out of the school until we could meet the board and get the board to talk to us personally.

Chairman HANNAH. Does the school board control all the schools in the two counties?

Mr. HALL. It do that.

Chairman HANNAH. Are there any Negroes on the school board?

Mr. HALL. That's one of the points: No Negroes on the school board. We want to get some on the school board.

Chairman HANNAH. How large is the school that your son attends?

Mr. HALL. His elementary school, I think it's about 500 or 600 kids there, which is real small; they're crowded; 60 I think would be to one teacher, which I think the minimum is about 25 and the maximum about 30, if I'm not mistaken. But we understand they have from 30 to 40 and sometimes 60 in a room to one teacher. And these are some of the problems we would like to get straightened out.

Chairman HANNAH. What grade is your son in?

Mr. HALL. Third grade.

Chairman HANNAH. Do you know exactly how many students are in the one room with your son?

Mrs. HALL. Thirty-four.

Mr. HALL. My wife says 34.

The reason I don't know directly, because I was elected on the PTA at the Letter-Menzer School, and the principal—we met about 3 or 4 time and we discussed some problem about our desegregating the school and about what was happening under the new civil rights bill and how it would affect us. And he told me flat that he wasn't going to have no civil rights lesson in school, and I asked him whether the superintendent of education told him to do it, and he told me no; he just turned a fit and I said from that day on he wasn't going to have any more PTA meeting in the school. We don't have any PTA meeting in the high school or in the elementary school.

When the principal say no, the school board go along with the principal; the superintendent of education tell the principal what to do and he is backed up by the school board.

Chairman HANNAH. Are there any other questions?

Mr. TAYLOR. No further questions.

Chairman HANNAH. You are excused. Thank you very much.

(Witnesses excused.)

Mr. TAYLOR. The next witness is Mr. Percy Brinson.

Chairman HANNAH. Mr. Brinson, will you raise your right hand.

(Whereupon, Percy Brinson was duly sworn by the Chairman and testified as follows:)

Chairman HANNAH. Have a chair, Mr. Brinson. And Mr. Taylor, will you begin the questioning?

TESTIMONY OF PERCY BRINSON, ISSAQUENA COUNTY, MISS.

Mr. TAYLOR. Mr. Brinson, would you state your full name, your address, and your occupation?

Mr. BRINSON. Percy Brinson, Post Office Box 342, Glen Allen, Miss., Issaquena County.

Mr. TAYLOR. And what is your occupation, sir?

Mr. BRINSON. Farmer.

Mr. TAYLOR. How long have you lived in Issaquena County?

Mr. BRINSON. All my days, right there, my home right there.

Mr. TAYLOR. How large is your farm?

Mr. BRINSON. Ninety-six acres.

Mr. TAYLOR. Could you tell us the approximate income of the farm on an annual basis?

Mr. BRINSON. I would say approximately \$9,000.

Mr. TAYLOR. Do you do the bookkeeping and keep the figures for your farm?

Mr. BRINSON. I do.

Mr. TAYLOR. Before 1964, had you ever attempted to register to vote?

Mr. BRINSON. I did not.

Mr. TAYLOR. Could you tell us why not, Mr. Brinson?

Mr. BRINSON. Because I knew that it wasn't wanted to be, and I knew of people that had tried and was turned down. And we always try to keep it peaceable, and we just went along and didn't do it because it would have been better for us at the time. Therefore I never attempted to.

Mr. TAYLOR. When did an organized effort to register Negroes begin?

Mr. BRINSON. About July 1964.

Mr. TAYLOR. After that effort began, did you attempt to register?

Mr. BRINSON. I did.

Mr. TAYLOR. Can you tell us about it?

Mr. BRINSON. This was what happened: The day that the civil rights people were in there—I didn't know anything about anyone being in the county, but they were there, but I hadn't seen any—but the sheriff came to my house that morning and told my wife that he wanted to see me. He wanted even to bring me some water down in the field where I was. But he didn't get to me that morning, but he was back there before I got away at noon and told me, you know, how we all grew up there and everything together, and there wouldn't be anything hazardous with me going down there to register to vote, to go down there; he urged me to go down there and vote, because there wouldn't be anyone to object to anything of the kind.

Mr. TAYLOR. So you did go?

Mr. BRINSON. I did go.

Mr. TAYLOR. Do you have a copy of your test?

MR. BRINSON. Yes.

MR. TAYLOR. Can you tell me what section of the Mississippi constitution you were given to interpret?

MR. BRINSON. Twenty-one.

MR. TAYLOR. Can you read it for us?

MR. BRINSON (reading):

Section 21. Habeas corpus. The privilege of the writ of habeas corpus shall not be suspended, unless when in the case of rebellion or invasion, the public safety may require it, nor ever without the authority of the legislature.

MR. TAYLOR. Thank you. After you took the test, did you go back to find out if you had passed?

MR. BRINSON. I did.

MR. TAYLOR. What did the registrar say to you at that time, sir?

MR. BRINSON. When I went back, she told me I couldn't get it then because they didn't have any returns on it.

MR. TAYLOR. Do you have any idea what she meant by that?

MR. BRINSON. I did not, because I knew just that much about it. I didn't know where it had to go, that somebody had to be interviewed, or what-not. I didn't know whether it had left the office or not. I just took their word and went on.

MR. TAYLOR. Did you ever find out whether you had passed?

MR. BRINSON. Yes, sir; I did. I went back and asked her for the copy of it and she gave it to me at that time. It was \$2.50 fees.

MR. TAYLOR. And did you pass?

MR. BRINSON. No, sir; I did not.

MR. TAYLOR. Were you anxious to register to vote?

MR. BRINSON. Well, I did; yes, sir—I was.

MR. TAYLOR. Can you tell us why?

MR. BRINSON. I wanted to vote because we don't have anybody to represent us. We don't have anybody to put forth to see what is going on. We don't know; we don't make any decision. We can't give you a job. We can't take you off of one. We can't help you on one. But if I can vote, probably that will give me a little power to have something then that would benefit us—not myself, but the colored people.

That is what we want, and the poorer class of people, whether they are white or black.

MR. TAYLOR. Thank you, Mr. Brinson.

Chairman HANNAH. Father Hesburgh, do you have a question?

Commissioner HESBURGH. Yes. Mr. Brinson, do you pay taxes?

MR. BRINSON. Yes, sir.

Commissioner HESBURGH. You paid them all your life?

MR. BRINSON. Yes, sir.

Commissioner HESBURGH. I mean while you've been working and making money?

Mr. BRINSON. Yes, sir.

Commissioner HESBURGH. Do you think people who pay taxes should be able to vote?

Mr. BRINSON. I think so, especially where, you know, you are a citizen of the community. When you were born and raised there and been there all the time, I thought naturally you would be a citizen.

Commissioner HESBURGH. You don't find anything wrong with your intelligence when you can run a farm and keep books on \$9,000 a year, do you?

Mr. BRINSON. Well; no, sir.

Commissioner HESBURGH. Do you think you could judge whether a candidate is good or not?

Mr. BRINSON. Yes, yes.

Commissioner HESBURGH. Well, I agree with you on paying taxes and voting, because that's how the United States became a country.

Mr. BRINSON. Yes.

Commissioner HESBURGH. We didn't used to be able to have any vote, and they had the thing called the Boston Tea Party, and that's how it all got started.

Thank you.

Chairman HANNAH. Mrs. Freeman.

Commissioner FREEMAN. Mr. Brinson, do you know if the sheriff encouraged other Negroes in your neighborhood to vote?

Mr. BRINSON. Oh, yes, he did; he wanted to see some more of them there and he went around. But now what he told them, I don't know. But I just know what he told me.

Commissioner FREEMAN. And what did you say he told you?

Mr. BRINSON. He told me to go down there. He urged me to go that day if I wanted to, and whenever I go, there wouldn't be any objection. They wanted me to go into it. But I never heard anything of that until that particular day. And he said the civil rights people were in Mayersville that day.

Commissioner FREEMAN. The civil rights people were there that day?

Mr. BRINSON. That day. And he said if I hadn't seen them, he know that I would see them, because they were coming around.

Commissioner FREEMAN. Do you intend to take the test again?

Mr. BRINSON. Yes, ma'am, I do.

Chairman HANNAH. Mr. Patterson?

Vice Chairman PATTERSON. Mr. Brinson, why do you believe you failed the test after the sheriff asked you to go take it?

Mr. BRINSON. I don't know why. I guess I just maybe didn't have it—everything right. She didn't tell me why I failed or anything about it. And naturally, I wouldn't know.

Vice Chairman PATTERSON. You mentioned that you figured if you could vote, that the poor class of people could get representation?

Mr. BRINSON. Yes, sir.

Vice Chairman PATTERSON. Do you think that the poor class of white people and the poor class of Negro people would fare the same under the same kind of representative?

Mr. BRINSON. I wouldn't definitely say that I know they would fare better, both classes, but I do think it would increase the help of the Negro class. There hasn't been any to represent them at any time.

Vice Chairman PATTERSON. My question—I will rephrase it—is, do you think what is good for the poor class of Negro is also good for the poor class of white?

Mr. BRINSON. I do think so. I do.

Chairman HANNAH. Mr. Brinson, do you have sons or daughters?

Mr. BRINSON. Yes, sir.

Chairman HANNAH. How far did they go in school?

Mr. BRINSON. Well, I have had a daughter, she went through college. She had 2 years of college. She is grown, married. She lives in St. Louis, my daughter does. She has a family.

Chairman HANNAH. Do you have other children?

Mr. BRINSON. I have a son, and he is in the Army.

Chairman HANNAH. How far did he go in school?

Mr. BRINSON. Oh, he went about sixth grade.

Chairman HANNAH. He is in the Army now?

Mr. BRINSON. He's in the Army. He has been in for 20 years, and he expects to stay there.

Chairman HANNAH. Where is he stationed?

Mr. BRINSON. He's stationed—oh, I don't remember just the place now. I wouldn't give you any wrong definition on it.

Chairman HANNAH. I have no further questions.

Mr. Taylor, any further questions?

Mr. TAYLOR. No, sir.

Chairman HANNAH. Thank you very much, Mr. Brinson. We appreciate your being here this morning.

(Witness excused.)

Chairman HANNAH. Mr. Taylor, will you call the next witness?

Mr. TAYLOR. Yes. Next witness is Mrs. Luetishie Selveye English.

Chairman HANNAH. Mrs. English, will you raise your right hand.

(Whereupon, Mrs. Luetishie Selveye English was duly sworn by the Chairman and testified as follows:)

Chairman HANNAH. Have a chair.

Mr. Taylor, will you begin the questioning?

TESTIMONY OF MRS. LUETISHIE SELVEYE ENGLISH, ISSAQUENA COUNTY, MISS.

Mr. TAYLOR. Mrs. English, will you give your full name and your address and your occupation?

Mrs. ENGLISH. Luetishie Selveye English, Route 1, Box 103A, Glen Allen, Miss. Occupation, housewife.

Mr. TAYLOR. How long have you lived in Issaquena County?

Mrs. ENGLISH. Approximately 22 years.

Mr. TAYLOR. What grade of education did you complete in the schools?

Mrs. ENGLISH. Nine; completed the ninth.

Mr. TAYLOR. Where did you go to school?

Mrs. ENGLISH. Booker T. Washington High, New Orleans, La.

Mr. TAYLOR. Have you attempted to register to vote, Mrs. English?

Mrs. ENGLISH. I have.

Mr. TAYLOR. When did you attempt to register for the first time?

Mrs. ENGLISH. Tenth of August, 1964.

Mr. TAYLOR. Do you have a copy of your application form?

Mrs. ENGLISH. I do.

Mr. TAYLOR. What section of the Mississippi constitution were you given to interpret?

Mrs. ENGLISH. 274.

Mr. TAYLOR. Can you read that section for us, please?

Mrs. ENGLISH (reading):

The laws of this State now in force, not repugnant to this constitution, shall remain in force until amended or repealed by the legislature, or until they expire by limitation. All statute laws of this State repugnant to the provisions of this constitution, except as provided in the next three sections, shall continue and remain in force until the first day of April, A.D. 1892, unless sooner repealed by the legislature.

Mr. TAYLOR. Did you understand that section?

Mrs. ENGLISH. No, I did not.

Mr. TAYLOR. Did you pass the test?

Mrs. ENGLISH. No, I did not.

Mr. TAYLOR. When did you go back again?

Mrs. ENGLISH. Went back on the second of November.

Mr. TAYLOR. What section were you given that time, Mrs. English?

Mrs. ENGLISH. 162.

Mr. TAYLOR. That is a section that reads:

All cases that may be brought in a chancery court whereof the circuit court has exclusive jurisdiction shall be transferred to the circuit court.

Mrs. ENGLISH. Yes.

Mr. TAYLOR. Did you pass that time?

Mrs. ENGLISH. No, I did not.

Mr. TAYLOR. Did you try again to register to vote?

Mrs. ENGLISH. I did.

Mr. TAYLOR. What section were you given that time?

Mrs. ENGLISH. Section 48.

Mr. TAYLOR. That is the section that reads:

Senators and representatives shall in all cases except treason, felony, threat or breach of the peace, be privileged from arrest during the session of the legislature and for 15 days before the commencement and after the termination of such session.

Did you pass that time?

Mrs. ENGLISH. No, I did not.

Mr. TAYLOR. But are you now registered to vote?

Mrs. ENGLISH. No, I'm not.

Mr. TAYLOR. That's all.

Chairman HANNAH. Father Hesburgh, do you have any questions?

Commissioner HESBURGH. Mrs. English, are there white people in the county of approximately your same level of education who do pass these tests?

Mrs. ENGLISH. I believe so.

Commissioner HESBURGH. How does it happen they pass?

Mrs. ENGLISH. I couldn't answer that.

Commissioner HESBURGH. Are you going to try again?

Mrs. ENGLISH. Yes, I am.

Commissioner HESBURGH. You are going to keep trying?

Mrs. ENGLISH. That's right.

Commissioner HESBURGH. Why do you want to vote, Mrs. English?

Mrs. ENGLISH. Well, I believe that you are not a citizen until you become eligible to vote.

Commissioner HESBURGH. Thank you, Mrs. English.

Chairman HANNAH. Mrs. Freeman.

Commissioner FREEMAN. Mrs. English, during the times when you have been taking these tests, have there been any other white persons taking the tests?

Mrs. ENGLISH. No. Only one in the room at a time.

Commissioner FREEMAN. Do you subscribe to a regular daily newspaper?

Mrs. ENGLISH. No; I do not.

Commissioner FREEMAN. You keep up with the news?

Mrs. ENGLISH. I watch the news on TV.

Commissioner FREEMAN. You believe that you understand the news?

Mrs. ENGLISH. Well, I tries to understand the best I can.

Commissioner FREEMAN. You believe you understand how this country operates?

Mrs. ENGLISH. Well, I am learning more and more, I think. [Laughter.]

Commissioner FREEMAN. And you want to participate in it?

Mrs. ENGLISH. I do.

Chairman HANNAH. Dean Griswold.

Commissioner GRISWOLD. Mrs. English, do you know how you happened to get these particular sections of the constitution to interpret? Were they handed to you by the registrar or did you draw them from a box, or how did you get these particular sections?

Mrs. ENGLISH. They was given to me by the registrar. They picks it out in the book and rings around a circle—puts a circle around it with a pencil what section you're to copy.

Commissioner GRISWOLD. And you copied a section——

Mrs. ENGLISH. Out of a book.

Commissioner GRISWOLD. Which she told you to copy?

Mrs. ENGLISH. That's right.

Commissioner GRISWOLD. And then you were asked to interpret or explain that section?

Mrs. ENGLISH. That's right.

Commissioner GRISWOLD. But you don't know on what basis the particular section assigned to you was chosen?

Mrs. ENGLISH. No; I do not.

Commissioner GRISWOLD. Did she seem to open the book and put a circle around a number, or what?

Mrs. ENGLISH. She opened the book and laid it on the table and circled around it, the section that she wanted me to copy.

Commissioner GRISWOLD. Then you think that the section was picked by her——

Mrs. ENGLISH. Yes.

Commissioner GRISWOLD. —not by chance?

Mrs. ENGLISH. I believe it was picked by her.

Chairman HANNAH. Mr. Rankin.

Commissioner RANKIN. Did you make any study of the Mississippi constitution before you took the test?

Mrs. ENGLISH. No. I never had a chance. I never seed it before.

Commissioner RANKIN. Did you pay any fees?

Mrs. ENGLISH. No, I didn't pay any fees for to register. I paid \$2.50 for a copy of the register form.

Commissioner RANKIN. Each time?

Mrs. ENGLISH. I just got a copy of my application once.

Vice Chairman PATTERSON. Mrs. English, did you try to write your interpretation down, or did you have to say it out loud?

Mrs. ENGLISH. Write it down.

Vice Chairman PATTERSON. Did you try?

Mrs. ENGLISH. I did.

Chairman HANNAH. Mrs. English, did you pay a poll tax?

Mrs. ENGLISH. This year for the first time.

Chairman HANNAH. You paid that before you tried to register?

Mrs. ENGLISH. No, I paid that in January, since I tried to register.

Chairman HANNAH. Any further questions, Mr. Taylor?

Mr. TAYLOR. Do you intend to try again, Mrs. English?

Mrs. ENGLISH. I do.

Mr. TAYLOR. That is all.

Chairman HANNAH. You are excused, Mrs. English.

(Witness excused.)

Chairman HANNAH. Mr. Taylor, will you call the next witness?

Mr. TAYLOR. I would like now to call a staff witness, Dr. Hannah.

Mr. Charles Humpstone.

Chairman HANNAH. Mr. Humpstone, will you raise your right hand.

(Whereupon, Charles Cheney Humpstone was duly sworn by the Chairman and testified as follows:)

TESTIMONY OF CHARLES CHENEY HUMPSTONE, STAFF ATTORNEY, U.S. COMMISSION ON CIVIL RIGHTS

Mr. TAYLOR. Mr. Humpstone, will you state your full name and address for the record?

Mr. HUMPSTONE. Charles Cheney Humpstone, 511 Queen Street, Alexandria, Va.

Mr. TAYLOR. And what position do you occupy with the Commission?

Mr. HUMPSTONE. I am a staff attorney on the staff of the General Counsel's office.

Mr. TAYLOR. Are you a member of the bar?

Mr. HUMPSTONE. I am a member of the bar of New York and of the Federal courts in New York.

Mr. TAYLOR. Did you do an analysis of the voting applications in Issaquena County?

Mr. HUMPSTONE. I did.

On February 11, 1965, Mr. Richard Bellman, another Commission staff attorney, and I, examined the registration and voting records of Issaquena County. Completed application forms in the registrar's possession date from July 1961 to February 1965. Analysis of these Issaquena County application forms indicates that the registrar passes all white applicants, giving assistance to some. She gives many Negroes extremely difficult sections of the Mississippi constitution to interpret and has failed all but nine.

The present Mississippi registration application form has three significant questions: Question 18 requires the applicant to copy a section of the State constitution designated by the registrar; question 19 requires him to interpret the section; question 20 requires him to set forth his understanding of the duties and obligations of citizenship under a constitutional form of government.

For the period from July 1961 to July 1964, prior to the first Negro attempt to register, the registrar relied primarily on three of the shorter and less difficult sections of the constitution in administering questions 18 and 19. Of the 133 white applicants who took the test prior to the first Negro attempt, 107 were given one of these three sections. The remaining sections used were also, for the most part, short and easy to understand.

After the first Negro attempted to register on July 3, 1964, the pattern changed. Since that date the registrar has chosen from among more varied, and slightly more difficult, sections in testing whites. Many Negroes have received sections comparable to those now being given whites, but almost one-half of them have received extremely difficult sections, some of which you have just heard.

Since July 3, 1964, more than a hundred Negroes have attempted to register. Only nine Negroes have succeeded while all white applicants have passed.

Forms for the period prior to the first Negro attempt indicate that assistance was provided many of the white applicants in completion of their registration tests. This conclusion is based upon similarity or identity of answers on many of the whites forms, suggesting that applicants were provided with answers. For example, of the 138 applicants, 48 were asked to interpret section 35. This section reads:

"The senate shall consist of members chosen every 4 years by the qualified electors of the several districts."

Fifteen of the forty-eight whites who interpreted this section said, "To elect the senate members every 4 years in order to get people who keep abreast of the times." One of these omitted the word "abreast" so that his answer read, "To elect the senate members every 4 years in order to get people who keep of the times." Fourteen of these same

fifteen persons answered question 20, on the duties of citizenship, with the following: "To obey the laws of the State and serve in a useful capacity whenever possible." The other person only slightly varied this response.

Another set of verbatim answers was found in a group of forms in which the applicants were interpreting section 240. That section reads:

"All elections by the people shall be by ballot."

Twenty-one persons were asked to interpret section 240. Nine of these 21 interpreted section 240 by stating: "Election of the people shall be held by secret ballot." The word "secret" is not suggested by the wording of section 240. All nine also used identical words to answer question 20: "Obey the duties of the Government and carry out the rules and laws to the best of your ability."

A number of inadequate answers were accepted. For example, one white applicant asked to interpret section 35, which reads, "The senate shall consist of members chosen every 4 years by the qualified electors of the several districts," wrote only, "equible wrights"—spelled e-q-u-i-b-l-e w-r-i-g-h-t-s—and passed. Six persons left question 20 on the duties of citizenship blank altogether and were nevertheless passed.

Six white persons failed to sign their applications. Thirteen whites signed the "minister's oath," instead of signing on the line provided for their signatures. Yet three Negroes have been denied registration for failure to sign on the appropriate line.

White persons not qualified to register, under Mississippi statutory requirements, were also nevertheless permitted to take the registration test and to register. Twelve applicants were permitted to register although their own statements showed that they did not meet the requirement of residence in Mississippi for 2 years prior to the next ensuing election.

MR. TAYLOR. Mr. Humpstone, is this a summary of your full report?

MR. HUMPHSTONE. It is a summary of the full report. And I would like now to submit the complete analysis for inclusion in the record.

MR. TAYLOR. Thank you.

Chairman HANNAH. Dean Griswold?

Commissioner GRISWOLD. Mr. Humpstone, do you have any judgment or conclusion based upon your examination of these records as to whether the registration procedures in Issaquena County over the period which you have examined are administered in a fair and non-discriminatory manner?

MR. HUMPHSTONE. I do, sir. And my opinion is that they are not.

Chairman HANNAH. Any further questions? Mr. Rankin?

Commissioner RANKIN. Am I correct in thinking you found discrimination in two ways? First, whites are given easier sections of the constitution to interpret; is that one?

Mr. HUMPHSTONE. I believe—as I said, in the earlier period, before the first Negro attempt, that almost all whites were given very easy sections. Since the first Negro attempt, the sections given the whites have been slightly more difficult. And a substantial number of Negroes got those same easier sections. But since very nearly half of the Negroes got the extremely difficult sections that you heard earlier, I believe that they are——

Commissioner RANKIN. But that situation still exists even though there has been some change?

Mr. HUMPHSTONE. It does, sir.

Commissioner RANKIN. And the second point: That incorrect interpretations are more frequently accepted from whites than from colored; is that correct?

Mr. HUMPHSTONE. That is correct.

Chairman HANNAH. Any further questions, Mr. Taylor?

Mr. TAYLOR. Mr. Chairman, I would like to have the complete analysis marked as exhibit No. 1 and introduced into the record.

(Commission's exhibit No. 1 was marked for identification and received in evidence.)

Mr. TAYLOR. I would also like to note, Mr. Chairman, that the registrar of Issaquena County, Mrs. Mary Vandevender, was given notice of the expected testimony here and an opportunity to appear both at the executive and at the public sessions. But in response to this, her attorney communicated with the Commission and said that because of the pendency of a Federal court proceeding filed by the Department of Justice during the last month, she would not appear.

Chairman HANNAH. Dean Griswold?

Commissioner GRISWOLD. Mr. Humpstone, did you get any information which would lead you to know, or to have an opinion as to how these sections have been selected in Issaquena County? Are they simply picked by the registrar or is there any effort made to select them by lot or chance?

Mr. HUMPHSTONE. I must answer that two ways, Dean Griswold.

I asked the registrar how she selected sections when I visited her office some months ago, and she told me then that she chose the sections at random.

I do not believe, however, from my own analysis of the records—to state it otherwise, it is my opinion that the sections given the Negroes were not chosen at random, because they seemed to me substantially more difficult than the sections given the whites.

Chairman HANNAH. Any other questions?

Mr. TAYLOR. I have one more.

Chairman HANNAH. Mr. Taylor.

Mr. TAYLOR. Mr. Humpstone, how do you distinguish between the applications of white and Negro citizens?

Mr. HUMPHSTONE. Mississippi law does not provide for identification of the race of an applicant upon the application form or in the registration book. We, therefore, consulted with the postmasters of the various post offices serving Issaquena County and with residents and asked them to the best of their ability to identify the race of the individuals whose names appeared on the application forms.

I no longer have my detailed study, but that shows the number of positive identifications we were able to make. We were informed by consulting Justice Department files that all applicants prior to July 3, 1964, were whites. I believe we identified 80 percent of the signatures in that period. We found no Negroes among them—all whites.

For the subsequent signatures, we had about an equal pattern of identification.

As I say, I don't remember the exact figure. It is my recollection that about 80 percent of the signatures were identified, and we only referred to the applications, in making our analysis, on which we had obtained positive racial identification.

Mr. TAYLOR. One further question: One of the witnesses here this morning testified that the registrar refused to tell her whether or not to sign on the minister's oath because she could not provide assistance. Do you know what the Mississippi law is in this regard?

Mr. HUMPHSTONE. There is a Mississippi statute which prohibits the registrar from assisting the applicant in any way.

Mr. TAYLOR. Thank you.

Chairman HANNAH. You are excused, Mr. Humpstone.

(Witness excused.)

Chairman HANNAH. Mr. Taylor, will you call the next witness.

Mr. TAYLOR. Mr. Chairman, the next group of witnesses are residents of Humphreys County. And I would like to introduce this by asking Mr. Bellman if he will give the Commission a little background information on the county.

Chairman HANNAH. Mr. Bellman, will you proceed?

Mr. BELLMAN. Thank you.

Humphreys County is in the west central part of the State. The total population of the county in 1963 was estimated at 19,000 of whom two-thirds were nonwhite.

About 68 percent of the 3,344 voting age whites are registered to vote, while zero percent of the 5,561 voting age Negroes are registered.

Humphreys County is largely a rural county with about two-thirds of the Negroes and about a fourth of the whites employed in agriculture.

In 1959 the median income for white families was \$4,092, and for Negro families \$1,072.

The median level of education for whites is 10th grade, and for Negroes, 5th grade. In the 1960-61 school year, the Humphreys County school district spent over \$200 for each white child and less than \$90 for each Negro child.

The history of voting registration efforts in Humphreys County in the 1950's is important to an understanding of the situation today. In 1955, after a Federal Court order directing the sheriff of the county to permit Negroes to pay poll taxes, 400 Negroes were allowed to pay the tax and 94 registered to vote.

On May 7, 1955, Rev. George W. Lee, the first Negro in the county to register and the leader of the registration effort, was killed by a shotgun blast. Six months later a shotgun blast severely wounded Rev. Gus Courts, who, with Reverend Lee, had led the registration effort. Reverend Courts left the county.

From that time to August 1964, no Negroes voted or attempted to register in Humphreys County, and the number of Negroes registered has actually declined.

Chairman HANNAH. Thank you, Mr. Bellman.

Mr. Taylor?

Mr. TAYLOR. Mr. Chairman, I would like to call as witnesses Mrs. Mary Oliver Welsh and Mrs. Daisy Griffin.

Chairman HANNAH. Mrs. Welsh and Mrs. Griffin.

Ladies, will you each raise your right hand.

(Whereupon, Mrs. Mary Oliver Welsh and Mrs. Daisy Griffin were duly sworn by the Chairman and testified as follows:)

Chairman HANNAH. Mr. Taylor, will you proceed with the questioning?

TESTIMONY OF MRS. MARY OLIVER WELSH AND MRS. DAISY GRIFFIN, HUMPHREYS COUNTY, MISS.

Mr. TAYLOR. Mrs. Welsh, would you please give your full name and address for the record?

Mrs. WELSH. Mary Oliver Welsh, 17 Ruby Street, in Belzoni.

Mr. TAYLOR. Are you employed?

Mrs. WELSH. No.

Mr. TAYLOR. How do you support yourself?

Mrs. WELSH. Well, I gets \$47 a month old-age assistance.

MR. TAYLOR. Do you receive Government commodities in addition to that?

MRS. WELSH. I do.

MR. TAYLOR. Have you attempted, Mrs. Welsh, to register to vote.

MRS. WELSH. I have.

MR. TAYLOR. Did you go down to register with someone, or all by yourself?

MRS. WELSH. I and her went together.

MR. TAYLOR. You went with Mrs. Griffin?

MRS. WELSH. That's right.

MR. TAYLOR. Can you tell us what the registrar said to you when you went down to register, and what you said to him?

MRS. WELSH. Well, when I went to register, the registrar asked me what did I come down there for. I told him "To register."

He said, "Register? For what?"

I told him, "To vote."

He said, "Vote? For what?"

And I told him I didn't know what I was coming to vote for.

He hollered at me and scared me so, I told him I didn't know what I came to vote for. I was just going to vote.

MR. TAYLOR. Did he say anything to you about your commodities?

MRS. WELSH. Well, he told me I was going to get in trouble, and he wasn't going to give me no commodities. That's what he said.

MR. TAYLOR. Were there any other persons in the room when you filled out the form?

MRS. WELSH. Well, Mr. Shelton, he was there, but he was at the front. And it was a lady in there; I suppose it was his wife. And it was a law, young law was in there where I was, and he said one day we's going to wake up. I don't know who he was, but that's what he said.

MR. TAYLOR. He was a policeman?

MRS. WELSH. I know he was, because he had a gun on him.

MR. TAYLOR. And he said that to you?

MRS. WELSH. Yes. He said to me one day we's going to wake up.

MR. TAYLOR. What happened to you—or did anything happen to you as you left the registrar's office?

MRS. WELSH. Well, as we came down out of the registrar, and went on down in the hall, there was some more polices there and Mr. Jack Purvis, and he took our picture, Mr. Purvis did. And as we go on out, one of the laws followed us to where we got out, but he didn't say nothing to me and her, but he followed us.

MR. TAYLOR. In your car?

MRS. WELSH. That's right.

MR. TAYLOR. You left in your car?

MRS. WELSH. That's right.

MR. TAYLOR. Why do you want to vote, Mrs. Welsh?

MRS. WELSH. Well, I want to vote for freedom. That's all I know.

MR. TAYLOR. Mrs. Griffin, would you give us your full name and address for the record?

MRS. GRIFFIN. Daisy Griffin, Belzoni, Miss. And I lives on 39 Silverston Street. But I does not get my mail there. I gets my mail General Delivery. Post Office.

MR. TAYLOR. Did you go with Mrs. Welsh to register?

MRS. GRIFFIN. Yes, sir, we went down there. I went down there with her. And the way we first started off to wanting to vote, we went down to the Freedom Riders House where they're located at, because we wanted to vote. And when us got up there—they taken us up there—and when us got up there, our—what's that man's name?

MRS. WELSH. Mr. Hood.

MRS. GRIFFIN. Mr. Hood. Mr. Hood asked us what we come there for—asked her; she was standing first. She stood there and she said, "I don't know."

And I said "He's speaking too fast."

She said, "I know."

And he said, "I ain't talking to you; I talking to her."

So she went on and talked. He questioned her. He didn't say nothing to me, but handed me a piece of paper, you know, and he told me that—fill it out. So I taken it on back behind the counter, she and I. And I filled mine out the best I could. And she got up to start to come towards me. He told her to come back. I reckon there was something on her paper she wanted to ask me, you know, and he told her "You go back and fill out your paper by yourself."

Well, I filled it out the best I could and I went up and handed it to him, and he told me, he said, "I'm not going to give you any commodity."

And I went over to her and said "I thought that was what I was voting, to get the commodity." I knew better than that. But I just had to say something, you know. Couldn't talk like we wanted to, you know.

MR. TAYLOR. Mrs. Welsh, what did you think the registrar meant by his statement about the commodities?

MRS. WELSH. Well, I know he had been given it, but I didn't know what he meant by saying that he wasn't going to give us none.

MR. TAYLOR. Do you think he was trying to scare you?

MRS. WELSH. Well, he could have been.

MR. TAYLOR. Thank you.

Chairman HANNAH. Father Hesburgh?

Commissioner HESBURGH. Mrs. Welsh, what do you get in the way of commodities?

Mrs. WELSH. I get flour. One package of meal, 1 of rice, 1 pound of lard, and 2 cans of meat. I gets one round of everything.

Commissioner HESBURGH. Is that every month?

Mrs. WELSH. That's right.

Commissioner HESBURGH. Do you find that important to live on? I mean, do you need that to keep on living?

Mrs. WELSH. That's right.

Commissioner HESBURGH. Have you ever thought about voting before in your life? I mean up to this point?

Mrs. WELSH. No, I hadn't never been to vote before.

Commissioner HESBURGH. Was there some reason why you didn't? I mean, did it just never occur to you?

Mrs. WELSH. Well, I always heard them talking about voting, but I was scared to go see. That's why I didn't go, because I was scared.

Commissioner HESBURGH. What were you afraid of?

Mrs. WELSH. I didn't know what they were going to do.

Commissioner HESBURGH. How about you, Mrs. Griffin?

Mrs. GRIFFIN. I have always been interested, you know, about voting. I always did want to vote. But when I went to Chicago, my brother—I have a brother and sister in Chicago. They wanted me to come there and live, you know, with them. And they said I could vote up there. But I just don't like up there, and I didn't figure that we could vote down here.

And I was glad to go there and talk with those men, you know, "freedom riders," and I asked them, I said "Reckon they're going to take our commodities?" And they said "No, they ain't going to take your commodities, and they're not going to take your welfare." And they say, "If they do take your welfare, we're going to see about it, because the welfare come from the Government."

Commissioner HESBURGH. Thank you, Mrs. Griffin.

Chairman HANNAH. Mrs. Freeman?

Commissioner FREEMAN. Mrs. Welsh, how long have you lived in Belzoni?

Mrs. WELSH. Thirty-one years.

Commissioner FREEMAN. And you, Mrs. Griffin?

Mrs. GRIFFIN. I stayed there—been there 59 years, in Belzoni.

Commissioner FREEMAN. Who is it that distributes the surplus commodities?

Mrs. GRIFFIN. Oh, I go to the—we live up the street from there. But I don't know the men. I don't know who they are.

Commissioner FREEMAN. Do you have to fill out any form or anything of the kind?

Mrs. GRIFFIN. Well, they gives us a card from the courthouse. You know, a card with us name on it, and how many on your card. See, it doesn't be but me, one, on the card.

Commissioner FREEMAN. This is true of you too, Mrs. Welsh?

Mrs. GRIFFIN (for Mrs. Welsh). Yes.

Mrs. WELSH. What did she say?

Commissioner FREEMAN. Mrs. Welsh, how long have you been receiving the commodities?

Mrs. WELSH. I think ever since '20—it will be 39, I think.

Chairman HANNAH. Dean Griswold?

Commissioner GRISWOLD. Mrs. Welsh, were you successful in your efforts to register to vote?

Mrs. WELSH. Well, I didn't go back there. I didn't go back. After I went there and he scared me so bad, I didn't go back to see was I passed or no.

Commissioner GRISWOLD. Well, are you now registered to vote?

Mrs. WELSH. I was.

Mr. TAYLOR. Did you pass the test?

Mrs. WELSH. No. I told him I didn't go back, after he scared me.

Commissioner GRISWOLD. Mrs. Griffin, were you successful in your effort to register to vote?

Mrs. GRIFFITH. I couldn't tell, because Mr. Hood told us, he said that sometime in January that we had to come back. And I didn't go back up there. Why that I didn't go back up there? Because I said I was going to come to Jackson because there wasn't but me, one, you see, and I didn't want no harm, you know, done to me, you know. And another thing why I wanted to vote: I wanted to vote for President Johnson. Because I said, if they didn't let me, "pray," I said—and I seen him talking, you know, on television and you know, he's for the poor, and that's why we had the meeting in Belzoni, you know, a secret meeting and prayed for him.

Even I seed it on the television where he had a hangnail on his finger, they said going to the hospital, I prayed for that. And I said "Well, Lord, if I can just do like the woman, you know, just touch the hem of his garment, I believe he'll be for me." That's what I like.

Commissioner GRISWOLD. Mrs. Welsh, have you had any difficulty with respect to commodities since you tried to register?

Mrs. WELSH. No, I haven't had none. Of course, after he told me he wasn't going to give me no commodities, but he give it on anyway. I've been getting it ever since.

Chairman HANNAH. Mr. Patterson?

Vice Chairman PATTERSON. Mrs. Welsh, was it Mr. Hood who told you he might cut off your commodities?

Mrs. WELSH. He was the one said that he wasn't going to give me none; Mr. Hood.

Vice Chairman PATTERSON. Mrs. Griffin, did Mr. Hood say that to you?

Mrs. GRIFFIN. Yes, he said that to me. But I don't believe what he said as far as that was concerned. That's why I went on and filled my paper out and handed it to him. And he looked at me and said "Well, I ain't going to give you no commodity." And I looked at her and winked my eye and I said "I thought that was what we were voting for."

I knew better, you see, because I was going there to help President Johnson out.

Vice Chairman PATTERSON. Mrs. Griffin, how do you feel about most of the white folks that you know in Belzoni? Do you like them?

Mrs. GRIFFIN. How do I feel about them? Well, I tell you, I feel all right about them. All of them likes me—I'm sure that they cares for me. I can go to any of them and ask for favor and I get it, from the policemen on down. All of them there in Belzoni there call me "Little Bit." And they speaks to me and treat me nice.

Vice Chairman PATTERSON. Do you like them?

Mrs. GRIFFIN. Sure I likes them. I loves them. I wouldn't be a Christian if I didn't.

You see, I know that I'm a child of God. I's praying for, you know, President Johnson, and I knowed—I just felt like he was going to get it, you see, and I was glad to pray for him.

Chairman HANNAH. Mr. Taylor, do you have any further questions?

Mr. TAYLOR. No, sir.

Chairman HANNAH. Thank you very much, ladies. We appreciate your coming. You are excused.

Mrs. GRIFFIN. Yes, sir. Thank you.

(Witnesses excused.)

Chairman HANNAH. Now it is 8 minutes after 12. I think it is a good point to recess, and we will recess for an hour and 20 minutes, until 1:40.

(Whereupon, at 12:08 p.m., the hearing was recessed until 1:40 p.m., the same day.)

TUESDAY AFTERNOON SESSION, FEBRUARY 16, 1965

Chairman HANNAH. The hearing will come to order.

Mr. Taylor, will you call the next witness.

Mr. TAYLOR. Yes, Mr. Chairman.

Before I do that, I would like to have marked as an exhibit and entered into the record an application form from Issaquena County listing the questions given on the registration test. This is the form of Mrs. Unita Zelma Blackwell, and will be Exhibit No. 2.

Chairman HANNAH. It is received.

(Commission's Exhibit No. 2 was marked for identification and received in evidence.)

Mr. TAYLOR. The next witnesses, Mr. Chairman, is Mr. T. V. Johnson.

Chairman HANNAH. Mr. Johnson, would you come forward.

Mr. Johnson, will you raise your right hand.

(Whereupon, T. V. Johnson was duly sworn by the Chairman and testified as follows:)

Chairman HANNAH. Have a chair, sir.

TESTIMONY OF MR. T. V. JOHNSON, HUMPHREYS COUNTY, MISS.

Mr. TAYLOR. Mr. Johnson, will you give us your full name, your address, and your occupation?

Mr. JOHNSON. T. V. Johnson, 263 Hadden Street, Belzoni. Undertaker.

Mr. TAYLOR. Do you own real property, sir?

Mr. JOHNSON. Yes.

Mr. TAYLOR. Are you registered to vote in Humphreys County?

Mr. JOHNSON. I am supposed to be registered. I don't know. I was informed that the law of Mississippi, if you don't vote in 3 years, then you are automatically cut out. I don't know.

Mr. TAYLOR. When were you registered to vote?

Mr. JOHNSON. 1954.

Mr. TAYLOR. Do you have any idea of how many Negroes are registered to vote in Humphreys County?

Mr. JOHNSON. Well, I was informed at that time that it is pretty close to a hundred.

Mr. TAYLOR. That was back in 1954?

Mr. JOHNSON. 1954.

Mr. TAYLOR. Do you have any idea about how many might be registered today?

Mr. JOHNSON. Probably five or six.

Mr. TAYLOR. Have you ever been active in voter registration work in Humphreys County?

Mr. JOHNSON. Yes.

Mr. TAYLOR. Can you tell us a little about it?

Mr. JOHNSON. In 1955 we organized what is known as the civic league for the purpose of paying poll tax, registering, and vote. And

after we did that, why we tried to register—I mean tried to pay poll tax, and we couldn't.

So for some cause, the FBI or something came around and we were summoned to Oxford, Miss., to testify. And when we came back, why the books flew open.

Mr. TAYLOR. You mean at that point you were allowed to pay the poll tax?

Mr. JOHNSON. Were allowed to pay the poll tax, and the same day we were allowed to register.

Mr. TAYLOR. And did that registration activity stop at some point?

Mr. JOHNSON. Yes.

Mr. TAYLOR. Can you tell us when that was?

Mr. JOHNSON. After the death of Reverend Lee.

Mr. TAYLOR. When was that?

Mr. JOHNSON. 1955.

Mr. TAYLOR. Have you ever voted, sir?

Mr. JOHNSON. No; never.

Mr. TAYLOR. Why have you not voted?

Mr. JOHNSON. I wasn't allowed to.

Mr. TAYLOR. When you say you weren't allowed to, who denied the right—

Mr. JOHNSON. In 1955 we went down, about 27 of us went down to vote. Three of them went in, and the fourth one went in, came out, and said there's no need. So we all turned around and went back home.

Mr. TAYLOR. Since the murder of Reverend Lee, have any Negroes attempted to register in Humphreys County that you know of?

Mr. JOHNSON. Not until—I don't know of any until a few days ago—a few months ago, rather: Since fall. I was informed some tried last fall.

Mr. TAYLOR. Do you know whether any Negroes in Humphreys County have taken their names off the rolls?

Mr. JOHNSON. Yes.

Mr. TAYLOR. Can you tell us why that was?

Mr. JOHNSON. Well, a lot of them, they said they couldn't get along; they couldn't gin the cotton, sell things—intimidation.

Mr. TAYLOR. Why are Negroes not coming forward to register in greater numbers today?

Mr. JOHNSON. Well, to be plain with you; they're really afraid to.

Mr. TAYLOR. And what are they afraid of?

Mr. JOHNSON. They're afraid they'll lose their jobs, afraid of not getting money, and whatnot. Everything.

Mr. TAYLOR. Thank you, Mr. Johnson.

Chairman HANNAH. Mrs. Freeman?

Commissioner FREEMAN. Mr. Johnson, you have stated that in 1955 you registered. That was 10 years ago.

Mr. JOHNSON. Fifty-four.

Commissioner FREEMAN. In 1954. Which means that would be 11 years ago. Will you tell us in a little more detail why, and what it was, over a period of 11 years that prevented you from trying to register? What happened?

Mr. JOHNSON. What happened, it wasn't any use. No one—no protection or anything. And I just didn't stick my neck out to do so until the time comes, maybe, in the future.

Commissioner FREEMAN. Do you want to register?

Mr. JOHNSON. Yes; I want to register, vote; everything else.

Commissioner FREEMAN. What do you think should happen that would make it possible for you to vote?

Mr. JOHNSON. Well, to be plain with you, I think the Federal Government should come on down here and see to the people's voting, registering, and doing everything else that it's supposed to do.

Commissioner FREEMAN. During the last 11 years you have had how many elections in your county?

Mr. JOHNSON. Well, they have them every—I wasn't interested so much in it because I couldn't vote. They have them every year, I guess, city, county, State. Since I couldn't vote, why, I wasn't interested.

Commissioner FREEMAN. Are you going to try?

Mr. JOHNSON. No.

Commissioner FREEMAN. Why aren't you going to try?

Mr. JOHNSON. Until the time comes I see fit that I won't be intimidated or anything.

Commissioner FREEMAN. Well, will you explain to us some of the things that should happen so that you would try?

Mr. JOHNSON. Well, when the rest of them go down in my county, we all go down. When the books would be open to register people, tax and whatnot, without fear.

Commissioner FREEMAN. Who are you afraid of?

Mr. JOHNSON. Everybody; officers—everybody.

Chairman HANNAH. Dean Griswold?

Commissioner GRISWOLD. Couldn't you be a little more specific as to what you are afraid of? You keep saying "everything and everybody." But could you be a little more specific of who or what you are afraid of?

Mr. JOHNSON. Afraid of being intimidated by the officers and by people.

Commissioner GRISWOLD. By the officers, what officers?

Mr. JOHNSON. The law enforcement officers, peoples, whatnot.

Commissioner GRISWOLD. The sheriff's office?

Mr. JOHNSON. Yes.

Commissioner GRISWOLD. Or the city officers?

Mr. JOHNSON. All of them. All of them. I was arrested once for nothing.

Commissioner GRISWOLD. And by whom else might you be intimidated? You mentioned the officers. It doesn't help the Commission to say "everybody." Because the Commission can't find what is the nature of the intimidation that you are concerned about.

Can you be more specific as to the intimidation or the types of things you fear might happen to you if you were to vote or to register to vote?

Mr. JOHNSON. Well, afraid of bodily injury, afraid of business, borrowing money and everything else. You can get intimidated by if you need a piece of money—

Commissioner GRISWOLD. Borrowing money from where?

Mr. JOHNSON. From the banks, or loan companies.

Commissioner GRISWOLD. How many banks are there?

Mr. JOHNSON. We have two banks.

Commissioner GRISWOLD. Do you regularly borrow money from those banks as part of your business activity?

Mr. JOHNSON. Yes; I have borrowed money.

Commissioner GRISWOLD. Have you had any difficulty in borrowing money from the banks?

Mr. JOHNSON. No; I haven't.

Commissioner GRISWOLD. Have you had any threats or intimations that you might have difficulty if you sought to vote?

Mr. JOHNSON. Well, knowing this from others that couldn't get the money; couldn't do different things. And I didn't want to stick my neck out individually. If others are going to be intimidated, I'm sure I would too.

Commissioner GRISWOLD. Do you have any trouble getting supplies or things other than money?

Mr. JOHNSON. No.

Commissioner GRISWOLD. Have you fear that you might have such difficulty?

Mr. JOHNSON. Well, to be frank with you, I'm not—I don't have any fear, personal. But I know these things will happen. They have happened and will happen. They have happened to me.

Commissioner GRISWOLD. What has happened to you?

Mr. JOHNSON. By lending money, borrowing money, being intimidated and whatnot.

Commissioner GRISWOLD. You mean someone has refused to lend money to you?

Mr. JOHNSON. Not to me. Because I only deal with the bank.

Commissioner GRISWOLD. I thought you said these things had happened to you?

Mr. JOHNSON. They had happened to others.

Commissioner GRISWOLD. But have they happened to you?

Mr. JOHNSON. No, they haven't. I didn't leave myself liable.

Chairman HANNAH. Mr. Rankin?

Commissioner RANKIN. Is the fear you have shared by many others in your county?

Mr. JOHNSON. Yes.

Commissioner RANKIN. By practically all, would you say?

Mr. JOHNSON. Practically all.

Commissioner RANKIN. There is one other question I would like to ask. In 1954, when you registered, did they ask you to interpret any section of the constitution then; do you remember?

Mr. JOHNSON. No, they didn't ask anything. Just sign your name.

Commissioner RANKIN. You had no test to take in 1954?

Mr. JOHNSON. No test. Just sign your name.

Commissioner RANKIN. Thank you.

Chairman HANNAH. Mr. Patterson.

Vice Chairman PATTERSON. At the time the Reverend Lee was killed and the Reverend Courts was wounded, was any word passed to your Negro community in Humphreys County as to why they might have been killed and wounded?

Mr. JOHNSON. No.

Vice Chairman PATTERSON. Did you draw an assumption that it was because of this vote registration activity?

Mr. JOHNSON. Well, I wouldn't know.

Vice Chairman PATTERSON. No further questions.

Chairman HANNAH. Any further questions, Mr. Taylor?

Mr. TAYLOR. No, sir.

Chairman HANNAH. You are excused, Mr. Johnson. Thank you very much.

(Witness excused.)

Chairman HANNAH. Call the next witness, Mr. Taylor.

Mr. TAYLOR. The next witness is Mrs. Mary Thomas.

Chairman HANNAH. Mrs. Thomas, come forward, please.

Mrs. Thomas, will you raise your right hand.

(Whereupon, Mrs. Mary Thomas was duly sworn by the Chairman and testified as follows:)

Chairman HANNAH. Have a chair, Mrs. Thomas.

Mr. Taylor, proceed with the questioning.

TESTIMONY OF MRS. MARY THOMAS, HUMPHREYS COUNTY, MISS.

Mr. TAYLOR. Mrs. Thomas, would you give your full name, your address, and your occupation?

Mrs. THOMAS. My name is Mary Thomas. I live at Belzoni, Miss., 279A, Hadden Street.

Mr. TAYLOR. What is your occupation?

Mrs. THOMAS. Merchant in a grocery store.

Mr. TAYLOR. How much education have you had?

Mrs. THOMAS. I finished high school.

Mr. TAYLOR. Have you had any contact or dealings with civil rights workers recently?

Mrs. THOMAS. Yes, I have.

Mr. TAYLOR. Have you ever attempted to register to vote?

Mrs. THOMAS. Yes, I have.

Mr. TAYLOR. When was that?

Mr. THOMAS. I went down to register to vote about the first of September in 1964.

Mr. TAYLOR. Did you go alone at that time?

Mrs. THOMAS. No. I went with two ladies and two COFO workers.

Mr. TAYLOR. Can you tell us what happened, Mrs. Thomas, when you got to the registrar's office?

Mrs. THOMAS. Well, when we got to the registrar's office, we walked in and one of the COFO workers stepped in behind, and the chancery clerk looked up and saw he was in the room and he demanded that he leave the room, and so he did.

And then he asked us what did we want, and I stepped to the desk and told him that I came down to register to vote. And he asked me my name, my address, how old I was, and how long had I lived in Mississippi. And I told him.

Mr. TAYLOR. And then what happened?

Mrs. THOMAS. Then he said why did we come down; why did we let those boys bring us down. We didn't say anything. He said, "Well, why didn't you come alone?" We still didn't say anything.

So then he opened the desk and got the blank and a card with the 66th amendment of Mississippi, and he told me to come on around the desk and go in there and have a seat.

And then when he had finished with the other lady, she got in, he said, "Well, haven't we all been good to you all?" He said, "We've

always given you commodity, and any time you say you wanted money or needed money, we would give it to you." So we didn't say anything.

Then I decided I would read my blank and start filling in my questions. And he sat at the end of the table and steadily picked on the table until we were finished.

MR. TAYLOR. What happened after you finished?

MRS. THOMAS. Well, after we finished we passed our blanks in and he told us that he would have to run our name in the Banner for 2 weeks and then he would let us know if we passed.

And just as we were leaving his office, someone snapped our picture. I don't know just who it was, because it was a number of people standing in the hall.

MR. TAYLOR. Were these people who were standing in the hall wearing uniforms?

MRS. THOMAS. Well, some of them; and some were in plain clothes.

MR. TAYLOR. Did anything happen to you, Mrs. Thomas, when you got home?

MRS. THOMAS. Yes. I guess about 15 minutes after I arrived home from the courthouse, the deputy sheriff came in and told me he had a warrant for my arrest.

MR. TAYLOR. Did he say what he was arresting you for?

MRS. THOMAS. Yes. He said he had a warrant for my arrest for selling beer without a license.

MR. TAYLOR. Did you have a license to sell beer?

MRS. THOMAS. Yes. I had the city license, the State permit, and the Federal stamp. And I live within the city limit, and I had been operating for about 8 years or longer, and I had never bought a county license. So I didn't know about county license, so that's what I was fined for: County license.

MR. TAYLOR. Did the sheriff know that you had been involved with civil rights workers before your arrest?

MRS. THOMAS. Yes, I would say he did.

MR. TAYLOR. How did he know that?

MRS. THOMAS. Well, he came down one night the youngsters were out front. There had been some disturbance outdoors. I don't know what it was because I was inside working. And so somehow or another they got confused and they got right out on the ground there and was singing some freedom songs. And so the police kept passing and they didn't change, they just kept singing. And then later on the sheriff came in and two police. The sheriff came first and then a police with the dog, and another one came in alone.

The sheriff asked me did I sell beer; I told him yes, sir. He said "Well, I could have you put in jail or I could make you pay \$250."

And I said, "For what?"

And he said for selling—he said "Just for selling beer."

And I asked him, well, what kind of license, really, that I didn't have. Well, he never did tell me what kind. He just said without a license.

Mr. TAYLOR. What happened to you after you were arrested?

Mrs. THOMAS. Well, after I was arrested, the deputy carried me on down and he opened the cell door and I stepped in, and he turned the key on the door. He told me "Your bond is \$1,000 if you want to get out."

Mr. TAYLOR. Did someone raise your bond for you?

Mrs. THOMAS. Well, yes. The next day I got out about 2:00—something after 2:00.

Mr. TAYLOR. And what happened after you were released from jail?

Mrs. THOMAS. Well, after I was released from jail, they held court that following Monday, and I was fined \$365.71 and suspended from selling beer for 1 year.

Mr. TAYLOR. Have you since gotten your license to sell beer?

Mrs. THOMAS. Yes. I got my license Friday.

Mr. TAYLOR. This past Friday?

Mrs. THOMAS. This past Friday, in February.

Mr. TAYLOR. Thank you.

Chairman HANNAH. Father Hesburgh?

Commissioner HESBURGH. Did you ever get word whether or not you were registered, Mrs. Thomas?

Mrs. THOMAS. Well, no, I didn't. Everyone else went down and they didn't pass. So I didn't want to be intimidated any more, so I just assumed I didn't pass, because I didn't want to be seen any more to have anything else to happen.

Commissioner HESBURGH. You didn't have any official word from them, from the registrar, as to whether you passed or failed?

Mrs. THOMAS. No.

Commissioner HESBURGH. Just no word whatever?

Mrs. THOMAS. No word whatsoever.

Commissioner HESBURGH. Do you intend to go back and try to register again?

Mrs. THOMAS. I will, probably, later on.

Commissioner HESBURGH. Did you have anybody defend you when you went in for this so-called trial?

Mrs. THOMAS. Yes. It was a COFO lawyer. I don't remember his name.

Commissioner HESBURGH. And you said you were fined \$375, was it?
Mrs. THOMAS. \$365.71.

Commissioner HESBURGH. No one had said anything about this county beer license before?

Mrs. THOMAS. Well, no. I had received a card stating that I was late for some license, but I didn't understand it. It didn't say for what license. And in August, my permit and my Federal stamp all was due around that time, and I had sent them off, but they hadn't got back. And so I just thought maybe that was it.

Commissioner HESBURGH. How much does a county beer license cost?

Mrs. THOMAS. \$15.

Commissioner HESBURGH. One last question: Why do you want to vote, Mrs. Thomas?

Mrs. THOMAS. Well, I want to vote to be a citizen. I am a taxpayer. And I want to be a citizen. I just don't feel right paying taxes, can't get any representatives. I have no voice.

Commissioner HESBURGH. You have paid taxes all the time you have been making money?

Mrs. THOMAS. Yes, sir; each month.

Commissioner HESBURGH. Are you a widow, Mrs. Thomas?

Mrs. THOMAS. Yes, sir.

Commissioner HESBURGH. And you support yourself?

Mrs. THOMAS. Yes, sir.

Commissioner HESBURGH. Did you find it difficult paying this \$375 fine?

Mrs. THOMAS. I could not have paid it myself.

Commissioner HESBURGH. You had to get help to pay it?

Mrs. THOMAS. Yes, sir.

Commissioner HESBURGH. Thank you, Mrs. Thomas.

Chairman HANNAH. Mrs. Freeman.

Commissioner FREEMAN. Mrs. Thomas, how long have you lived in Mississippi?

Mrs. THOMAS. All of my lifetime.

Commissioner FREEMAN. You have been in business for 8 years?

Mrs. THOMAS. Or longer. Since my husband's death.

Commissioner FREEMAN. Have you ever had occasion before the summer of 1964 for the sheriff or the deputy sheriff to enter your place of business?

Mrs. THOMAS. Well, no.

Commissioner FREEMAN. Had they, at any time in this period, asked you about a county license?

Mrs. THOMAS. No, they had not.

Commissioner FREEMAN. That's all.

Chairman HANNAH. Dean Griswold.

Commissioner GRISWOLD. Mrs. Thomas, do you know whether other places which sell beer in Belzoni or Humphreys County have a county license?

Mrs. THOMAS. Well, they do now. But during the same time that I didn't have any, they didn't have any.

Commissioner GRISWOLD. As I understand it, your store is in the city of Belzoni?

Mrs. THOMAS. Yes.

Commissioner GRISWOLD. What was the sheriff doing there? I understand his jurisdiction extends from the county outside of the city; is that right?

Mrs. THOMAS. That's the way I think. I don't know.

Commissioner GRISWOLD. Why was the sheriff at your store?

Mrs. THOMAS. I don't know. But the sheriff's deputy was there.

Commissioner RANKIN. When you attempted to register, were you asked to interpret any section of the Mississippi constitution, do you remember?

Mrs. THOMAS. Yes, sir.

Commissioner RANKIN. You don't remember which one it was?

Mrs. THOMAS. The 66th.

Commissioner RANKIN. The 66th. Thank you.

Chairman HANNAH. Mr. Patterson?

Vice Chairman PATTERSON. Mrs. Thomas, you say you have lived in Mississippi all your life. But you didn't try to register to vote until 1964; is that right?

Mrs. THOMAS. That's right.

Vice Chairman PATTERSON. What moved you to try to register to vote in 1964?

Mrs. THOMAS. Well, I had begun to understand business a little more and I was in business alone and I was straining paying my taxes. And then I wasn't a citizen. I didn't have no voice. So that made me want to go register.

Vice Chairman PATTERSON. Did anyone encourage you to go and register?

Mrs. THOMAS. Well, yes. The COFO workers asked me if I would go down. So I agreed that I would go.

Vice Chairman PATTERSON. We have heard from a preceding witness that many Negro citizens of Humphreys County are afraid to register. Weren't you afraid?

Mrs. THOMAS. Well, I should have been, but I guess I had just reached a stage that it didn't matter.

I was afraid in a way. In a way I wasn't. Because I wanted so much to be able to register and vote.

Vice Chairman PATTERSON. Do you now have a county beer license?

Mrs. THOMAS. Yes, I do.

Vice Chairman PATTERSON. How did you happen to get it last Friday after being told it would be a year?

Mrs. THOMAS. Well, I was told that the sheriff told one of the adjoining merchants, adjoining me—he's across in front of me—to go tell my brother to go down to the courthouse and he could get my license.

Vice Chairman PATTERSON. Thank you.

Chairman HANNAH. Mrs. Thomas, do you have children?

Mrs. THOMAS. I have six.

Chairman HANNAH. How old are the children?

Mrs. THOMAS. They range from 13 to 4.

Chairman HANNAH. They are all going to school?

Mrs. THOMAS. All but one.

Chairman HANNAH. How much schooling do you hope they will have?

Mrs. THOMAS. As much as they will accept, I hope.

Chairman HANNAH. You would like to have them all go through high school—

Mrs. THOMAS. Yes, sir, I would—

CHAIRMAN HANNAH. And beyond?

Mrs. THOMAS. And college.

Chairman HANNAH. Did you go to high school in Humphreys County?

Mrs. THOMAS. I did.

Chairman HANNAH. Any further questions?

Commissioner HESBURGH. May I ask one more?

Chairman HANNAH. Father Hesburgh.

Commissioner HESBURGH. Mrs. Thomas, who took care of your children when you were put in jail all night?

Mrs. THOMAS. Well, I just left them there. I tried to train them. My mother was there. She lives with me. But she was sick and I left them there. So a girl that helped me sometimes, she, knowing that I was gone, she came in.

Commissioner HESBURGH. Did you have time to make any arrangements before being taken off to jail?

Mrs. THOMAS. No. I didn't.

Commissioner HESBURGH. Did the sheriff know you have a family at home?

Mrs. THOMAS. Yes.

Commissioner HESBURGH. Thanks.

Chairman HANNAH. One more question: You think that the reason that you were arrested was because you had tried to register to vote?

Mrs. THOMAS. I do.

Chairman HANNAH. And you were arrested within 15 minutes after you returned from the courthouse?

Mrs. THOMAS. That's right.

Chairman HANNAH. Any further questions?

Thank you very much, Mrs. Thomas. You are excused.

(Witness excused.)

Chairman HANNAH. Mr. Taylor, will you call the next witness?

Mr. TAYLOR. The next witness is Mrs. Alene Hunter.

Chairman HANNAH. Mrs. Hunter, will you raise your right hand?

(Whereupon, Mrs. Alene Hunter was duly sworn by the Chairman and testified as follows:)

Chairman HANNAH. Have a chair.

Proceed, Mr. Taylor.

TESTIMONY OF MRS. ALENE HUNTER, HUMPHREYS COUNTY, MISS.

Mr. TAYLOR. Mrs. Hunter, would you give us your full name and address, please?

Mrs. HUNTER. My name is Alene Hunter. My address is 174 Chess Street.

Mr. TAYLOR. In Belzoni?

Mrs. HUNTER. Belzoni.

Mr. TAYLOR. Have you ever attempted to register to vote, Mrs. Hunter?

Mrs. HUNTER. Yes.

Mr. TAYLOR. Can you tell us when that was?

Mrs. HUNTER. January 4.

Mr. TAYLOR. Of this year?

Mrs. HUNTER. 1965.

Mr. TAYLOR. What did the registrar say to you when you went to register?

Mrs. HUNTER. Well, when I went down to register, I went inside of the courthouse. When I walks in, I had a paper. He asks me what was that I had in my hand; I told him, a paper.

So he said, "I don't want it; carry it back."

I turned and I carried it back to a friend.

I walks back in. He asks me my name and my address and he asks me what did I want and I told him I wanted to register to vote.

He asked me what did I want to vote for.

I told him anything they was voting for.

He said they may be voting for a commodity.

And I said I want to vote for that, too.

Then he said well, come on around here.

I walks on around into the other office. He gave me a strip, and I sit in this chair—a strip and a card, and I sit in a chair. And I filled it out the best way I could.

Then he asked me, he said, "Is they paying you for coming down here?" I says "No."

He says, "You mean to say you came down here and they ain't paying you?"

I said, "They ain't paying me."

And he says, "Well, they're supposed to pay you."

And I said, "Well, they're not paying me."

So I filled the paper out the best I could and then I got up, went out.

MR. TAYLOR. Was your name published in the newspaper after you registered to vote?

MRS. HUNTER. It was.

MR. TAYLOR. When was that?

MRS. HUNTER. It was on the 7th of January 1965.

MR. TAYLOR. Did something happen on the day after that?

MRS. HUNTER. On the 8th of January 1965.

On January the 8th I was at home making bed; the deputy sheriff came to my house and he asked me was I Alene Hunter; I told him yes. He said, "Well, Alene, I came after you."

I said, "What for?"

He said, "Well, I didn't exactly came after you," he said, "but I have a warrant to pick you up for \$5.15." He said, "You owe it." I said, "Yes." I said, "I owe \$5.15 to the store."

He said, "Do you have it?"

I said I had the \$5. But he said, "It's more now; it's \$12.15."

I said, "Well, I don't have the 12."

"Well," he said, "you have to go with me." He said, "Do you have children?" I said, "Yes."

He said, "Do you have anybody to keep them?" I said, "No."

He said, "Well, you have to get somebody to keep them, because you've got to go with me."

I said, "Well, okay, let's go."

So I goes out and I tell Pearl Cutter to keep them for me. So I went to the car.

MR. TAYLOR. Where did he take you?

MRS. HUNTER. To the jail. And when I got inside the jail he sit at a desk, so he wrote something down on the book and he said, "Alene," he said, "When I turn this key on you it will be \$14.50. Do you know it?"

I said, "I'm going by what you say."

So he put me in jail.

Mr. TAYLOR. When were you released from jail?

Mrs. HUNTER. About 15 minutes after I was in there he came back in there, sit back at the same desk and wrote something out, and he left out again.

About 15 more minutes, he came back, he say, "You ready to go home?" I said, "I was ready before I came down here."

So I said, "But my fine is not paid." He said, "Yes, it is paid."

And I said, "Who paid it?"

He said, "That's all right; it's paid."

So that was it.

Mr. TAYLOR. And then you were released?

Mrs. HUNTER. I was released.

Mr. TAYLOR. You did owe a debt of \$5.15 to the store?

Mrs. HUNTER. Yes.

Mr. TAYLOR. Why do you think you were arrested, Mrs. Hunter?

Mrs. HUNTER. Because I registered.

Mr. TAYLOR. No further questions. Thank you.

Chairman HANNAH. Father Hesburgh.

Commissioner HESBURGH. Are you registered now, Mrs. Hunter?

Mrs. HUNTER. Yes.

Commissioner HESBURGH. Have you voted?

Mrs. HUNTER. No.

Commissioner HESBURGH. Do you intend to vote?

Mrs. HUNTER. Well, if I can. I don't know whether I can or not.

Commissioner HESBURGH. Did they tell you you were registered? I mean you went down and made out a paper, but have they written you——

Mrs. HUNTER. No, I haven't been back.

Commissioner HESBURGH. Well, if you haven't heard, you are not registered, I don't think. I think our lawyers checked the record and they don't find you registered.

Mrs. HUNTER. No.

Commissioner HESBURGH. Are you going to try to register again?

Mrs. HUNTER. Well, I may. I'm going to try to.

Commissioner HESBURGH. Why might you not?

Mrs. HUNTER. Well, I intend to go back and try.

Commissioner HESBURGH. Why do you want to vote, Mrs. Hunter?

Mrs. HUNTER. Well, all I can say is, just for my rights.

Commissioner HESBURGH. Well, you've got a right, all right.

Thank you, Mrs. Hunter.

Chairman HANNAH. Mrs. Freeman.

Commissioner FREEMAN. Mrs. Hunter, are you afraid that if you went back, something else would happen to you when you tried to register?

Mrs. HUNTER. Well, in a way I am. In a way I'm not, though. I just don't know. It may happen.

Commissioner FREEMAN. But you are going back?

Mrs. HUNTER. I'm going to try, yes.

Chairman HANNAH. Dean Griswold?

Commissioner GRISWOLD. As I recall, you said you were photographed as you left the registrar's office; is that correct?

Mrs. HUNTER. No, sir.

Commissioner GRISWOLD. Did anyone attempt to photograph you when you were in or near the registrar's office?

Mrs. HUNTER. No.

Commissioner GRISWOLD. Thank you.

Chairman HANNAH. Dr. Rankin?

Commissioner RANKIN. This grocer does a credit business, is that right? The one that you owed this money to?

Mrs. HUNTER. Yes.

Commissioner RANKIN. And you had owed him previously considerably larger amounts; is that correct?

Mrs. HUNTER. Yes.

Commissioner RANKIN. And you had paid all of it off but \$5.15?

Mrs. HUNTER. Right.

Commissioner RANKIN. Do you still do business with him?

Mrs. HUNTER. No.

Chairman HANNAH. Mr. Patterson.

Vice Chairman PATTERSON. Mrs. Hunter, you say your name was published in the Belzoni Banner?

Mrs. HUNTER. Yes.

Vice Chairman PATTERSON. Do you know why it was published in that newspaper?

Mrs. HUNTER. Because I attempted to register.

Vice Chairman PATTERSON. I would like to ask the General Counsel, is there a State law requiring publication of names of people who wish to register?

Mr. TAYLOR. Yes, sir. The law requires the publication of the names of voting registrants.

Vice Chairman PATTERSON. Thank you.

Chairman HANNAH. Mrs. Hunter, you said that you have children. How young are your children?

Mrs. HUNTER. I have them from 5, 3, and 2.

Chairman HANNAH. When you were taken away to the jail, you left these children, 5, 3, and 2, alone at home?

Mrs. HUNTER. No; I left them with another lady.

Chairman HANNAH. The sheriff knew you had the small children?

Mrs. HUNTER. Yes.

Chairman HANNAH. Is it usual for people to be arrested in Belzoni when they owe accounts to merchants?

Mrs. HUNTER. Well, it haven't been, because I have owed him more than that and he didn't arrest me.

Chairman HANNAH. Do you know any other persons who were arrested for owing bills—put in jail?

Mrs. HUNTER. No.

Chairman HANNAH. I thought that had gone out of fashion long ago.

Any other questions?

You are excused. Thank you very much.

(Witness excused.)

Chairman HANNAH. Call the next witness, Mr. Taylor.

Mr. TAYLOR. The next witness is Mr. G. H. Hood, registrar and circuit clerk for Humphreys County.

Chairman HANNAH. Mr. Hood, will you raise your right hand.

(Whereupon, G. H. Hood was duly sworn by the Chairman and testified as follows:)

Chairman HANNAH. And will you introduce your attorney, sir.

Mr. HOOD. This is my attorney, yes, sir; Mr. James T. Bridges.

Chairman HANNAH. Have chairs, gentlemen.

Mr. Taylor?

TESTIMONY OF GUTHRIE HAYES HOOD, CIRCUIT CLERK AND REGISTRAR, HUMPHREYS COUNTY, MISS.

Mr. TAYLOR. Mr. Hood, would you please state your full name, residence, and occupation?

Mr. HOOD. Guthrie Hayes Hood, 156 Central Street, Belzoni, Miss.

Mr. TAYLOR. And you are the——

Mr. HOOD. I am circuit clerk and the registrar of Humphreys County.

Mr. TAYLOR. How long have you served as registrar?

Mr. HOOD. Since 1960.

Mr. TAYLOR. May I ask you, Mr. Hood: You received, did you not, a notice giving you an opportunity to appear before this Commission in Executive Session on February 10?

Mr. HOOD. I did so.

MR. TAYLOR. But you did not choose to appear at that time; is that correct?

MR. HOOD. That's right.

MR. TAYLOR. How many white people are registered to vote in your county, sir?

MR. HOOD. I—Offhand I couldn't answer that. Election commissioners tend to that. I don't tend to it.

MR. TAYLOR. Do you know how many Negroes are registered to vote in your county?

MR. HOOD. No, sir; I do not.

MR. TAYLOR. Did you hear this morning the figures which were the estimated figures which were given for your county?

MR. HOOD. I did not. I am in court and as busy as I can be. I didn't have time to listen to any kind of news.

MR. TAYLOR. Well, the figures that were given here this morning were that about 68.3 percent of the 3,844 voting age whites were registered to vote and that zero percent, no Negroes of the 5,561 voting age Negroes are registered to vote.

Do you have any reason to believe that those figures are incorrect?

MR. HOOD. I couldn't answer that, sir. I don't know.

MR. TAYLOR. How many Negroes have applied to register during your term of office? About how many?

MR. HOOD. During my term of office? About 16.

MR. TAYLOR. About 16?

MR. HOOD. Yes, sir.

MR. TAYLOR. How many of these have succeeded in registering, Mr. Hood?

MR. HOOD. None have passed the test.

MR. TAYLOR. Has any Negro made any request for a copy of his application?

MR. HOOD. Only one has made a request for a copy of his application.

MR. TAYLOR. Did you furnish the copy?

MR. HOOD. I told him to bring me a written request and the State law allows me \$1.50 for a certified copy, and I would be glad to furnish it to him.

MR. TAYLOR. If he paid \$1.50?

MR. HOOD. Yes, sir.

MR. TAYLOR. Were you aware at the time that on various occasions police have photographed Negroes outside the door of your office after they applied to register?

MR. HOOD. No, sir; I could not answer that because I was trying to run my own office.

Mr. TAYLOR. You do not know whether——

Mr. HOOD. No, no, no.

Mr. TAYLOR. Have you heard any of the testimony given by other witnesses concerning your activities as registrar?

Mr. HOOD. Any of the other witnesses?

Mr. TAYLOR. Here this morning, or in the early afternoon?

Mr. HOOD. I heard Mary Thomas and Alene Hunter; yes, sir.

Mr. TAYLOR. Did you in October of 1964 say anything to the effect—to Mrs. Thomas—that she would be sorry if she came down to register?

Mr. HOOD. I don't recall saying that; no, sir.

Mr. TAYLOR. You do not recall?

Mr. HOOD. I do not.

Mr. TAYLOR. Did you toward the end of October 1964, say to Mrs. Daisy Griffin and Mrs. Mary Oliver Welsh, who came to register, words to the effect that if they registered you would stop their commodities?

Mr. HOOD. No, sir; I did not.

Mr. TAYLOR. Have you ever mentioned commodities to any of the people who come in to attempt to register to vote?

Mr. HOOD. No, sir; I did not.

Mr. TAYLOR. I have no further questions at this time.

Chairman HANNAH. Father Hesburgh, any questions?

Commissioner HESBURGH. Mr. Hood, do you think that people who are intelligent enough to run a business and pay taxes should be able to vote.

Mr. HOOD. Well, that's not for me to say. If they pass the test that is prescribed by our State, I will register them; yes, sir.

Commissioner HESBURGH. But I mean we have heard all morning, Mr. Hood, and this afternoon, cases of how the tests are applied in the State. It would seem to me there is no man in this room, or no woman in this room could pass the tests applied in this way.

What I'm getting at is the interpretation of the constitution can be made in such fashion I don't think the dean of a law school could pass it. And I think—is there any range for registrars to use good sense in judging about a person's ability to qualify to vote? In other words, people look at television, they get to know about the different candidates. They can pass judgment in their own mind.

I'm sure many of the people we heard today could easily pass judgment in their own mind as to whether or not they wanted to vote for or against a candidate.

But I would guess that the way tests are administered, it is possible for no one to ever pass a test. Do you remember a Negro ever passing a test in this State—I mean in your county, rather?

Mr. Hood. I cannot answer that. I can only say in my own time since I've been in there.

Commissioner HESBURGH. In your own time?

Mr. Hood. Yes.

Commissioner HESBURGH. There hasn't been a single Negro?

Mr. Hood. No, sir; there hasn't been a single one. My blanks there stand up for themselves. I don't have to deny that.

Commissioner HESBURGH. Do you think it is likely that out of 5,561 Negroes of voting age in the county not a single one can qualify to register?

Mr. Hood. I can't tell you about the 5,500. There is only 16 been in there to take the test. I cannot answer for 5,500.

Commissioner HESBURGH. Well, that was probably an unfair question on my part. But let me put it this way:

Would you be happy to see some of the 5,500 come in and try to pass the test?

Mr. Hood. Well, I'm not going out and gather them up and bring them in there. Understand that.

Commissioner HESBURGH. Well, I mean if they do come, you will be happy to see they exercise their rights?

Mr. Hood. I'm going to treat them just like I do everybody else, with courtesy, and administrate the test to the best of my ability.

Commissioner HESBURGH. That's fine. And I hope they come in large numbers.

Mr. Hood. Well, thank you.

Chairman HANNAH. Mrs. Freeman.

Commissioner FREEMAN. Mr. Hood, how long have you lived in Mississippi?

Mr. Hood. All my life.

Commissioner FREEMAN. Were you educated in the schools in Mississippi?

Mr. Hood. I was.

Commissioner FREEMAN. How much education do you have?

Mr. Hood. Well, I don't see where that enters into this at all.

Commissioner FREEMAN. Did you complete elementary school?

Mr. Hood. Yes, sir.

Commissioner FREEMAN. Did you complete high school?

Mr. Hood. I finished 11th grade.

Commissioner FREEMAN. You then have completed 11 years of school?

Mr. Hood. Yes.

Commissioner FREEMAN. Have you taken tests to interpret the Mississippi constitution?

Mr. Hood. Myself?

Commissioner FREEMAN. Yes; you.

Mr. HOOD. No.

Commissioner FREEMAN. You have never tried to interpret it?

Mr. HOOD. No; I can interpret it.

Commissioner FREEMAN. Will you explain for us how you select the questions that are given to persons who make application?

Mr. HOOD. The State law prescribes the questions on the application blanks.

Commissioner FREEMAN. Will you explain for us how you select the sections?

Mr. HOOD. The section?

Commissioner FREEMAN. That you give——

Mr. HOOD. I have my section of the constitution typed on a 3 by 5 card. Whoever comes in gets the next section. If you would come in, if it is 100, you get 100. The next person will get 101.

Commissioner FREEMAN. Is that the way you have administered the tests for the last 4 years?

Mr. HOOD. That's right. Ever since I've been in there.

Commissioner FREEMAN. How many sections of the constitution of the State of Mississippi are there?

Mr. HOOD. If I remember correctly, there is 285.

Commissioner FREEMAN. 285. Which would mean that you would start at section 1 and the next person would get section 2?

Mr. HOOD. Yes.

Commissioner FREEMAN. And on through the first 285?

Mr. HOOD. Right on down. I put the—like if you get 100, that would go over to the back.

Commissioner FREEMAN. Well, then, if only 16 Negroes have made application to take the test, then no one of them should have the same section; is that correct?

Mr. HOOD. That's right.

Commissioner FREEMAN. And have they all been given different sections?

Mr. HOOD. To the best of my ability, yes, sir.

Commissioner FREEMAN. Have you ever made any distinction between a hard section and what is called an easy section, or do you believe that one section is easier than the other?

Mr. HOOD. Well, I couldn't say that one section is easier than the other, but I don't make any distinction. I try to give them all as they come in there.

Commissioner FREEMAN. Have you selected the sections fairly?

Mr. HOOD. To the best of my ability. I—just like I told you that I selected them: They're all typed and they're all in the box.

Commissioner FREEMAN. And they're all in ascending order, beginning with section 1?

Mr. HOOD. Right. If some of my clerks don't go in there and mix them up, they're right in rotation. Yes.

Commissioner FREEMAN. But the instructions are that the first person gets the first section, the next person gets section 2?

Mr. HOOD. It is the next section.

Mr. BRIDGES. It is in rotation. It is set up from 1 to 285.

Commissioner FREEMAN. Thank you.

Mr. HOOD. Whoever comes in, I give them the next section. That one get 100, the next person get 101.

Chairman HANNAH. Dean Griswold?

Commissioner GRISWOLD. Mr. Hood—

Mr. HOOD. Yes, sir.

Commissioner GRISWOLD. I hand you a copy of section 182 of the Mississippi constitution.

Would you please make a reasonable interpretation of section 182 for the Commission?

(Pause.)

Mr. HOOD. You say 182?

Commissioner GRISWOLD. Yes.

Mr. HOOD. I'm sorry, sir. I've been reading 183.

(Pause.)

Mr. HOOD. Well, it means that the power to tax corporations, their property, shall never be surrendered or abridged by any contract. And—

Commissioner GRISWOLD. I didn't ask you to read it, Mr. Hood. I asked you to interpret it.

Mr. BRIDGES. (Aside to Mr. Hood.)

Commissioner GRISWOLD. Mr. Chairman, I think it should be the witness' interpretation; not his counsel's.

Mr. BRIDGES. If you please, gentlemen, the conference between the witness and his attorney had nothing to do with the question. It was a question whether he was to answer it or not.

Mr. HOOD. Which I will not.

Mr. BRIDGES. Which he will not.

Commissioner GRISWOLD. You decline to interpret section 182?

Mr. HOOD. On pressure being put on me before a committee like this.

Commissioner GRISWOLD. On the ground it may incriminate you?

Mr. HOOD. That's right.

Commissioner GRISWOLD. You decline to interpret section 182 on the ground that to do so would incriminate you? Because if that is your ground, of course it is a valid one.

Mr. Hood. That's right.

Chairman HANNAH. Any further questions? Dean Griswold, do you have any further questions?

Commissioner GRISWOLD. No.

I find it a little hard to see how citizens of Mississippi are expected to interpret the section if the registrar is unable to do so and he is the person who grades the interpretation which is made by a citizen of Mississippi.

I find his refusal to interpret it rather surprising.

Chairman HANNAH. Mr. Rankin?

Commissioner RANKIN. Mr. Hood, in your county, are the schools for Negroes, do you think, pretty good quality, compared with the white schools?

Mr. Hood. I would say they are excellent.

Commissioner RANKIN. You say they are excellent?

Mr. Hood. Yes.

Commissioner RANKIN. Therefore, if these Negroes graduate from, let's say, high school, they should be able to interpret—give a reasonable interpretation of, a section of the constitution.

Mr. Hood. That's right.

Commissioner RANKIN. You would think so.

Then it is not the fact that they are not educated; that is not the reason why only 16 have attempted to register; am I correct in that?

Mr. Hood. I couldn't answer that, sir. I don't know.

Commissioner RANKIN. Well, what would be your opinion?

Mr. Hood. I wouldn't have any opinion on that.

Commissioner RANKIN. You have not opinion whatsoever?

Mr. Hood. No, sir, I do not.

Commissioner RANKIN. What keeps Negroes from availing themselves of their opportunity to register?

Mr. Hood. I have never tried to keep one out of my office. I couldn't answer to save my life.

Commissioner RANKIN. Yes. But I just wondered if you didn't have an opinion out of a certain number like this that only 16 would come and attempt to register, particularly in light of the testimony that we have had here today.

Mr. Hood. I couldn't answer that.

Commissioner RANKIN. And it is not because of education, but aside from that, you have no idea at all?

Mr. Hood. Well, now, do you mean to tell me that every colored person in Humphreys County is a graduate of a high school?

Commissioner RANKIN. No, sir; I do not. But I think there are more than 16.

Mr. HOOD. The answer on their application is all I can answer for—I can tell you.

Chairman HANNAH. Mr. Patterson?

Vice Chairman PATTERSON. Mr. Hood, in view of the fact that under your rotation system of handing ascending sections of the constitution to citizens who come in to register, in view of the fact that one citizen will inevitably draw section 182 which you have just declined to interpret, do you consider that Mississippi's registration law is perhaps a little hard and should be tempered so that citizens could pass it a little more easily?

Mr. HOOD. That is not my job to say whether they are hard, for me or for anybody else, sir. That is the—the applications are prescribed by the State.

Vice Chairman PATTERSON. Mr. Hood, could you tell me what you think of the COFO movement in Humphreys County? What was your reaction?

Mr. HOOD. I wouldn't answer that, no, sir. I don't know.

Vice Chairman PATTERSON. You made the statement that you were not going to go out and gather up Negro citizens and bring them in to attempt to register. In a sense, this is what witnesses here have indicated COFO tried to do.

Mr. HOOD. Neither am I going out and get the whites and bring them in and try to register them. I am not going to do that.

Vice Chairman PATTERSON. But you have no reaction to the COFO activities in Humphreys County?

Mr. HOOD. Well, I would rather not answer that because I just told you that I didn't have any opinion on that.

Vice Chairman PATTERSON. No further questions.

Chairman HANNAH. Mr. Hood, when a white man comes in to register, do you give them the same section of the constitution, whatever is the next number up?

Mr. HOOD. I do, sir.

Chairman HANNAH. And you ask for an interpretation just the same for the whites?

Mr. HOOD. I do.

Chairman HANNAH. And you believe that the standards of grading, as to whether or not they have given a satisfactory interpretation, you apply alike?

Mr. HOOD. To the best of my ability; yes, sir.

Chairman HANNAH. Are there any further questions, Mr. Taylor?

Mr. TAYLOR. I would just like to ask one question, Mr. Hood.

Do I understand that if a Negro citizen of Humphreys County comes into your office to register in the future, he can do so without

fear of being questioned about why he's there or without any other—

MR. HOOD. I have never questioned him why he's there, Mr. Taylor.

MR. TAYLOR. And he has nothing to fear about it in the future?

MR. HOOD. No, sir. I ask him his age, how long he has lived in the county—which the law requires me to do—how long he has lived in the State, how long he has lived in the election district. And I take his name, I give him the blank and let him—give him the section of the constitution out of the box, the next one that comes up.

MR. TAYLOR. I have no further questions.

Chairman HANNAH. Any further questions?

You are excused, Mr. Hood. Thank you very much.

(Witness excused.)

Chairman HANNAH. Call the next witness, Mr. Taylor.

MR. TAYLOR. The next witness is Sheriff Jack Purvis, sheriff of Humphreys County.

Chairman HANNAH. Sheriff Purvis, will you raise your right hand.

(Whereupon, Sheriff Jack Purvis was duly sworn by the Chairman and testified as follows:)

Chairman HANNAH. Have chairs, gentlemen.

TESTIMONY OF JOHN D. PURVIS, SHERIFF, HUMPHREYS COUNTY, MISS.

MR. TAYLOR. Sheriff, will you please state your full name and your residence and your occupation for the record?

MR. PURVIS. My name is John D. Purvis, sheriff of Humphreys County, Belzoni, Miss.

MR. TAYLOR. You are currently sheriff of Humphreys County?

MR. PURVIS. Yes, sir.

MR. TAYLOR. How long have you served as sheriff of Humphreys County?

MR. PURVIS. Thirteen months. A little over 13 months.

MR. TAYLOR. Where is your office, sir?

MR. PURVIS. It is in the courthouse in Belzoni.

MR. TAYLOR. Where is the registrar's office in relation to your office?

MR. PURVIS. Oh, down the hall, west of my office about four doors down.

MR. TAYLOR. About four doors down, on the same floor?

MR. PURVIS. Actually it would be, but there is a big corridor between us, so it is only two offices down.

MR. TAYLOR. Have you, Sheriff, or any of your deputies, from time to time since 1964 photographed Negro applicants for registration as they came out of the registrar's office?

MR. PURVIS. Yes.

Mr. TAYLOR. Have you ever photographed white applicants?

Mr. PURVIS. I don't think so.

Mr. TAYLOR. Are these the photographs that you have taken of Negro applicants as they left the registrar's office?

Mr. PURVIS. They were either taken going in or going out, yes.

There is another one somewhere.

Mr. TAYLOR. I would like to have these photographs marked as Exhibit No. 3.

Mr. PURVIS. But I would like for you to notice out of these six, that there are three of them you might say posed for the photographs, too.

Mr. TAYLOR. Did you ask them to pose for the photographs?

Mr. PURVIS. I didn't ask them. They didn't tell me not to take them.

Mr. TAYLOR. I would like to have those photographs marked as Exhibit No. 3 and entered into the record.

Chairman HANNAH. They are received.

(Commission's Exhibit No. 3 was marked for identification and received in evidence.)

Mr. TAYLOR. Sheriff, can you tell us what your purpose was in taking these photographs?

Mr. PURVIS. Yes. I wanted them because Humphreys County has had a lot of publicity; so did the State. But I wanted to show just how peaceful that it was up there, for one thing.

And another thing, I wanted them for my own use. I take a lot of pictures.

Mr. TAYLOR. As a hobby?

Mr. PURVIS. Not necessarily as a hobby. I just got several cameras up there in the office.

Mr. TAYLOR. Did you consider at all, or have you considered the effect which taking these photographs outside the registrar's office might have on the Negro applicants?

Mr. PURVIS. I didn't consider it; no.

Mr. TAYLOR. Did you on September 4 order Mrs. Mary Thomas arrested for selling beer without a privilege permit?

Mr. PURVIS. I didn't order it. I knew she was going to be arrested, yes.

Mr. TAYLOR. Can you tell me who did order the arrest?

Mr. PURVIS. I don't know. I believe one of my deputies arrested Mary Thomas.

Would you like to know why she was arrested for selling beer without a license?

Mr. TAYLOR. Yes, sir. I will get to that in one moment.

Is this the warrant for her arrest, sir?

(Document handed to the witness.)

Mr. PURVIS. That's it.

Mr. TAYLOR. I would like to have marked the warrant for Mrs. Thomas' arrest as Exhibit No. 4 and introduced into the record.

I would also like to have marked as Exhibit No. 5 Mrs. Thomas' sworn application for registration, dated September 4, 1964.

Chairman HANNAH. They are received.

(Commission's Exhibits 4 and 5 were marked for identification and received in evidence.)

Commissioner GRISWOLD. Did we get a number for that last item?

Mr. TAYLOR. Exhibit No. 5.

When Mrs. Thomas was arrested on September 4, were you aware, sir, that she had applied earlier that day for registration?

Mr. PURVIS. No.

Mr. TAYLOR. You were not?

Mr. PURVIS. No.

Mr. TAYLOR. Have you ever arrested anyone else for selling beer without a privilege permit?

Mr. PURVIS. Yes.

Mr. TAYLOR. When was that?

Mr. PURVIS. I was in office one term before this one. And I arrested a white man for selling beer without a license.

Mr. TAYLOR. Now you wanted to state, I believe, why it was that Mrs. Thomas was arrested?

Mr. PURVIS. Why was she arrested?

Mr. TAYLOR. I believe you said you wanted to make a statement with respect to that.

Mr. PURVIS. Oh. I guess possibly a month before this came about, I was in my office and I was checking up on the beer permits that were issued for Humphreys County. And I will guess at the number, because I don't know exactly. But there were some 80 permits issued for Humphreys County, and when I checked the licenses, I found that there was only 40 or 41 licenses issued for the 80 permits.

So we sent cards out to remind the people that their licenses have expired or they don't have them. And this was done, oh, 2 or 3 weeks before this arrest.

And a week or 10 days before this arrest, I had occasion to be in her place of business, and I told her at that time that she didn't have a beer license.

Now these are not county licenses. These are State licenses. It is a State beer license.

Mr. TAYLOR. You asked for this tax originally in your capacity as State tax collector for the county; is that right?

Mr. PURVIS. Yes, sir.

Mr. TAYLOR. And is this the notice you sent Mrs. Thomas on August 20?

(Document handed to Mr. Purvis.)

Mr. PURVIS. This was sent by my office, yes.

Mr. TAYLOR. I would like to have that marked as Exhibit No. 6 and placed into the record.

Chairman HANNAH. It is received.

(Commission's Exhibit No. 6 was marked for identification and received in evidence.)

Mr. TAYLOR. Has anyone else been fined \$300 and spent the night in jail for failure to pay a \$15 tax on time?

Mr. PURVIS. I don't remember exactly what this man was fined, but I believe it was more than that, but he did spend a night in jail. In fact, several of them.

Mr. TAYLOR. On January 8, Sheriff, did you or any of your deputies arrest Mrs. Alene Hunter for passing a bad check?

Mr. PURVIS. My deputy did, yes, sir.

Mr. TAYLOR. I would like to introduce at this point—to mark as Exhibit No. 7 the bench warrant and bad check affidavit and the jail docket concerning Mrs. Hunter's case.

Chairman HANNAH. It is received.

(Commission's Exhibit No. 7 was marked for identification and received in evidence.)

Mr. TAYLOR. Did you know, sir, when you arrested her that she had recently applied to register?

Mr. PURVIS. I didn't even know her.

Mr. TAYLOR. Did you know that on the previous day her name had been published in the *Belzoni Banner*?

Mr. PURVIS. I didn't know it until today when I saw her on this witness stand right here where I'm sitting.

Mr. TAYLOR. Do you have an opinion as to whether the arrest of Mrs. Hunter or others, immediately after the publication of their attempt to register, might deter other Negroes from attempting to register?

Mr. PURVIS. I don't know what they might do.

Mr. TAYLOR. I'm sorry?

Mr. PURVIS. I don't know what any other person might do.

Mr. TAYLOR. I have no further questions at this time.

Chairman HANNAH. Father Hesburgh?

Commissioner HESBURGH. Sheriff, we have been hearing all morning and afternoon about fear.

Can you think of any reasons why there would be fear, among the Negro community, of trying to register to vote?

Mr. PURVIS. No, I don't. I can't understand them having fear of me.

Commissioner HESBURGH. No; I didn't mean it that way. I just meant that—it is curious thing. We were talking about it going home in the car—if I can digress for a moment. And the big thing we all heard during the war was you should be free from fear. And it is a horrible thing when person after person gets up and says they're afraid.

And I was just curious if you had any idea of what is the climate that makes them afraid, afraid to register, especially the fact that after a few try to register they immediately get into this difficulty with the law?

Mr. PURVIS. Well, the law from the standpoint of them taking the voter test or registering, that doesn't go along with this, because there was a law violated here.

Commissioner HESBURGH. Yes, I understand. But——

Mr. PURVIS. I would like to clear one thing up, too, if you would let me.

Commissioner HESBURGH. Sure. By all means.

Mr. PURVIS. Back with Alene Hunter: When she was on the stand here, they were talking about a debt she owed. But that check warrant and that affidavit that you have here will show that it was not a debt; that it was a worthless check warrant.

Commissioner HESBURGH. Yes, I noticed——

Mr. PURVIS. She was not arrested for a debt she owed.

Vice Chairman PATTERSON. In what amount, Sheriff?

Mr. PURVIS. I don't know, sir. I don't remember.

Mr. BRIDGES. I might explain that—if you would like to have this explanation about the peculiarities of our laws in Mississippi.

If the check had been for more than \$25, they would not have been able to compromise for misdemeanor by the one who appears before the justice of the peace and says it has been satisfied. If it is more than \$25, it becomes a felony and they cannot compromise these.

The fact that it was less than \$25 meant—and most of the time on these bad checks, while I don't approve of them and I have been confronted with them, we didn't use them at all. In most of these things, they are trying to collect money, and it is only when they obtain something at the time they give the check and not pay a bad debt, that they can use this warrant at all.

Vice Chairman PATTERSON. Mr. Chairman.

Chairman HANNAH. Mr. Patterson.

Vice Chairman PATTERSON. May I ask that it be stated for the record now the amount of this alleged bad check?

Mr. BRIDGES. It is \$5.15.

Vice Chairman PATTERSON. Thank you.

Chairman HANNAH. Father Hesburgh, had you finished your questions?

Commissioner HESBURGH. Yes, I had finished.

Chairman HANNAH. Mrs. Freeman?

Commissioner FREEMAN. Sheriff Purvis, you stated in response to a question that you photographed the Negro applicants, but that you have never photographed the white persons who come in and try to register.

Would you explain to us why you give this special treatment to the Negroes who try to register?

Mr. PURVIS. Well, I didn't photograph all the Negro applicants. You heard them state that they had some 18 or 20. I don't remember how many. But there is only six photographs there, and that's the only six that I have.

However, if I had wanted to photograph them all, I guess I could have had them all. They were right there in the courthouse, but I wasn't that much interested in it. At the time these happened to be made, I just happened to be there and took the pictures.

Commissioner FREEMAN. What use did you make of the photographs?

Mr. PURVIS. None whatsoever. For my own use.

Commissioner FREEMAN. Is this taking pictures a part of your—a regular part of your duties as sheriff?

Mr. PURVIS. Not duty, no.

Commissioner FREEMAN. Was this during the time that you were serving as sheriff of the county?

Mr. PURVIS. Yes.

Chairman HANNAH. Dean Griswold?

Commissioner GRISWOLD. It never occurred to you, Sheriff, that taking the pictures of these Negro applicants might make some impression on their minds, did it?

Mr. PURVIS. No, sir.

Commissioner GRISWOLD. Not at all?

Mr. PURVIS. No, sir.

Commissioner GRISWOLD. You thought that this would be absolutely colorless in their mind; you had no thought that this might act to intimidate them?

Mr. PURVIS. It wasn't my intention.

Commissioner GRISWOLD. How many deputies do you have, Sheriff?

Mr. PURVIS. Full time?

Commissioner GRISWOLD. Well, how many deputies do you have?

Mr. PURVIS. I have two full-time deputies on the outside; two full-time deputies on the inside; in the office.

Commissioner GRISWOLD. Making four altogether?

Mr. PURVIS. Yes, sir.

Commissioner GRISWOLD. How many part-time deputies do you have?

Mr. PURVIS. Oh, some 20, 21.

Commissioner GRISWOLD. How are the deputies paid?

Mr. PURVIS. They are paid by me.

Commissioner GRISWOLD. How are you paid?

Mr. PURVIS. Commissions and fees.

Commissioner GRISWOLD. What kinds of commissions and fees?

Mr. PURVIS. Collecting tax, selling tags, arrest fees, feeding prisoners, court costs.

Commissioner GRISWOLD. Are all of these paid to you in full, or only a portion of them?

Mr. PURVIS. My part is paid to me full.

Commissioner GRISWOLD. What about this beer tax? Do you get a part of that?

Mr. PURVIS. Just a percentage of it.

Commissioner GRISWOLD. How much of it?

Mr. PURVIS. Just a percentage of it.

Commissioner GRISWOLD. So you were directly interested in the enforcement of this—personally pecuniarily interested in the—

Mr. PURVIS. Not in the commission on that \$15.

Commissioner GRISWOLD. You got a 50-percent commission on the \$15?

Mr. PURVIS. I said not necessarily the commission on that \$15.

Commissioner GRISWOLD. Why not?

Mr. PURVIS. Because it wasn't but 75 cents.

Commissioner GRISWOLD. I'm sorry, I don't understand you.

Mr. PURVIS. Because my commission on that \$15 would have been 75 cents.

Commissioner GRISWOLD. Five percent of the total?

Mr. PURVIS. Yes.

Commissioner GRISWOLD. In the year 1964, what was your aggregate amount of fees from your office as sheriff?

Mr. PURVIS. Gross?

Commissioner GRISWOLD. Gross.

Mr. PURVIS. I believe it was forty-some thousand.

Commissioner GRISWOLD. What were your expenses in conducting the office of sheriff?

Mr. PURVIS. Thirty thousand.

Commissioner GRISWOLD. So that you had net about \$10,000 for yourself?

Mr. PURVIS. Well, a little more than that. About 15—14 or 15.

Commissioner GRISWOLD. As I understand it, you cannot succeed yourself immediately, but after an interval you can be reelected?

Mr. PURVIS. After staying out one term; yes, sir.

Commissioner GRISWOLD. Are there permanent records of the sheriff's office in Humphreys County?

Mr. PURVIS. Yes, sir.

Commissioner GRISWOLD. When you came in as sheriff in January 1964, were there records there of your predecessor which were turned over to you?

Mr. PURVIS. Yes, sir.

Commissioner GRISWOLD. And when you leave—I assume it will be 1968, January 1968—you will in due course turn over records to your successor?

Mr. PURVIS. Yes, sir.

Commission GRISWOLD. Do you know of any practice in Mississippi by which some sheriffs, at least, take away all the records and turn nothing over to their successors?

Mr. PURVIS. I have heard of it, but I can't say I know of it, because I don't.

Commissioner GRISWOLD. But that hasn't been done in your county?

Mr. PURVIS. No, sir.

Chairman HANNAH. Mr. Rankin?

Commissioner RANKIN. I notice, Sheriff, you said 80 beer permits were issued and—

Mr. PURVIS. I said roughly 80.

Commissioner RANKIN. Roughly.

Mr. PURVIS. Yes, sir.

Commissioner RANKIN. And roughly only 40 licenses.

Mr. PURVIS. Yes.

Commissioner RANKIN. And then you sent out notices, am I correct?

Mr. PURVIS. Yes.

Commissioner RANKIN. And then you said—go ahead.

Mr. PURVIS. Most of them paid. Some of them quit selling beer, and some of them had gone out of business in the meantime.

Commissioner RANKIN. But you only followed up those who did not pay and who continued to sell beer; am I correct?

Mr. PURVIS. Yes, sir.

Commissioner RANKIN. And was Mrs. Hunter the only one in this category?

Mr. PURVIS. Yes.

Commissioner RANKIN. She was notified; you say?

Mr. PURVIS. She was notified; yes, sir.

Commissioner RANKIN. But did not respond in any way?

Mr. PURVIS. No, sir.

Commissioner RANKIN. But you said at one time there was a white man; is that correct?

Mr. PURVIS. Yes.

Commissioner RANKIN. Were there other charges against this white man?

Mr. PURVIS. Yes, sir; but they didn't—the charges wasn't made at the same time that the beer violation was.

Commissioner RANKIN. That could be why he stayed in jail for a longer period of time, could it, because of the other offenses he had committed?

Mr. PURVIS. Well, the offenses he committed were selling beer without a license—you want to know, I'll tell you. Selling beer without a license, operating a dancehall without a license, and a whisky conviction. And they happened on Monday, Tuesday, and Thursday of 1 week, sir.

Commissioner RANKIN. OK, thank you.

Chairman HANNAH. Mr. Patterson?

Vice Chairman PATTERSON. Sheriff, do you feel that qualified Negro citizens should have just as much right to vote as qualified white citizens?

Mr. PURVIS. Yes.

Vice Chairman PATTERSON. You don't believe that any citizen, regardless of race, should be intimidated in an effort to register to vote?

Mr. PURVIS. No, sir.

Vice Chairman PATTERSON. You didn't consider that your photographing of these people, these Negro registrants—six of them, I believe—when they came to attempt to register, you didn't consider that would be intimidating?

Mr. PURVIS. No, sir.

Vice Chairman PATTERSON. These two people who were arrested on charges shortly after they attempted to register: Didn't it seem to you that this might have a deterrent effect on other Negroes who might try to come in to register?

Mr. PURVIS. I didn't even think about that, sir.

Vice Chairman PATTERSON. Thank you.

Chairman HANNAH. Mrs. Freeman, do you have another question?

Commissioner FREEMAN. Sheriff, you are aware that of the population in the county, about two-thirds of them are nonwhite; is that correct?

Mr. PURVIS. That is true.

Commissioner FREEMAN. And you have in your employ about 20 employees.

Do you have any Negro deputies employed on your staff?

Mr. PURVIS. No. I just explained to you, though, that I only have four full-time deputies. But I do have two Negroes working for me. One is a janitor of the courthouse, and the other one has been cooking at the jail some 20 years. He has been cooking so long they call him "Peas."

Commissioner FREEMAN. But I inquired about the part-time deputies.

Mr. PURVIS. No, I do not have.

Commissioner FREEMAN. You do not have either any part-time deputies who are Negro, or full-time?

Mr. PURVIS. No.

Commissioner FREEMAN. Thank you.

Chairman HANNAH. Mr. Rankin.

Commissioner RANKIN. This is just an opinion question.

Have you noticed any change in attitude toward the Negro registration in Humphreys County in the last—since you have been in office? Are they more kindly disposed toward it or not?

That is just an opinion question, but I just wanted to know if you wanted to answer.

Mr. PURVIS. Well, I now see more coming up now. Now whether they registered or passed the test or what, I don't know, sir. That is not in my department.

Chairman HANNAH. Mr. Rogerson, do you have a question?

Mr. ROGERSON. Sheriff, I believe you said that you took a total of six pictures leaving the registrar's office?

Mr. PURVIS. Leaving or entering; I don't remember exactly what they were doing.

Mr. ROGERSON. During what period of time was this, Sheriff?

Mr. PURVIS. These pictures were made in the hall, sir.

Mr. ROGERSON. Yes. Over what period of time were these six photographs made?

Mr. PURVIS. Oh, I would say a couple of months.

Mr. ROGERSON. A couple of months?

Mr. PURVIS. Yes.

Mr. ROGERSON. To your knowledge, did anyone else connected with your office or any county offices in the courthouse take pictures of any Negroes attempting to register, or leaving the registrar's office?

Mr. PURVIS. Not to my knowledge.

Mr. ROGERSON. In other words, to your knowledge, you were the only one who took any photographs?

Mr. PURVIS. Me personally? I think there might have been one or two of those pictures there that might have been taken by one of my deputies.

Mr. ROGERSON. I see.

You have also said that you did not take these pictures in connection with your duties as sheriff?

Mr. PURVIS. That's right, sir.

Mr. ROGERSON. Or the duties of any other public office that you hold?

Mr. PURVIS. That's right, sir.

Mr. ROGERSON. Photographing, apparently, is a hobby of yours; you like to take pictures.

Mr. PURVIS. Well, I like to take pictures, yes.

Mr. ROGERSON. Well, I wonder why you would have one of your deputies take a couple of your pictures then?

Mr. PURVIS. Well, we have several cameras there and they are on the desk there all the time.

Mr. ROGERSON. But these weren't to be used in connection with your official duties; is this correct?

Mr. PURVIS. That's right.

Mr. ROGERSON. Then it appears to me what you are saying is that you just happened to be there on these days and thought that these Negroes leaving or entering the registrar's office would be a good subject for your hobby of photography?

Mr. PURVIS. Yes, sir. But you can very easily see it was a hobby, because if it hadn't been, I would have taken pictures of all of them, sir.

Mr. ROGERSON. Thank you.

Commissioner GRISWOLD. Sheriff, who owns these cameras to which you referred?

Mr. PURVIS. I own two of them, and I believe Humphreys County owns two of them, sir.

Commissioner GRISWOLD. They are not county property?

Mr. PURVIS. No, sir.

Commissioner GRISWOLD. Who provided the film for them?

Mr. PURVIS. I provided this film, I believe, myself, sir.

Chairman HANNAH. Father Hesburgh.

Commissioner HESBURGH. Sheriff, could I just return for one brief moment to that line I was on when I stopped, because it is still going in my mind.

Is it a fair statement now from what you have said, that the Negroes in Humphreys County can feel free to go and attempt to register and that they will have nothing to fear from you?

Mr. PURVIS. That's true.

Commissioner HESBURGH. I think it is good you say that publicly. Thank you, sir.

Chairman HANNAH. Mr. Taylor?

Mr. TAYLOR. I just have one question for the sheriff or his counsel.

We have entered into the record a document you produced called Affidavit for Bad Check, and it contains a copy of the check.

Mr. BRIDGES. Yes.

Mr. TAYLOR. Now, just as a matter of my own opinion, it appears to me that the handwriting in the signature is quite different from the handwriting on the check.

Mr. BRIDGES. It appears the same way to me. I do not know anything about it, but I know that the signature here, under it they had to print her name so they could tell who it was. And that is customary in these stores, when a Negro writes a check, they fill it out for him.

Mr. TAYLOR. Is it customary to fill out a check and signature for them whether or not they have an account with the bank?

Mr. BRIDGES. I cannot answer that question. It is not customary with my clients.

And this Gordon's Pharmacy is a—I handled the estate when Mr. Gordon died, and I'm sure they asked me about everything, but they didn't ask me about this one. But they asked me about most of those things, and they—I might—I don't want to unduly prolong this, but the questions about the selling beer without a license, I might make this remark: The sheriff—I haven't told him about it, but the violation of our prohibition laws in Mississippi seem to be a little more serious misdemeanors than the ordinary misdemeanors. The penalties are higher; the bonds are higher under the statute than the ordinary misdemeanors.

We happen to be a county that allows the sale of beer. There is only 26 counties in the State that even allow you to sell beer.

And I thought that might come in to fill in about the amount of the fines and things. The prohibition laws in the State—it is a serious thing when they prosecute.

Chairman HANNAH. Any further questions of commissioners or staff? Are you finished, Mr. Taylor?

Mr. TAYLOR. Yes, sir.

Chairman HANNAH. Sheriff, you are excused. Thank you very much.

(Witness excused.)

Chairman HANNAH. Would this not be a good time for a break?

This finishes the testimony from Humphreys County, and we will take a 15-minute break, and we will return about 3:23.

(Short recess taken.)

Chairman HANNAH. The hearing will come to order.

Mr. Taylor, will you call the next witness?

Mr. TAYLOR. The next witness, Mr. Chairman, is from Carroll County, and I would like to ask Mr. Humpstone to give the Commission a brief background statement on Carroll County.

Chairman HANNAH. Mr. Humpstone?

Mr. HUMPHSTONE. Carroll County is located in the north-central part of the State. The total population in 1963 was estimated at 12,000, of whom more than half were Negro.

In 1964, of the 2,700 voting age Negroes, five were registered while approximately 74 percent of the 3,000 voting age whites were registered.

Income in Carroll County is the second lowest in the State. In 1959 the median income for white families was about \$2,500. And, for Negro families about \$885.

Seventy percent of the Negroes and 30 percent of the whites are involved in agriculture.

In 1959 the median education level for Carroll County whites was slightly over 9 years while for Negroes it was slightly less than 6 years.

In the school year 1960-61, the Carroll County School district spent about \$185 for each white child and about a hundred dollars for each Negro child.

An understanding of the voting situation in Carroll County requires note to be made of the case of Robert Lee Goldsby, a Negro who was convicted of murder and sentenced to death in 1954 by a Carroll County court. In 1957 the Federal Court of Appeals for the Fifth Circuit ordered a hearing to determine whether Negroes had been excluded from the jury which had convicted him.

Under Mississippi law this jury had been drawn from the list of registered voters. Following the hearing the circuit court ruled in 1959 that there had been such an exclusion and vacated the conviction. After this ruling, officials of Carroll County requested certain resident Negroes to register to vote.

Chairman HANNAH. Thank you, Mr. Humpstone.

Mr. Taylor, call the next witness.

Mr. TAYLOR. The next witness is Mr. William Eskridge.

Chairman HANNAH. Mr. Eskridge, will you raise your right hand?

(Whereupon, Mr. William Eskridge was duly sworn by the Chairman and testified as follows:)

Chairman HANNAH. Have a seat, sir.

Mr. Taylor, will you proceed with the questioning?

TESTIMONY OF WILLIAM BROWN ESKRIDGE, CARROLL
COUNTY, MISS.

Mr. TAYLOR. Mr. Eskridge, will you please give us your full name, your address, and your occupation for the record?

Mr. ESKRIDGE. William Brown Eskridge, Route 2, McCarley, Miss. I'm a farmer.

Mr. TAYLOR. Did you have another occupation before you were a farmer?

Mr. ESKRIDGE. I have taught school for a number of years.

Mr. TAYLOR. Where did you receive your education, sir?

Mr. ESKRIDGE. I went to school awhile at Alcorn College. I finished school in 1923 at Tuskegee Institute. It was only high school at that particular time. And, since that time I have gone to school at Alcorn, Jackson College, and Rust College and MVC.

Mr. TAYLOR. Have you ever registered to vote, Mr. Eskridge?

Mr. ESKRIDGE. I have.

Mr. TAYLOR. Will you tell us when that was?

Mr. ESKRIDGE. It was the latter part of 1931, or the first part of 1932.

Mr. TAYLOR. After you registered to vote, did you vote?

Mr. ESKRIDGE. I voted in two elections.

Mr. TAYLOR. What years were those?

Mr. ESKRIDGE. 1932, the President election of 1932.

Mr. TAYLOR. Did you stop voting after that point?

Mr. ESKRIDGE. I voted the following year in a general election; that is, the sheriff died and I voted in that election.

Mr. TAYLOR. Did you vote after that?

Mr. ESKRIDGE. After that I didn't vote any more.

Mr. TAYLOR. Can you tell us why you stopped voting?

Mr. ESKRIDGE. Well, there were two principal reasons. The first reason I had no one else in the county that would vote and I couldn't get anybody else with me. I saw I was not making any progress. And, at the same time, I, my salary was being whittled. The last time they cut it down to \$25.50 a month. And, of course, that was a long time ago; we were getting less.

Mr. TAYLOR. Did you ever try to register after you stopped voting?

Mr. ESKRIDGE. I attempted to have my registration straightened out in 1952, I believe it was.

Mr. TAYLOR. What happened then?

Mr. ESKRIDGE. The chancery clerk told me the polls were not open. And, I would have to go to the second district to the circuit clerk.

I went to the circuit clerk and he told me the time wasn't right for Negroes to register. I told him that as soon as Negroes became qualified we should have the ballot. He said, "Well, we don't have any important elections." I told him, "We have one in November." Then he said, "The chancery clerk told me that you were once a registered voter, and I would be glad if you will allow me to talk with him." I granted him that privilege. Eventually I went back to Carrollton to the first district and thought I had my registration straightened out. I don't know as I had it straightened out because after that—I believe it was sometime in 1952—I went to vote at my precinct and the man in charge knew me well and called my name and thumb through the book and said, "Eskridge, I can't find your name." Well, there's nothing for me to do but walk out. I went in again some months after that to vote again. When I got in that time there was another man in charge and he seemed to have been very antagonistic. But, I stayed there with him for a while. And, another fellow was in there that was in there before when he told them that my name wasn't on the book and he said the statement, "Your name is not on the book, Eskridge. It may be on the books for another year," which gave this man a clue. He thumbed through and said my name wasn't on the book.

Mr. TAYLOR. You have recently registered to vote?

Mr. ESKRIDGE. I registered in August, I believe it was, August of 1964.

Mr. TAYLOR. During this period that you have described, have you tried to get other residents of Carroll County to register?

Mr. ESKRIDGE. Well, I started again in the 1950's trying to get other residents. Actually I tried several years before. I gave up but I tried again in the 1950's to get people to register.

Mr. TAYLOR. Before that, during the period you were a teacher, had you tried to get teachers to register?

Mr. ESKRIDGE. I tried to get the teachers to register in 1950, in the 1950's.

Mr. TAYLOR. Were you successful?

Mr. ESKRIDGE. Not at all.

Mr. TAYLOR. Do you have an opinion about why you weren't successful?

Mr. ESKRIDGE. My opinion is they were afraid of their job. In the first place some of the teachers in the school went to the courthouse and paid their poll tax. The superintendent got and heard of it and called them in and let them know if they are going to

register for voting they wouldn't have a job, and consequently everybody had to back up. All the teachers at least. Now, that's the teachers told me that. I didn't hear the superintendent say that.

Mr. TAYLOR. Have you tried to get people other than teachers to register?

Mr. ESKRIDGE. I have.

Mr. TAYLOR. Have you been successful with them?

Mr. ESKRIDGE. I have been successful in getting promises that they were going, but most of them will tell me that, oh, I cannot get credit. I might be hit over the head. Just anything they tell me to get by to keep from going.

Mr. TAYLOR. Has there been any violence that would make people afraid of being hit over the head?

Mr. ESKRIDGE. There have been violence. Now, remember, Carroll County has a history and that history I think is the thing that has affected our county. That history has started 80 years ago, you might say.

Mr. TAYLOR. Would you care to tell us a little bit about the history?

Mr. ESKRIDGE. 80 years ago a colored man and a white man had a little trouble, a little fight, and the trial was set upstairs in the courthouse, and at that time Negroes didn't seem to be so fearful and they would always go to court and they got up there in the courtroom that day, a signal was given, a bell was rang, and people come from all sides and all around the courthouse and began shooting. Most of the Negroes jumped down from the second story running. Some of them got shot even as they were running trying to get away.

They killed a good many of them right there in the courthouse that day. After that was done, the Negroes were very fearful. They didn't want to go to work.

Well, some of the white people said, well, that's against the law of the land. They said that's against the law of God, so we had to scare a few, kill a few to scare the balance, and that's what the purpose—the purpose was to enslave the minds of the colored people, beginning of the enslaving of the minds of the colored people.

Mr. TAYLOR. That happened quite a long time ago, Mr. Eskridge. Is it still talked about?

Mr. ESKRIDGE. It is still talked about today because some of the children's fathers were in there that is living today; and at the time I came along it was approximately 20 odd years later. The smoke hadn't hardly cleared then because when I were born my father indoctrinated me concerning white people, and of course he naturally instill some fear in me.

Following that incident there was another incident. Around 1892, white men went to a colored person home, shot down one of the boys in the lot. Eleven days followed. The white boys' mother and father was murdered and it was done brutally. It stirred the emotion of the whole of Carroll County. Before the white people got a chance to think, they arrested those people whose boy had been shot and the whole family, with the exception of one, was wiped out. A few days after they wiped those out, the white men were afraid that one of the Negro men that worked with them was going to talk, and they had a big rope around his neck and got him a half mile from where his mother and father was killed and the mob crowd shot him down at the bridge and the rumor went out that it was an organization of Negroes, that we want to kill 8 or 10 miles square. One of the [white] boys passed by my father's home. He was setting out potatoes and he said, "Set them out, boy. You won't get a chance to eat them."

Mr. TAYLOR. Is this incident still talked about?

Mr. ESKRIDGE. They still talk about that today.

Mr. TAYLOR. In your opinion, Mr. Eskridge, will substantial numbers of Negroes register in Carroll County today?

Mr. ESKRIDGE. They will not unless—they will go if we can get the COFO workers or some white man there to go with them.

Now, mind, this continues; this didn't stop there. We had less violence, but it continued throughout the years. Whenever a colored person was killed, nothing done about it. Whenever a white man got ready to hit one over the head, he hit him over the head and asked him if he liked it, and he had to tell him that he did. Simply to molest and keep his mind in slavery. Then also there was economic reason too that they tried their best to keep them that way.

Mr. TAYLOR. Thank you, sir.

Chairman HANNAH. Father Hesburgh?

Commissioner HESBURGH. Mr. Eskridge, how many Negro teachers would there be in Carroll County, do you know offhand?

Mr. ESKRIDGE. At the present time?

Commissioner HESBURGH. Yes.

Mr. ESKRIDGE. I wouldn't know exactly, but around 60, I expect.

Commissioner HESBURGH. How many of them would be registered to vote?

Mr. ESKRIDGE. How many would be registered? Not any.

Commissioner HESBURGH. Not any.

Are these teachers supposed to explain to Negro youngsters how to be good American citizens?

Mr. ESKRIDGE. They are.

Commissioner HESBURGH. And, they can't vote themselves?

Mr. ESKRIDGE. Can't vote themselves. I informed them about that; told them they are not supposed to teach our children if they are not qualified to register.

Commissioner HESBURGH. What would be needed? Suppose we had the superintendent here today and we were to say to him, you can't have people teaching children who aren't qualified to vote and can't give an example of voting? What would he say of that?

Mr. ESKRIDGE. Well, I can't tell you what he might say.

It is softening up a little bit, I think, now, because three or four teachers in Carrollton here lately have gone to the courthouse and paid the poll tax for themselves and their wives. But one of them have been called in and questioned and he has been informed too, that he should stop the movement and they want him to do so. He told them he couldn't stop the movement and told them he figured it was right for Negroes to vote.

Commissioner HESBURGH. Mr. Eskridge, we have to advise the President of the United States and the Congress of the United States what to do about places like Carroll County. What would you advise them to do if you were sitting where we are?

Mr. ESKRIDGE. That's a question that is hard to answer.

Commissioner HESBURGH. Well, you have been living with it. We haven't, so you tell us.

Mr. ESKRIDGE. Whenever people get their mind, have so much license to get people mentally enslaved, well it is hard. You got first to get rid of some of that. Now, how to do it, I don't know.

Commissioner HESBURGH. What should we do to make sure any qualified creature in Carroll County who wants to vote can go over and register and vote? What's to prevent that right now?

Mr. ESKRIDGE. That's something I don't know, but I believe this: If we can get more workers in there, white people, they will go. Now, they just came here in the county the last about 3 weeks. I have tried to get them to go and couldn't. They come there and they were able to get 10 or 12 to go to try, but they had to go with them.

Commissioner HESBURGH. Who are these people who are trying to encourage Negroes to vote in Carroll County?

Mr. ESKRIDGE. I guess the COFO workers.

Commissioner HESBURGH. Is anybody outside COFO interested in getting people to vote? I mean, Negroes?

Mr. ESKRIDGE. Well, there are.

Commissioner HESBURGH. Who would they be?

Mr. ESKRIDGE. We have some citizens and one or two teachers. They are trying to push our people up, but they are scared to go themselves. You know that don't go so far.

Commissioner HESBURGH. What are people really afraid of, Mr. Eskridge?

Mr. ESKRIDGE. What are they afraid of? They said they don't have protection.

Commissioner HESBURGH. You have law officers in the county to protect you, right? You have sheriffs, chiefs of police, policemen?

Mr. ESKRIDGE. That is right, sir.

Commissioner HESBURGH. Do these people protect Negroes at all?

Mr. ESKRIDGE. They seem to be better now. The last sheriff came in, we hadn't had any violence, but before this last sheriff came in we had a deputy that every time he arrested a Negro he had to hit him and I have seen him going behind a prisoner and kicking him going to jail.

Commissioner HESBURGH. These are all elected officials?

Mr. ESKRIDGE. Yes, sir.

Commissioner HESBURGH. If you folks had a vote they wouldn't be elected again?

Mr. ESKRIDGE. They certainly wouldn't and they know it.

Commissioner HESBURGH. That's all.

Chairman HANNAH. Commissioner Freeman?

Commissioner FREEMAN. Mr. Eskridge, during the past 30-odd years that you have not voted there have been many political campaigns?

Mr. ESKRIDGE. There have.

Commissioner FREEMAN. Have candidates for office made speeches in and around the county of any kind, asking for people to vote for them?

Mr. ESKRIDGE. It's a very few people come to Carroll County. Sometime they come there.

Commissioner FREEMAN. Is the sheriff elected?

Mr. ESKRIDGE. The sheriff is elected, but the sheriff don't make any speeches. He just generally go around and canvass. Generally they not even make a speech.

Commissioner FREEMAN. They were not able to make a speech?

Mr. ESKRIDGE. At least they don't. I don't know when I have heard a sheriff speak in Carroll County. Not when he was running.

Commissioner FREEMAN. He's not the only elected official, is he?

Mr. ESKRIDGE. I would vote for all the elected officials if I had a chance.

Commissioner FREEMAN. Now, the poll tax is the law of the State of Mississippi?

Mr. ESKRIDGE. That's right.

Commissioner FREEMAN. And, all of the persons over certain age are supposed to pay the poll tax?

Mr. ESKRIDGE. That's correct.

Commissioner FREEMAN. You indicated that when you went to pay the poll tax you were asked why you came? Is that correct?

Mr. ESKRIDGE. Not when I went to pay my poll tax. It must have been when I went to register.

Commissioner FREEMAN. Do the officers try to get the people to pay the poll tax?

Mr. ESKRIDGE. Well, they will ask every white person that come in there, and every Negro they won't say a word. I was in there paying taxes here in February, and every white person come in there, white woman especially they asked them about paying the tax. When I paid my tax, they hand me just my tax receipt and didn't ask for a poll tax. Of course, mine was above the age, however, but I stopped it once and said, I want to pay poll tax for my wife and they gave me a poll tax receipt.

Now, I have never had any trouble paying poll tax in Carroll County. Some have, but I have never had.

Chairman HANNAH. Mr. Patterson?

Vice Chairman PATTERSON. Mr. Eskridge, more than half of the population of Carroll County is Negro?

Mr. ESKRIDGE. I think so.

Vice Chairman PATTERSON. Do you think this is the basic reason why the white people of that county fear a Negro voter?

Mr. ESKRIDGE. I think that's the main reason they fear the voter.

Vice Chairman PATTERSON. Do you think that is a valid reason?

Mr. ESKRIDGE. I know it is not a valid reason, but from his point of view it is.

Vice Chairman PATTERSON. Do you think that's the basic motivating factor in him planting fear in you?

Mr. ESKRIDGE. That's right.

Vice Chairman PATTERSON. Thank you.

Commissioner GRISWOLD. Mr. Eskridge, since this *Goldsby* decision of the court of appeals, what could they do in Carroll County in getting juries for criminal cases?

Mr. ESKRIDGE. Well, after the *Goldsby* case I guess that open the eyes just a little and the sheriff went out and asked, I believe it was a half dozen to come up there and register so he could clear the law.

Commissioner GRISWOLD. Are those persons called for jury duty?

Mr. ESKRIDGE. I think they were called, some of them were called once. I'm not positive.

Commissioner GRISWOLD. Do you know whether they have ever served on a jury?

Mr. ESKRIDGE. They haven't served.

Commissioner GRISWOLD. Why have they not served?

Mr. ESKRIDGE. Those that went up there, that was called, were soon dismissed, and why, I don't know.

Commissioner GRISWOLD. As far as you know there has been no Negro juror in Carroll County even since the *Goldsby* case?

Mr. ESKRIDGE. Not as I know of.

Commissioner GRISWOLD. That would seem to indicate that no person, white or colored in Carroll County, is safe. On that basis I would think it very likely that it is impossible to obtain any conviction of anyone for committing a crime in Carroll County. Do you have any thought about that?

Mr. ESKRIDGE. Well, as long as we set by and they convict them and we don't stop it, there's going to be convictions.

Commissioner GRISWOLD. It looks to me as though Carroll County is a place where there is a license to anyone to commit crime freely.

Mr. ESKRIDGE. White man, yes, sir. He can commit them freely.

Chairman HANNAH. Mr. Taylor?

Mr. TAYLOR. Just one question, Mr. Eskridge.

When you registered in August of 1964, did you receive any assistance from anyone?

Mr. ESKRIDGE. I didn't have to take the test. I went into the Chancery clerk's office and told her I came to register and she asked me had I ever registered in Mississippi, and I told her I was a registered voter once in Carroll County and she got the books and checked and everything and brought them out and I registered, and I asked her for an age certificate and she brought that out.

Mr. TAYLOR. Was this because the Department of Justice had taken some action?

Mr. ESKRIDGE. I don't think so. I never had too much trouble with them, no more than cutting my salary and what not.

Chairman HANNAH. Further questions?

Commissioner GRISWOLD. Mr. Eskridge, have you voted since registering?

Mr. ESKRIDGE. Now, we have a law in Mississippi I think you have to be registered 4 months, I believe it is, before you go to the poll, and this was in August, I believe it was, and it was about 3 months and, of course, I just didn't go this time but I'm going the next time.

Chairman HANNAH. Any other questions?

Thank you very much, Mr. Eskridge.

You are excused.

(Witness excused.)

Chairman HANNAH. Mr. Taylor, will you call the next witness.

Mr. TAYLOR. The next witness is Mr. Jake Cain, accompanied by Miss Mildred Cain.

Chairman HANNAH. Mr. and Miss Cain?

Will you raise your right hand?

(Whereupon, Mr. Jake Cain and Miss Mildred Cain were duly sworn by the Chairman and testified as follows:)

Chairman HANNAH. Have a seat, please.

Mr. Taylor, you may proceed with the questions.

TESTIMONY OF JAKE CAIN AND MISS MILDRED CAIN, CARROLL COUNTY, MISS.

Mr. TAYLOR. Mr. Cain, would you please give your full name and your address.

Mr. CAIN. Jake Cain, Carrollton, Miss., Route 3, Box 39.

Mr. TAYLOR. How long have you lived in Carroll County, sir?

Mr. CAIN. I have lived in Carroll County 78 years, living in the same house I was born in.

Mr. TAYLOR. Have you registered to vote, Mr. Cain?

Mr. CAIN. Yes, sir. Sheriff of the County, Mr. John Tom Allen, he came and asked me to come; he wanted me as a juror.

He said, "Next time you are in Carrollton, I want you to go to the clerk's office and register." I told him I would. And, the next time I was in Carrollton, I went into the clerk's office and told him why here I am, so he taken me into a side room to ourselves and he guided me through the registering. I had never registered. He read a part of the constitution, the words that I couldn't spell, why he spells them for me. I wrote it out; he taken me back on into the clerk's office and stamped it and gave me a certificate.

Mr. TAYLOR. This was in 1959, sir?

Mr. CAIN. In 1959.

Mr. TAYLOR. Were you ever called then as a juror?

Mr. CAIN. I was.

Mr. TAYLOR. What happened then?

Mr. CAIN. Well, I was called and asked, we were seated, the judge asked that after we were sworn in he asked questions and we answered questions. Then he asked had we ever been qualified, registered voters. I told him I registered but I never did vote.

Mr. TAYLOR. What happened then?

Mr. CAIN. Well, he said, you can stand on the side.

Mr. TAYLOR. Do you know of any other people, Mr. Cain, who registered in the same way that you were?

Mr. CAIN. Yes, sir.

Mr. TAYLOR. About how many?

Mr. CAIN. Well, I know three personally that lived I think—well, they lived in different beats, but I know Tommy Johnson and Roger

Campbell personally. They are registered. Others in other beats that were registered that I didn't know so personally, but I know these three personally with myself.

Mr. TAYLOR. Have you ever tried to vote, Mr. Cain?

Mr. CAIN. No, never had.

Mr. TAYLOR. Has anyone else tried that you know about?

Mr. CAIN. Well, I don't know positive that anyone more than the gentleman that just left the stand, he tried to vote, he said. My brother-in-law also tried it about that time, but I don't know how he come along.

Mr. TAYLOR. Why have you not tried to vote?

Mr. CAIN. Well, we was raised kind on the atmosphere that kept us under the fear of even asking, going up to vote. Now, after having registered and after Mr. John Tom asked me to come go register and I went and registered and that was in 1959, Mr. Bennett was chancery clerk and Mr. John Tom Allen was the sheriff of the town. Well, I asked Mr. Bennett as it was coming up to the 1960 election and I said, "did you all register me that I can vote in the President election?" I asked Mr. Bennett, the chancery clerk, the one that registered me.

"Well," he says, "I don't know, I don't see why you couldn't vote as far as I am concerned. But, you might meet some opposition down there. I tell you what you do. I'm out of it now." He was at the time out as chancery clerk at that time. He said, "you go down there and ask John Tom Allen, he is still in that business." But I wanted him since he guided me in the registering. I wanted him to guide me through the voting. I want him to go like he did when he registered me, for some protection. But, he wouldn't go, didn't go. He told me to go alone.

I might and I might not.

Mr. TAYLOR. Have you ever talked to other Negroes in the county about registering any of your neighbors or anyone else?

Mr. CAIN. Well, not much because I didn't register myself and I didn't talk to anyone about registering because I had some doubts in my mind that might come up. Something we could give other places where they were having trouble, putting people in jail and having great trouble, and I just feel like Carroll County is about the last county to ever pull anything good, and so I thought when the other counties kind of broke down, I believe Carroll County would come on in and we would have someone to register. I spoke to my daughter there a few months ago, a few weeks ago, a month or ago better, it seems to have softened up some. I asked her if she would go and she said, "I about make up my mind but every time I go to the courthouse something tells me not to go in." But this time she says when she

went in to pay her tax, something told her to go into, so she went in and took the test, but how she came out, I couldn't tell you.

Mr. TAYLOR. Miss Cain, you did attempt to register this time?

Miss CAIN. I did.

Mr. TAYLOR. Have you ever gone to the courthouse before to try to register?

Miss CAIN. Yes, I have, but that was my first time to attempt to register.

Mr. TAYLOR. You had gone to the courthouse before but had not gone in to register?

Miss CAIN. I was afraid.

Mr. TAYLOR. But, this time you decided to?

Miss CAIN. I decided.

Mr. TAYLOR. Mr. Cain, do you know about this incident at the courthouse about 80 years ago that Mr. Eskridge told me about?

Mr. CAIN. Well, my father was in that riot or mob or whatever they would call it because the white people said that it was a riot, but the older folks said it was a mob, I know my father was shot through and through. He was shot back under his left breast there and it come out under his shoulder blade there, the bullet hole; I mean the scar showed on his, just under his left shoulder blade, and his brother were killed on the steps of the courthouse at the same time. My father said he jumped from the upper stair, upper deck, down and ran until he ran to the corporate limits of the town, and thereby he fell, but he did recover, God knows it.

Mr. TAYLOR. Thank you, Mr. Cain.

Chairman HANNAH. Father Hesburgh.

Commissioner HESBURGH. Can I ask you, Miss Cain, if you were successful in getting registered like your father?

Miss CAIN. No.

Commissioner HESBURGH. You didn't get as much help?

Miss CAIN. No, but they was very nice about it.

Commissioner HESBURGH. How long ago was that, Miss Cain?

Miss CAIN. That has been about 3 weeks ago.

Commissioner HESBURGH. Oh, you will probably hear then.

Mr. Cain, I'm surprised you didn't try to vote because you have been around a long time. I should think you would want to vote.

Mr. CAIN. Yes, sir, I have been here a long time.

Commissioner HESBURGH. Are you paying taxes?

Mr. CAIN. Paying taxes from 21 up until I was exempt.

Commissioner HESBURGH. You know the basic idea of this country, you pay taxes and you get an idea to vote and see how they are being used.

Mr. CAIN. I would be glad to vote.

Commissioner HESBURGH. You are registered and a senior citizen and you have every right to vote and you just ought to go and vote.

Mr. CAIN. Well, I think in the next voting, I think I will attempt anyway. I will go to the polls. Whether they accept me or not.

Commissioner HESBURGH. Do you think something could happen to you, someone would do something to you at your age, if you tried to vote?

Mr. CAIN. I don't know what happens in different places would happen to me or not, but we learn, these incidents are happening and they are happening until this day. There is plenty of it happening yet in Alabama right now.

Commissioner HESBURGH. Tell me, Mr. Cain, is there a good deal—this is a question for my ignorance because I never lived here—is there a good deal of conversation in the Negro community about incidents of violence against Negroes?

Mr. CAIN. Well, it is quieting down to some extent now. They have seemingly sort of softened up now. On the arrests I notice now they don't use clubs, they don't use their feet. They will arrest people and jail them but they don't club them and kick them this past year like they have in the past.

It use to be hardly that a colored person was arrested that he wasn't maybe clubbed. Now, Mr. Allen was a very nice sheriff, I think as good a sheriff we have had. I never known him to have trouble arresting people or even beating people or knocking people, but the deputy sheriffs there mostly are the ones that do the clubbing or kicking or what not.

Now, Mr. Allen never did kick nobody and never had nobody arrested kicked.

Commissioner HESBURGH. Does the sheriff try to control his deputies?

Mr. CAIN. Well, I don't know.

Commissioner HESBURGH. But, you think there is less fear now than there was say 5, 10, 15 years ago?

Mr. CAIN. Yes, sir, much less.

Commissioner HESBURGH. Wouldn't that be a good idea for the Negro community to go out and try to vote now?

Mr. CAIN. I think it would.

Commissioner HESBURGH. You are an elder citizen. I hope you encourage them.

Mr. CAIN. Thank you.

Commissioner HESBURGH. Thank you.

Chairman HANNAH. Mrs. Freeman?

Commissioner FREEMAN. Mr. Cain, there are almost 3,000 Negroes in Carroll County of voting age. Yet, you say whenever you go, if you would try, that you would have to have some protection. Are you saying that there is nobody in that community, no law enforcement officer that the people of that community feel they could look to for that protection?

Mr. CAIN. Well, I feel within myself at my age, and the length of time I have lived in Carroll County, I don't believe anyone would do anything to me unless he would tell me to just turn my back from the poll. He might turn me back and tell me not to vote. I don't feel anyone would club me or nothing like that, because I have lived there as a loyal citizen for all these years and I don't feel there is a white man in Carroll County that would come up and kick me or hit me or knock me. I don't feel that way. I would be mighty surprised.

Commissioner FREEMAN. Then it is not for fear of injury to yourself?

Mr. CAIN. No.

Commissioner FREEMAN. But, the other people are afraid, is that what you are saying?

Mr. CAIN. The younger people, I don't know what they go into if they all went to the polls in groups. I said since they have allowed them to come in one by one, I feel we ought to continually drop in one by one until we see how far we can go and if they are qualifying, why continue on without help, if they are accepted. But, I don't know whether anybody qualified or not. But, as long as no violence, as long as they are as my daughter said they were with her, I feel we ought to continually advise our younger people and the people, unregistered people, to continue to go in one by one and not in groups because I feel like if they go up there in throngs, why something might happen.

Commissioner FREEMAN. Miss Cain, if you did not pass, you plan to go back?

Miss CAIN. Yes, I do plan to go back.

Chairman HANNAH. Dean Griswold.

Commissioner GRISWOLD. Miss Cain, are you employed?

Miss CAIN. Yes, I am.

Commissioner GRISWOLD. What is your employment?

Miss CAIN. I am a cosmetologist.

Commissioner GRISWOLD. You started to register, you say, 3 weeks ago?

Miss CAIN. I did.

Commissioner GRISWOLD. You have not yet been advised as to whether you passed or not?

Miss CAIN. No, I haven't.

Commissioner GRISWOLD. Were you told to come back sometime to find out?

Miss CAIN. She told me after finishing that it would be published 3 weeks, but that was all.

Commissioner GRISWOLD. She said it would be published?

Miss CAIN. Published 3 weeks in the *Conservative*.

Commissioner GRISWOLD. That means it would be published in the newspaper or posted on the courthouse door?

Miss CAIN. *Conservative*, newspaper, weekly paper.

Commissioner GRISWOLD. If you are successful in registering, do you expect to vote?

Miss CAIN. Yes, I do.

Commissioner GRISWOLD. What education have you had?

Miss CAIN. High school, 1 year of beauty college.

Commissioner GRISWOLD. Do you recall what section of the constitution you were asked to interpret?

Miss CAIN. 150.

Commissioner GRISWOLD. Do you think, yourself, that you made a good interpretation of section 150?

Miss CAIN. I think I did.

Commissioner GRISWOLD. Were there any other difficulties presented in connection with your registering? Do you think you filled out the other portions of the blanks satisfactorily?

Miss CAIN. The best of my knowledge.

Commissioner GRISWOLD. Did other Negroes seek to register at about the time that you did?

Miss CAIN. No, I went alone.

Commissioner GRISWOLD. Do you know whether others have sought to register within the past months?

Miss CAIN. I have heard talk of some planning to go, but whether they have gone, I do not know.

Commissioner GRISWOLD. As I understand it, you went to register not because of any outside urging but because you had long thought about it and finally screwed up your courage to the place where you thought you would go in and try it?

Miss CAIN. That's true—other than my father have mentioned it to me and then there have been other names in the paper since I have went up there.

Commissioner GRISWOLD. Have you heard of any Negroes who have actually passed the test and completed registration in the past several weeks?

Miss CAIN. No.

Commissioner GRISWOLD. Thank you.

Chairman HANNAH. Mr. Rankin?

Commissioner RANKIN. Miss Cain, you have talked about registering; haven't you?

Miss CAIN. Yes, I have.

Commissioner RANKIN. And, it is fear that keeps them from trying to register? Is that correct?

Miss CAIN. That's correct.

Commissioner RANKIN. In each instance?

Miss CAIN. That's correct.

Commissioner RANKIN. Do you agree with your father that it's better to go one by one than for a group to go down?

Miss CAIN. Well, I agree maybe more than one by one, but I wouldn't—

Commissioner RANKIN. You would like to have had somebody with you; is that right?

Miss CAIN. Well, I wasn't alone because I had prayed, and I believed that Somebody was with me. That's why I had the courage that I had when I went there. But, I do believe that they could go in more than one, at least about four or five, so it wouldn't prolong the registration.

Commissioner RANKIN. Do you also believe that the objection to Negroes registering is due to the fact that the majority of the county's population is Negro? Is that the reason, do you think?

Miss CAIN. I believe that is part, but I don't think that is it fully.

Commissioner RANKIN. What's the rest?

Miss CAIN. I believe there is, well, the number has something to do with it and then there is—I just couldn't hardly explain it.

Chairman HANNAH. Mr. Patterson?

Vice Chairman PATTERSON. Mr. Cain, we have heard some conflict in testimony here today. We have heard some witnesses say that they live in a climate of fear. We have heard some other witnesses say they can't imagine how that could be, but we have heard one general theme running through it, all witnesses including you, and that's that there's a change under way.

Mr. CAIN. Yes, sir.

Vice Chairman PATTERSON. Some witnesses have said that the change has reached further than others. You say that at least they don't club you and kick you quite as much when they arrest you. But, now I want to ask you a question from your light of wisdom at the age of 78 looking back on your life.

Mr. CAIN. Yes, sir.

Vice Chairman PATTERSON. Your father was shot in Carroll County?

Mr. CAIN. That's right.

Vice Chairman PATTERSON. You say you have lived under the fear there for your life?

Mr. CAIN. That's right.

Vice Chairman PATTERSON. What kind of life would you like your daughter there to live in Carroll County and what changes would you like to see made; what sort of life would you like to think she's going to have?

Mr. CAIN. Well, I feel when we all qualify as registered voters and can go to the poll, I feel that we will be looked upon as any other citizen, of the State of Mississippi, or even the United States, and until we can get to the poll, I feel we won't never be considered as citizens of even Carroll County.

Chairman HANNAH. Mr. Cain, you said you were a farmer. Do you own your own farm?

Mr. CAIN. I do.

Chairman HANNAH. How large is the farm?

Mr. CAIN. Well, I have 185 acres in the farm now.

Chairman HANNAH. What's the principal crop on your farm?

Mr. CAIN. Well, I raise cattle, feed for cattle, and little cotton. I have a few acres of cotton that a man works on the place.

Chairman HANNAH. You said that you were living in the house in which you were born 78 years ago?

Mr. CAIN. That's right.

Chairman HANNAH. Did you inherit all this farm? Was the 185 acres inherited from your father or have you purchased part of it?

Mr. CAIN. I purchased part of it and my brother and myself bought out my father before he even passed. And, we have divided the place and I have added other 78 acres to my part of it.

Chairman HANNAH. Can you make a living from 185 acres in Carroll County?

Mr. CAIN. Yes, sir.

Chairman HANNAH. Do you do this all by yourself? Do you have sons or people that will help you?

Mr. CAIN. Well, my sons and daughters all grown and all gone. This is the only one I have in the State. This is the baby girl, the only one that I have in the State, and I live alone now and lost my wife in 1962, with cancer. But, I haven't broken up from the old home place yet. My health is getting very frail. I reckon I will have to give it up because I don't have health.

Chairman HANNAH. But, you are still farming the entire farm yourself?

Mr. CAIN. Well, I don't farm myself. I rents out the land. I rent it out on shares. I raise cattle, black angus cattle, myself. I kind of

take care of the cattle and keep up the pasture and feed my cattle through the winter and feed myself.

Chairman HANNAH. The sons and daughters, your other children that have left home, have they left Mississippi?

Mr. CAIN. Yes. I have one in Indianapolis, Ind., and I have one in Chicago.

Chairman HANNAH. I have no further questions. Are there any other questions?

Mr. Taylor?

Mr. TAYLOR. No, sir.

Chairman HANNAH. Thank you very much, Mr. Cain, and Miss Cain. You're excused.

Mr. Taylor, will you call the next witness.

Mr. TAYLOR. Mr. Chairman, the final county for the day is Tate County, and I would like to ask Mr. Humpstone to give us a brief introduction for that county.

Chairman HANNAH. All right, Mr. Humpstone.

Mr. HUMPHSTONE. Tate County is in the northwest corner of Mississippi, the northern edge of the Delta county.

Total population of the county in 1963 was estimated at 21,000 persons, of whom 57 percent were Negro. As of January 1964 almost 70 percent of the 4,500 voting age whites in the county were registered voters, while none of the 4,300 voting age Negroes were registered.

Tate is a rural county. Its largest community, Senatobia, had a population in 1959 of about 3,300. Two-thirds of the Negroes and one-third of the whites are employed on or operate farms.

Residents of Tate County are poorer than Mississippians as a whole. The median income for white families in 1959 was about \$3,500; for Negro families, about \$900.

In 1959 the median education level of Negroes was completion of the fifth grade; for whites, completion of the tenth grade. In the school year 1960-61, the Tate County School District spent about \$170 for each white child and less than \$100 for each Negro child.

Chairman HANNAH. Thank you, Mr. Humpstone.

Mr. Taylor, would you call the next witness.

Mr. TAYLOR. The next witnesses are Mr. Adell Davis and Mr. Edgar Burton.

Chairman HANNAH. Mr. Davis and Mr. Burton?

Gentlemen, will you raise your right hands.

(Whereupon, Mr. Adell Davis and Mr. Edgar Burton were duly sworn by the Chairman and testified as follows:)

Chairman HANNAH. Have a seat, gentlemen. Mr. Taylor, you may proceed with the questioning.

TESTIMONY OF ADELL DAVIS AND EDGAR BURTON, TATE COUNTY,
MISS.

Mr. TAYLOR. Mr. Davis, would you give us your full name, your address, and your occupation?

Mr. DAVIS. Adell Davis, Senatobia, Miss., Route 1, Box 136. I'm a farmer. I'm also employed with the Defense Supply Agency, Memphis, Tenn.

Mr. TAYLOR. How long have you lived in Tate County?

Mr. DAVIS. All my life.

Mr. TAYLOR. Did you serve in the Armed Forces?

Mr. DAVIS. I did.

Mr. TAYLOR. When was this?

Mr. DAVIS. It was from 1944 to 1946.

Mr. TAYLOR. Did you serve overseas?

Mr. DAVIS. I did.

Mr. TAYLOR. Did you have any decorations?

Mr. DAVIS. Asiatic Pacific and Good Conduct Medal. Honorable discharge, possibly; that's all.

Mr. TAYLOR. Do you know, Mr. Davis, whether there were any Negroes registered to vote in Tate County before 1964?

Mr. DAVIS. Not that I know of.

Mr. TAYLOR. Do you have an opinion about why there were none registered?

Mr. DAVIS. I feel that it was fear, mainly.

Mr. TAYLOR. Were they afraid of anything specifically?

Mr. DAVIS. I believe there has been a time when they were afraid of the law enforcement officers and also possibly their nearby white citizens.

Mr. TAYLOR. Are you registered to vote now, sir?

Mr. DAVIS. I am.

Mr. TAYLOR. When did you decide to try to register?

Mr. DAVIS. Well, I began to want to register at the time I came out of the Army in 1946 but I didn't have in mind of making any effort until 1960. That's right, 1960. I paid my poll tax receipt as of 1960. Up until that time it was just added to the tax bill that was given to us. But, in 1961 they did not give it to us and I failed to ask for it. I wasn't aware that I hadn't paid it until possibly, well, it was up on into the year.

Mr. TAYLOR. And then did you decide to try in 1964?

Mr. DAVIS. Well, I did. I waited until I had paid two poll tax receipts and then I was minded to try again.

Mr. TAYLOR. What made you decide to try?

Mr. DAVIS. Well, I wanted to become a registered voter. I felt that—actually I would feel more like a citizen of my community.

Mr. TAYLOR. Once you had made a decision to try to register what did you do?

Mr. DAVIS. I talked it over with friends of mine, especially in Memphis, Tenn., that had already gone in and voted. In other words, they were registered voters. I had got some idea from them and then I was advised that possibly the first thing we should have was an organized group. And, with that I returned home and we got that underway, the organized group, and in that group we decided a solution by which we would go and register.

Mr. TAYLOR. Did you then just walk down to the polls to register or did you talk to someone else before you registered?

Mr. DAVIS. Well, I went to a white man that I estimated to be possibly a friend and I consulted with him, and he, in terms, told me that I should consult about five of the leading white men in my community.

Mr. TAYLOR. And did you?

Mr. DAVIS. I did.

Mr. TAYLOR. What happened when you did?

Mr. DAVIS. All but one said that they thought I was doing the right thing, to try to register, and I was also complimented for coming in that way instead of getting a great group and going down.

Mr. TAYLOR. Did you feel it was necessary to talk to the white leaders before you went down to register?

Mr. DAVIS. After I was advised to do that, I felt that it was necessary.

Mr. TAYLOR. What happened when you went to register?

Mr. DAVIS. When I went, before I went to register, I went back and told the first man that I went to, what had happened, and what was told me pertaining to it, and he in turn said that, "I'll send you to one more man," and he said, "I'll advise you to do that;" and when I had gone to this man he told me that the registrar was looking for me, just go right on in and register.

Mr. TAYLOR. Then you went down to take the test?

Mr. DAVIS. That's right.

Mr. TAYLOR. Did you pass the test?

Mr. DAVIS. I did.

Mr. TAYLOR. Have you made any attempt to persuade other people in Tate County to register since then?

Mr. DAVIS. I have.

I have talked to them personally and also in some small groups and advising them that I thought it was necessary the Negroes in Tate County register and become registered voters.

Mr. TAYLOR. Have any of the officials of the county encouraged registration?

Mr. DAVIS. Mainly the sheriff have. In one of the meetings I spoke of, he met us in one of those meetings, and he, in terms, encouraged that all Negroes that wanted to vote—but he felt they should make up their own minds, and he would offer them the protection of the law.

Mr. TAYLOR. How many people do you think have taken the test since you did?

Mr. DAVIS. I feel that in the middle 40's.

Mr. TAYLOR. Do you have an idea about how many have passed?

Mr. DAVIS. Possibly the late 20's have passed the test.

Mr. TAYLOR. Now that you and other people have registered to vote, do you think this means that all other Negroes of voting age in the county feel free to register?

Mr. DAVIS. I don't think they feel free to register for the reason a lot that go down that possibly have more education than I had and they failed the test. I think that caused them embarrassment and I don't think they understand that how a person can live in a community and obey the law anywhere from 40 to 75 years and then can't pass a test for registration.

Mr. TAYLOR. But, you are going to continue to encourage people to?

Mr. DAVIS. I intend to.

Mr. TAYLOR. Mr. Burton, may I ask you a few questions.

Mr. BURTON. Yes, sir.

Mr. TAYLOR. Would you give your full name and address and occupation for the record.

Mr. BURTON. My name is Edgar Burton and I'm a farmer and blacksmith, and my address is Coldwater, Route 2, Box 122.

Mr. TAYLOR. How long have you lived in Tate County?

Mr. BURTON. All my life. That's a good many years, too.

Mr. TAYLOR. Did you talk with Mr. Davis about consulting a white leader before registering?

Mr. BURTON. I did.

Mr. TAYLOR. Did you advise him to do that?

Mr. BURTON. I did.

Mr. TAYLOR. Why did you?

Mr. BURTON. I thought it was advisable and I had a reason for thinking that, that it was advisable, as to kind of get the consent of the leaders of the county, and I knew the leaders of the county pretty well since I was a native; I knew them pretty well and I wasn't afraid of them. I wasn't afraid of them hitting me and I thought it would be advisable to go and talk with them, and he went and talked with them as he said.

Mr. TAYLOR. Have you registered to vote?

Mr. BURTON. I have.

Mr. TAYLOR. When was that?

Mr. BURTON. I registered to vote on the 3d day of August, 1964.

Mr. TAYLOR. Do you intend to vote now that you are registered to vote?

Mr. BURTON. I plan to.

Mr. TAYLOR. No further questions.

Chairman HANNAH. Father Hesburgh.

Commissioner HESBURGH. Mr. Davis, you and Mr. Burton speak about going to see these white people about whether or not you can register. What types of persons were they in the community? Were they land owners of large estates or what was the nature of these white people?

Mr. DAVIS. The first man I went to, he was a banker. He was the president of a bank.

Commissioner HESBURGH. I see.

Mr. DAVIS. And, he in turn sent me to the circuit clerk, to the sheriff, to the deputy, and also a rich man in the community; well, he pointed me to two rich men in the community but I only went to one.

Commissioner HESBURGH. Do you think it's up to people like this to tell Negroes whether or not they have a right to vote?

Mr. DAVIS. I don't feel so.

Commissioner HESBURGH. Did you have to see these people when you went in the Army about whether or not you had to go in the Army?

Mr. DAVIS. I did not.

Commissioner HESBURGH. I can see you did what you thought you had to do to get registered, and you are registered and maybe we ought to be happy about that, but it would seem to me that it is in the very nature of our country, and what the country stands for, that nobody gives you this right because they have money, or because they have power, or because they happen to be sheriff. You have the right because you are a citizen of the United States.

Anybody who presumes to tell you you don't have the right, is against the law, you are not against the law—and he ought to be in real trouble with the law and nobody ought to presume to tell you or anybody in the United States that they are letting you register. You have that as a right of your citizenship and you shouldn't have to ask anybody to do that as long as you have the power to do that.

Excuse the speech.

Chairman HANNAH. Mrs. Freeman?

Commissioner FREEMAN. Mr. Davis, during all of these years up until 1964 that there are over 4,000 Negroes in the community of voting age, are you saying that nobody at any time tried to vote?

Mr. DAVIS. I understand possibly 14 or 12 years ago voting registration was tried by a number of Negroes in that county but they failed.

Commissioner FREEMAN. I would like to know, if you will tell us a little more in detail, what is it in that community that would keep everybody from even trying?

Mr. DAVIS. I believe I stated earlier that I thought possibly it was fear.

Until the last sheriff election we had violence in our law officials and I feel that most people feared that. Although I feared it some, but I felt someone had to stick their neck out and therefore I had made up in my mind to take what come. I intended to try to register.

Commissioner FREEMAN. How many teachers are in your county? Just an estimate?

Mr. DAVIS. Possibly 50 or 60, I would estimate.

Commissioner FREEMAN. Negro teachers?

Mr. DAVIS. That's right.

Commissioner FREEMAN. They all have been trained teachers?

Mr. DAVIS. That's right.

Commissioner FREEMAN. They have completed the necessary training, school and college?

Mr. DAVIS. Yes, ma'am.

Commissioner FREEMAN. And, not even they have tried?

Mr. DAVIS. As of now to my knowledge we have seven teachers have gone in but none of them went in in time for the presidential election in November. I understand that I were the only Negro in the county that was eligible to vote for the presidential election.

Commissioner FREEMAN. Did you vote in November?

Mr. DAVIS. I did.

Chairman HANNAH. Dean Griswold?

Commissioner GRISWOLD. Was this effort which resulted in getting you and Mr. Burton and apparently some others registered, was that entirely a local effort as a result of the activities by you and your friends and acquaintances in Tate County?

Mr. DAVIS. It was. It was locally, it was solely locally. We didn't have any advisors to come in from any place until about 2 months after I were registered. Then the COFO workers came in our section.

Commissioner GRISWOLD. Have they been conducting registration activity since they came in?

Mr. DAVIS. They came in for that purpose and they tried to get a number of Negroes to cooperate with them until they found that we

already had a program going and instead of them using their program, they lined up with us in our program.

I think they have done a good job.

Commissioner GRISWOLD. Do you regard them as a help to you in your program?

Mr. DAVIS. I do.

Commissioner GRISWOLD. Do you regard them as a constructive influence in your community?

Mr. DAVIS. I think lot of people still fear them.

Commissioner GRISWOLD. That's all.

Chairman HANNAH. Mr. Rankin?

Commissioner RANKIN. Do Negroes serve on juries in your county?

Mr. DAVIS. Not that I know of.

Commissioner RANKIN. You don't know of a single Negro ever serving on a jury in Tate County?

Mr. DAVIS. Sure don't.

Commissioner RANKIN. You don't think the willingness to let a few Negroes register is to meet the objection found in the *Goldsby* case, that we must have some Negroes on juries to make the trial stand up in a Federal Court?

Mr. DAVIS. I feel that that was possibly our way of getting in, that they had to have some Negro registered.

Commissioner RANKIN. But, you mentioned the fact that there has been also, in addition to that, some change in sentiment in your county, am I correct?

Mr. DAVIS. That's right. I think the atmosphere——

Commissioner RANKIN. And a growing willingness for Negroes to register?

Mr. DAVIS. I haven't heard of anyone that would object to Negroes to register.

Chairman HANNAH. Mr. Patterson?

Vice Chairman PATTERSON. I believe you said, though, Mr. Davis, that you have encouraged others to attempt to register and they have not done so out of fear; is this right?

Mr. DAVIS. Some have, some have not.

Vice Chairman PATTERSON. Why would they feel fear when you asked them to go in and they know that you went in with the sheriff's invitation? Why don't they go in when you ask them?

Mr. DAVIS. Possibly I don't have the influence over them possibly that I should. Too, I think maybe some of our local white people will tell me one thing and tell another person another thing.

And, I think possibly their fear could come from the other side of the picture and not the side that was told me.

Vice Chairman PATTERSON. Do you think you had as hard a section of the constitution to interpret as some of the witnesses who have been here today have shown?

Mr. DAVIS. Possibly I did. I had section 14.

Vice Chairman PATTERSON. Section 14.

One final question. You said you came out of the Army in 1945 with a desire to vote.

Mr. DAVIS. 1946.

Vice Chairman PATTERSON. 1946. Well, 18 years later you finally got registered.

Mr. DAVIS. That's right.

Vice Chairman PATTERSON. What did you feel during these 17 years?

Mr. DAVIS. I felt less than a citizen.

Chairman HANNAH. Mr. Davis, I think you indicated that you had part-time employment in Memphis?

Mr. DAVIS. I have full-time employment in Memphis.

Chairman HANNAH. But you still live on a farm?

Mr. DAVIS. That's right.

Chairman HANNAH. And, you operate the farm too?

Mr. DAVIS. Yes, sir, I do.

Chairman HANNAH. Mr. Burton, are you a full-time farmer?

Mr. BURTON. No, sir, I blacksmith partly.

Chairman HANNAH. Is that in Memphis or another place?

Mr. BURTON. At home on the farm.

Chairman HANNAH. Do you have any guess as to what fraction of the Negroes in Tate County are farmers?

Mr. BURTON. A large percentage of them are. They was until recently until they cleaned them up. What I mean, clean them up, their planters got rid of them.

Chairman HANNAH. You are talking about sharecroppers?

Mr. BURTON. Yes, sir.

Chairman HANNAH. How many Negroes that you know of own sizable farms? Do you know some Negroes in Tate County that have pretty good-sized farms?

Mr. BURTON. Yes, I know of some.

Chairman HANNAH. Successful farmers?

Mr. BURTON. Very successful farmers, yes.

Chairman HANNAH. What's the largest farm that you know of that's owned by a Negro in approximate acreage?

Mr. BURTON. Let me see. I reckon maybe, the Vondeen the neighborhood, district just below me, the Vondeen is one of them.

Chairman HANNAH. Would you guess how large a farm he operates?

Mr. BURTON. I think he has something better than 300 acres, something better than 300 acres.

Chairman HANNAH. Is there a tendency for the farmlands in Tate County to be gathered together in larger acreages with the result that the Negro farmers are having increasing difficulty in making a living on the farm? Are the Negro farmers being squeezed out of Tate County? It has nothing to do with race, is it just because they lack land?

Mr. BURTON. Yes, sir, they squeeze him some this time because he had about 250 acres or 260 acres rented and they freeze him out of there. He had something like 300 acres or little better of his own and 200 some acres rented and they freeze him out of that.

Chairman HANNAH. What's the Negro farmer do who doesn't have a farm large enough so he can make a living? Where does he look for a job in Tate County? What does he do?

Mr. BURTON. Some of them take to the little towns, little towns, Senatobia—well, Coldwater have a place where they can get employment there. The record plant. Of course, there is a little employment at Senatobia but not very much. The places in Senatobia is most purely white. They are getting a little better now. I think there is a couple colored folks in one of those plants. They have two plants there.

Chairman HANNAH. This is probably an unfair question but the point is sometimes made that the Negroes leave Mississippi and some of the other Southern States because of their inability to vote or register or receive reasonable treatment and then folks on the other side say well, they leave Mississippi and other southern States but they leave because there's no opportunity for them to make an adequate living and they have to migrate somewhere else. Do you have any comment on that?

Mr. BURTON. There is a whole lot more truth than poetry in that. Lots of them leave there because they don't have a chance to make a living. They don't have a home of their own and they freeze them out, and of course, they have to go to Memphis or Chicago or somewhere and make a living.

Chairman HANNAH. There's a considerable number of Negroes moving out of Tate County.

Mr. BURTON. Well, they have kind of slowed down now, but the last few years there has been a considerable amount of them. They have been almost forced to move.

Chairman HANNAH. Any other questions?

Mr. Rogerson?

Mr. ROGERSON. Mr. Burton, do you happen to remember the section of the constitution that you had to interpret when you registered?

Mr. BURTON. I think it was 15, I believe it was 15.

Mr. ROGERSON. 15?

Mr. BURTON. 15. I'm not positive, but I think it was 15.

Mr. ROGERSON. Thank you.

Chairman HANNAH. Mr. Taylor, do you have any questions?

Mr. TAYLOR. Nothing further.

Mr. BURTON. I didn't have any trouble.

Chairman HANNAH. You were notified promptly you had passed?

Mr. BURTON. That lady told me that day.

Chairman HANNAH. Immediately?

Mr. BURTON. Right then and there, and I signed the ledger that day. The day I passed, then I signed the ledger.

Chairman HANNAH. Any other questions?

Father Hesburgh?

Commissioner HESBURGH. I would like to ask our general counsel a question because I am a little confused.

Some people are told right away that they are registered. Some people are not told at all. Some apparently go back to find out. What is the law?

Mr. TAYLOR. The law, sir, is that there is a 30-day waiting period and there's no requirement that the circuit clerk or registrar inform anybody. The usual way is for a person to come back to find out whether he registered to vote.

Commissioner RANKIN. Is he required to pay a fee? Didn't somebody testify he had to pay \$2 in order to get a report?

Mr. TAYLOR. This apparently differs from county to county. We have heard testimony that some registrars charge a fee for furnishing a copy of one's application form.

Chairman HANNAH. You paid nothing when you came to register?

Mr. BURTON. No, sir; no, sir. I just, she gave me a receipt.

Chairman HANNAH. Mr. Rogerson?

Mr. ROGERSON. I want to follow up, Mr. Davis. Were you told you successfully registered on the same day?

Mr. DAVIS. Immediately.

Mr. ROGERSON. Immediately, and you received some kind of certificate and signed the books?

Mr. DAVIS. I signed the register.

Chairman HANNAH. Any further questions?

Mr. TAYLOR, do you have further questions?

Mr. TAYLOR. No, sir.

Chairman HANNAH. You are excused, gentlemen.

(Witnesses excused.)

Thank you very much.

Do you propose to call additional witnesses?

Mr. TAYLOR. No, I do not.

Chairman HANNAH. Ladies and gentlemen, it's now getting towards 5 o'clock. We have completed the testimony for Tate County and the hearing will recess until 9 o'clock tomorrow morning.

(Whereupon, at 4:35 p.m. the hearing was recessed until 9:00 a.m. the following day.)

U.S. COMMISSION ON CIVIL RIGHTS

WEDNESDAY MORNING SESSION, FEBRUARY 17, 1965

The Commission met in the Recreation Hall, Veterans Administration Center, 1500 East Woodrow Wilson Dr., Jackson, Miss., at 9:00 a.m., Wednesday, February 17, 1965, the Hon. John A. Hannah, Chairman of the Commission, presiding.

Present: John A. Hannah, Chairman; Eugene Patterson, Vice Chairman; Mrs. Frankie Muse Freeman, Commissioner; Erwin N. Griswold, Commissioner; Rev. Theodore M. Hesburgh, C.S.C., Commissioner; Robert S. Rankin, Commissioner.

Also present: Howard W. Rogerson, Acting Staff Director; William L. Taylor, General Counsel; Samuel J. Simmons, Director of Field Services; Warren I. Cikins, special assistant to the Staff Director; M. Carl Holman, Information Officer; Michael Finkelstein, Assistant General Counsel; Charles Humpstone, staff attorney; Roy Littlejohn, staff attorney; Richard Bellman, staff attorney; Brian Olmstead, staff attorney; Edwin Wolf, staff attorney; John Birkle, Financial Management Officer; Robert Amidon, Chief of Investigations; Alan Marer, staff attorney, Department of Justice.

PROCEEDINGS

Chairman HANNAH. This hearing of the U.S. Commission on Civil Rights will come to order.

Mr. Taylor, will you call the first witness.

Mr. TAYLOR. Mr. Chairman, the first county from which we are hearing witnesses this morning is Tallahatchie County, and I will ask Mr. Humpstone to give us some brief background information on that county.

Chairman HANNAH. Mr. Humpstone?

Mr. HUMPHSTONE. Tallahatchie County is a rural county in the northern part of the State about 30 miles east of the Mississippi River. The total population of the county in 1963 was estimated at 25,000, of whom about two-thirds were Negro.

About 87 percent of the 5,100 voting age whites are registered to vote, while about .26 percent of the 6,500 voting age Negroes are registered. On June 24, 1964, the Tallahatchie County registrar was

ordered by a Federal court to register all Negroes who could write the preliminary responses on the Mississippi registration form, not including the constitutional interpretation test or the citizenship test. Thus far 64 Negroes have attempted to do so. This is in contrast with nearly 900 Negroes who registered in Panola County since its decree was signed in May of 1964.

Seventy-six percent of the Negroes and 38 percent of the whites are involved in agriculture. The median income for white families in Tallahatchie County in 1959 was \$2,900; the median for Negro families was \$1,100.

The median education level for Negroes is 4th grade, for whites, 10th grade.

In the school year 1960-61, the Tallahatchie County School District spent about \$175 for each white child and about \$110 for each Negro child.

Chairman HANNAH. Where is Panola County?

Mr. HUMPHSTONE. Just north of Tallahatchie, just across the border.

Chairman HANNAH. Thank you, sir.

Mr. Taylor, will you call the next witness?

Mr. TAYLOR. The next witness is Mr. James Henry Rayburn.

Chairman HANNAH. Mr. Rayburn, will you raise your right hand.

(Whereupon, Mr. James Henry Rayburn was duly sworn by the Chairman and testified as follows:)

Chairman HANNAH. Have a chair, sir.

Mr. Taylor, will you proceed.

TESTIMONY OF JAMES HENRY RAYBURN, TALLAHATCHIE COUNTY, MISS.

Mr. TAYLOR. Mr. Rayburn, will you please give your full name, your address and your occupation?

Mr. RAYBURN. James Rayburn, Post Office Box 222, Charleston, Miss. Farmer.

Mr. TAYLOR. Mr. Rayburn, are you registered to vote?

Mr. RAYBURN. I am.

Mr. TAYLOR. When did you register?

Mr. RAYBURN. In 1962-63.

Mr. TAYLOR. Have you tried to vote since you registered?

Mr. RAYBURN. I have.

Mr. TAYLOR. When was that?

Mr. RAYBURN. In 1963.

Mr. TAYLOR. What happened when you tried to vote?

Mr. RAYBURN. I went to the poll to vote and borrowed a car and drove down to the poll to vote and when I drove up on the ground, and got out of the car, a white gentleman came out and asked me where I was going. I told him I was going to vote, and he said, well,

you won't vote here, and he began to curse. And, I stood for a few minutes and looked at him, and finally I passed on into the building. When I gotten in the building a gentleman came and met me and asked me what did I want? I told him that I came to vote, and he said, "The man, the main man, is not here now," and said, "Follow me."

He came to the door, walked back to the door and said, "You go out there and sit under a tree and wait out there under that tree." And I stood and looked at him and said, "Under the tree?" He said, "Yes, go out there and wait under the tree." And I walked off, and the man that challenged me as I was going in, he challenged me again and this time he had a stick with a piece of iron on it.

He asked me where did I live. I told him. Asked me my name. I told him. He said, "I'll make sure"—he cursed again—"that you won't vote no more. You vote now, you won't vote any more."

I looked at him for a few minutes, stood there for a few minutes, and I gotten in the car and drove off, and someone drove out behind me, followed me. I didn't go home. I went on back to Charleston and he drove near to the bridge and that's the last place I seen him, and I went back on into Charleston.

Mr. TAYLOR. Did you try to vote in this past year. November 1964?

Mr. RAYBURN. No, sir.

Mr. TAYLOR. Can you tell us why not?

Mr. RAYBURN. Well, this place where I voted at in Dogwood Flat, there wasn't anyone to register to vote that time, but me, and I went by myself there the first time. In case I had to go again, I didn't care to go by myself, and therefore I didn't try until I could get a better understanding about the situation.

Mr. TAYLOR. The place, the polling place where you vote, is that not the same place where you go to register?

Mr. RAYBURN. No, sir.

Mr. TAYLOR. You register where?

Mr. RAYBURN. At the courthouse in Charleston.

Mr. TAYLOR. And, this place that you went to vote——

Mr. RAYBURN. Is in Beat 3. Dogwood Flat, out 5 miles from Charleston.

Mr. TAYLOR. Have you done anything, Mr. Rayburn, to encourage other people to register in Tallahatchie County?

Mr. RAYBURN. Yes, I try. I talked with them and they are just actually afraid.

Mr. TAYLOR. Why do you think they have not registered? What are they afraid of?

Mr. RAYBURN. No certain number of things. Afraid of being intimidated, and afraid of being possibly beaten up or most anything.

Mr. TAYLOR. Have you told anybody about what happened to you—when you went to the polling place?

Mr. RAYBURN. I told only two persons, no more. For this reason, I didn't tell anyone else because it wasn't going to help the cause. Soon as they find out, they stopped Rayburn, they didn't let him vote, that's no need in we trying. So that's why I held my peace until I could get better information.

Mr. TAYLOR. Mr. Rayburn, why do you want to vote?

Mr. RAYBURN. Because I am a citizen in Tallahatchie County. I was born at the place I am in now and have been there for 63 years.

Mr. TAYLOR. Thank you.

Chairman HANNAH. Mr. Rayburn, did you have any trouble when you registered in the first place?

Mr. RAYBURN. No, sir.

Chairman HANNAH. You took the test and interpreted the section of the constitution and passed?

Mr. RAYBURN. Yes, sir.

Chairman HANNAH. Father Hesburgh?

Commissioner HESBURGH. Mr. Rayburn, were there any other white people voting when you went to the polls?

Mr. RAYBURN. Yes, sir; yes, sir.

Commissioner HESBURGH. The only people you had to deal with were the man that met you outside and the man that met you inside?

Mr. RAYBURN. That's right.

Commissioner HESBURGH. And the white people were voting while this was going on?

Mr. RAYBURN. Yes.

Commissioner HESBURGH. Is there any background of things happening that would make you fearful, I mean, are Negroes subjected to physical violence in this county?

Mr. RAYBURN. Yes, sir.

Commissioner HESBURGH. You are going back and try to vote again, aren't you?

Mr. RAYBURN. Yes, sir.

Commissioner HESBURGH. Is there anyone at the polls representing the law?

Mr. RAYBURN. No, sir.

Commissioner HESBURGH. Thank you, sir.

Chairman HANNAH. Mrs. Freeman?

Commissioner FREEMAN. Mr. Rayburn, when these white persons threatened you, did it occur to you that you could report this to the sheriff, or the police, or that the law would protect you?

Mr. RAYBURN. It did occur to me but it made bad matters worse.

Commissioner FREEMAN. What would have happened? What do you think would have happened?

Mr. RAYBURN. The law seems to coincide with whatever the others do concerning the Negro.

Commissioner FREEMAN. Are you saying that the police officers, or the law, as you are talking about, that they would do this to the Negro, that they would threaten you?

Mr. RAYBURN. In a way.

Commissioner FREEMAN. Have they done so?

Mr. RAYBURN. No, madam, they haven't said anything.

Commissioner FREEMAN. You have lived there for 63 years?

Mr. RAYBURN. Yes, madam.

Commissioner FREEMAN. So, over 40 years you have been old enough to vote?

Mr. RAYBURN. That's right.

Commissioner FREEMAN. You have been afraid for 40 years to vote?

Mr. RAYBURN. Yes, a lot more afraid than I am now.

Commissioner FREEMAN. But, you have got some courage now?

Mr. RAYBURN. That's right.

Commissioner FREEMAN. That's all.

Chairman HANNAH. Dean Griswold?

Commissioner GRISWOLD. Mr. Rayburn, we have heard from you and from other witnesses about fear and I would like to know if you can tell me a little more in detail what you are afraid of? Are you afraid of physical violence to yourself or to your home?

Mr. RAYBURN. Yes, sir.

Commissioner GRISWOLD. Have you ever been subjected to physical violence?

Mr. RAYBURN. No, sir.

Commissioner GRISWOLD. What makes you then afraid that you might be subjected to physical violence?

Mr. RAYBURN. Because when I went to vote I was told what would happen to me.

Commissioner GRISWOLD. What were you told would happen to you?

Mr. RAYBURN. They would kill me.

Commissioner GRISWOLD. Are you afraid of economic reprisal, of having your credit cut off or otherwise making it difficult for you to support yourself in the community?

Mr. RAYBURN. Personally, myself, I'm not afraid of that myself. No, sir; not me. But, others are.

Commissioner GRISWOLD. Are you afraid of humiliation?

Mr. RAYBURN. Yes, sir.

Commissioner GRISWOLD. Have you been humiliated in your home county?

Mr. RAYBURN. No, sir; no more than others at the time I went to vote.

Commissioner GRISWOLD. At the time you went to vote?

Mr. RAYBURN. Yes.

Chairman HANNAH. Mr. Rankin?

Commissioner RANKIN. You mentioned that you had no desire to tell the law about this?

Mr. RAYBURN. I did.

Commissioner RANKIN. Is there any white person in the county whom you could go and talk to about this situation?

Mr. RAYBURN. No.

Commissioner RANKIN. Not a single white person in the county whom you would feel free to tell about this situation?

Mr. RAYBURN. Oh, there is some I could tell, I would feel free to tell, but the idea is, what good would it do?

Commissioner RANKIN. Now, since you registered, other Negroes have registered in the county, am I correct?

Mr. RAYBURN. Yes.

Commissioner RANKIN. In your particular voting district are there any other Negroes registered?

Mr. RAYBURN. One.

Commissioner RANKIN. Thank you.

Chairman HANNAH. Mr. Patterson?

Vice Chairman PATTERSON. Mr. Rayburn, did you know who the white men were who threatened you?

Mr. RAYBURN. No, sir; I am sorry I didn't know at that precinct. Where I am known is in Charleston, and out in the rural—these precincts, I'm not known, but I have a farm in that beat, therefore my voting precinct would be Dogwood Flat. I feel that I could have voted if I had been in Charleston, at the courthouse, because I don't think anyone would have said anything. Practically all these people know me, but not in these wayside places.

Vice Chairman PATTERSON. You didn't know these people at Dogwood Flats?

Mr. RAYBURN. No, sir.

Vice Chairman PATTERSON. Do you know if they were officials of the county or were they just citizens?

Mr. RAYBURN. Well, he is just a citizen. I knew he was no officer. He didn't have any pin on or nothing.

Vice Chairman PATTERSON. Since the officials of the county had permitted you to register, don't you think they would have backed you up in your effort to vote if you had gone to see the sheriff.

Mr. RAYBURN. No, sir; I don't think so.

Vice Chairman PATTERSON. You say that you are not as afraid now as you were?

Mr. RAYBURN. No, sir.

Vice Chairman PATTERSON. Why aren't you as afraid now as you used to be?

Mr. RAYBURN. Well, from one angle, I'm not afraid because the time has done run out for that, and I have learned more and I have been more enlightened and I learned a person doesn't have to be scared to death.

Vice Chairman PATTERSON. How did you learn that?

Mr. RAYBURN. Well, I learned it from knowledge or as I go on in life from experience and determination that I have made up in my mind to achieve the right thing. People before me have died for the right thing and I figure there is no better opportunity than for me to die for the right thing.

Vice Chairman PATTERSON. You said you didn't want to go alone to Dogwood Flats to vote. Would you go alone now?

Mr. RAYBURN. I would. I believe I would, but I would seek better protection, or some protection.

Vice Chairman PATTERSON. Where would you go to get that protection?

Mr. RAYBURN. Possibly I have to pull several different strings. I might not go directly to the law, but I might pull the strings with some fellows who would have influence over the law.

Vice Chairman PATTERSON. A white man?

Mr. RAYBURN. Yes.

Vice Chairman PATTERSON. Thank you.

Chairman HANNAH. Mr. Rayburn, you say you are better known in Charleston than in Dogwood Flats? You live in Dogwood Flats. You say you have a farm there. Where do you live?

Mr. RAYBURN. I live west; I live on the edge of Dogwood Flats, west of Dogwood Flats, but yet I'm in that beat and my voting precinct would be in Dogwood Flats, and therefore I have to go to Dogwood Flats to vote.

Chairman HANNAH. This gentleman that had the stick with the iron on it, the day that you tried to vote, have you seen him since?

Mr. RAYBURN. I might have seen him, but I just couldn't hardly recognize him. It seems the fellow appeared to be from around there.

Chairman HANNAH. But, you don't know who he is?

Mr. RAYBURN. No, sir.

Chairman HANNAH. You have made no effort to find out?

Mr. RAYBURN. No, sir.

Chairman HANNAH. You actually felt since he had the stick, in view of what he told you, that if you had tried to vote that day, physical harm might have come to you?

Mr. RAYBURN. I would have voted if they would have allowed me, regardless of what he said. But see, the man in there told me to go out and get under the tree, and I knew out under the tree wasn't no place to vote, and I didn't sit around because he might have been building up to most anything. You could see he had a knife or pistol or

something and I had just nothing but my hand, and that's just Negro bone.

Chairman HANNAH. How much education did you have, Mr. Rayburn? How long did you go to school?

Mr. RAYBURN. The ninth grade.

Chairman HANNAH. Do you have children?

Mr. RAYBURN. Yes.

Chairman HANNAH. How much schooling do your children have?

Mr. RAYBURN. Two of the children have finished high school and two years in college, and the boy he has finished the eighth grade.

Chairman HANNAH. Do your children still live in Mississippi?

Mr. RAYBURN. No, sir.

Chairman HANNAH. Where do they live?

Mr. RAYBURN. One is in Tennessee and one is in Toledo, Ohio, and one is in Washington, D.C.

Chairman HANNAH. Why did they leave Mississippi?

Mr. RAYBURN. That they might earn a better living.

Chairman HANNAH. You have none of your children in Mississippi?

Mr. RAYBURN. No, sir; no, sir.

Chairman HANNAH. You operate a farm?

Mr. RAYBURN. Yes.

Chairman HANNAH. How big is the farm?

Mr. RAYBURN. Forty acres.

Chairman HANNAH. Can you make a living on a 40-acre farm?

Mr. RAYBURN. Yes.

Chairman HANNAH. What do you grow?

Mr. RAYBURN. Cotton, beans, corn.

Chairman HANNAH. It's not probable that any of the children will come back to the farm?

Mr. RAYBURN. No.

Chairman HANNAH. Any further questions?

Commissioner GRISWOLD. Mr. Rayburn, I understand there has been some sort of a court order about registration in Tallahatchie County; is that correct?

Mr. RAYBURN. Yes, sir.

Commissioner GRISWOLD. I understand too that only 64 Negroes have attempted to register under that simplified procedure; is that approximately correct?

Mr. RAYBURN. Yes, sir.

Commissioner GRISWOLD. Do you have any knowledge or opinion why more Negroes have not sought to register in Tallahatchie County since the court order?

Mr. RAYBURN. They are afraid.

Commissioner GRISWOLD. What are they afraid of?

Mr. RAYBURN. They are afraid of intimidation and some of them are afraid of economic squeezes and all like that.

Commissioner GRISWOLD. Do you know of any specific threats that have been made to any of them?

Mr. RAYBURN. No.

Commissioner GRISWOLD. Have any of them been told that they will be killed or blown up or that their credit will be cut off?

Mr. RAYBURN. No, sir.

Commissioner GRISWOLD. Why then are they afraid? Is it because of the atmosphere of the place?

Mr. RAYBURN. They are afraid for what have been done and then the attitude towards people.

Commissioner GRISWOLD. What has been done?

Mr. RAYBURN. Several things have been happening and it seems to have come out; people try to do things to people to give the other one a lesson. He doesn't care so much about what the other fellow do, but he do something for this other fellow to see and take heed and don't attempt it.

Commissioner GRISWOLD. What sort of things have been done to give people lessons?

Mr. RAYBURN. Oh, beaten up and——

Commissioner GRISWOLD. Have friends or acquaintances of yours been beaten up?

Mr. RAYBURN. I know some even been killed.

Chairman HANNAH. Mr. Rogerson?

Mr. ROGERSON. Mr. Rayburn, have you ever been called for jury duty?

Mr. RAYBURN. No, sir.

Mr. ROGERSON. Do you know of any Negroes in your county who have ever been called for jury duty?

Mr. RAYBURN. No, sir.

Mr. ROGERSON. Thank you.

Chairman HANNAH. Mr. Patterson?

Vice Chairman PATTERSON. Mr. Rayburn, do you know anyone in Panola County?

Mr. RAYBURN. Yes, sir.

Vice Chairman PATTERSON. That is right next door to Tallahatchie?

Mr. RAYBURN. Yes.

Vice Chairman PATTERSON. Mr. Humpstone just pointed to this map and said in Panola County where there also has been a court order like there has been in Tallahatchie County, 900 Negroes have registered to vote?

Mr. RAYBURN. Yes, that's right.

Vice Chairman PATTERSON. Whereas only 64 have registered in

Tallahatchie County. What do you think is the difference between those two counties that would lead to that?

Mr. RAYBURN. Well, they have had more work in Panola than they have in Tallahatchie.

They are afraid to come to Tallahatchie and work, and then the people are afraid to give anybody a place to stay that would help them to understand.

Vice Chairman PATTERSON. What do you mean, more work?

Mr. RAYBURN. More work to help the people to understand how to register and how to fill those forms. The COFO.

Vice Chairman PATTERSON. Thank you.

Chairman HANNAH. Any further questions?

Mr. TAYLOR. No, sir.

Chairman HANNAH. You are excused, Mr. Rayburn.

Thank you very much.

(Witness excused.)

Chairman HANNAH. Mr. Taylor, will you call the next witness.

Mr. TAYLOR. The next witness is Mr. Jesse James Brewer.

Chairman HANNAH. Mr. Brewer?

Will you raise your right hand.

(Whereupon, Jesse James Brewer was duly sworn by the Chairman and testified as follows:)

Chairman HANNAH. Have a chair, sir.

Mr. Taylor, will you proceed with the questioning.

TESTIMONY OF JESSE JAMES BREWER, TALLAHATCHIE COUNTY, MISS.

Mr. TAYLOR. Mr. Brewer, will you give us your full name, your address, and your occupation.

Mr. BREWER. My name is Jesse James Brewer, and my address is Charleston, Route 2, Box 134. I'm a farmer.

Mr. TAYLOR. How long have you lived in Tallahatchie County?

Mr. BREWER. I lived in Tallahatchie County most of my life except for the 5 years I was in the service. I was there since I was 7 years old.

Mr. TAYLOR. When were you in the service?

Mr. BREWER. 1942 to 1946.

Mr. TAYLOR. Where did you serve?

Mr. BREWER. Southwest Pacific.

Mr. TAYLOR. Did you receive any decorations?

Mr. BREWER. Well, I received the Asiatic Medal and two battle stars.

Mr. TAYLOR. Mr. Brewer, you live in a different part of the county from Mr. Rayburn; is that correct?

Mr. BREWER. Correct.

Mr. TAYLOR. Are you a registered voter?

Mr. BREWER. I am now a registered voter. I have passed all the tests.

Mr. TAYLOR. Mr. Chairman, on these matters, there are occurrences that have taken place in the last week or so and I am not going to go into this because it might raise a matter that would have to be heard in executive session.

I would like to ask you when you first attempted to register to vote?

Mr. BREWER. August 5, 1964.

Mr. TAYLOR. Would you tell us what happened when you first went down to register to vote?

Mr. BREWER. August 5 I went down to register. I went to the second district courthouse.

When I arrived there, I arrived with some COFO workers and some other people. Five of us were brothers and one more man. We went down to the courthouse to register and when we got there, the COFO worker had called the Justice Department. I think that it was Justice Department men who were there. We got there, and got out of the car, and were walking up the walk and the sheriff told us to get off the walk, don't crowd on the walk, get off and get on the grass on the lawn out next to the square where the car was parked. So we did. One of the Justice Department men went in to speak to the sheriff about us registering over there, and he came out and told us we were welcome to register but couldn't because the books wasn't there. We asked him where the books was, and he said, over to Charleston, the other courthouse, and we could go over there if we wanted to. So we decided we were going over there to try. We left the courthouse to proceed to go over there, and after we got 3 or 4 miles out of town, the sheriff passed us going to the other courthouse. When we got to the other courthouse there were 25, 30 spectators standing around looking and when we proceeded to go in the courthouse they ran us off onto the lawn then.

Mr. TAYLOR. Who were these spectators? Were these white people?

Mr. BREWER. They were white people. I don't know who they were but they weren't any officers. They were standing around looking while there were several officers there. We got back off onto the grass and they did start us to go in to register and I was one of the first to go in, me and Marshall, we were the first. On the way in, they would snap our picture, on the way in to register, and they would give us one of the forms to fill out. He told us to set one on each side of the table, so we did. I filled mine out first, and I got up and passed it to him and got ready to proceed to go out and he told me to wait until the other man got through. The other man asked me how to spell "Tallahatchie." I started to tell him and the registrar told me I couldn't tell him, so I didn't tell him. He finished up with his and we went out and he told four more to come in.

He told us to send four more in, it was two rooms in the department where he was working with two tables, so he put two at each table. The others came in. After we got out, the sheriff told us to go on out of the courthouse, back out in the yard. So, we went back out in the yard there where the others were standing out there, and when

we got back out there were about 65 gathered around there. Lot more white people drove up there in pickup trucks with gunracks on them. They had guns on them and one ranch wagon comes with three white men with guns and they told us, "You niggers get away from the courthouse. You don't have any business up here." They circled the courthouse about three or four times and when they registered all the people that went up there, the sheriff told us we did what we came up there to do and to get out of town and don't stop in town.

So, we did, and on the way home after we left town, across the bridge coming out of Charleston—which was about a mile and a half—why this ranch wagon with the three white men in, they came on meddling and as they passed they would curse at the car we were in, said bad things and passed on by going up the road and they would wait a while until we catch up, and then pass again.

They done that three or four times to where we turn off 32 Highway; coming back to Tippo they passed one more time and come on to this service station in Tippo, and when we arrived there they had parked at the grease rack where they grease and wash and service cars. They had got out of this ranch wagon and sat in the back of it where a gang of more white people were sitting around.

As we passed through, one white man that run a cafe, he pulled up in the road and seen that big gathering there and I reckon he thought someone got hurt. He stop in the middle of the road, so we didn't stop. We pulled around outside of the service station and kept going, about four or five carloads of us. After they passed Tippo, they proceeded on the highway and there was another truck with three more white men. And, we got near home where I live, where this other man gets off the car. Well, they pulled up behind us and they stopped after he got out. As we proceeded on, they proceeded on behind. So, we went about another mile where I turned off to go home, with all the Justice Department men—men with us were at a point where they were living at my mother's house. That's where I live. We went on home. So, we turned off to go home and drove up the road until these cars came out and after these came out, these two trucks came out by the house driving slow and stopped looking at a radio that we had there, the COFO people, shortwave radio, so they went on by the house. After they passed the house they stopped, parked, got out and turned around and come back and drove around slow, and between that time and night I reckon seven, eight cars came in, pickups, and all of them had these same gunracks in the back of them and the guns, and these two to three guns, in the back window of the truck where you could see.

So, my mother was excited. She didn't know what they were thinking of doing, coming in on a place like that.

Mr. TAYLOR. This happened all on the day that you went down to register? Did you receive any other visits after that?

Mr. BREWER. Well, yes. All night after 12 o'clock they would come in. Sometime they would have the lights off, two or three at a time, you know, trucks coming in, or cars, with the lights off so when they get up near the house they would flash the lights on, go on by and cut them back off.

Mr. TAYLOR. How long did this go on?

Mr. BREWER. Oh, that went on regularly for 3 weeks, I know.

Mr. TAYLOR. Thank you, Mr. Brewer.

Chairman HANNAH. Father Hesburgh?

Commissioner HESBURGH. Mr. Brewer, were you afraid when all this was going on?

Mr. BREWER. Yes, sure was.

Commissioner HESBURGH. I think I would be too. Did you get registered at that occasion when you went in and made out the blank?

Mr. BREWER. Well, the blank that I filled out that time, I didn't pass on.

Commissioner HESBURGH. Did you go back to register again?

Mr. BREWER. Sure did.

Commissioner HESBURGH. Same place?

Mr. BREWER. Same place.

Commissioner HESBURGH. What happened that time?

Mr. BREWER. Well, I registered, same form, filled out, I left it and he told me to come back in about 30 days.

Commissioner HESBURGH. Did you come back?

Mr. BREWER. I come back and I still hadn't passed.

Commissioner HESBURGH. Then what did you do?

Mr. BREWER. I went back until I passed. Went back again and then again and filled out another.

Commissioner HESBURGH. Let me get this straight. You went four times before you got registered?

Mr. BREWER. Well, only three times. Well, it was the third time that I went, he told me I hadn't passed. And there was a lawyer there, and he came there, and checked, and said I had passed. I passed on the third of October. I had been back three more times since that time and the registrar told me I hadn't passed.

Mr. TAYLOR. I don't think we can go into this, Father.

Commissioner HESBURGH. All right. Let me ask a more general question. Mr. Brewer, you were in the Army overseas in World War II, from roughly 1942 to 1946; is that correct?

Mr. BREWER. That is correct.

Commissioner HESBURGH. Did you feel like a citizen when you were in the Army?

Mr. BREWER. Sure did. In fact it is the only time I ever felt like a man, when I was in the Army.

Commissioner HESBURGH. Well, then you got back home. Didn't you feel like continuing to be a man and citizen and to vote?

Mr. BREWER. No, sir.

Commissioner HESBURGH. Why not?

Mr. BREWER. Well, I wasn't treated as a man. I was treated as a boy.

Commissioner HESBURGH. What was your rank in the Army?

Mr. BREWER. Well, I was a private, first class.

Commissioner HESBURGH. You say you had three battle stars?

Mr. BREWER. Two battle stars.

Commissioner HESBURGH. What campaigns were they?

Mr. BREWER. That was in Wadai, New Guinea, and Russell Island.

Commissioner HESBURGH. It took a long time from the time you got back until the time you got around to registering. How would you explain that?

Mr. BREWER. Well, they had taken a long time—when they draft me into the Army they would always teach me in the Army that I had freedom to speak and democracy and I was fighting for freedom to speak. I had freedom to speak as long as I was in the Army. But, after I got out and got back here, my freedom run out. I didn't have freedom to speak any more after I got discharged.

Commissioner HESBURGH. Suddenly, a year ago, you began to try to register? What influenced you to do that?

Mr. BREWER. Well, what influenced me to do that? It was an occasion that happened around to my family that I didn't like and I was trying to have something done about it by getting in touch with different people. I got in touch with COFO and those people would tell me I could register to vote, which I didn't know I could. My parents always told me the Negroes wasn't allowed to vote.

Commissioner HESBURGH. What was it that happened to your family that you didn't like?

Mr. BREWER. I had two brothers that got beat up.

Commissioner HESBURGH. By whom?

Mr. BREWER. By two white men staying at a place near where I live at.

Commissioner HESBURGH. Did they just do it without any reason?

Mr. BREWER. Well, I wasn't there but from what my brothers told me they did it without any reason.

Commissioner HESBURGH. Just for indoor sport or outdoor sport or something?

Mr. BREWER. Well, it was indoor. I had a brother go in there to buy two drinks and while he was out from a Northern State—he was from Indiana, and my other brother had come home on a visit and

he was from out of New Jersey, Trenton, N.J., so he drove his car in there and they stopped in there to fix a flat. My baby brother, he didn't help fix the flat. He said to the other two boys, "You fix the flat and I will buy you a drink," so he bought a drink and the man, the other man in there, he was talking to him, and as he went into the store, he asked—the man ask him, "What can I do for you?" He told him, "I want two pops." He said, "Look in the box and get them," and he came back and set them down and the man said, "I thought you had your drink." He said, "No." He said, "Do you want them opened?" And, he said "No." So then the man said, "You went out of State and stayed 3 weeks and you are coming back, and you are going to take over. You know that's no way to talk to us. You are supposed to say 'Yes, sir'."

He said, "If I did anything wrong, tell me what I did," and the other man was standing next to him and they said, "Let's show him a lesson." They got this ax handle out and start to beat him.

Commissioner HESBURGH. You say an ax handle?

Mr. BREWER. That is right. And, my other brother came in and saw my brother laying on the floor all blooded over so he just turn around and went. He didn't wait on the car. My brother heard them in there cursing and he seen my brother laying on the floor and he asked them what he had done.

They told him he wouldn't be interested in that. That they would give him some of the same thing.

The fellow that was running the store, he ran behind the counter. He got this pistol and came in and aimed it, and he thought the fellow was going to shoot, so he went there and got his brother and picked him up by the arm and dragged him out, and this fellow was standing behind him with the ax handle, and when he went out, this fellow hit him with the ax handle and knocked one of his eyes out.

Commissioner HESBURGH. You say knocked one of his eyes out?

Mr. BREWER. Yes, that is right.

Commissioner HESBURGH. Was anything done as a result of the beating of your two brothers?

Mr. BREWER. No, sir.

Commissioner HESBURGH. Did you report it to anyone?

Mr. BREWER. I went out and told the sheriff about it, and in fact, I went out the next day to try to have them indicted and arrested, but the sheriff wasn't there. His wife or someone was in his office. I asked, "I want to see the sheriff," and she told me he wasn't in, and I asked what time he would be back. She said, "15 minutes." So me and my younger brother stayed there about 2½ hours, and he eventually showed up.

He was talking to another white man about a deer hunt.

Commissioner HESBURGH. We will get into this later. I gather this is the reason that you wanted to vote, now, with all this happening?

Mr. BREWER. Yes, sir. That's one reason why I wanted to vote. I have several reasons why I want to vote.

Commissioner HESBURGH. What are the other reasons?

Mr. BREWER. The reason I want to vote, they promised me I was a citizen and I have freedom to speak. That's why I was in the service. I was fighting for my country and if I was fighting for my country I ought to have authority to vote and so ought the rest of the people.

Commissioner HESBURGH. Thank you very much.

Chairman HANNAH. Mrs. Freeman?

Commissioner FREEMAN. Mr. Brewer, you referred to the first time you tried to register, when there were large numbers of white persons who followed you and who threatened you. Was the sheriff, or any of his deputies, around at that time?

Mr. BREWER. No. There wasn't any of his deputies or him around. About 2 weeks afterward they became so violent around there we called the Justice Department.

One of the COFO workers called the Justice Department and the Justice Department called the sheriff. So, he came out there at 2 o'clock and was mad with us for waking him up. He said he couldn't sleep and my brother told him we had been up for 2½ weeks. "We ain't had any sleep, we have been having trouble out here."

He said, "If you all hadn't had those workers in there and that TV out there, the people wouldn't be out here."

Commissioner FREEMAN. I'm interested also in these pickup trucks that you say have gunracks on them. Is it legal in this State for pickup trucks to have gunracks?

Mr. BREWER. Well, I think so in hunting season, but in August there wasn't no hunting season.

Commissioner FREEMAN. This was not the hunting season?

Mr. BREWER. No, ma'am.

Commissioner FREEMAN. Were these pickup trucks near the courthouse or all around the city?

Mr. BREWER. They were all around the courthouse. Some park around the courthouse. Some come through town and circled the courthouse.

Commissioner FREEMAN. And, they had these gunracks and you could see the guns?

Mr. BREWER. That's right.

Commissioner FREEMAN. This was the daytime?

Mr. BREWER. Yes.

Commissioner FREEMAN. Is this where the sheriff was?

Mr. BREWER. He sure was.

Commissioner FREEMAN. Thank you.

Chairman HANNAH. Dean Griswold?

Commissioner GRISWOLD. As I understand it some 64 Negroes have registered in Tallahatchie County—

Commissioner HESBURGH. Tried to register.

Commissioner GRISWOLD. Since the court order, I understood that all they had to do to register was to fill out the basic part of the blank.

Mr. TAYLOR. Dean, there is a proceeding pending in the Federal court against the registrar.

Commissioner GRISWOLD. I don't care whether they have registered or tried, why have not more than 64 Negroes tried to register? Do you have any authority or opinion about that?

Mr. BREWER. I talked to lots of them and every one I talked to about registering, well, he is afraid. Some afraid of losing a job. Some afraid of getting beat up, some afraid of getting killed.

Commissioner GRISWOLD. Do you feel that the COFO people coming to Tallahatchie County have been helpful or harmful?

Mr. BREWER. I feel that they have been helpful, very helpful, because the fact the people in the part of the county where I am, they never would have known about that they could register to vote if it hadn't been for the COFO people.

Chairman HANNAH. Mr. Rankin?

Commissioner RANKIN. I gathered that this action taken against your brother was really getting at you because of your close relationship with COFO, is that true or not?

Mr. BREWER. That's not true because COFO had not come in at that time.

Commissioner RANKIN. Well, why was the resentment against your brother so strong, do you think? Do you have any idea of that?

Mr. BREWER. No, sir; I don't have any idea at all. I imagine this was just because he said "No" instead of "No, sir" to those people.

Commissioner RANKIN. And, all of this happened because he failed to put the "sir" after "no"; is that correct?

Mr. BREWER. That's right.

Commissioner RANKIN. Why do the Negroes stay in this county?

Mr. BREWER. You say why do we stay in this county?

Commissioner RANKIN. You said that your brothers have moved to Trenton and other places; isn't that right?

Mr. BREWER. They left out to go to work.

Commissioner RANKIN. To go to work. Are other Negroes doing the same, going north and to other States to work?

Mr. BREWER. That's right.

Commissioner RANKIN. Because there's no work, or do you think they are just glad to get away?

Mr. BREWER. Well, it is both reasons. There's no work for them here to do, that they can make any money out of, and then the people treat them so mean when they do try to work they was glad to get away from that too, is my idea about it.

Commissioner RANKIN. You heard Mr. Rayburn's statement about Panola County. You have friends over there in Panola County?

Mr. BREWER. No, sir.

Commissioner RANKIN. You don't know anything about registration in that county?

Mr. BREWER. No, sir.

Chairman HANNAH. Mr. Patterson?

Vice Chairman PATTERSON. You said they took your picture when you went in the courthouse to register.

Mr. BREWER. Yes, sir, they took it when I went in, and when I came out they took it again.

Vice Chairman PATTERSON. Who took it?

Mr. BREWER. I wouldn't know who he was. He was some officer around there.

Vice Chairman PATTERSON. He wasn't just a newspaper photographer?

Mr. BREWER. I wouldn't think so because he had a gun.

Vice Chairman PATTERSON. Did they tell you why they were taking your picture?

Mr. BREWER. No, sir, I was too glad to leave. I didn't ask any questions. There was two men standing around there with them guns, and me, I was going to get on out of town.

Vice Chairman PATTERSON. You said the only time in your life you ever felt like a man is when you were in the Army?

Mr. BREWER. That is right, sir.

Vice Chairman PATTERSON. You feel like a man now that you have tried to register?

Mr. BREWER. Well, in a way I do and in a way I don't because I don't know what this registering is going to come out to yet. I haven't had a chance to exercise it to see whether I could register or not; you know, vote or not.

Vice Chairman PATTERSON. Do you feel a little better about yourself now?

Mr. BREWER. I do.

Vice Chairman PATTERSON. Thank you.

Chairman HANNAH. Mr. Rogerson?

Mr. ROGERSON. Were pictures taken of others who tried to register on that same day?

Mr. BREWER. Yes, sir.

Mr. ROGERSON. Were pictures taken at any other attempts that you made to register?

Mr. BREWER. No, sir.

Mr. ROGERSON. What did you think this picture taking meant? What did it mean to you?

Mr. BREWER. Well, I thought it meant just about what it did mean, that they take your picture and if you had any credit with anybody they probably give them a picture to let them know you were up there and they probably cut out your credit. Some of the guys that were with me, we were in town, and they went to the service station, and the guy asked if you owed anybody at the service station, and he told them "No," and he told him, "You have lost our friendship. I don't want no more of your business."

Mr. ROGERSON. You mentioned that for many years you didn't think you had the right to vote and that this is what your parents had told you.

Mr. BREWER. That is right, sir. They had tried and they didn't succeed and they told me it wasn't no use for me to try, so I never tried.

Mr. ROGERSON. In other words, you think that Negroes thought they had the right to vote but it didn't do any good to try?

Mr. BREWER. I think they thought they had a right to, which I knew they did after I went to the Army. I knew I had a right to, but there wasn't any use in trying because I assumed if I would have tried I would have been dead.

Chairman HANNAH. Mr. Brewer, you mentioned that your mother had been concerned with the visits by night, to where she lived, with flashing lights and so on. Did your mother try to register to vote?

Mr. BREWER. No, sir, she didn't try yet, but she is planning to.

Chairman HANNAH. You are a farmer?

Mr. BREWER. Yes.

Chairman HANNAH. How large a farm do you operate?

Mr. BREWER. I operate 89 acres.

Chairman HANNAH. You can make a living on 89 acres?

Mr. BREWER. I sure do.

Chairman HANNAH. That's all.

Any other questions?

Mr. TAYLOR. Mr. Brewer, as far as you know, were you the first Negro citizen in Tallahatchie to attempt to register after the Court decree?

Mr. BREWER. Yes, I was the first one.

Mr. TAYLOR. Is what happened to you known to other people in your community?

Mr. BREWER. Well, no sir. Well, they know I went down to register. I didn't tell them the bad part of it. I told them the good part because 35 or 40 had promised they would go the next day.

Mr. TAYLOR. You don't think the word got around about the cars around your house, the trucks around your house?

Mr. BREWER. That was the reason why they didn't go the next day because they seen all them cars and guns and everybody. They got scared and in fact they didn't go into the field for about the next week. They stayed hid in the woods, everybody.

Chairman HANNAH. Father Hesburgh?

Commissioner HESBURGH. I want to get one thing perfectly clear in my own mind. Because one of your brothers didn't say "No, sir," just said "No," he got beaten up bloody, and your other brother lost an eye, and it was known to the law authorities and nothing happened; is that an adequate statement?

Mr. BREWER. Yes, sir.

Commissioner HESBURGH. Thank you.

Chairman HANNAH. Any further questions?

Thank you very much, Mr. Brewer. You are excused.

(Witnessed excused.)

Chairman HANNAH. Mr. Taylor, will you call your next witness?

Mr. TAYLOR. The next witness is Mrs. Adlena Hamlett.

Chairman HANNAH. Mrs. Hamlett.

Will you raise your right hand.

(Whereupon, Mr. Adlena Hamlett was duly sworn by the Chairman and testified as follows:)

Chairman HANNAH. Have a seat, please.

Mr. Taylor, will you begin the questioning?

TESTIMONY OF MRS. ADLENA HAMLETT, TALLAHATCHIE COUNTY, MISS.

Mr. TAYLOR. Yes, sir.

Mrs. Hamlett, would you give me your full name, please?

Mrs. HAMLETT. Adlena Hamlett.

Mr. TAYLOR. And your address?

Mrs. HAMLETT. Route 1, Box 47, Scobey, Miss.

Mr. TAYLOR. What is your present occupation?

Mrs. HAMLETT. I am a retired schoolteacher, housewife at present.

Mr. TAYLOR. Did you teach in the schools in Tallahatchie County?

Mrs. HAMLETT. I did.

Mr. TAYLOR. How long did you teach in the schools in Tallahatchie County?

Mrs. HAMLETT. Thirty-five years.

Mr. TAYLOR. Have you registered to vote, Mrs. Hamlett?

Mrs. HAMLETT. I have.

Mr. TAYLOR. Can you tell me when that was?

Mrs. HAMLETT. 1962.

Mr. TAYLOR. What was the first thing you did in order to try to register to vote?

Mrs. HAMLETT. I went in, made my application to register to vote.

Mr. TAYLOR. You took the test?

Mrs. HAMLETT. Yes, sir.

Mr. TAYLOR. After you took the test was your name published in the newspaper?

Mrs. HAMLETT. It was.

Mr. TAYLOR. Did anything happen to you after your name was published in the newspaper?

Mrs. HAMLETT. It did.

There was an effigy of a woman, and when I came and looked at my mailbox, I saw it hung directly across the public road, right at my mailbox, after my name was published.

Mr. TAYLOR. Could you tell us what this effigy was like?

Mrs. HAMLETT. Like a woman, it was that of a woman.

Mr. TAYLOR. It was hung right across the road?

Mrs. HAMLETT. Right across the road.

Mr. TAYLOR. Why did you think that effigy was hung there?

Mrs. HAMLETT. To scare me, I said.

Mr. TAYLOR. Did you register anyway?

Mrs. HAMLETT. I did.

Mr. TAYLOR. And, after you registered, have you attempted to vote?

Mrs. HAMLETT. I have. Just a minute, I made a little error there. I have not tried to vote.

Mr. TAYLOR. Why haven't you tried to vote?

Mrs. HAMLETT. Fear.

Mr. TAYLOR. Why did you register even if you might have been afraid, but did not try to vote?

Mrs. HAMLETT. Because I'm an American citizen and I still live where I was born and I just felt that I had a right to vote. I feel that's one of my rights.

Mr. TAYLOR. You did go down to the courthouse to register, is that right?

Mrs. HAMLETT. I did.

Mr. TAYLOR. But, you didn't go to vote, you didn't try to vote?

Mrs. HAMLETT. I didn't try.

Mr. TAYLOR. Was the voting at the same place as the place where you registered?

Mrs. HAMLETT. It was not.

Mr. TAYLOR. Where did you have to go to vote?

Mrs. HAMLETT. In the Third District polling place in Rosebloom, Miss.

Mr. TAYLOR. Was that out in the country some place?

Mrs. HAMLETT. It is.

Mr. TAYLOR. Was it a little more difficult to vote there than go down to the courthouse to register?

Mrs. HAMLETT. I fear it was.

MR. TAYLOR. Have you spoken to any of your neighbors about voter registration?

MRS. HAMLETT. I have.

MR. TAYLOR. Did they go down to register?

MRS. HAMLETT. I haven't had one yet. I had several promises but not one did.

MR. TAYLOR. Why do you think they don't go down to register?

MRS. HAMLETT. Well, it is fear.

MR. TAYLOR. What are they afraid of?

MRS. HAMLETT. Violence, more than anything else.

MR. TAYLOR. Has there been any violence that you know about?

MRS. HAMLETT. Well, not right recently.

MR. TAYLOR. But, in the past?

MRS. HAMLETT. In the past.

MR. TAYLOR. Thank you.

Chairman HANNAH. Father Hesburgh?

Commissioner HESBURGH. Mrs. Hamlett, are there many Negro teachers in the county registered to vote?

MRS. HAMLETT. Not that I know of.

Commissioner HESBURGH. Do you know of any besides yourself?

MRS. HAMLETT. No, sir. I do not.

Commissioner HESBURGH. Do you think as a teacher—you have taught for 35 years—did you think it was one of your jobs as a teacher to teach people how to be good American citizens?

MRS. HAMLETT. Yes, sir.

Commissioner HESBURGH. Did you feel right trying to teach them that when you couldn't vote yourself?

MRS. HAMLETT. Well, I did. I did my best along those lines.

Commissioner HESBURGH. How is it after all these years, Mrs. Hamlett, that you suddenly decided you were going to register?

MRS. HAMLETT. I just felt it was my duty and I had an urge to register.

Commissioner HESBURGH. Did someone help that urge along?

MRS. HAMLETT. I didn't understand that.

Commissioner HESBURGH. Did someone help that urge along? Did someone talk to you about registering and how important it was?

MRS. HAMLETT. It was just in me.

Commissioner HESBURGH. Just you. You just suddenly picked up and went.

MRS. HAMLETT. Yes, sir.

Commissioner HESBURGH. Do you intend to vote now?

MRS. HAMLETT. I do.

Commissioner HESBURGH. Why do you want to vote, Mrs. Hamlett?

Mrs. HAMLETT. Well, I believe it would be a help to my race, to the county, and to my race, and to all races in general.

Commissioner HESBURGH. Thank you, Mrs. Hamlett.

Chairman HANNAH. Mrs. Freeman?

Commissioner FREEMAN. Mrs. Hamlett, you taught for a very long time, about 35 years?

Mrs. HAMLETT. I did.

Commissioner FREEMAN. When did you retire?

Mrs. HAMLETT. I retired in 1957.

Commissioner FREEMAN. What is your income now? How do you live?

Mrs. HAMLETT. I live on the farm and my income is a little social security.

Commissioner FREEMAN. You get social security?

Mrs. HAMLETT. Yes, madam.

Commissioner FREEMAN. What were some of the things, some of the courses, that you taught?

Mrs. HAMLETT. Well, history, spelling, physiology, and I taught some civil government.

Commissioner FREEMAN. You taught them about the government?

Mrs. HAMLETT. Yes.

Commissioner FREEMAN. What their rights were under the government?

Mrs. HAMLETT. Yes, ma'am.

Commissioner FREEMAN. Now, as these youngsters have grown up, have they stayed around Tallahatchie County?

Mrs. HAMLETT. Not very many. They are mostly all gone from Tallahatchie County.

Commissioner FREEMAN. Have you tried to encourage them to stay and vote?

Mrs. HAMLETT. Well, I have encouraged what few there is but the majority has gone to other places.

Commissioner FREEMAN. From what you have said, this county is not the sort of place—is not quite the way—you think it ought to be; is that right?

Mrs. HAMLETT. That's right.

Commissioner FREEMAN. And you want to vote so you can make it better?

Mrs. HAMLETT. That's what I'm in hopes of.

Commissioner FREEMAN. Are you still trying to encourage people to vote?

Mrs. HAMLETT. I am.

Commissioner FREEMAN. Are you going to vote?

Mrs. HAMLETT. I am.

Chairman HANNAH. Mr. Patterson?

Vice Chairman PATTERSON. Mrs. Hamlett, if you weren't afraid to register, will you tell us again why you were afraid to vote?

Mrs. HAMLETT. Well, for violence, fear of violence.

Vice Chairman PATTERSON. Fear of violence?

Mrs. HAMLETT. Yes.

Vice Chairman PATTERSON. Did it have anything to do with the effigy that hung outside your house?

Mrs. HAMLETT. Well, that was one reason for my fear, for my greatest fear.

Vice Chairman PATTERSON. But you went ahead and registered after they hung that effigy there?

Mrs. HAMLETT. I did. I registered after. See, I got over that little fear and went on and registered.

Vice Chairman PATTERSON. But, did anything happen between the time you registered and the election day that made that fear rise up again and keep you from voting?

Mrs. HAMLETT. Because violence is happening everywhere. That's why it rested still about me.

Vice Chairman PATTERSON. How did you know about this violence?

Mrs. HAMLETT. Well, there has been so much.

Vice Chairman PATTERSON. How did you know about it?

Mrs. HAMLETT. Well, I read about it and I viewed it.

Vice Chairman PATTERSON. And, that made you fear to go vote?

Mrs. HAMLETT. At the precinct that I was appointed to vote, but I would not have been afraid to go to the county seat.

Vice Chairman PATTERSON. Thank you.

Mrs. HAMLETT. But, the precinct, I was afraid to go there.

Chairman HANNAH. Are there any other Negroes who are registered in your precinct?

Mrs. HAMLETT. There isn't.

Chairman HANNAH. You're the only one?

Mrs. HAMLETT. I'm the only one.

Chairman HANNAH. So, you feel that if you were in a precinct where there were many other Negroes registered, you wouldn't have the same fear. Your fear was due, largely due, to the fact that you were the only registered Negro voter in the district?

Mrs. HAMLETT. Yes; it is.

Chairman HANNAH. Any other questions?

Thank you very much, Mrs. Hamlett. You're excused.

(Witness excused.)

Mr. TAYLOR. The next witness is Mrs. Birdie Kegler.

Chairman HANNAH. Mrs. Kegler?

Will you raise your right hand, please.

(Whereupon, Mrs. Birdie Kegler was duly sworn by the Chairman and testified as follows:)

Chairman HANNAH. You may proceed with the questioning, Mr. Taylor.

TESTIMONY OF MRS. BIRDIE KEGLER, TALLAHATCHIE COUNTY, MISS.

Mr. TAYLOR. Would you please give me your full name and address?

Mrs. KEGLER. Mrs. Birdie Kegler, Post Office Box 52, Charleston, Miss.

Mr. TAYLOR. What is your occupation, Mrs. Kegler?

Mrs. KEGLER. Office work at a funeral home.

Mr. TAYLOR. How many years of school did you complete?

Mrs. KEGLER. Eleven.

Mr. TAYLOR. Are you registered to vote?

Mrs. KEGLER. I am.

Mr. TAYLOR. When did you register to vote?

Mrs. KEGLER. 1962.

Mr. TAYLOR. Since you registered have you done anything to encourage other Negroes to register in Tallahatchie County?

Mrs. KEGLER. I have; constantly.

Mr. TAYLOR. Constantly, you say. What have you done?

Mrs. KEGLER. I have talked with them about registering and in meetings I have talked with them. A few have gone up to register.

Mr. TAYLOR. Would you say you have spoken to very many people?

Mrs. KEGLER. I have.

Mr. TAYLOR. And about how many people have tried to register that you know of?

Mrs. KEGLER. Well, it is between 60 and 70 have gone up.

Mr. TAYLOR. And that is out of about how many people who are Negroes of voting age?

Mrs. KEGLER. About 6,000.

Mr. TAYLOR. And, these 60 or 70, has this been very recently?

Mrs. KEGLER. It has. That's right.

Mr. TAYLOR. Why don't more people try to register?

Mrs. KEGLER. Well, because of fear.

Mr. TAYLOR. Fear of anything in particular?

Mrs. KEGLER. Well, one of them is the publication, their names will be put in the paper and some think they will lose their jobs and others won't be able to obtain help.

Mr. TAYLOR. Do you know that in June of last year a Federal court issued an order designed to make it easier for people to register to vote?

Mrs. KEGLER. Yes; I do.

Mr. TAYLOR. Since that decree have you had any more success in getting people to register?

Mrs. KEGLER. We have had a few more to go up. Most of the people don't know about the decree, only those that I have told, and the COFO people.

Mr. TAYLOR. People become aware of the order when you tell them?

Mrs. KEGLER. That's right.

Mr. TAYLOR. Do they become aware of the order in any other way?

Mrs. KEGLER. Through the COFO people.

Mr. TAYLOR. Fine. Thank you, Mrs. Kegler.

Chairman HANNAH. Father Hesburgh, did you have any questions you would like to ask Mrs. Kegler?

Commissioner HESBURGH. Mrs. Kegler, some of the white people told us yesterday that they thought COFO was doing a bad thing by coming to Mississippi. What's your feeling about COFO?

Mrs. KEGLER. I think they are helpful.

Commissioner HESBURGH. Why do you think they are helpful?

Mrs. KEGLER. Because they get around in general through the communities and from house to house talking with the people.

Commissioner HESBURGH. What do they talk to you about?

Mrs. KEGLER. About registering and voting.

Commissioner HESBURGH. Registering and voting?

Mrs. KEGLER. That is right, sir.

Commissioner HESBURGH. You don't think it is a bad thing for people to be told they have a right to vote?

Mrs. KEGLER. I don't.

Commissioner HESBURGH. Is there any other agency in Tallahatchie County that encourages American citizens to vote and tells them how?

Mrs. KEGLER. No others that I know of.

Commissioner HESBURGH. No others that you know of.

Thank you.

Chairman HANNAH. Mrs. Freeman? Dean Griswold?

Commissioner GRISWOLD. Mrs. Kegler, do you have acquaintances in Panola County to the north of you?

Mrs. KEGLER. Yes; I do.

Commissioner GRISWOLD. Do you have any explanation of any reason as to why some 900 people have registered in Panola County but only 64 have tried to in Tallahatchie County?

Mrs. KEGLER. Well, they have had more of those workers, the COFO workers, up there, and there have been quite a few white workers in that county that have stayed with them.

Commissioner GRISWOLD. Is there any difference in the atmosphere of fear there, do you think, from that in your county? Are people less afraid there than they are in Tallahatchie County?

Mrs. KEGLER. Well, they have been since the COFO people went there, but there have been a time when they were afraid also.

Chairman HANNAH. Mr. Rankin?

Commissioner RANKIN. Mrs. Kegler, you are encouraging people to register, am I correct?

Mrs. KEGLER. That's correct.

Commissioner RANKIN. Now, I'm interested in the future. Do you believe that if more Negroes register, there will be less violence in the future or more?

Mrs. KEGLER. Yes, I do. I believe it to be less.

Commissioner RANKIN. Why?

Mrs. KEGLER. Because you will have the opportunity to say who is in office and to help elect the people that are supposed to be our officers and then help get rid of them.

Commissioner RANKIN. Well, would you hazard a guess as to how many voters you will have to have before you can make your vote felt in elections? Sixty-two won't do it, will it?

Mrs. KEGLER. Sixty-two won't. I think we should have at least 2,000.

Commissioner RANKIN. And, you have hopes of getting that number?

Mrs. KEGLER. We have hopes, that is correct.

Chairman HANNAH. Mr. Patterson?

Vice Chairman PATTERSON. Mrs. Kegler, you say that you have been encouraging people to vote?

Mrs. KEGLER. I have.

Vice Chairman PATTERSON. But only about 64 Negroes have applied to register in Tallahatchie County?

Mrs. KEGLER. That is right.

Vice Chairman PATTERSON. Across the line in Panola County you say that the COFO workers have encouraged several hundred. Why do the Negroes in Panola County go down and register with the COFO people when they don't go down to register with you in Tallahatchie?

Mrs. KEGLER. Well, the COFO people will call the Justice Department if necessary when they are going down and they will always contact the sheriff and that's one of the differences.

Vice Chairman PATTERSON. You say many of your people are not aware of this court decree in Tallahatchie?

Mrs. KEGLER. That's right.

Vice Chairman PATTERSON. Did the local newspaper carry the fact, carry the story on that decree, do you know?

Mrs. KEGLER. I don't remember.

Chairman HANNAH. Mrs. Kegler, do you suspect that another reason why so many more have registered in Panola is that there is a greater willingness on the part of the officials to register Negroes in Panola?

Mrs. KEGLER. Well, I don't know, but that seems to be the answer.

Chairman HANNAH. It seems to be easier?

Mrs. KEGLER. That is right, sir.

Chairman HANNAH. Mr. Rogerson, do you have a question?

Mr. ROGERSON. Mrs. Kegler, do you read your local newspaper?

Mrs. KEGLER. I do.

Mr. ROGERSON. Do you think you would have noticed this story if it had been run?

Mrs. KEGLER. Well, that's why I said I am not sure because it could have passed without my getting—some weeks that it passes over, maybe I'm out or something. It comes on Thursday.

Mr. ROGERSON. This is a weekly newspaper?

Mrs. KEGLER. That is right.

Mr. ROGERSON. Thank you.

Chairman HANNAH. Any further questions?

Anything the Commission would like to ask?

You are excused, Mrs. Kegler.

Thank you very much.

(Witness excused.)

Chairman HANNAH. Mr. Taylor, will you call the next witness.

Mr. TAYLOR. The next witness is from Jefferson County, and I would like to ask Mr. Bellman to give us brief background information on that county.

Chairman HANNAH. Mr. Bellman.

Mr. BELLMAN. Jefferson County borders on the Mississippi River in the southwest corner of the State. The total population of the county in 1963 was estimated at 10,150, of whom 68 percent were nonwhite.

88.1 percent of the 1,666 voting age whites are registered to vote while only one of the 3,540 voting age Negroes are registered.

In 1959 the median income for white families was \$4,180 and for Negro families, \$890.

The median level of education for whites is 10th grade, and for Negroes, 5th grade. In 1960-61 school year, the Jefferson County School District spent \$216 for each white child and \$99 for each Negro child.

Chairman HANNAH. Thank you, Mr. Bellman.

Mr. Taylor, will you call the next witness.

Mr. TAYLOR. The next witness is Mrs. Dorothy Mae Foster.

Chairman HANNAH. Mrs. Foster?

Will you raise your right hand, please.

(Whereupon, Mrs. Dorothy Mae Foster was duly sworn by the Chairman and testified as follows:)

**TESTIMONY OF MRS. DORTHY MAE FOSTER, JEFFERSON COUNTY,
MISS.**

Mr. TAYLOR. Mrs. Foster, will you please give us your full name, your address and your occupation?

Mrs. FOSTER. My name is Dorothy Mae Foster. I live at Route 2, Box 166, Natchez, Miss., and I'm a housewife.

Mr. TAYLOR. How many years of school did you complete, Mrs. Foster?

Mrs. FOSTER. Ten.

Mr. TAYLOR. How long have you lived in Jefferson County?

Mrs. FOSTER. For 16 years.

Mr. TAYLOR. Do you know of any Negroes who are registered to vote in Jefferson County?

Mrs. FOSTER. Not that I know of.

Mr. TAYLOR. Have you ever attempted to register to vote?

Mrs. FOSTER. Yes, sir; I have.

Mr. TAYLOR. When was that?

Mrs. FOSTER. September 20, 1963.

Mr. TAYLOR. When you went to try to register, did you go alone or did you go with someone?

Mrs. FOSTER. No. My brother-in-law, his wife, my husband, and myself.

Mr. TAYLOR. Now, did anything happen to you after you attempted to register?

Mrs. FOSTER. Yes; a carload with four or five white men came to our house and asked the whereabouts of my husband. I told them I didn't know and they said they had a matter of important business to discuss with him, and I said, "Well, I don't know where he is." They said, "Is he working?" I said, "Well, he has been." They said, "Is he off?" I said, "I don't know." They said, "Well, what time are you expecting him?" I said, "Well, I really don't know." So, some of the ones then in the car looked and saw a man coming and he said, "Here he——" I said, "No, that's not my husband. That is someone hunting."

So, the ones, one of the two that was at the gate talking, he said, "She says that is not her husband, that is someone hunting." And, when the man got there and sit down, he said to the man, the other man, "Give her the information since she says she is his wife." So, the man passed me a card, a little white card and it read: "Ku Klux Klan," and it says, "There are thousand Klans watching you."

Mr. TAYLOR. Is that the card you have in front of you, right now?

Mrs. FOSTER. Yes, it is.

Mr. TAYLOR. May I see that?

What happened then, Mrs. Foster?

Mrs. FOSTER. I said, "Oh, Ku Klux Klan." He said, "Yes." He said, "You tell your husband——" I passed it to the man that was

sitting on the porch. He said, "Don't be afraid." He said, "You tell your husband if he don't take his name off of that book, you would be afraid." So I said: "What book." I said: "Those names are signed in ink and they are there to stay." I said, "Are you coming back?" He said, "Yes." Then he said, "No, I won't, but someone will."

Mr. TAYLOR. I would like to have this card marked as an exhibit, Exhibit No. 8.

It reads: "Thousands of Klansmen Watching * * * waiting! Ku Klux Klan. Don't be misled. Let your conscience guide you." I would like to have it entered into the record.

Chairman HANNAH. It is received into the record.

(Commission's Exhibit No. 8 was marked for identification and received in evidence.)

Mr. TAYLOR. How many white men were in this car?

Mrs. FOSTER. Four or five, it seemed like two gotten out.

Mr. TAYLOR. How soon was this after you had attempted to register?

Mrs. FOSTER. About 4 weeks.

Mr. TAYLOR. Did anything happen to your in-laws?

Mrs. FOSTER. Yes; they visited them the same way.

Mr. TAYLOR. Did you or any of your family pass the test?

Mrs. FOSTER. No.

Mr. TAYLOR. Have there been any other attempts by Negroes to register in Jefferson County since you attempted to register?

Mrs. FOSTER. Not that I know of.

Mr. TAYLOR. Mrs. Foster, have you talked to any of your neighbors about attempting to register?

Mrs. FOSTER. One or two.

Mr. TAYLOR. What do they say?

Mrs. FOSTER. They don't give any answer. They just say they don't know.

Mr. TAYLOR. Do you think that people in your community know about this visit that you have told us about?

Mrs. FOSTER. I think some do.

Mr. TAYLOR. Thank you.

Chairman HANNAH. Father Hesburgh, do you have any questions?

Commissioner HESBURGH. Yes.

Mrs. FOSTER, did you report this visit to the local sheriff?

Mrs. FOSTER. No, we didn't.

Commissioner HESBURGH. Why not, Mrs. Foster?

Mrs. FOSTER. I don't know why. I didn't know what to do about it so my husband talked to friends and they advised him to come to Jackson and that's where he reported it.

Commissioner HESBURGH. Did he report this in Jackson?

Mrs. FOSTER. Yes, he did.

Commissioner HESBURGH. Did anything happen as a result of this reporting?

Mrs. FOSTER. Yes; we had different sources to visit us and ask information.

Commissioner HESBURGH. I see. Let me ask you one more thing. Did you get the license plate number on the car that visited you?

Mrs. FOSTER. The car didn't bear a license plate.

Commissioner HESBURGH. Can people drive around the State without license plates on their car?

Mrs. FOSTER. I didn't know that they could.

Commissioner HESBURGH. What kind of car was it?

Mrs. FOSTER. A white Buick.

Commissioner HESBURGH. That should be fairly visible.

Thank you, Mrs. Foster.

Chairman HANNAH. Mrs. Freeman?

Commissioner FREEMAN. Mrs. Foster, have you seen or heard of the Klan in your county or in your neighborhood before?

Mrs. FOSTER. No, I hadn't.

Commissioner FREEMAN. I see.

Mrs. FOSTER. Just read about it in papers. I had read of it in papers, but I hadn't seen it.

Commissioner FREEMAN. This was the first visit that you had ever received?

Mrs. FOSTER. Yes, it was.

Commissioner FREEMAN. Has there been any other information or any other statement that anybody made to you about white persons trying to keep Negroes from registering to vote?

Mrs. FOSTER. No; I haven't heard any.

Commissioner FREEMAN. This was the first thing that had happened?

Mrs. FOSTER. First time.

Commissioner FREEMAN. Do you still plan to try to register?

Mrs. FOSTER. I do.

Commissioner FREEMAN. Do you feel that the Klan or anybody else will try to keep you from registering and voting?

Mrs. FOSTER. No; I don't think so.

Commissioner FREEMAN. You're not afraid of it?

Mrs. FOSTER. No; I'm not afraid.

Chairman HANNAH. Mr. Rankin?

Commissioner RANKIN. Just for the record, you now live in Natchez; is that correct?

Mrs. FOSTER. No; I live in Jefferson County, but my mailing address is Natchez.

Commissioner RANKIN. Your mailing address. I just wanted to get that straight for the record.

Chairman HANNAH. Mrs. Foster, your husband works?

Mrs. FOSTER. Yes; he does.

Chairman HANNAH. What does your husband do?

Mrs. FOSTER. Oh, he is an employee at the Armstrong Tire Rubber Co.

Chairman HANNAH. And, since this incident involving the Ku Klux Klan card visit, has your husband been embarrassed in any way with reference to his job or any other way?

Mrs. FOSTER. Not that I know of.

Chairman HANNAH. No one has talked to you or him in regard to this incident?

Mrs. FOSTER. No; they haven't.

Chairman HANNAH. Any other questions? Mr. Rogerson?

Mr. ROGERSON. Mrs. Foster, was your name, and the name of your relatives published in the paper after you went to register?

Mrs. FOSTER. I don't know. We don't get a Fayette paper.

Mr. ROGERSON. I see. Thank you.

Chairman HANNAH. You are excused, Mrs. Foster, and we are now going to take a 15-minute recess.

(Witness excused.)

(A 15-minute recess was taken.)

Chairman HANNAH. This hearing of the Civil Rights Commission will come to order.

Before we call the next witness, some of the witnesses that have appeared here this morning and others that may appear later exhibit a good deal of courage in coming.

Of course they have been subpoenaed so they have no alternative but to appear. Their testimony may make it difficult for them when they return to their home communities, and this has been a matter of concern because of experiences in past hearings that we have held, when witnesses have had problems after they return.

We have been heartened by the statements made by Governor Johnson yesterday and the attorney general at the executive session and by other officials of the State. So, we have asked the Governor's office to take particular interest in being certain that as these witnesses return, they are given every possible protection by police officers, county officials, and others. And, the reason that we are delayed resuming this session this morning is because I have just visited the Governor's office, not talked to the Governor but to his secretary, and particularly requested, in view of the cooperation indicated, of the State, to make sure that these witnesses are not embarrassed after they return.

We are particularly concerned about the witnesses who appeared here this morning from Tallahatchie County.

Mr. Taylor, call the next witness.

Mr. TAYLOR. The next witnesses are Mr. Aaron Henry and Mr. Charles Evers.

Chairman HANNAH. Gentlemen.

Will you raise your right hands.

(Whereupon, Charles Evers and Aaron E. Henry were duly sworn by the Chairman and testified as follows:)

Chairman HANNAH. Have a chair, gentlemen.

Mr. Taylor, will you begin the questioning.

TESTIMONY OF CHARLES EVERS, MISSISSIPPI FIELD DIRECTOR, NAACP, AND AARON E. HENRY, MISSISSIPPI STATE CONFERENCE PRESIDENT, NAACP AND CHAIRMAN, COFO.

Mr. TAYLOR. Mr. Evers and Mr. Henry, will you please give, for the record, your full names and your addresses and your positions.

Mr. HENRY. My name is Aaron E. Henry. I live at 636 Page Avenue in Clarksdale, Miss. I serve as Mississippi State conference president of the NAACP, and chairman of the COFO movement of Mississippi.

Mr. EVERS. I am Mr. Charles Evers, 1072 10th Street. I am field director for the NAACP, State of Mississippi.

Mr. TAYLOR. Mr. Evers, I believe you have a statement describing some of the history of the NAACP voters' registration in the State prior to 1964. Would you care to read or to summarize the statement to give the Commission some idea of the background.

Mr. EVERS. I would be glad to.

The National Association for the Advancement of Colored People has been active in Mississippi for 47 years. Its first branches were located in Vicksburg and Jackson, Miss. Today we have 22 branches in the State.

Our prime objectives are now and have been voter registration. We try to help the Negroes in the community to become qualified to vote. We have had many and much opposition.

Our large campaign began in 1955 in Belzoni. Rev. George Lee, who was president of our branch, had gone around working day and night to get Negroes registered. And, because he registered and would not remove his name from the registrar's book, he was shot down in his driveway going home.

A few weeks later Mr. Gus Courts, who was also working with Reverend Lee in getting Negroes registered in Belzoni, was shot down in his store and eventually left and went north to some other place to live.

We have had any number of beatings and killings because Negroes have tried to register in the State of Mississippi. Therefore, we know that the reason why we have no more Negro registrants in Mississippi is because of fear.

In the First District, for instance, we have over 53,504 Negroes over the age of 21. That's the district from which Representative Thomas G. Abernethy comes. Of the 53,000 Negroes who would be

registered voters we have less than one thousand registered in the district.

The Second District where Representative Jamie L. Whitten comes from we have 159,000 Negroes over 21. We have only 6,000 registered in the Second Congressional District.

And, the Third Congressional District, our district here where Representative John Bell Williams is from, we have 101,695 Negroes over 21. We have less than 8,000 Negroes registered.

In the Fourth Congressional District, where Representative Arthur Winstead is from we have 56,239 Negroes over 21. Of that we have less than 2,000 Negroes registered.

In the Fifth Congressional District where Congressman William M. Colmer is from we have 32,599 Negroes. Of that number we have 1,517 Negroes registered.

There is also a record showing how Negroes are discriminated against. There are different counties, particularly Jefferson County, we said before where there are 8,000 Negroes, and no Negroes registered in Jefferson County.

Lee County where there are 5,131 Negroes over 21 we have less than 200 Negroes registered.

Monroe County where there are 5,670 Negroes over 21, we have 9 Negroes registered.

In Noxubee County where there are 5,670 Negroes we have 9 Negroes registered. That is, a continuation of harassment, beatings, bombings, and killings of our people, is the reason why they weren't registered.

In Leflore which has 13,517 Negroes in Greenwood, we have less than 300 Negroes registered from that county.

Sunflower County, 13,524 Negroes over 21. We have less than 164 Negroes registered. This was up to July 1963.

Tunica County where we have 5,822 Negroes over 21, we have less than 20 Negroes registered.

Washington County, Greenville, Mississippi, the heaven of Mississippi where we have 20,000 Negroes over 21, we have 2,500 registered.

That is just the gist of what we have in the State, and it comes from the reason, because of harassment, from the law enforcement officers, from the constables, clean to the executive department of our State, from the chief of police to the rookie cop on the beat.

Mr. TAYLOR. Mr. Henry, you have been particularly active over a period of time in leading voter registration activities.

Would you care to give a statement about efforts over the course of the past year and anything else you would like to say?

Mr. HENRY. Yes. Again, I would like to repeat, my name is Aaron Henry. I live in Clarksdale, Miss., Coahoma County, the county in which I was born on July 2, 1922.

I am happy to express a welcome to the Commission for coming to Mississippi. We had anticipated your coming over 2 years ago but we are glad you finally made it. I am grateful for this opportunity to appear and discuss in capsule form our experience in trying to register to vote during the year 1964.

At the present time there are approximately fewer than 24,000 Negroes registered to vote in Mississippi. Out of a voting population of approximately 400,000 Negroes over 21, roughly about 6 percent are registered.

On January 4, 1964, under the auspices of the NAACP, registration to vote campaigns were begun in the following communities: Amite County, Biloxi, Canton, Claiborne County, Clarke County, Cleveland, Coahoma County, Columbus, Florence County, Greenwood, Gulfport, Hattiesburg, Jackson, Laurel, Leake County, McComb, Marion County, Meridian, Moss Point, Pascagoula, Newton County, Prentiss, Vicksburg, Walthall County, Washington County, and West Point.

The Mississippi Council of Federated Organizations, which is most often referred to as COFO, is an umbrella type organization that coordinated the efforts of the major civil rights organizations working in the area of registration and voting within the State of Mississippi. These organizations were primarily the Congress of Racial Equality, the National Association for the Advancement of Colored People, the Student Nonviolent Coordinating Committee, and the Southern Christian Leadership Conference.

In 1964, in addition to helping out in the campaign areas already mentioned, where campaigns were launched by NAACP, COFO launched additional campaigns in the following communities: Ripley, Belzoni, Sunflower County, Tallahatchie County, Panola County, Franklin County, Neshoba County, Chickasaw County, Ruleville, Natchez, Adams County, Boonville, Holmes County, Marshall County, Issaquena County, Anguilla, Rolling Fork, Aberdeen, Amory, and several other communities.

Now, to become a registered voter in Mississippi, as you probably have been told numerous times, an applicant to register must be able to interpret to the satisfaction of the circuit clerk, who in Mississippi is the registrar, any of the 286 sections of the State constitution. This poses an unreasonable burden and hardship on the prospective registrant. To attempt to overcome this, voter-registration clinics are conducted by holding citizenship classes in freedom schools to help familiarize the prospective registrant with all the sections of the constitution. Door-to-door canvasses are made and people are encouraged to go down and try to vote after coming to the citizenship schools.

Many Negroes are encouraged to go down and try to register without coming to the citizenship school because many of them have sufficient education to do it without this additional help.

Many of these people express fears in going down to register. These fears are expressed in varying degrees. Many are afraid of physical violence, economic reprisals, losing jobs, or not getting jobs. For many people an attempt to register would result in their not having any money to buy milk for the baby, no money to buy food for the family, and no money to pay the rent for the roof over their heads.

In many areas people are afraid to go down to the courthouse alone, both from the standpoint of fear of physical violence and also for the fear of being identified as one alone trying to register.

To offset both of these difficulties we encourage as many people as we can to go down to the courthouse and try to register. We feel strongly there is some element of safety in numbers. When we organize a community in an attempt to get many of the Negroes of the area registered we call such an attempt a freedom day.

In many communities the headquarters for organizing voter registration campaigns is in buildings that we call Freedom Houses.

The announcement of the 1964 registration to vote campaign brought the following action, on the State level, from our legislature:

An increase from 275 men to 475, the authorized strength of the highway patrol, and invested the patrol with police powers during emergencies, determined by the Governor.

Gave greater authority to municipalities to restrain the movement of individuals.

Strictly regulate picketing of public buildings so as to obstruct normal access to them.

Increased penalties which municipal courts may assess from \$100 and/or 30 days to \$300 and/or 90 days.

Authorized municipalities to pool manpower and other resources for prevention and alleviation of riots or civil disturbances.

Provide penalties up to \$500 and/or 6 months for printing and circulation of boycott leaflets, handbills, et cetera.

Make unlawful, punishable by heavy fines, refusal to comply with police commands in nine circumstances, defined to relate specifically to demonstrations.

The white community responded to this voter registration campaign in the following actions:

Outright refusal by registrars to permit Negroes to attempt to register.

Church burnings.

Beatings, involving residents and voter registration workers.

Economic reprisals.

Shootings.

Bombings.

Murders.

Cross burnings, and other forms of intimidation.

I have prepared a list of 55 examples of these experiences which I will be happy to submit to the Commission.

These are but a few of the crimes that have been committed against Negroes who tried to register to vote. These crimes have been committed in many cases with the cooperation of local officials. There are, nevertheless, some law enforcement officials in Mississippi who conscientiously serve the law. Police Chief W. C. Burnley of Greenville and former Sheriff L. A. Ross of Coahoma County are examples. They are not, however, numerous.

In spite of the difficulties in trying to register to vote, Mississippi found more than 17,250 people during the year of 1964, going to the various courthouses throughout the State, trying to register.

A few over 1,600 were successful, the greatest number coming from Panola County where the Federal Government has won a suit to do away with the constitutional interpretation requirement as a prerequisite to voting. Around 900 Negroes are now registered in Panola County.

As encouraging as this may appear on the surface, we must hastily cite the fact that there are over 400,000 Negroes over 21 years of age who did not go down to pass the constitutional interpretation test and try to register. These more than 400,000 are the victims of fear to the extent they are afraid to avail themselves of this elementary American right. They are so cowed down by the official State policy and white power structure that they dare not try.

In addition to these reasons already given there are other factors that work to hinder the efforts of Negroes to register to vote.

Poverty and economic dependence of Negroes on their white employers to earn a livelihood. Many Negroes fear losing their economic base altogether if they attempt to register to vote.

The sharecropper is dependent.

The cottonpicker is dependent.

The schoolteacher is dependent.

And, public employees are dependent.

Any step which will bring a Negro into the public view, in an effort to register to vote, will increase the likelihood that an employer, or a creditor, or landlord will deprive him of the economic necessities of life.

This problem is amplified manyfold by the extreme degree of poverty which exists among the Negro communities of Mississippi. To take an economic risk in Mississippi is to risk life itself.

The historic inadequacies of the education provided by the State of Mississippi to Negro schoolchildren makes any reading comprehension test essentially an unfair qualification for voting.

We know of the hardships and the risks that are involved, yet we are determined to secure the franchise for Negro citizens in Mississippi. We will continue in 1965 essentially the same program that was carried on in 1964. The only difference will be that we intend to increase our activity. We intend to increase the number of areas and the number of freedom days.

The present Lieutenant Governor, at his inauguration only last January, called on all State officials to "wage a brave, determined, and continuing battle against an invasion from any source, that takes from any group, of our heritage, sovereignty, constitutional rights, and Southern way of life."

The present Governor has the distinction of being the only Governor in the Nation to counsel disobedience to the Federal public accommodations law. He may have had a change of heart lately, but we will wait and see about that, too.

Federal Judge Harold Cox, from the bench in March of 1964, referred repeatedly to Negro voter registration applicants as a "bunch of niggers" acting like a bunch of chimpanzees.

On the other and possibly promising side, note can be taken of the concerted action of the Jackson, Miss., business community in support of the compliance with the Federal accommodations law, despite the Governor's counsel and despite strong pressures from the White Citizens Council.

The contempt of official Mississippi for law is recognized by the Federal Government which has, since the late 1950's, had to devote untold hours of attorneys and FBI agents' time, and assuredly millions of dollars of taxpayers' funds, keeping Mississippi and its political subdivisions and its officials at the bar. Not yet, however, has the Federal Government been able to guarantee the right to vote to Negro citizens of Mississippi. The Federal Government now has legal action pending in a majority of the counties in Mississippi and an omnibus right to register to vote suit, scheduled to be heard this term of the U.S. Supreme Court. Yet in Forrest County, the only victory against an individual thus far in the long history of the Federal activity in Mississippi, for the Federal Government, we still find the circuit clerk is still refusing to register Negroes. He has been found guilty of contempt of court and the Federal Government continues to tolerate this behavior while he remains a free man.

The Civil Rights Bill of 1964 has not helped to get one Negro registered in the State of Mississippi. In the right-to-vote section of the bill it is thus far useless in the area where the right to vote is

continuously denied. There are, however, some remedies I would like to suggest to correct this evil:

One. President Lyndon Johnson should make it unequivocally clear that the Negro citizens of Mississippi are going to secure the right to vote, now, regardless of how much it takes in terms of Federal force. The soft talk he is doing on the issue is simply not helping or getting through to the law enforcement bodies of the State of Mississippi.

Two. This term of Congress should pass three acts, in my opinion, aimed at securing the right to vote:

Number one. A Federal registrars bill, authorizing the appointment of Federal registrars by the Department of Justice, to come into any county where any of the adult population is denied the right to vote. The authority to register citizens should be extended to both National and State elections.

Number two. A bill outlawing the literacy test as a prerequisite to voting. The literacy test wherever it is used is designed to prevent a certain group or class of people from voting.

Number three. A bill to make the State, county, and city liable for damages when violence and/or intimidation is directed by any citizen or official against persons trying to register to vote or assisting people trying to register to vote.

In the event all of these efforts fail, the President should then use his full power under Title 10, Section 333 of the Federal Code. Doubtless some creditable consideration of expedience at this time could be cited to support a decision against now taking vigorous Presidential action under section 333 in Mississippi. Surely, however, the Attorney General's position would be less misleading and therefore less perilous if he could acknowledge that the President today has the power to act but believes police action under section 333 of title 10 inadvisable. Therefore, it is clear that the question of Federal police intervention in Mississippi and the extent and kind of it is, in other words, not one of power to act, but of policy. This is precisely the position spelled out by President John F. Kennedy in his telegram on May 14, 1963, to Governor Wallace of Alabama. He said: "Under this section, Title 10 USCA 333, which has been invoked by my immediate predecessor and other Presidents as well as myself on previous occasions, the Congress entrusts to the President all determinations as to (1) the necessity for action; (2) the means to be employed; and (3) the adequacy or inadequacy of the protection afforded by State authorities to the citizens of that State."

Of all the problems that are in existence in Mississippi today it is my feeling that all of the problems can be resolved once the right to vote is gained. The problems of economic deprivation, educational inopportunity, injustice in the courts, and the right to vote can all be resolved once the right for all of our citizens is gained. We will no

longer have a congressional delegation in Washington, all of whom vote against the poverty bill. Their only reason for voting against the bill is because the bill will help Negroes as well as poor white people of Mississippi earn a better living. Twenty-six percent of all the people of Mississippi earn less than \$3,000 per year, 32 percent of all the people of Mississippi earn less than \$2,000 per year.

In the Mississippi Delta where I come from 51 percent of the people earn less than \$1,000 per year. For our Congressmen to vote against the poverty bill is a clear indication that they have no feelings for the welfare of the majority of the citizens who are represented by a combination of Negroes and poor white.

Once we gain the right to vote for Negro citizens of Mississippi, not only will we free the Negro in our State, but we will free thousands of our white brothers in the process.

MR. TAYLOR. Thank you, Mr. Henry.

Chairman HANNAH. Do you have further questions?

Father Hesburgh?

Commissioner HESBURGH. Mr. Henry, I take it you believe the vote is the most important thing to focus on right now in the State?

MR. HENRY. Yes; if we have to take an either-or situation—I would rather take both—I would say the vote.

Commissioner HESBURGH. I gather also you think that the greatest thing moving against the vote today is the fear on the part of those people who have to register and vote, is that correct?

MR. HENRY. Yes, sir.

Commissioner HESBURGH. And this fear, I gather, is a very real thing in most of the counties outside the large cities?

MR. HENRY. Well, even in the large cities, and I would like to say this: The statements that we are hearing now coming from the official people of our State, to my mind it's because the State of Mississippi is right now in a show case. In other words, the Commission is here looking at us. The Freedom Democratic Party is now taking depositions, trying to unseat what we feel are unduly elected Congressmen from our area. All of these pressures are now directed directly on Mississippi, and I don't think that Governor Johnson could say anything differently if he wanted to.

I am not at all convinced that this great change of heart that he is expressing now is a genuine change. You wait until the Commission goes back to Washington.

MR. EVERS. That's right. I agree.

Commissioner HESBURGH. The other point, the three points you have mentioned have already been recommended by this Commission on a nationwide basis, that there be Federal registrars simply organized, that we eliminate literacy tests because of the long abuse of these tests, and the third thing you mentioned.

Mr. HENRY. Intimidation.

I would like you to know, to let them know in Washington, we in Mississippi are asking for the same thing.

Mr. EVERS. I would like to add we feel it be just and fair that the entire registration books of Mississippi be completely wiped out and have a brand new registration since our Governor and mayors and the rest of them are saying there is no discrimination, let's all clean the books and everybody have an equal chance to go down and register and then we will see that Negroes will have the same opportunity that white have.

Commissioner HESBURGH. Now, you gentlemen have been working in this field a long time, the field of voting. What do you feel right now are the chances of success of this whole business?

Mr. HENRY. I don't see much chance of success as long as we have the constitutional interpretation test as a prerequisite to voting. You see, this constitution, it gives the registrar so much latitude, he can pick sections that—and of course our State constitution is replete with idioms, ex post facto, caveat emptor, and if you don't have some basic understanding of the Latin language, then you will have no possibility of interpreting a particular section, if he doesn't want you to be able to pass this section. And, if you have to go, Father, into a clerk's office and ask to be registered, and the clerk can ask you to interpret any of 286 sections of the constitution and you have no way of knowing what section he's going to ask you before you get there, I don't think that Father Hesburgh of Notre Dame would be a registered voter of Mississippi today.

Commissioner HESBURGH. I even said yesterday I thought the law deans might have some difficulties.

Mr. EVERS. And, to add to that, Father, as long as we have the caliber of the registrar we have in Mississippi and the feeling with which they have against Negroes and the cooperation that they have from the sheriff department, from the attorney general's department of our State and from the executive department of our State, Negroes won't ever be able to register, so we are going to need to have a clean sweep of the whole thing in order to get this done. There will have to be a Federal registrar and elimination of the literacy test.

Commissioner HESBURGH. I think there is one little cause for hope that I notice, and we have been having these hearings all over the various States of the North, East, South and West. There are civil rights problems everywhere, but they differ in different sections. But, on this precise thing are either of you gentlemen going to comment on this chart which I think shows some progress in some Southern States adjacent to Mississippi? It's a rather interesting—

Mr. HENRY. I would like to go political on you just a minute, and

if you will check this chart, you will find that every State—and, of course, the black indicates the Negro registration—you will see that——

Commissioner HESBURGH. Actually it is a comparative thing over a number of years.

Mr. HENRY. If you check every Southern State where you have got 45 percent or more of the Negroes registered in the States, that these States went Democratic this year, and every State where you have less than 45 percent registered—check it—they went Republican.

Mr. EVERS. Right.

Mr. HENRY. Now, to my mind this is because of the appeal to racism that the Republican candidate used as his main force in trying to be President of the United States.

It was in these areas where the Negro was not registered where he had his greatest appeal and I believe if we get the right to vote, we are going to change the political statements on the stumps, by the people who are running.

As I said, many people who take these extreme positions we believe are not free to be as good as they are at heart. For it is political suicide for any white man in Mississippi to take a position that he believes that all Negroes should register to vote if he expects to win because the first law of politics is to get elected next time. And if we can create a situation where he can be decent and can express ideas of humanity on the stump and still have some hope of winning, then I believe that we will change the expressions, and certainly the public attitude, and I hope the image, of the State of Mississippi to a great degree.

Commissioner HESBURGH. One last question, and I would like to ask this of both of you.

What would the State of Mississippi be like if every qualified voter, white and Negro, could vote? What changes do you think would occur in this State if that happened?

Mr. EVERS. Actually, I would like to speak. I think it would be one of the greatest States in the Nation. Number one, because there would be almost an equilibrium of participation. You see, our State consists of 47 percent of Negroes and if the Negroes who were qualified were registered, then we would send decent representatives to all of our offices from the constables clean to the government and to the Senate and Representatives, and they would go there and represent all the people of Mississippi and not just the white population or extremists.

Now, I would like to add there are many decent whites in Mississippi. I don't want any one to think all white people of Mississippi are bad. They feel as we do. They know it is suicide to come out

and speak up. I would like to even say that if Negroes were permitted to register even the Governor himself and the mayors of our cities wouldn't be as quick to speak out against Negroes as they are. In any community or any county where there are voteless people, there are hopeless people, and our country is built on politics and economics, and we have neither, the vote nor the economics.

The whole thing of it is they are depriving us of this right and if we ever get an equal chance to register, then we will have an equal chance, equal school, equal housing, equal jobs, and equal participation in our local political affairs.

We will have to elect sheriffs. We have to elect the deputies so they won't be around and throughout this county murdering our people at will. We have to get rid of all this racism that our politicians preach and we won't have people standing in the doors blocking people from getting education and keeping them from voting. This is the thing we want to eliminate if we can get the right to vote.

Mr. HENRY. I think the essence of Mr. Evers' answer is, there is no indication that we have any desire of changing the white supremacy under which we live, to a black supremacy. In other words, we are tired of the white one we have lived under and we feel that qualified people, black or white, would gain and be entitled to the vote of all the people who were registered. And, to add to what he had to say, to make it explicitly clear we don't have a racist philosophy on the right to register.

Commissioner HESBURGH. In other words, you don't want to substitute one race for the other?

Mr. HENRY. No.

Commissioner FREEMAN. I am very glad you made it clear that you reject racism of any kind, both Mr. Evers and Mr. Henry.

Mr. EVERS. I would like to say that this is not a fight white against black. It is right against wrong. We are not out to destroy the white race and make the Negro race superior. We are only out to make things equal on which our country is based on.

Commissioner HESBURGH. Mr. Evers, you state the NAACP has been working in this State for some 47 years with 22 branches working for voting registration. Is there a branch in the counties of Jefferson County and Tallahatchie County?

Mr. EVERS. No, we haven't.

Commissioner FREEMAN. We heard testimony that there are no registered voters there. Will you tell us something about why the NAACP is not considering helping people there since they said they would need some protection or encouragement?

Mr. EVERS. I would like to say the only reason we haven't gone into Tallahatchie County and to Jefferson County is the NAACP is mostly volunteer people of the local levels, and we just haven't been

able as yet to beat down the fear and get enough Negroes into these areas, and we haven't gone in ourselves to get chapters started there.

Now, we appreciate the COFO workers who came in here and helped us get started. They have done a wonderful job in this area, and I would like to make it clear we do appreciate them, and I am sure most of the Negroes in Mississippi appreciate the work they are doing.

We don't have chapters there, and it is because I said our chapter is made of local people, and for the local people it has been suicide in the past to identify yourself as a member of the NAACP, but since the coming of the COFO workers that makes all organizations—it seems now the NAACP is an accepted godchild of all the organizations which we don't particularly appreciate either.

Commissioner FREEMAN. You said it is more respectable to be a member of the NAACP than COFO?

Mr. EVERS. It seems they feel we are, at least.

Mr. HENRY. While we haven't gone into Tallahatchie as an organization, however, there are several of us that have worked with Mrs. Kegler and Mr. Gray, Grafton Gray and several of the other citizens of Tallahatchie County on a personal individual basis.

Frankly, it was with us that they made their attempts to register and made their attempts to the various Federal authorities, so we are not unknown in these areas.

Chairman HANNAH. Dean Griswold?

Commissioner GRISWOLD. Mr. Evers, I heard Governor Johnson on that television program last Sunday afternoon in which I recall correctly he referred to you by name. Did you hear that program or see it?

Mr. EVERS. No, I was busy working on civil rights at the time.

Commissioner GRISWOLD. I was busy working on civil rights at the time looking at the program.

He said, if I recall correctly, that you didn't have any following in the State and that you were not a recognized leader of Negroes or anyone else in the State. I wonder if you would have any comment to make on that?

Mr. EVERS. The only comment I would have to make on that is, I asked NBC for equal time and I also would like to make one statement: That I don't profess to have any more support of all the Negroes that the Governor should profess to have all the support of the whites.

Commissioner GRISWOLD. Do you feel that you have substantial support?

Mr. HENRY. I would like to intervene there.

Commissioner GRISWOLD. The reference of the Governor was to Mr. Evers and I would like to hear Mr. Evers first.

Mr. EVERS. I feel that every Negro, including the Uncle Toms, would like to be free and have the same rights that I am advocating.

Now, whether they follow me is not important. It is the idea of they want to be free and they are willing to fight to be free.

Now, I couldn't say that I have the support of them. As I said before, nor can the Governor say he has the support of all the whites, because he doesn't.

Commissioner GRISWOLD. Mr. Henry?

Mr. HENRY. I think for Mr. Evers to be called upon to state, perhaps vainly, how much following he has among the people could be better answered by those of us who follow him, and I serve as president of Mississippi State conference of NAACP. Mr. Evers is the field secretary, and by activity, he is the most important officer the NAACP has in the State, and I know of the undivided support, love, and loyalty perhaps millions of Negroes all over this country and thousands in this State have, that would swear and die by Charles Evers, and I'm pretty sure that the Governor hasn't spoken to the same people with whom we have been conversing.

Chairman HANNAH. Mr. Rankin?

Commissioner RANKIN. I have one concern. That is, you lock the white people of Mississippi into a group. Don't you think there is a group of white people of good vein in the State?

Mr. HENRY. We tried to say that.

Mr. EVERS. I know there are many.

Commissioner RANKIN. Do you think any intimidation exists in the State by one group of whites against other groups of white people?

Mr. EVERS. Surely.

Commissioner RANKIN. Would you give some examples?

Mr. EVERS. One example, the mayor of Natchez didn't advocate throwing bombs, so because he wouldn't advocate throwing bombs, they threw one at him.

The editor of one of our local papers here, who is a fairminded lady—she doesn't necessarily have to be an integrationist—she sympathized, and printed what was right and her place was blown to bits a few months ago.

One of our good reverends, who is a local white minister, has been in jail I guess a dozen times because he believed in democracy in Mississippi, and there are a thousand others who would suffer the same type of intimidation if they would speak up.

Commissioner RANKIN. Don't you think this group of people of good feeling is growing in spite of this intimidation?

Mr. EVERS. Yes.

Commissioner RANKIN. It is getting larger?

Mr. EVERS. Yes; and I will have to admit things are better because people are beginning to realize, including our Governor and the mayor,

that the same guns they use to destroy Negroes will destroy them unless they soon sing the tune they want to hear.

Mr. HENRY. In this same problem Mississippi has become I suppose the forgotten territory within the States. I don't recall, since I have been born, when a President has visited Mississippi. We use to talk with the Attorney General, Mr. Bobby Kennedy, about coming into Mississippi, and we never could get him to come down here. These white people who want to speak out have no umbrella of support under which to stand and unless we can get people of stature from all over this country to make this kind of a presence, then this identification I don't think is going to take place as rapidly as it ought to. I told Bobby 1 day that he reminded me of the Black Muslims. They don't come to Mississippi either.

Commissioner RANKIN. It was quite a standing invitation you also have given to the Civil Rights Commission.

Mr. HENRY. You didn't get a standing ovation from everybody but a lot of us are glad you are here.

Commissioner RANKIN. There is one other point I want to clear up. You mentioned a minute ago, "When this Commission returns to Washington." You would be surprised about this Commission. We don't stay in Washington. We are full-time employees at other jobs. We go back to Durham, back to Harvard, and all of the different commissioners go back to their regular jobs. We are doing this on the side. We are not the usual bureaucrat by any means. I can assure you that if the Rankin family had to live on the income I received serving on the Civil Rights Commission, the income would be lower than the median of the Negro families in Tallahatchie. I just want to point out we are people here of different pursuits, from different sections of the country, who are here, commissioned by the Federal Government, to try to ascertain facts and we are in a different class from the usual Washington bureaucrat.

Mr. HENRY. Okay, I'll buy that.

Chairman HANNAH. Mr. Patterson?

Vice Chairman PATTERSON. Mr. Henry, you mentioned the comments of the Governor which are different from the comments that have been heard at times in the past. You mentioned that you view these with some suspicion, that you will wait and see.

Mr. HENRY. Yes, sir.

Vice Chairman PATTERSON. Is it wise to question the expression of a change instead of welcoming it, thereby trying to encourage it?

Mr. HENRY. Because of the time at which it comes. If this expression of good will had come at a time when we were not, shall we say, in the show case of this country, with the Civil Rights Commission in Mississippi looking in on us and the other activities that are now going

on around the State, when you got a man sort of backed up against the wall he will say anything to make you let him alone, and I'm not too sure that this isn't the type of expression we are getting from Governor Johnson.

Vice Chairman PATTERSON. Isn't it true there have been some other changes of attitude in recent months in Mississippi?

Mr. EVERS. Not by the executive department, no.

Mr. HENRY. The Governor of Mississippi has counseled noncompliance with the Civil Rights Act and only recently, since you have been here, he said maybe we ought to obey it.

The businessmen of Jackson and some other communities have offered statements of compliance with what is progress in this country, but we haven't had it from the official family of government of the State and until this action comes, unpressured, voluntarily, then you will have to view it with suspicion. You see, I have been a Mississippi Negro all my life and I have seen many white people do strange things a lot of times and this is another example of it as far as I am concerned at this time.

Vice Chairman PATTERSON. I notice that the sheriffs, the clerks association, and, as you say, some of the businessmen of the cities, have made new expressions that indicate a will to comply with the law. Would you offer encouragement for these people now that they have stepped forth?

Mr. HENRY. I will certainly offer encouragement for them but I'm not buying it completely.

Vice Chairman PATTERSON. On another line, Mr. Evers, we in the South, all of us, have looked at COFO and groups of this type at various times with considerable misgiving. Just as the Negro voter registrant doesn't like unpleasantness at the courthouse, the average southern white doesn't like unpleasantness in his home town. We have all had certain misgivings. Yet, at these hearings we have heard witness after witness say they were given courage to go down because somebody went with them. Do you think this is a valid fact, what the witnesses have been telling us, that when someone will go down to the courthouse with them, the Negro in Mississippi is encouraged to register?

Mr. EVERS. Certainly I agree 100 percent, and that's why we need more people to come in and take our people by the hand and go down to the courthouse. Because we know that our elected officials will be the first ones to try to block us from going down. And all this tune they are singing about Mississippi is better, and get off our back, and get along, and get with us, that until this type of signs are taken down in the county courthouse, saying "white men" and "white women," and until he can go in and tell the registrar to forget the literacy test, and they have their proper other qualifications to register, and tell the

highway patrol to stop stopping our people on the highway, and cursing, and beating, and tell them that because they are a Negro you have no right to be here, and until he can tell the sheriff to respect, and when they arrest Negroes to give them equal opportunity under law, and until we can get the Governor himself to come out and say that every person in this state has a right to register and vote, then until then, the thing that he says falls on deaf ears.

Mr. HENRY. There is another quality of the COFO worker that has not been discussed since I have been here—of course, it might have been at some other time—and that is the presence of white Americans with the Negro people working for registration. Now, it is somewhat of a sad commentary but when the Negro alone is a victim of violence, neither Mississippi nor America is very much concerned about it. But for the fact that when Chaney was killed there was Goodman and Schwerner, two white Americans, America became very much concerned about these particular murders. We got a list of murders here, of Negroes, perhaps two pages long, since Medgar was killed in 1963, and most of it never even gets into the newspaper in Mississippi, but for the fact when a white American is involved in our struggle with us this is an added incident and people are less victimized, Negroes are, when whites are involved in the activities, than when whites are absent.

Vice Chairman PATTERSON. They had this voter registration drive organized last year under COFO. So long as you have the same principle and participation, it could come under a variety of names.

Mr. HENRY. We would very much like to have had local white people working with us in the voter registration campaign.

Appeals were made and there were no answers made to come forward and work with us. We believe if the Negro in Mississippi had only the white man that he knows in Mississippi to form his image of what white America is like, none of these white men would have come. But the fact that all white people came in from other States, they were cursed and beaten on the streets like we were. When we had this kind of involvement from white America it really gave the Negro leadership another handle on which to hope to dispel the violence that begins to crop up into the mind of Negroes.

When you can say positively to him that all white people are bad, "You remember John Jones came to live with you and here is an example of white America that you did appreciate," and when you have the love philosophy, and love ethics, that is being preached by Martin King and many others involved in the movement, you get another reaction, too. You get reaction that says this isn't working and let's try another way. And the greater number of whites that are involved in the struggle gives Martin, and those who advocate the love ethic ap-

proach to the resolution to the problem, a stronger hand. And maybe by the continued strengthening of his hand we can get through this crisis with less violence than if there were not such people on the scene.

Vice Chairman PATTERSON. One final question. We southerners are strong on tradition. We have had Negro witnesses here who remember things that occurred 80 years before, incidents of violence. The white people of Mississippi remember just as clearly Reconstruction. Your population is 47 percent Negro. Do you agree with the previous witness who said that he felt this large proportion of Negro population is perhaps the chief reason the whites fear voter registration by Negroes?

Mr. EVERS. Definitely, I agree.

Vice Chairman PATTERSON. Do you also believe it is a valid fear?

Mr. EVERS. Let me elaborate. I think because they haven't been enlightened to the point that we only want to become a part of the society. They think we want to take over, which is wrong.

Jefferson County is 76 percent Negro. They don't want to take over. They only want to help elect sheriffs and things of that kind who represent all the people.

Vice Chairman PATTERSON. This is precisely the point I wanted you to reiterate because it does seem to me that Mississippi is in a special position in the South. It has the largest proportion of Negro population of any State in the South, I believe. Therefore, it would perhaps have the highest proportion of Negro voters if voter registration were free and open.

The average white Mississippian I should imagine at heart is deeply disturbed by this. He doesn't know what would happen then. He fears what you have just said earlier you do not favor, black supremacy.

Mr. EVERS. Right.

Vice Chairman PATTERSON. And, I would like your thoughts expressed on that point.

Mr. EVERS. Well, the point I would like to say: the white Mississippians have been misinformed about the whole structure of our Government. This is not a white man's State. This is our State, and he shouldn't look at it that the Negroes are trying to surpass us.

It is a matter of Negroes and whites together. They must work together and live together, and no one is superior.

They have been brainwashed by politicians that if you give Negroes a chance they are going to rape your women, and do this, and all these types of things, and they haven't been told the fact that this is a democracy and this is a country of all the people, and we Negroes of Mississippi only want our equal share. They say what do you Negroes want? What you have. What you have, we want, no more and no less.

And, I would like for the white people of our State to know that we aren't going to settle for anything less than equal opportunity. When Medgar and I were boys walking to school we use to have to walk on the dirty rock road and the white kids would have to ride in the shiny school buses, and they would splash mud on us, and we said some day we are going to change this. And, we would get down to these schools where they have one or two shutters and they would have to huddle around a potbelly stove—we didn't even have a blackboard to write on. Most of our school teachers didn't finish eighth grade. They use to have us bring pennies. I want the whites to know we were determined to get our rights. They would have us bring pennies to go buy black paint and a brush and paint on the wall a blackboard for us to write on. Then the white Superintendent of Education would send us all the broken-off chalk that the whites had used down to the finger, and we would have to use that for our crayon. That's why we weren't going to settle for anything less. Another thing, the white kids would ride on the school bus on the way back and call us "nigger, nigger, nigger," and spit on us and the driver would cut over and cut us off the road. So we aren't going to settle for anything less than equality.

Vice Chairman PATTERSON. Once that is established, is there anything that is different in what is good in politics for the Negro and what is good for the poor white man?

Mr. EVERS. No, the poor white man in Mississippi is worse off than we are, and he doesn't know that, because the white politicians are using him as a tool to try to keep the Negro——

Vice Chairman PATTERSON. How?

Mr. EVERS. No. 1, you are only better than somebody and that's the Negro, you stay over him and you will be superior to somebody, and then they go back and drink their coffee and laugh about the poor whites making a dollar a day and struggling and living in broken-down homes, and yet they are white and free.

And, when they wake up, and, with us, we are going to free Mississippi.

Mr. HENRY. They are using the poor whites and the Negro against each other. They say any time there is a crime committed by a white man against a Negro, that was just a red neck that did that, poor white trash. Us up-to-date white people wouldn't do anything like that.

Then when there is a crime committed by a Negro against white persons, particularly a crime of sex, they point out that's all the Negro want to do, get your women. So they use each of us as a part against each other and keep us divided. Once the Negroes and poor whites wake up to the fact that we are both being used by this poverty-stricken community, we are going to change this.

Vice Chairman PATTERSON. Who is "they," you say?

Mr. EVERS. I am speaking about the elected politicians of the State, the financial institutions of the State, the organizations of the State, the Kiwanis Clubs, Rotary Clubs, Lion's Clubs, and all of these basic segments of society go to make up the total population.

Chairman HANNAH. Mr. Evers, we have had a discussion of the problems of the NAACP in Mississippi. We have the impression that hurdles have been created to prevent your successful operation. Is it less difficult for you to solicit membership, maintain your organization in Mississippi today than it was 2 years ago or 5 years ago?

Mr. EVERS. I think it has been more encouragement and, as I said, that goes back to the coming of the young people last summer. It has given Negroes more encouragement and they have now the feeling that they can only kill us, that's the worst they can do, and they have been doing it all the time so it is now much easier for us to get members in the NAACP than years ago because Negroes have become aware of the fact that we must get together and work together.

Chairman HANNAH. You have indicated that the COFO workers and white workers who have come into this State, and helped with the registration drives, in your view, have been very helpful?

Mr. EVERS. Right.

Chairman HANNAH. We have not had testimony offered here, but we have read and been told by responsible white citizens that one of the problems is that some of these white COFO workers that have come in from out of the State have not behaved in an exemplary fashion. I would like to ask you, have you had any instances reported to you where white workers from the North or elsewhere in the country have, by behavior in Mississippi, embarrassed you or your workers?

Mr. EVERS. I would rather refrain from making any statement about the character of anyone because if I can refer to his character they can refer to my character too. I don't think this has anything to do with the work they have done. I will say again they have done wonderful jobs in the area. We differ. Sure, man and wife differ. I said I want biscuits, my wife said you are going to have toast. We won't get a divorce. I wouldn't say we don't differ with COFO; who wouldn't differ? But, I say they do a lot of good and I hope next year there will be more coming in.

Chairman HANNAH. I wasn't trying to get you to indict them but what I said was, did you know of instances where white COFO workers from outside of Mississippi have embarrassed you, and the cause you represent, because of their attitudes or actions in Mississippi?

Mr. EVERS. Well, no; I wouldn't say they have embarrassed me. I would be wrong to say that, because I have never had no more embarrassment in my life than when I heard one of our elected officials

make this statement: "I don't see why in the hell they raise so much fuss over the murder of three civil rights workers when thousands are being killed in New York." So, if that wasn't the most embarrassing thing I have heard, there is nothing the COFO worker could do to embarrass me.

Chairman HANNAH. We have had testimony today to the general effect that the Negroes, their children that have more education than their parents have, tended to migrate out of Mississippi into the North and West because there were greater job opportunities and life might be more pleasant. Is this one of our problems in Mississippi? There have been many young Negro Mississippians that have been educated and done rather well. Had they stayed in Mississippi would you have fewer problems than you have?

Mr. EVERS. I don't think so. Number one, there has never been any opportunity for educated Negro Mississippians. There are only a few things for us to do. The only thing left to do is to teach school and if he teaches school he is under the supervision of one of the extremist racists of the board of education who has no elected official at all from the Negro race. He has to abide whether he likes it or not—there is no Negro teacher in this State that wants to bow to being unequal. We have less than five clerks in the post office department. Here in the VA hospital where we are sitting now we have less than two Negroes in the personnel department. Less than two. We have right here now. We have a segregated barbershop where Negroes have to get their haircuts in the ward and washroom here. Every hospital in Mississippi is segregated, and therefore, there's not a hospital that I know of in Mississippi where Negro doctors, unless he has been well accepted, could just walk in with his qualifications and get a job on the staff at the hospital.

There is one or two in Jackson but Jackson is an exception I would say.

Generally there is nothing for the Negro to do and so they have left. The agriculture department is controlled and dominated by the whites. The social security was controlled and dominated by the whites. As my Governor referred to, the welfare department has not a Negro down in the welfare department doing anything.

Although he said we received 61 percent of it.

If we receive 61 percent they should hire people to do Negro casework. We can't get Negro caseworkers; so there is no reason why they should stay in Mississippi. That is why we are fighting up now.

Internal Revenue, we just got two or three Negroes down there in the last month.

All the large factories, we only have a couple there, the garments plants, there may be a Negro woman or two sweeping the floor. There's not an elected Negro official in Mississippi no place. There

was one appointed over in Greenville a few days ago. So, what do we have to stay here for? And, those who stay here are here because it is home and we are not going any place and we are going to make Mississippi like any other State by expressing the evils we are exposed to.

Chairman HANNAH. I don't want to use this platform to make a speech and I am in full sympathy with your objectives. I would like to point out we have discrimination against Negroes and other minority groups elsewhere than in the South, as you recognize, and one of the real problems of the Negro in the North is that, historically, the Negroes have been branded as "Negroes" and there are comparatively few white people that have known well educated, decent, respectable, Negroes and as you indicated, every time that there was something in the paper that indicated there was a Negro involved in a rape case, or something of that sort, this was always pointed out.

One of the problems has been that many white people have said well, that's the way all Negroes behave and one of the real problems has been to create a situation where the Negro is accepted as an individual, not as a Negro.

I happen to be a white man, but all of my life I haven't been damned because of every Scotch-Irish man with the same ancestry I have, got into trouble. They don't say, well, what did you expect, all Scotch-Irish people are badly behaved.

Some of them are scoundrels and some of them are pretty decent people, and the basic problem in the North—I know what is the problem in the North—is to get people to accept others as individuals and I'm in full sympathy with what you are talking about in Mississippi, but I think the Negro people in Mississippi have to recognize that when you get all through, the best you hope for is that you are going to be accepted just as white people are, not as equals at all. Some are very good. Some aren't very good. Some have much skill and some don't have much skill, and one of the problems you point out, the fact that there are not many people that are employed in high positions, Negroes in Mississippi, is also true in Michigan. But, I am as certain as I am sitting here this afternoon, that for the able Negro that is well educated in Michigan at the moment, he is advantaged over most white people because there is a real desire on the part of our people to overcome criticism based on racial prejudice, but all this can do is give the Negro an opportunity and then he's got to demonstrate that he can fulfill the job, and again I have talked too long, but I think it needs to be pointed out when we are trying to get the right to vote and right to decent education so that the young Negro can definitely open the potential that God gave him, then he must have an opportunity for a job that will treat him equally as compared to whites and can make the same contributions to society, to live in the same kind of

house and have available to him the same accommodations so that there is the same reward that goes to the Negro who makes the same social contribution as a white person. This is what this is all about and we mislead people if we lead them into the notion that the social advantages come on the basis of numbers and I'm sure that's not what you are trying to say at all.

Mr. EVERS. I am only saying that is in the American dream, but in Mississippi it is not even a reality. That's what we want. But, I cannot get out here and teach a young Negro that 10 years from now all you got to do is finish college with a master's degree or B.S. degree in economics and you will be able to go downtown and get a job. That is hypocritical. We want that and the day we get that, we will be glad to teach that and not before.

Commissioner GRISWOLD. Mr. Evers, you referred to the fact that the COFO and other groups brought white people into the State to help you and you referred to the fact that no Mississippi white people had helped you to vote.

Mr. EVERS. No; I didn't say that.

Commissioner GRISWOLD. Perhaps Mr. Henry.

Mr. HENRY. It was me.

Commissioner GRISWOLD. Would it have taken great courage for a white Mississippian to have participated in your voter registration?

Mr. HENRY. Indeed, yes.

Commissioner GRISWOLD. What can be done to change the situation so that it won't take great courage for a white Mississippian to seek to extend to all the citizens of the State a normal citizenship?

Mr. HENRY. This is the same kind of question you ask when you say, which came first, the chicken or the egg? I believe that once we get a Federal registrar's bill wherein people will be registered, then the other inhibitions will be reduced in accord with the numbers that are registered.

I believe before we can get any substantial number of white people positively identified on the right side in human dignity that there is going to have to be a change in the political expressions from the stump. This is where we get our teaching. This is where the ideas are formed. This is where the activities of the people begin, and until we get this kind of teaching from the head of the State on down, we are going to find the white people of the State reluctant to become involved in what will be to them an act that will place them in the category of being a "nigger lover," place them in the category of themselves being victimized by prejudice of their own people because they have taken a definite stand. Now, I can think of more than a hundred white people in the State who participate to some degree in organizations that advocate all of the basic humanities for which we have spoken today, but they are not able to take these positions pub-

licly, in their own neighborhoods, where it will do the most good. And until we create the kind of a political climate that this will not be detrimental to them, then they are not going to do it, so I say give us a Federal registrar bill in 1965 and the Civil Rights Commission won't have to worry about Mississippi no more. We can handle it by ourselves, then

Mr. EVERS. That's right.

Chairman HANNAH. Father Hesburgh, another question?

Commissioner HESBURGH. It is more thinking out loud for a moment about one of the things you brought out this morning. We have been hearing the last 2 days about fear, fear, fear on the part of the Negro community. I think one thing that has come very clearly out of this dialog is fear on the part of the white community. I ask myself this—and I don't say this as an expert from the outside that has a lot of answers because I don't have a lot of answers—but I have asked myself this: Has there ever been in history a good society built on fear? I don't think so. I think it has to be built on mutual trust, mutual respect for human dignity, mutual respect for human rights. And I think a community built on fear is a community that breeds prejudice, violence, hate and it breeds things that are bad for white and Negro.

Mr. HENRY. I agree with you.

Commissioner HESBURGH. I think it corrupts and corrodes the whole society but I think what we are all searching for is a way to drive forward to bring about a break in this lockstep, to somehow break the fear on both sides. The fear, that the Negroes have and the whites have, that somehow you can unite good people on both sides for what would be really a great society. And if I might add one more thing, which is purely opinion, which you may or may not agree with—at least you have lived here all your lives and are a better judge than I am—it would seem to me if you can ever get to this point, where you can eliminate the fear and create more trust in believing each other when we say good things, whites or Negroes—and even when the Governor says, "I am for law and order," you say, "Hurrah, let's have you do that"—and if this would happen, I would suspect Mississippi could drive out way ahead of the problems of the North which are much more entrenched and covered up with much more hypocrisy.

People here who hate someone, they say it; whereas up North they brush it up and don't say anything. They are a little more honest about it down here. If you get rid of this fear, I think you would come into a relation of trust and love.

Chairman HANNAH. Any other questions?

Vice Chairman PATTERSON. Did I understand you to say there are segregated wards in this hospital?

Mr. HENRY. I didn't say wards. There is segregation in the hospital. I don't think the wards, as such, are segregated, but I do know the barbershop where I have been hammering away for years, that one chair, and I know the Negroes get their haircuts in the washrooms and on the wards in this hospital, now.

Chairman HANNAH. Thank you very much, gentlemen. You are excused.

(Witnesses excused.)

Mr. TAYLOR. The next witness is Wiley A. Branton.

Chairman HANNAH. Mr. Branton.

Mr. Branton, will you raise your right hand?

(Whereupon, Wiley A. Branton was duly sworn by the Chairman and testified as follows:)

Chairman HANNAH. Mr. Taylor, will you begin the questioning.

TESTIMONY OF WILEY A. BRANTON, DIRECTOR, VOTER EDUCATION PROJECT, SOUTHERN REGIONAL COUNCIL

Mr. TAYLOR. Mr. Branton, will you state your full name and address for the record?

Mr. BRANTON. My name is Wiley A. Branton. I presently reside in Atlanta, Ga. My voting residence is in Pine Bluff, Ark.

I am a lawyer and at the moment director of the Voter Education Project of the Southern Regional Council.

Mr. TAYLOR. Would you describe what the Voter Education Project is?

Mr. BRANTON. The Voter Education Project is a special project which was organized about January of 1962 to make a study, over a period of approximately 2½ years, of the causes for low voter registration and participation in 11 Southern States. We were given a rather substantial grant by three foundations, and we started into the business of voter registration and education about April 1 of 1962. We terminated the active registration programs in the 11 States where we were working in October of 1964 and made a study of election returns following the November 1964 election.

Since that time we have been in sort of a phasing-out proposition, studying and analyzing the data which we have secured during the past 3 years.

Mr. TAYLOR. Thank you.

If I might, I would like to direct your attention to that chart for a moment and ask Mr. Humpstone if he would explain what the figures are?

Mr. HUMPHSTONE. The chart shows estimated Negro voter registration in 11 Southern States as it was in 1956 and as it is in 1964.

In Alabama, the 1956 figure is 11 percent registered. The 1964 figure is 23 percent registered.

In Arkansas, the 1956 figure is 36 percent registered. In 1964, 49.3 percent registered.

In Florida, the 1956 figure is 32 percent. The 1964 figure is 63.7 percent.

In Georgia, the 1956 figure was 27 percent. The 1964 figure is 44 percent.

In Louisiana, the 1956 figure was 31 percent. The 1964 figure, 32 percent.

In Mississippi, the 1956 figure was 5 percent. The 1964 figure is 6.7 percent.

In North Carolina the earlier figure is 24 percent. The more recent, 46.8 percent.

In South Carolina the earlier figure is 27 percent; the 1964 figure, 38.8 percent.

In Tennessee, in 1956, 29 percent of the voting age Negroes were registered. In 1964, 69.4 percent.

In Texas, in 1956, 37 percent. In 1964, 57.7 percent.

In Virginia, in 1956, 19 percent of the voting age Negroes were registered. In 1964, 45.7 percent were registered.

Mr. TAYLOR. Thank you.

Mr. Branton, both these 1956 and 1964 figures, I believe, are estimates which your Voter Education Project has made.

Can you give us the basis for the 1964 estimates?

Mr. BRANTON. Well, the figures which you use for 1964 were compiled in our office in Atlanta. In some instances these figures are official State figures. In others they are estimates which we have made in our own office from information from several different quarters.

If you want me to run down them in the case of Alabama, we find it extremely difficult to get official figures from Alabama. Some of the newspapers in Alabama have run surveys and they have gathered certain information. A number of people who have been interested in the problems—we are talking about white people now; in Alabama—have gathered other figures. And in some places—for example in Mobile, in Macon County, Birmingham, and Montgomery—you are able to get official figures from the local registrars. So we have gathered the information from several different sources and we have, of course, come up with an estimate for our own purposes which we make it a habit to keep as conservative as possible, and yet as realistic as possible. So if there is any revision it will always be up rather than down. And based upon the kind of information I have described, Alabama now has 111,000 registered Negro voters in that State.

I believe that Governor Wallace claims there are about 5,000 or 6,000 more.

One newspaper would show it about 4,000 or 5,000 less.

In Arkansas you have an annual registration which is based solely on the payment of a poll tax. Prior to November of 1964 there was no registration machinery whatsoever. You received your right to vote by the payment of a poll tax but this had to be on an annual basis. When you pay your poll tax you give your race and every 2 years the State auditor who keeps those records would make an actual count of the number of white voters and number of Negro voters.

He only does this every 2 years. However, it is possible to write to the local county clerk and get the figures from him if he has counted them. If not, it is a simple matter to send somebody over and count the names on the book each year because there will be a "W" behind the name of each white taxpayer and a "C" behind the name of each Negro or colored taxpayer.

The year before last, the actual count was made in Arkansas. But for the percentage that is quoted there—that's a 1964 figure—the count happens to fall, it happens to fall in the year the count was not made, and we estimated that at 95,000.

Now, since that time we have made a count—the books just closed October 1, 1964—and we find that the Arkansas figure is approximately 10,000 lower than we should have reported it, so that the Arkansas percentage is actually higher than is reflected on that chart, which is prepared based on figures as of November 1, 1964.

We showed at that time a Negro registration in Arkansas at 95,000. The actual registration of Negroes in Arkansas right now is approximately 105,000. A point here that the Commission may be interested in—this is the last year that Arkansas will be using that kind of a registration law because in November the voters approved a constitutional amendment which removes the poll tax as a prerequisite for voting in any election.

Beginning March 1 that State for the first time will have a permanent registration system. There will be no property requirement. There will be no literacy test and a local State judge ruled the other day that you couldn't even ask or inquire as to a person's race or party preference. That will go into effect on March 1.

Florida happens to be one of the States where you can get official figures from the secretary of state approximately every 3 or 4 months. We rounded the figures off. On our chart here we show 300,000 registered Negro voters in that State. I believe the official figure was 299,960.

Florida reports periodically registration by race and major political party so that these are official figures.

In Georgia we cannot get official figures from the State. Every 3 or 4 years you can get official figures showing total registration but not with any racial breakdown. Some of the newspapers have attempted to run surveys in several of the different counties in that State to find out what the actual registration is and we have used that as a source of basic information to which we have added our own figures because we have pretty good statistics of what registration increase has taken place during the past 2½ years.

In many of the metropolitan areas of Georgia—for example at Atlanta, Augusta, Savannah, Columbus, Brunswick—you can get official figures from the local registrar and since they make up the rather vast proportion or percentage of the total population it's a pretty simple matter to run some little surveys or resort to other information to supply figures for rural counties.

In Louisiana, here's another State where you can get official figures by race and by major political parties from the secretary of state.

Mississippi, it's very difficult to get information from Mississippi. In fact, in Mississippi you can't even get information as to the total number of registered voters without any kind of breakdown.

I believe our last effort at trying to get information from the secretary of state resulted in a letter suggesting that we write to each of the country registrars and to each of the country clerks in some 200-odd municipalities in the State of Mississippi.

We started off using as a base the figures which were contained in the, I believe 1961, roll on voting as published by the Commission on Civil Rights and we have added to those figures, using that as our basic source of information, data with reference to the actual increase in registration since that time.

We have been able to verify some increase in registration in Mississippi since the project started in 1962 and we show that since that time there has been an increase of approximately 4,500 Negro voters in the State of Mississippi.

Most of it came here in Jackson, some in Greenville, a small number in Clarksdale, some in Meridian, Laurel, and down on the Mississippi gulf coast, Hattiesburg, of course, being excluded from that number, and a more recent registration increase up in Panola County, I believe that's at Batesville, Miss. So, that most of these figures have been based on reports which we have compiled from field reports showing the names of people who had been successfully registered.

In North Carolina you can get official figures showing statewide registration but not on a racial breakdown. We have had to supplement this with figures from the metropolitan areas where we can get a racial breakdown.

In South Carolina we started off with an estimate from several dif-

ferent sources. We show Negro registration as of November 1 in South Carolina at 144,000.

Now, I'm satisfied in my own mind from reports which I have seen that Negro registration in South Carolina is substantially higher than the figure we show here and higher than the percentages shown over there, but we have not been able to verify it because we have met with some difficulty with reference to the basic figures that we started off with. But, we do show an increase of 53,100 Negro registrants between April 1, 1962, and November 1, 1964, and this we can verify rather substantially because South Carolina is the only State where we had actual registration programs going simultaneously in each of the six separate congressional districts in that State, and our field reports have supplied us with the names, the addresses and the registration certificate numbers of each new registered voter so that we know that the increase is correct.

It's the basic figures that we differ on.

In Tennessee, here again you find difficulty getting official figures in Tennessee, but you can get a pretty good estimate of the statewide total but not with any racial breakdown. It so happens however, that most of the Negro registration in Tennessee is concentrated in metropolitan areas where you can get official figures from the local registrars and by just adding those together you can almost come up with the Tennessee registration.

Shelby County, for example, where Memphis is the county seat, has the highest registration of Negroes in the South with I believe about 93,000 registered voters. That's at Memphis, and, of course, when you add to that the figures from Chattanooga, Knoxville, and Nashville you almost come up with the great bulk of the Negro registration in that State. So, since we have obtained figures from those local sources we know that those figures are correct.

Texas is very much like Arkansas was. Here you have a State where you have no registration machinery other than the payment of a poll tax and, of course, a new provision for free poll tax receipts for people voting only in Federal elections. Texas figures can be rather confusing because the figures will fluctuate almost every year.

If there is going to be an election, people pay their poll tax. If there is not going to be an election, they don't bother. So, you may have a fluctuation, statewide, of almost a million voters, without regard to race, but those figures in Texas, quoted over there, are figures for people who were qualified to vote in the November general election for Federal office. It includes people in three different categories, so far as Negroes are concerned: Those who paid their poll tax and were qualified to vote in all elections both Federal and State, those who by reason of age 65 or above were exempt from the payment of poll tax, and those who did not pay a poll tax but went in in a 6-week period

in the first part of the year and obtained a free poll tax receipt, which would qualify them for Federal voting.

In Virginia you can get figures once a year from the Secretary of State. We have found, many times, these figures are meaningless because the clerk is required to send some figures in, and many times they send in a record, which was based on the preceding year and will not take into account the increase in registration since that time. And we have compared State office figures with figures from local registrars and, of course, since the figures coming from the State ostensibly came from the local registrar, we have compiled our own list by checking local newspapers and local registrars.

The Virginia increase, I might add, was—most of that increase resulted, within the past 6 months; that is, during the last 6 months of the year of 1964 when a Federal judge struck down the blank paper registration.

Virginia at onetime, when you walked in, would give you a blank sheet of paper and the applicant was supposed to fill out certain information without anything being on there, and he was to know, he was expected to know, exactly what they wanted on there—name, age, residence, et cetera, and a Federal judge ruled that people could go in there with prepared forms and fill them out, and when this decision was handed down there was a rather sharp increase in registration in Virginia.

I don't know of anybody or any agency which has any more complete figures on registration by race, in the South than those contained in the files of the Southern Regional Council and I think for the most part they are about as accurate as you can come up with.

MR. TAYLOR. Mr. Branton, these figures and what you have said about them would indicate that there has been a good deal of progress in voter registration in a number of places.

They would also indicate that there has not been very great progress in this State. I wonder if you could tell us about the activities of the VEP in Mississippi—I understand the project was ultimately withdrawn—what the reasons were for the withdrawal, and why the progress elsewhere, but not here.

MR. BRANTON. When we started into the registration business—principally we have operated by making grants to other organizations to finance their nonpartisan registration activities.

In the case of some organizations because of the fact they were engaged in activities other than voter registration we had a rather clear understanding that any funds which we provided were to go solely for voter registration and education, and we sort of rode herd on the grant to make sure that the terms of the grant were not violated. We tried to be as equitable as possible, in the beginning, by making grants under a complicated formula, which we adopted, which would

make money available in each of the 11 Southern States, with some relationship to the total number of unregistered Negroes of voting age in those States, and Mississippi is a place where we had a rather early start. One of the reasons for it was that I happened to have already known a great deal about Mississippi. I lived most of my life in Arkansas and I have relatives in Mississippi and visited here very often and knew a good many of the people in the organizations here.

I was personally acquainted with the indigenous leadership and so, even before the projects were started, I came in to Jackson for a regional meeting of NAACP which was held, I believe, in February of 1962. So that by the time we were able to really start business on April 1, 1962, we made funds available on a 90-day crash-program basis to several different organizations—NAACP, Southern Christian Leadership Conference, CORE, and SNCC—for work in Mississippi, most of it in Mississippi and in the delta region, and up in Marshall County. And following that 90-day period we sort of took a look-see at that project, which we had sponsored at the time, and with other projects which we had sponsored at the same time across the South. And we even—after the first 3 or 4 months, we saw these startling differences where we were getting measurable results in other places but not in Mississippi.

We then started coming into Mississippi. I made several trips in. We sent our field staff in to find out the reasons why, and at this time we were approached by local Negro leaders in Mississippi, who felt that the problems in Mississippi were so complex that perhaps it would be better if everything was coordinated, rather than having each organization go its separate way.

I talked with the late Medgar Evers and he and some of his co-workers had drawn up, on paper, a program which bore the name Mississippi Council of Federated Organizations. They said to us that the only way that they could really expect to see a breakthrough in the problems of Mississippi, and those problems at that time were identified primarily as fear, fear of economic intimidation, fear of physical violence and harassment, et cetera, would be for everybody to work under some umbrella organization and they asked us if we would make our grants through COFO. Well, we went along with separate organizations for awhile and then in fall of 1962, at my suggestion, a meeting was called in Clarksdale to discuss with all of the Mississippi leaders the possibility of really making COFO a working organization.

Now, one thing that I would like to set the record straight on, if I might: Many people have talked about COFO being an outside organization, but I don't know whether it is outside now or not, but certainly in the beginning, and for as long as we were involved in it, COFO was made up of the Mississippi Negro leadership of organiza-

tions which had been in existence, here in Mississippi, for long periods of time and the people who came from the outside were primarily field workers and canvassers and door knockers who came in at the request of the local Negro Mississippi leadership.

Well, we sponsored this meeting in Clarksdale, and had representatives there, and decided then to channel any grants which we might spend in Mississippi through that organization. It was at that time that Mississippi COFO really came into being. But, even on the very night that we organized, the harassment intensified. This meeting, because of the fact that everybody wanted to get back to their respective area, didn't break up until almost 12 o'clock at night and as we left the meeting at 12 o'clock at night in Clarksdale a number of people were going to their respective towns, I think the occupants of some three or four different automobiles were arrested as they left there and many of them were locked up in jail. I happened to spend the night on that occasion in Clarksdale with Aaron Henry and we received a call, oh, at 2 or 3 o'clock in the morning that several of our workers were in jail. I went down personally at 2 or 3 o'clock in the morning to try to see about obtaining their release. I couldn't get anywhere.

The next morning I went down, some were in city jail and some in county jail, and I obtained the release of several of them. There were six occupants in one car. This car was going to another city. This car had been stopped about three blocks from where we were meeting. All occupants were held in jail all night and when I got them out the next morning and asked the nature of the charges, I was told they were all charged with loitering. Well, I had practiced law for about 11 years before I went to this project and I must admit I have never heard of a charge of loitering in a moving automobile.

The occupants of a car were put into police cars and taken to jail.

Now, there was no mechanical defect, no mechanical defect of the vehicle they were riding. Nevertheless, the local police had a wrecker and sent to have the car picked up to tow it about six blocks to a garage in Clarksdale and the next day after obtaining the release of the charges of the occupants all charged with loitering, we came over to pick up the car and I believe the bill came to about \$40 for towage and special handling. Nothing wrong with the car but the only way we could get the car was either pay the money or file some replevin action which probably would have been much more time consuming. The trial was set for, I believe, the following afternoon at 4 or 5 o'clock in the afternoon and I took off then to investigate some matters down around Greenville. Some of the workers who had been released went to Indianola, Miss., to hand out leaflets of a voter registration mass meeting that very night and they were arrested and locked up in jail for distributing handbills without a permit.

Now, these were the people who were due in court 5 o'clock in the afternoon in Clarksdale. Because I am a lawyer and because I went around first and tried to obtain some local lawyer to represent them—I could not find any lawyers who would accept employment and because I am a lawyer and had practiced in a number of Mississippi courts, always, of course, with permission of the judge, when I explained that I was from out of the State—I was permitted to represent the defendants and to our great surprise the city moved to dismiss the charges against the people who had been loitering but charged the driver with driving in a hazardous manner.

Well, we explained that we couldn't get the people out of jail down at Indianola and, of course, they accepted this and dropped the charges as to them also. I don't know the reason for withdrawing the charge. It was rather ridiculous, and the trial for the other men who were still in jail in Indianola was set for 7 o'clock the next morning. They keep ungodly hours at most of these courts in Mississippi. And, I drove to Indianola the next morning where these people were charged with distributing handbills without a permit. There was what I would really describe as a mob in the courthouse at the time. The defendants were brought in one at a time. They were all Negro, and I asked for additional time in which to employ local counsel to represent them and this request was granted. But then in the full presence of the chief of police and the judge, somebody came in with one of these aerosol insect bombs, walked over to where I was sitting and the defendants and started spraying this thing in our faces with the loud statement, "I have go to de-niggerize this," and, of course, this brought a lot of laughs from the court, but the judge did nothing about stopping this.

A day or two later when we arranged for local counsel, a Negro lawyer from Jackson, to represent them, the word had gone out that these people were coming there for a trial and the fear for the personal safety of this lawyer and of his clients was so strong at that time that the lawyer and his clients were afraid to even walk in the court room. They drove on to another town and phoned back and arranged for a plea of guilty on the telephone with the right of appeal which Mississippi procedure provides for where you have a trial de novo.

Now, I have gone at great length to describe these incidents because from there on out it appeared that we were subjected to this kind of harassment and intimidation every single week. Because of the fact that so many people in Mississippi knew me personally, whenever they would get in jail, even though this was not a part of our responsibility, they would phone us first, all hours of the night, asking for help.

These problems were not confined to Clarksdale and Indianola. They happened at one time all up and down the delta. Almost nobody could get out in an automobile and drive anywhere without fear of being arrested for some trumped-up traffic violation and in prac-

tically every instance the simple thing to do was to go ahead and pay the fine.

The problem of bail for getting people out of jail was a tremendous problem because in Mississippi as a general rule you can't post a cash bond. It requires a property bond, though in some instances, the Attorney General had agreed to the posting of cash bail, and I had the problem, for example, in Greenwood going around door to door of property owners in Greenwood trying to convince 20 or more Negro property owners that they should sign the bond for some of their local residents who were being held in jail on very frivolous charges.

I might add, in most respects, these people were quite willing to put up their property and their own income as bail for those people, but the problems really became acute and we were not getting anybody registered.

In Greenwood, for example, we sent down several hundred people to the registrar's office and then when we would check back with them to find out whether or not they had been notified if they passed or not, they don't know. They would go down to the courthouse and they couldn't find out, and the number of Negroes who had gone on down to the court house in Greenwood during the past 21½ years probably exceeds 1,500, but very few of them have ever been notified as to whether or not they had passed the test. The harassment by county and city officials in Leflore County is a typical example of where they have some kind of auxiliary police force that is tied in with civil defense. And you have private citizens who work at other jobs, but they are furnished some kind of helmet, little white helmet, and they can wear billy clubs and they get in their private automobiles. And at one time it was rather common sight to see carloads of local white private citizens wearing these helmets driving through Negro sections with their windows rolled down and making very nasty remarks to Negroes on the street. You perhaps know as much as I do of the use of police dogs in Greenwood.

Numbers of people were arrested there. And when the people started going down in rather large numbers they were arrested for parading. And then, as a source of information perhaps to use in court, to show that there was no discrimination, and to manufacture evidence to show that these so-called marches interfered with the orderly process of traffic, I have personally witnessed firetrucks in Greenwood, Miss., screaming down streets where Negroes were walking to the courthouse and I have followed these firetrucks and they went nowhere but around the corner and stopped and all the firemen would get off and laugh. But, while the firetruck was going by screaming, with Negroes going to the courthouse, local police would be there with photographers to take pictures, supposedly to take pictures, to show to the courthouse

that there was a fire and the parading of Negroes interfered with local emergencies. This happened many times.

Finally, we found we were spending money in Mississippi far out of proportion to what we were spending in the other States and despite the fact we were following the same methods and techniques and even trying to find a novel approach to the problem in Mississippi, it became apparent to us that conditions in Mississippi were such that you were not going to get any meaningful registration no matter how much money this project spent. And it appeared to me it was a waste of money to further spend VEP funds in that State, with one possible exception, and I don't think that you can underestimate the value of it: We think that the money spent in Mississippi by our project, though it did not result in substantial increases in registration, did a great deal to help the people of Mississippi overcome the climate of fear, particularly in Leflore County and some of the other counties. And we think that just doing this was money well spent because we think that at least in Leflore County, not to mention some others, a great deal of the fear has now been eliminated and if you can just get the meaningful court decrees which are vitally necessary, that you have a vast reservoir of people who are ready to move in and ask for the right to register.

I don't think you are going to get any meaningful registration in Mississippi until there is a strong definitive court decree enjoining the use of the literacy test and enjoining the use of this new law which was passed, I believe about 1962, which requires the publication of each name and address of each voter applicant to be run in the local paper once a week for 2 weeks before he can even complete the application form.

This is designed purely for harassment and intimidation and until that's knocked out, you are not going to get any meaningful registration in this State. It was for this reason that in November of 1963 we decided to withdraw all financial support of projects in Mississippi with the exception of a continuing program here in the city of Jackson which was under the auspices of NAACP. And later in the spring of 1964, following the issuance of a Federal court decree in Panola County, we made a grant to SNCC so that they might go into Batesville in Panola County. And we think it was largely due to funds from the Voter Registration Project following the decree in that county which enabled an increase in the registration up there.

But, other than that, we withdrew earlier in Mississippi than any other State in the South which we have worked.

Chairman HANNAH. Thank you.

Father Hesburgh?

Commissioner HESBURGH. Mr. Branton, I took this chart and made another one out of it very briefly because it gives a very interesting

run, I think. By doing a simple subtraction of the two figures given for each State to show the percentage of progress—it is not a total percentage, percentage difference—and it comes out 40 percent for Tennessee, 31 for Florida, 26 for Virginia, 22 for North Carolina, 20 for Texas, 17 percent for Georgia, 13 percent for Arkansas, 12 percent for Alabama, 11 percent for South Carolina, then it drops to 1.7 for Mississippi and 1 percent for Louisiana.

It is a rather striking—

Mr. BRANTON. With the exception of Mississippi, Louisiana has seen less of an increase. But I should point out that you started off with a fairly good number of Negroes registered to vote in Louisiana.

We have just not been able to make much progress in Louisiana and our big problem there has been keeping down, as best we could, purges of large number of people who are already on the books. And I might add in New Orleans the discrimination against new voters is not only directed against Negroes but white people as well. And they too suffer from discrimination directed towards new voters in the city of New Orleans.

Commissioner HESBURGH. Only one last question.

Are you going to continue efforts in Mississippi to get over the hump here?

Mr. BRANTON. Well, unfortunately, Father Hesburgh, this was set up as a 2½-year project. The project has now run its full term. The original grant has been just about expended and at the moment we are down to, well, our staff has gone—our staff is pretty much in the same boat as the Commission's staff was a few months back when you didn't know whether you were going to continue and our good people left the staff.

We think that before we go out and ask foundations for any additional money that we should use the time right now—because there is always a natural lull in registration following an election—and we should use this time to study and analyze what we have done and try to pinpoint the problems more accurately, decide whether we should continue to work in all the States—for example, we think that Florida and Tennessee are rapidly reaching the saturation point—and maybe come up with a new proposal. As to whether or not we will have anything to do with it, I don't know. But at the moment we are going out of Mississippi.

Commissioner HESBURGH. You are going to give a good report.

Mr. BRANTON. We are going to give a full report so somebody can take the data which we have compiled and make some use of it.

Chairman HANNAH. Mrs. Freeman?

Commissioner FREEMAN. Mr. Branton, it is apparent from these figures that there's greater need here in Mississippi than there is in any other State for the continuation of such a project. The cir-

cumstances that you have described and we have listened to for these past few days could be described as something like a terroristic society. Even if we had additional legislation, what do you hope could be accomplished as long as there is the kind of conduct on the part of the public officials as you say? It seems to me there is something else needed. Would you speak to that?

Mr. BRANTON. Well, here's what I would do, Mrs. Freeman. Assuming that you get the necessary legislation on the one hand or the definitive decree—and I believe that the broad suit which is known as *United States v. Mississippi*, which was a three-judge court case which the Government lost below has just been argued in the Supreme Court but not decided—even if it is decided in the Government's favor it still must come back for trial on the merits as I understand it. But assuming you get these things, I think that the problems of Mississippi have been so unusual over the years that it calls for some involvement at the very top level of our Government. And I would simply say, when you do get the legislation or the court decree, I think it is something even the President ought to be involved in. And this is purely a personal recommendation. I would simply say to the Governor of Mississippi and to the people, the officials of Mississippi, "Now you say that you are law abiding. Now, this is what the decree says and we want to see some positive evidence of change in this State. And we are going to give you a certain length of time to stay off your back so to speak, to see if you really mean what you say." But, I wouldn't make it long. And if this wasn't long, then I think that the problems in Mississippi based on the history are very much akin to problems around the world.

If we can send Marines into Tripoli and Haiti and other places—Mexico—to preserve American property and protect American properties, God knows the lives and property of Mississippi need to be protected. And I would do just that. And if it takes the militia, or the appointment of a military government of Mississippi to give to Mississippi the things that it never got during the Period of Reconstruction, if it comes to that, I think we ought to be prepared to do it. And I think the top officials of our Government ought to say so, but I would offer this opportunity first.

I do not believe in rejecting a hand, a friendship. I do not question a man's motives. I have lived in the South all my life and I am a great believer in a man's word in the South. I even believe that in Mississippi, but I would give the man the first opportunity to prove he means what he said; but I wouldn't give him as long as he has had.

Chairman HANNAH. Dean Griswold?

Commissioner GRISWOLD. Mr. Branton, you said that you carried out extensive activities in Panola County and that you think that had something to do with the number of registrations there. As I understand it there was a court decree effective both in Panola and in Tallahatchie

Counties. Why did you not carry out similar activities in Tallahatchie County?

Mr. BRANTON. Dean Griswold, frankly I don't recall whether or not the decree affected both counties. Are you stating that as a fact?

Commissioner GRISWOLD. There were two decrees.

Mr. BRANTON. Now we did receive a request from SNCC for work in both counties but they told me quite frankly, when they presented their request, that they were having more difficulty finding indigenous leadership in Tallahatchie County and that there was a fear of local officials in Tallahatchie County. So when we made the grant, we really made the grant for both counties. But I recall distinctly dictating in the terms of the grant that we expected the bulk of the funds to be spent in Panola, but gave them the privilege, at their discretion, of spending some of it in Tallahatchie because we had already reached the decision we were not going to spend any money unless we do get meaningful results, and therefore we wanted meaningful results. And this was a departure from the decision we had adopted the fall previously. I sort of wanted some results to show for the funds we granted and we sort of restricted them to Panola County but we did give them the discretion of spending some of the funds in Tallahatchie. We did not follow through to investigate the reasons for this difference and frankly I am embarrassed that I can't answer because a part of our program is the gathering of research and data. We require people to supply progress reports to us describing what they are encountering with great detail and documentation. And SNCC has failed to submit a final report for that particular project and that's one of the hold-overs on some of the things we have got to clear up.

We have never received that information in our office.

Commissioner RANKIN. Your major project is to secure additional registrants and the data here is to see how effective your program is; is that correct?

Mr. BRANTON. We are making a study of the causes for low registration, the methods and techniques which can be used to do something about it. We hope that the result will be increased registration of Negroes in most of the Southern States, though I must hasten to add that we have made grants to white groups in areas. We don't confine it, but it is primarily for Negroes. But we hope to follow through and make a study of changes in attitudes where there has been an increase in Negro registration, in other words, to find out what differences come to the community as a result of increased Negro registration.

Commissioner RANKIN. I have one additional question.

In Arkansas, in the recent amendment, there is no reference to Negro or white registrants, am I correct?

Mr. BRANTON. That is correct.

Commissioner RANKIN. Do you like that or do you think in trying to gather statistics it keeps you from getting the desired information? Which would you favor, the keeping it entirely quiet or would you like to know?

Mr. BRANTON. Mr. Rankin, I'm sorry you asked me that question because I do have mixed feelings about it.

On the one hand, the only way that we are going to be able to measure Negro progress in many areas will be to have some racial designation on it. On the other hand, I'm basically opposed to racial designations on anything. And when I was asked this question by some legislators the other day from Arkansas, my reply to them was, "Well, I will tell you just don't ask me and I certainly won't complain if you require a racial designation."

My personal view is that in registration of voters it really doesn't matter too much and I don't think I would be opposed to racial designation on a registration form. Of course, sometimes people use this racial designation later as a means of discriminating in other areas and that's the thing that worries me. Suppose you are selecting jurors and you select them from the list of qualified voters. If you have a racial designation on there and a man is of a mind to discriminate anyhow, it furnishes him with an extra means for discriminating if he wants to. And this can be dangerous.

Chairman HANNAH. Mr. Patterson?

Vice Chairman PATTERSON. No questions.

Chairman HANNAH. Any other questions, Mr. Taylor?

Mr. TAYLOR. No.

Chairman HANNAH. Mr. Branton, thank you very much.

You are excused.

(Witness excused.)

Chairman HANNAH. We will recess until 2 o'clock.

(Whereupon, the hearing was recessed until 2:00 p.m. of the same day.)

WEDNESDAY AFTERNOON SESSION, FEBRUARY 17, 1965

Chairman HANNAH. The hearing will come to order.

As some of you know, Mr. Burke Marshall, formerly with the Department of Justice, was scheduled to be here today.

The Attorney General called yesterday to say that Mr. Marshall is ill, has been for some days, was confined to his bed, and was unable to come. But his statement and the exhibits are coming down from Washington and will be here tomorrow. And when they arrive, a staff member of the Department of Justice will be called upon to present them.

So that will be put over until tomorrow after those documents arrive. Mr. Taylor, will you call the next witness.

Mr. TAYLOR. The next witnesses will be from Washington County. And I will ask Mr. Humpstone to give us a little background information on that county.

Mr. HUMPHSTONE. Washington County is located in the Delta on the Mississippi River. The population of the county in 1963 was estimated at 77,000, of whom more than half were Negro. It is the third largest county in the State.

As of June 1962, almost 55 percent of the voting age whites were registered voters; about 8½ percent of the voting age Negroes were registered.

The county seat and major city is Greenville, the fourth-largest city in the State. Greenville has been a cultural and business center in the Delta since the Civil War and has a population of 41,000. The population of the city has more than doubled in the past 25 years. Most of this increase has been among white residents.

In 1959, the median income for white families in Washington County was \$5,600, for Negro families it was \$1,600. In Greenville, more than one-third of all Negro dwellings and 4 percent of white dwellings were deemed unsafe or inadequate for human shelter, according to the 1960 census.

In 1959, the median education level for whites was 12 years; for Negroes it was 5 years. In the school year 1960-61, the Greenville School District spent \$205 per white child and about \$115 per Negro child.

Chairman HANNAH. Thank you, Mr. Humpstone.

Mr. Taylor, will you call the next witness.

Mr. TAYLOR. The next witnesses are Mr. Joseph Bivens and Mr. James Carter.

Chairman HANNAH. Mr. Bivens and Mr. Carter, will you raise your right hands.

(Whereupon, Joseph Bivens and James Carter were duly sworn by the Chairman and testified as follows:)

Chairman HANNAH. Have chairs, gentlemen.

Mr. Taylor, will you begin the questioning?

TESTIMONY OF JOSEPH BIVENS AND JAMES CARTER, WASHINGTON COUNTY, MISS.

Mr. TAYLOR. Mr. Bivens, will you give your full name, address, and occupation for the record?

Mr. BIVENS. The name is Joseph H. Bivens, 722 Washington Avenue, Greenville, Miss., Washington County.

Mr. TAYLOR. And your occupation, sir?

Mr. BIVENS. Shoemaker by trade.

Mr. TAYLOR. And Mr. Carter, will you do the same?

Mr. CARTER. James Carter, 901 Nelson Street, Greenville, Miss., drycleaning business.

Mr. TAYLOR. Mr. Bivens, how long have you lived in Greenville?

Mr. BIVENS. My entire life.

Mr. TAYLOR. And where did you go to school?

Mr. BIVENS. Le Moyne College, Memphis, Tenn.

Mr. TAYLOR. Are you a registered voter in Washington County?

Mr. BIVENS. I am a registered voter.

Mr. TAYLOR. And have you been active in voter registration work?

Mr. BIVENS. I have been active in voter registration work for—since 1943. We started an organization known as the Washington County Progressive Voters League; the primary purpose of this organization was to encourage Negroes to go down and register and to pay their poll taxes and meet any other qualification that the city and the county or the State might require.

Mr. TAYLOR. What kind of success has your organization had?

Mr. BIVENS. I believe, it is my opinion, that they have done a fairly good job, owing to the circumstances and atmosphere and conditions around us, as such.

Mr. TAYLOR. Would you explain that a little bit?

Mr. BIVENS. Well, on several occasions we have called together various nucleus organizations, that people from the rural areas would come in and set up organizations by which they could be a part of this as well—outlying areas. And then in the municipality itself, or in the urban units, since Greenville—I would like to point this out—since Greenville is a pivot town, and we have other smaller communities, such as Metcalfe, in the outlying territory, we try to recruit as many individuals to build enthusiasm and spirit among them to do this particular work.

Mr. TAYLOR. Mr. Carter, you are familiar with the registration procedures in Washington County, are you not?

Mr. CARTER. Yes, I am.

Mr. TAYLOR. How does the registrar select sections?

Mr. CARTER. In Greenville, the circuit clerk has a small box, approximately the same size of a cigar box, and when you go in, you just ask them. If you want to register, he will give you the papers to fill out and he'll give you the box sometime, or just hold it up and say "Get you a section out of the box." And you just reach in the box and get a section. And of course they will give you a seat where you may sit and fill the application out.

Mr. TAYLOR. So the selection is at random?

Mr. CARTER. —is at random.

Mr. TAYLOR. Are all the sections of the constitution in the box, or—

Mr. CARTER. No; I assume it is just a few. I don't know how many. Probably enough to meet what he probably thinks there will probably be there to be registered at one time; maybe 15 or 20. But they are short sections, some of the shortest in the Mississippi constitution.

Mr. TAYLOR. Is it your opinion that the registrar grades the tests fairly?

Mr. CARTER. Well, I believe he does.

Mr. TAYLOR. How many Negroes in Greenville are registered to vote?

Mr. CARTER. I would say approximately 2,500 in Washington County, and about 1,700; 1,800 in the city.

Mr. TAYLOR. Has there been an increase in registration during the past year?

Mr. CARTER. Yes, it has. It has been an increase every year for the last 10 or 11 years, because we have organizations—we have, on a local level, we have the Washington County Progressive Voters League, the Democratic Club, and the Citizens Committee, and of course, on the State and National level we have the NAACP and the Corps—COFO, rather. And of course, the labor unions work in that area; they encourage voter registration. And all of those organizations are helping to push voting registration in Washington County.

Mr. TAYLOR. Did you yourself take people to register?

Mr. CARTER. Certainly. I am sure I have taken approximately 75 people, or maybe 80 in the last—well, I just say the year of 1964.

Mr. TAYLOR. And about how many of those passed the test? Do you have any idea?

Mr. CARTER. Well, at least 85 or 90 percent, because I check behind them and I go back and ask the circuit clerk to let me see their—whether they passed or not, and he will get the—go back and get it out of the files and say “Yes, they're passed.”

And then I say “Well, have they registered?” And he says “I don't know; we'll check the book.”

And he check the book. If he found out—if I find they are not, then I'll call them over the telephone to get their address and get in touch with them, tell them to go register; they passed the test, why not go register?

Mr. TAYLOR. So you follow up?

Mr. CARTER. I follow up.

Mr. TAYLOR. Mr. Bivens, this appears to be a more successful pattern of registration than in the neighboring counties. Do you have any explanation of why that should be so?

Mr. BIVENS. I would like to point out at the outset that we have lines of communication fairly well in that community. We have a very outstanding newspaper that will carry both sides of the story, whatever is printed.

If the white community has something to say and the Negro wishes to say something in rebuttal, we get equal opportunity to do so.

We have a fairly intelligent community in general; a number of children have gone to high school, and there are a lot of children going to colleges that are near us. I think it has a great bearing. And the radio and the television, and that sort of thing.

Then we have a segment of the white race that desires to at least listen to our propositions. They don't come just to tell us everything. We can at least carry them some information and they can bring us some.

I think that accounts for our unity and amicable relation in that matter.

MR. TAYLOR. At the same time, sir, the registration figures are rather small when compared with figures from other States and National figures.

Can you tell us why more Negroes are not registered to vote?

MR. BIVENS. I can account for it. I think it is more or less a pattern of fear. You see, it is percentage-wise the people that come from the old plantations, that they have been well indoctrinated to do or not do this or that thing, and it has been an inherent pattern, and I think it accounts for their slowness or reluctance to come forward on all matters. And then the best part of it would be fear that has gone throughout the years.

MR. TAYLOR. Fear of physical—

MR. BIVENS. Not physical violence, but that which is on the inside, inherent fear; just something that is handed down from one group to another, I suppose, from time to time—one generation, as it were, to another.

MR. TAYLOR. Did you want to add something?

MR. CARTER. I would like to add this comment: Sometime what happen to your neighbor affect you. Now there are 82 counties in Mississippi. And even though Washington County might seem a little liberal in their registration and voting registration, there is other adjoining counties—when even though one county might be liberal, in another county, when they hear what happened in the other counties, it keeps that county in fear, too. But it is not on account of the law enforcement or the people who are in control of the voter registration.

It is a matter of the mind in the people. And because the State hasn't done what they should have done to protect their citizens, and they still have a fear even though it is not in Washington County.

MR. TAYLOR. I notice, also, that the median education level in the county for Negroes, is about 5 years. Is this educational level, in conjunction with the test that has to be passed, a factor too?

MR. CARTER. Doesn't serve any purpose on that, because some people even in fourth grade have been able to go up and pass the test.

MR. TAYLOR. No further questions.

Chairman HANNAH. Father Hesburgh?

Commissioner HESBURGH. Mr. Bivens or Mr. Carter, do you have hopes for enlarging the percentage of Negro voters in the county from 8½ percent where it presently is?

MR. BIVENS. Yes, sir.

Commissioner HESBURGH. What are you going to do to accomplish that?

MR. BIVENS. We are going to plan a massive movement and encourage and indoctrinate as well as we can. Get to all the smaller communities that we can possibly find. Get into the churches, and the choir rehearsals, and any segment, or group that we might be able to find which has more than one or two members.

I think by that we will be able to tell the story to everybody.

I believe that after the story is told—let them know that this job can be done—I think it would serve as a stimulant to encourage others to vote.

Commissioner HESBURGH. Thank you, sir.

Chairman HANNAH. Mrs. Freeman.

Commissioner FREEMAN. Mr. Bivens or Mr. Carter, going back to this question that Mr. Taylor asked about the fifth grade median education: Will you tell us something about the schools there? And about how many children are in the schools? First of all, are the schools still segregated?

MR. CARTER. Yes, they are still segregated.

MR. BIVENS. Yes.

Commissioner FREEMAN. Is there a compulsory pupil attendance law? Are the children required to go to school every day?

MR. CARTER. No. It has been abolished in the State, I think, approximately after 1954—the court decision I believe—and the State legislature outlawed that.

They did have it—but this—they outlawed it after that, so we don't have a compulsory law.

And at least I have talked with one of our representatives in Washington County and I mentioned that I thought it ought to be put back on the book, because I think it was really gotten off the book in consideration of the 1954 Supreme Court decision. I believe that was the reason it was outlawed, so the Negro wouldn't have to be forced to attend school.

Commissioner FREEMAN. Do you want to add anything?

MR. BIVENS. I would just like to add this in conjunction with what he has said: There is no compulsory education in the entire State that children will be forced to go to school. I think it has its bearing, it had its primary bearing in that there—the decision that had been handed down would keep the children from segregating the schools.

But in my particular town now, Greenville, it was the first in the State to come forward with a plan of desegregation, or hope to desegregate the schools in the near future. For instance, it has offered a plan for acceptance, and signed the pledge also.

Commissioner FREEMAN. Well, as long as you would have as a requirement that the person be able to interpret the Mississippi constitution, if he never got far enough in school to read it or learn about it, how could he ever pass the examination if he didn't have a lenient registrar?

Mr. BIVENS. I hold this—I'm thinking that we are speaking more or less in the form of a formal education, where people receive training various ways. Some are more educated by what he can see or what he can hear. I think that is just as much of—it is just as much a part of your formal training as it would be your mind. I think they are able to see and hear over the radio and listen to somebody talk; I think very well that is a form of education.

Commissioner FREEMAN. Does the Voters Progressive League help them prepare for the examination?

Mr. BIVENS. Absolutely. That is the purpose of the organization, to seek to prepare them for the task.

Chairman HANNAH. Dean Griswold?

Commissioner GRISWOLD. Mr. Bivens, in your opinion is law and order good and well enforced in Greenville?

Mr. BIVENS. Yes, sir. I must give credit to the police department as such, and to the other law enforcement officials, that they are very fair about the law enforcement in Washington County, not—and also in Greenville, Miss.

Commissioner GRISWOLD. Is there what you would call police brutality in Greenville?

Mr. BIVENS. No, sir. There—we don't have any form of brutality in the community—in Greenville, I mean to say. The chief of police has been very fair in seeing that the officers are trained and that they will pay—I think he has a trained staff, and that makes a big difference for law enforcement.

Commissioner GRISWOLD. Do you think the fact that a substantial number of Negroes vote in Greenville has anything to do with bringing about this result, which I surely welcome?

Mr. BIVENS. Absolutely I do. I think the fact lies more or less in the ballot. I think if we can get the ballot, then we will have a chance to knock off a lot of the barriers that tend to retard our progress.

I am thinking—the ballot, I think—I am thinking that they are all—our form of government—for instance, a citizen, I think he has a right to make his own choice, make his own decision in one way or the other. I don't think any barrier should be set up, whether it be poll tax barrier or whether it be intelligence test; something inside that doesn't

give a man a chance for choice. It is something that will confine him to one particular thing. I think the choice is the main part of our democratic form of government, to choose a representative that would be most effective to the entire community.

Commissioner GRISWOLD. Is there, in your opinion, good communication between the Negro community and the chief of police in Greenville?

Mr. BIVENS. We have a fair communication. I think the communication could—we could say was fair, because any time we desire to see the chief of police or any other officers on various occasions, whatever might happen in the city, we are quick to take it up and go to the office and find out what is the cause of it and why this thing happened in the community and drive forward to see what solution can be done in that matter, whatever it is that we think is a violation of the law.

Commissioner GRISWOLD. If violence happens to a Negro in Greenville, is he afraid to report it to the police?

Mr. BIVENS. Not to my knowledge. I think not. I can say I think not.

Commissioner GRISWOLD. And again you would attribute this in part to the fact that Negroes in substantial numbers do vote in Greenville?

Mr. BIVENS. That has a very great bearing. I think it is the strongest bearing that we have, in that the Negro is a part of the community and he is able to go and see that these things don't happen, or call attention to the officials who might be involved.

Chairman HANNAH. Mr. Rankin?

Commissioner RANKIN. Mr. Bivens, I notice that you and Mr. Carter take considerable satisfaction in the relatively good position of Greenville.

Do you think the white people have equal pride in the position in Greenville?

Mr. BIVENS. I believe that we have a segment of—a fractional part of the white community that would invite communication, an extra amount of communication. I'm sure that there is a current in the city now; I believe, in my opinion, that they are willing to do more to go further in relation of human rights and civil rights, as we call it, I call it.

Commissioner RANKIN. Yes.

Well, this fine system of communication is the number one factor, you think?

Mr. BIVENS. Is the primary factor.

Commissioner RANKIN. And then the union has been of help; is that correct?

Mr. BIVENS. Yes, sir; it has, sir.

Commissioner RANKIN. What what you list third?

Mr. BIVENS. Oh, I would list third, the people in general; enthusiasm on the part of the people to accept that which you give. If you give something they are willing to take it. I don't say it is any Utopian society, but I do believe that we can improve our conditions in every respect.

Commissioner RANKIN. Just one last question: Do either of you have grown children?

Mr. BIVENS. I do. I have two boys.

Commissioner RANKIN. Have any of them stayed in Greenville?

Mr. BIVENS. Both of my sons live in Greenville.

Chairman HANNAH. Mr. Patterson?

Vice Chairman PATTERSON. Mr. Bivens, many white southerners live in counties where more than half the population is Negro. This is true in Washington County?

Mr. BIVENS. That is true. I would say—the figure I would say would be an equilibrium. It will be equally divided. That's right.

Vice Chairman PATTERSON. Well, then, under these circumstances, many white southerners are accustomed to saying that if Negroes are permitted to vote in substantial numbers, what will the effect be on government? Well, now, Negroes are permitted to vote in substantial numbers in Washington County. Could you describe for me a little further what the effect has been on government, and especially what the white citizens' attitude in Washington County has been since Negroes have been voting in substantial numbers?

Mr. BIVENS. Yes, sir.

It is my opinion, and my observation, that whenever you can get a group of people on both sides, whether it be the white community, as I might refer to, and the Negro community, to co-demand—the word I mean by co-demand: That they be reciprocal in their relationship, in their desire to do something for the community.

I believe there are some people who feel that it is their desire to do something for the community, and by having this stepping stone of the vote, we can pull forward a better type of people in the community who will run for public office. And very often we don't put our best foot forward first by getting the very best in our community to serve us as public servants.

Vice Chairman PATTERSON. Has this system of co-demand in Washington County led to white fear and misunderstanding, or has it led to more understanding and less fear, as far as the white man is concerned?

Mr. BIVENS. I think it is less fear. It isn't the part of the Negro community to feel that he is superior or feel that he is supreme in any way. All we want is a fair share of whatever we're supposed to get.

Vice Chairman PATTERSON. Does it really work out like this, though, in Washington County?

Mr. BIVENS. Well, not totally so, but we are making steps in that direction. I don't say all of it is—that we have everything that we want, but we are moving in that particular direction as fast and as well as we can under the circumstances.

Vice Chairman PATTERSON. What have been some of what you would consider good effects from what you describe as good law enforcement? What other good effects have there been on government?

Mr. BIVENS. Well, we have a police department—we have Negroes on the police department. We have Negro women for our school zone guards, for the smaller children, and for the children to go to and fro. I think we have stimulated a little interest among both the groups to see this thing is started well.

Vice Chairman PATTERSON. Do you feel that Washington County offers an example?

Mr. BIVENS. For the rest of the State, I believe that.

Vice Chairman PATTERSON. A reassurance?

Mr. BIVENS. On the assurance that the white community and the Negro community can work together; it can be done without any fear if they will do it. It is more or less left to the part of the community in general to accept this.

I think it would be a good example for all the counties in Mississippi to start this method, to see that Negroes and white people can work together and destroy that idea of fear on both sides of the fence.

Vice Chairman PATTERSON. Do you think the average white citizen of Washington County would testify to the same thing?

Mr. BIVENS. I wouldn't say that everyone would do it, but I believe there would be some that would be willing to say that that can be done. I truly believe that.

Vice Chairman PATTERSON. Thank you.

Chairman HANNAH. Mr. Bivens, you indicated that you have some grown children that are continuing to live in Washington County.

Have they finished their education?

Mr. BIVENS. No, sir. I have one son who is at the Mississippi Vocational College at Itta Bena, Miss., and I have another at Tougaloo College a few miles from Jackson here.

Chairman HANNAH. Do you expect they are going to live in Greenville after they finish their education?

Mr. BIVENS. I hope the atmosphere will be such so that they can stay at home and do some good.

Chairman HANNAH. Mrs. Freeman?

Commissioner FREEMAN. Mr. Bivens, you indicated that the population of Greenville is about 50 percent Negro, would you say that about 15,000 or more would be of voting age?

Mr. BIVENS. Well, it could be a little less. We'll say about—let me see—not quite equal. A little less than equal. You might say about forty-some percent.

Commissioner FREEMAN. Then you really are not saying that 1,900, less than 2,000; Negroes who are registered to vote is a substantial number, are you?

Mr. BIVENS. No. I think the number should be increased. I don't think it is substantial enough.

Commissioner FREEMAN. Yes. I just wanted to be sure the record was straight on that point. Thank you.

Chairman HANNAH. Any other questions?

Thank you very much, gentlemen. You are excused.

(Witnesses excused.)

Chairman HANNAH. Mr. Taylor, will you call the next witness?

Mr. TAYLOR. The next witness is Dr. Matthew John Page.

Chairman HANNAH. Dr. Page, will you raise your right hand.

(Whereupon, Dr. Matthew John Page was duly sworn by the Chairman and testified as follows:)

Chairman HANNAH. Mr. Taylor, will you begin the questioning?

TESTIMONY OF DR. MATTHEW JOHN PAGE, WASHINGTON COUNTY, MISS.

Mr. TAYLOR. Dr. Page, will you state your full name and address for the record?

Dr. PAGE. I am Dr. Matthew John Page, 703 East Walthall, Greenville, Miss.

Mr. TAYLOR. And how long have you lived in Greenville?

Dr. PAGE. I was born and reared in Greenville and I spent most of my life with the exception of my college and medical education and 2 years in the Service.

Mr. TAYLOR. Where did you receive your medical training?

Dr. PAGE. At Meharry Medical College in Nashville, Tenn.

Mr. TAYLOR. And are you in private practice in Greenville?

Dr. PAGE. I am.

Mr. TAYLOR. Have you been active in voter registration work?

Dr. PAGE. I have been. And I am.

Mr. TAYLOR. Over a period of time?

Dr. PAGE. Since 1959.

Mr. TAYLOR. Do you agree that registration in Greenville is substantially less difficult than it is in adjacent areas?

Dr. PAGE. Yes. I will have to say so.

Mr. TAYLOR. If the test is fairly administered in Greenville, why aren't there more Negroes who are registered to vote?

Dr. PAGE. Well, number one, because of ignorance, just plain simple ignorance among a certain segment of people.

Number two, those people who have some education, they are ignorant of the values of registering and voting.

There are even some people with college educations who have not been in a situation where they can appreciate what registering and voting means to them.

Another one is because of a substantially less, or poorer educational system. It is better than it has been, but it still has a long way to go.

And probably the most important one is that, as the statistics have indicated, the median educational level of the Washington County white is approximately 12th grade; the median educational level of the Washington County Negro is 5th or 6th grade.

Well, as has been indicated in other testimony, the literacy test is designed for someone who has at least 11th or 12th grade education. I am sure that if the median educational level of the Washington County white was 5th or 6th grade, I could practically guarantee you that they wouldn't have the literacy test as they have it today.

So I personally cannot help but conclude that the literacy test is designed to reduce the number of Negro voters.

MR. TAYLOR. Do you have some recommendations about what should be done about this situation?

DR. PAGE. Yes.

Number one, the educational system needs to be changed. There should be integration of all schools on all levels. Because I am convinced that if there are white student in all schools, there won't be some schools that are inadequately staffed, some schools with inadequate facilities, and there won't be schools that are considerably subpar. I am sure that the power structure, whatever it may be, would see to it that there be adequately staffed schools.

I also believe that the literacy test should be thrown out, because it is specifically designed to reduce the number of Negro voters. And it is also designed to reduce the number of poor white voters, although they don't realize this, but it does restrict them.

MR. TAYLOR. Thank you.

Chairman HANNAH. Father Hesburgh?

Commissioner HESBURGH. Dr. Page, do you find that your education has helped you greatly to get along in Greenville?

DR. PAGE. Yes, it has.

Commissioner HESBURGH. Do you find you can practice as a professional man without any problem?

DR. PAGE. I can practice as a professional man. I do have some problems, some of which I can solve, some of which I still have to work on.

Commissioner HESBURGH. How many doctors are there in Greenville—Negro doctors?

DR. PAGE. About six Negro doctors.

Commissioner HESBURGH. What is the population of Greenville?

Dr. PAGE. Greenville presently has about 47,000 people, and approximately 22,000 of them are Negro.

Commissioner HESBURGH. So you have a pretty large group there. I assume that most of the Negroes are taken care of by the Negro doctors; is that correct?

Dr. PAGE. Yes. No; I can't say that.

Commissioner HESBURGH. Do you belong to the medical association? I mean in Greenville?

Dr. PAGE. I am a scientific member; that is a membership with qualifications. That is, I can attend the scientific sessions, but I don't have a vote and I can't attend any of the social functions.

Commissioner HESBURGH. Do you see any hope for changing the educational situation?

It seems to me you put your finger on a very important thing. In every one of these counties we have studied so far the amount of money per Negro student is only about half the amount of money spent per white student, and this may have some correlation to registration and voting which we are specifically studying here. You indicated that you think it does?

Dr. PAGE. Yes; I do.

Commissioner HESBURGH. Are there any plans afoot to try to better the education of Negro youngsters?

Dr. PAGE. Well, I suppose you know that the Greenville School Board has decided to comply with the recent civil rights law. That is good. That is a step forward.

I think it is important to find out just how they plan to comply. Now there is—there has been some meetings and some counseling within the Negro community as to what it wants along this line.

I don't think that direct contact has been made with the school board as of today, but in the very near future they will make contact and let the school board and the city know what the Negro community wants.

This is something that is not very common, but I think it is going to happen.

Commissioner HESBURGH. Do you have any children of your own?

Dr. PAGE. I have one.

Commissioner HESBURGH. Is he in school, or she? Is it a boy or girl?

Dr. PAGE. Girl.

Commissioner HESBURGH. Is she in school?

Dr. PAGE. She is in school. She is not in the Greenville School System.

Commissioner HESBURGH. She is not in the regular school system?

Dr. PAGE. No.

Commissioner HESBURGH. Is she getting a good education?

Dr. PAGE. I believe so.

Commissioner HESBURGH. Where is she in school?

Dr. PAGE. She is at Tougaloo.

Commissioner HESBURGH. I see.

One last thing. You had a couple of years in service, didn't you?

Dr. PAGE. That's right.

Commissioner HESBURGH. And did you know that the Commission has responsibility for equal opportunity in all forms of life that are affected by the Federal Government to one extent or another? Did you find that you got good treatment in the service as a doctor? Equal opportunity, I'm really speaking about.

Dr. PAGE. Yes; I did.

Commissioner HESBURGH. Did you go in the service as a lieutenant?

Dr. PAGE. No; I went into the service as a captain.

Commissioner HESBURGH. I see. And you came out a captain?

Dr. PAGE. Yes.

Commissioner HESBURGH. That was the Air Force, wasn't it?

Dr. PAGE. That's right.

Commissioner HESBURGH. Thank you.

Chairman HANNAH. Mrs. Freeman?

Commissioner FREEMAN. Dr. Page, will you tell us how many hospitals there are in Greenville?

Dr. PAGE. Two hospitals.

Commissioner FREEMAN. Do you know if any of those hospitals receive Federal funds?

Dr. PAGE. There is the Hill-Burton hospital there which obviously receives it some sort of way. The other one sells itself as a private institution, but I believe that there are some Federal funds involved some way.

Commissioner FREEMAN. Are you on the staff of either of those hospitals?

Dr. PAGE. I am on the staff of the Hill-Burton hospital there, the general hospital there.

Commissioner FREEMAN. Is there segregation in either of the hospitals, among the patients?

Dr. PAGE. The wards are segregated. But the emergency facilities and the operating room facilities and lab facilities are not segregated.

The eating facilities, the cafeteria, is segregated and the wards are definitely segregated.

Commissioner FREEMAN. That is all.

Chairman HANNAH. Dean Griswold?

Commissioner GRISWOLD. Doctor, do you have access to both hospitals?

Dr. PAGE. I only have access to the Hill-Burton hospital.

Commissioner GRISWOLD. The other is a private hospital?

Dr. PAGE. The other is—sells itself as—a private hospital.

Commissioner GRISWOLD. But you do have access to the Hill-Burton hospital?

Dr. PAGE. I do.

Commissioner GRISWOLD. Have you had access there since you came to Greenville?

Dr. PAGE. I have.

Commissioner GRISWOLD. Are there any problems about that?

Dr. PAGE. No problems about my getting on the staff.

Commissioner GRISWOLD. You said that you were a scientific member of the local medical association. Do you in fact attend meetings there?

Dr. PAGE. I have not, up to now, but I will be attending them. But there is a second scientific member who has attended this past year, since they moved the meetings to what is unofficially known as a neutral place.

Commissioner GRISWOLD. I take it, then, that the reason you didn't attend was because they were held in a place where you were not welcome?

Dr. PAGE. Where I would be more fearful; put it that way.

Commissioner GRISWOLD. Do you have any idea what led them to change the place of meeting?

Dr. PAGE. Yes, I do.

Commissioner GRISWOLD. Would you care to state it? I don't want to—

Dr. PAGE. Well, recent laws, for one thing.

And another thing is that the word sort of got out that one of us was planning to attend.

Commissioner GRISWOLD. Well, then, they did take a step to help make that possible?

Dr. PAGE. They made preparations, yes.

Commissioner GRISWOLD. And in view of the fact that the other doctor is attending, you are planning to attend?

Dr. PAGE. I will be attending.

Chairman HANNAH. Mr. Rankin?

Commissioner RANKIN. I notice our statistics with respect to money spent on education for the year 1960-61. Do you have any more recent statistics? Is Greenville doing better insofar as spending money for the education of Negro children?

Dr. PAGE. They are making more efforts. As more pressure is being applied, they are making more efforts. But they still have a long way to go.

Commissioner RANKIN. Have any new school buildings been built recently?

Dr. PAGE. They have been built, and they have been put on the highway.

Commissioner RANKIN. Both the Negroes and the whites?

Dr. PAGE. That's right. But the important thing is the libraries.

Commissioner RANKIN. Is the libraries? Well, tell us, what do you mean by that?

Dr. PAGE. Because therein lies the biggest inadequacy. And the number of teachers.

Commissioner RANKIN. How many libraries—you mean libraries in the school?

Dr. PAGE. In each school, and how they are staffed and how they are equipped.

Commissioner RANKIN. Is there a municipal library?

Dr. PAGE. There is one. They are preparing to build a new one.

Commissioner RANKIN. And Negroes have access to that library?

Dr. PAGE. For the last couple of years they have had access to it, although it hasn't been publicized very much.

Commissioner RANKIN. I notice in your objection to the literacy test—I would like to ask you one question: Should a literacy test be a fair one, fairly administered, would you object so much to a literacy test for voting?

Dr. PAGE. Under the present circumstances, with the wide gap between the median Negro education and the median white educational level, I would still object, on the same basis.

Commissioner RANKIN. Suppose it was put down to the fourth or fifth grade: Would you object then?

Dr. PAGE. I would not.

Commissioner RANKIN. In other words, it is not the literacy test per se; it is the situation and conditions under which it is given, and the way it is administered, that makes for unfairness?

Dr. PAGE. And the end purpose of it.

Commissioner RANKIN. And the end purpose of it. Thank you.

Chairman HANNAH. Mr. Patterson?

Vice Chairman PATTERSON. Dr. Page, Father Hesburgh was saying earlier in our sessions that aside from this, poor health in the community is built on fear. And if a Negro in Mississippi knows fear, or if a white man knows fear, this is a bad foundation to build on.

You are a doctor. You treat a lot for fears in extreme cases and things of this type. So what I would like you to do is to tell me what your observations on Negro and white fear are under the prevailing conditions in Washington County, particularly the white fear with respect to the Negro vote, the old white fear that if you permit the Negro to vote fairly, then he will take control of the government. Therefore, we see many efforts in the South to prevent Negro voting.

Now in Greenville, Washington County, you have seen the Negro vote. You have seen that kind of community. Could you prescribe for the fear of the white Southerner?

Dr. PAGE. That is a loaded question.

Vice Chairman PATTERSON. No, I'm serious.

Dr. PAGE. I'll try to answer it. But I don't believe I can really answer it adequately here.

I'm sure that there is fear that you expressed. A certain segment of the white population is a slave—they are slaves and they don't realize it. But there are several things that can happen. For instance—this is not the first time that any community has phased into this sort of thing.

Memphis has faced it, and they are softening up. They don't say they have the solution, as I understand it.

Memphis has approximately 125,000 Negroes of voting age and about 92,000 of them are registered voters. This is probably the highest percentage of registered voters among any group, as far as I know, and Memphis Negroes do vote. They are not only registered, but they do vote.

But here again, I don't—there may have been one or two minor officials elected in recent years, and there may not have even been that.

Vice Chairman PATTERSON. Negro officials?

Dr. PAGE. Negro officials. In fact, I don't believe that there has been an elected Negro official in Shelby County. So, in some of these districts, I'm sure that the Negro has the balance of power. But a Negro to this point has not been elected.

Now there is another county in Tennessee where there was a—where the civil rights organization came in and they, with the help of various colleges, got a majority—well, they got more Negroes on the voting rolls than whites. But I don't remember that a Negro was elected, even though they had Negro candidates.

The way it has turned out, in these areas and in other areas, is that the Negro has exercised, what I feel to be, a fair judgment, and he has voted for the person that he thought was best fitted for the job.

Politics within the Negro group is a—is still a new thing. An awful lot of us don't have the experience that is—that we ought to have, and we are going to have to get it.

Now eventually in these areas, there are going to be Negro candidates run and they are going to win. But just because there are more Negro voters in an area, that will not mean that Negroes will totally dominate at any one time.

Vice Chairman PATTERSON. Once you get a substantial Negro vote involved in an election, do you think you will have a better government?

Dr. PAGE. I certainly do.

Vice Chairman PATTERSON. For both white and colored?

Dr. PAGE. For everyone concerned.

Vice Chairman PATTERSON. Thank you.

Chairman HANNAH. Any further questions?

Doctor, you are excused. Thank you very much.

(Witness excused.)

Chairman HANNAH. Mr. Taylor, will you call the next witness?

Mr. TAYLOR. The next witness is James W. Prothro.

Chairman HANNAH. Mr. Prothro, will you raise your right hand.

(Whereupon, James W. Prothro was duly sworn by the Chairman and testified, as follows:)

Chairman HANNAH. Mr. Taylor, will you begin the questioning.

Mr. TAYLOR. Mr. Chairman, in 1964 this Commission contracted with the National Opinion Research Center at the University of Chicago to conduct a survey of registration and voting habits of Negro teachers in certain counties in Mississippi, and the Commission asked Dr. Prothro to act as a consultant to the National Research Center and to evaluate the results of the survey. And that is why he is here today, to present his report.

Dr. Prothro, would you state your name and address and occupation for the record?

TESTIMONY OF DR. JAMES W. PROTHRO, PROFESSOR, UNIVERSITY OF NORTH CAROLINA AND CONSULTANT, NATIONAL OPINION RESEARCH CENTER

Dr. PROTHRO. James Prothro, Chapel Hill, N.C.; college professor.

Mr. TAYLOR. Where do you teach, sir?

Dr. PROTHRO. University of North Carolina.

Mr. TAYLOR. Prior to this present study, had you had any experience in the field of voting?

Dr. PROTHRO. I have been working in the area since graduate school-days, actually, and intensively for the last 4 years.

Mr. TAYLOR. Can you describe what method you used in doing this present study?

Dr. PROTHRO. It was a survey of Negro schoolteachers in four counties, selected in consultation with the Civil Rights Commission.

I prepared the interview schedule in consultation with a colleague and in consultation with the National Opinion Research Center and the Civil Rights Commission.

The idea was to restrict this study to Negro schoolteachers in order to make sure that all the respondents were presumptively eligible to vote. There was no attempt to study the entire State; simply a study in these four counties.

The National Opinion Research Center, using professional Negro interviewers, conducted the actual field work, sent the results to me;

and what you have before you is a quite preliminary analysis of those reports.

Mr. TAYLOR. Would you state the conclusions of this preliminary analysis, or the main aspects of it?

Dr. PROTHRO. Yes. I think the basic conclusion is that there is definitely intimidation in two of the counties that we studied, extreme in one of the counties.

There appears to be some sign of change underway in a second county. In the third there is less; there is some expression of fear. And in the fourth, there is a minimal expression of fear.

So among those four counties—which have to be considered separately, since they were handled as four separate surveys—we had almost the maximum range of variation in the situation of Negro schoolteachers.

Now the assumption is that if a Negro schoolteacher is found ineligible to vote, if as in one of the counties 0 percent of the Negro schoolteachers are registered, and in that county a majority of them express interest in politics and interest in elections, the presumption is that other Negroes in the county would find it difficult to register too.

From the southwide study I mentioned I have been engaged in in the last 4 years, we know that roughly 78 percent of the Negroes in the South with college degrees are registered—pardon me; in the South, exclusive of Mississippi.

Mr. TAYLOR. Could you go back a moment and describe for me what precisely was the problem for investigation here?

Dr. PROTHRO. Yes.

The problem was to ascertain reasons for nonregistration and reasons for nonvoting among Negroes.

As I said, the problem was restricted to Negro schoolteachers, because of—basically because of budgetary problems and time problems, as you are quite familiar with.

The focus here was to probe beyond the question of “Are you registered to vote or are you not?”; get at the level of interest of the respondents, in this case schoolteachers, their concern for the election process; and then attempt to draw from their responses some conclusions about the reasons for nonvoting.

Mr. TAYLOR. Can you tell us what you determined in each of those counties or in all of those counties about the interest in registration on the part of the teachers who were interviewed?

Dr. PROTHRO. Yes.

First, to hit the high spots, in the one county where there seemed the most extreme intimidation, 62 percent of the teachers declined to give the interview, with the explanation that the superintendent of schools had instructed them through their principal not to discuss civil rights with anyone.

So we had a small response rate from one of those counties.

So far as the findings on registration of those who did agree to the interview was concerned, in the first county, it was 74 percent; in the second county, 42 percent; the third county, 2.5 percent; and in the other county, 0.

This 2.5 represents a small sample of 40 people who were interviewed, so it represents a single individual who was registered in January 1965, which may attest to a change in the atmosphere in this particular county, at least as applied to schoolteachers.

Is that responsive to your question?

Mr. TAYLOR. Yes, it is.

Well, can you tell us now in a little more detail what the stated or given reasons were on the part of teachers interviewed for the low registration?

Dr. PROTHRO. Fear. Fear of loss of job was the most common response.

In the first county, that I identified as County "W," 40 percent of the people—these are schoolteachers—expressed fear at any point of the interview. In the second county it went up to 54 percent expressing fear.

In the third, 75 percent, and the fourth, 79 percent volunteered expressions of fear.

There was no question asked, "Would you be fearful of any specific kind of sanction?" This was in response to relatively open-ended questions.

The Commissioners have a copy of the interview schedule, I believe, before them.

Maybe I should add, the basic fear was fear of loss of job, the possibility of loss of job. Then other expressions of fear that occurred at least with some frequency were fear of violence, fear of job loss and violence, fear of the interview itself, unspecified fear, fear of discrimination by registrars, fear of discussing politics publicly.

These were far overshadowed, however, for the schoolteachers, by fear of the loss of a job.

Mr. TAYLOR. I think you said that there was indicated a motivation to participate or an interest in politics. Would you care to say anything more about that?

Dr. PROTHRO. Yes. In national election studies and in our study throughout the South, we find that voting participation varies directly with individual interest in participation.

So we asked these people about their interest in the 1964 election, for example. And level of interest makes absolutely no difference in the counties with intimidation. It does in the counties with lesser. So that when you control for interest, that is, look at people with the

same level of interest, you find a continuation of these marked differences among these four counties.

So that it is not explicable in terms of varied interest, and of course it is not explicable in terms of varied education, because all of these people are schoolteachers, and it happened that every one in the sample had a college degree.

Mr. TAYLOR. So you are saying, as I understand it, there was a great level of difference between the percentage of teachers registered from one county to another. In one county a great number were registered and in one county zero. And do I gather that you are saying that there was rather consistent interest?

Dr. PROTHRO. That is correct. However, there is some drop-off of interest. As you go from the counties where no Negroes are permitted to vote—some interest is expressed by a majority of the teachers in all of these counties, but if the Commissioners will look at Table 6 on page 10, you will see there is a dropoff from a great deal of interest, 79 percent in the first county, it drops down to 44 percent in the most repressive county.

However, if you consider quite a lot of interest as well as a great deal as an expression of interest, it goes up to two-thirds, even in the most repressive county. So there is variation in interest in politics with the variation in the political climate.

But this variation does not explain the differences in voting, because even those with the same level of interest in the counties where there is a greater percentage of intimidation are still not registered to vote.

Mr. TAYLOR. Did you have an adequate sample of the numbers of teachers in each of those counties?

Dr. PROTHRO. Yes. Granted the fact that the population we were dealing with was teachers only, and we were not attempting to get a sample of the entire population of the county, we did.

And I should explain that I was not responsible for this part of the research undertaking. The National Opinion Research Center in Chicago was responsible for this part of the work.

I was at that time playing the role of consultant.

However, in the first county where there are 225 teachers, the number in the original sample was 75.

In the second county, with 169 teachers, the number in the original sample was 70.

In the third, all 74 teachers were included.

And in the fourth, all 73 teachers in the county were included.

And granted the homogeneity in response, one could have done this study with a much smaller sample and obtained the same results. The more homogeneous the response, the smaller sample one needs.

Mr. TAYLOR. Are there any particular responses that you would like

to call to the Commission's attention as being particularly noteworthy or particularly frequent responses?

Dr. PROTHRO. There were none in particular that I had singled out. The Commissioners do have before them an appendix in which we present statements made by the respondents themselves.

Just taking one at random, asked if she discusses politics, one lady teacher said "I don't dare talk to my coworkers." Asked if she had ever tried to persuade other Negroes to register, another said, "I am a teacher. If I want my job I know better than to do that."

Another teacher confirms this fear of open discussion. This is a man who says teachers do not discuss voter registration because "the walls have ears." A woman describes a particular incident that persuaded her that the "walls have ears," indeed. "We discussed it"—Negro voter registration—in a very general manner at a meeting, and before we could get settled at home the phone was ringing and there was some explaining to do. I guess I better not go into it anymore. You know, I would rather you did not write what I am saying—we have to be careful.

Mr. TAYLOR. No further questions.

The reports Dr. Prothro has presented will be marked and received into the record.

Chairman HANNAH. They are received for the record.

(Commission's Exhibit No. 9 was marked for identification and received in evidence.)

Chairman HANNAH. Father Hesburgh.

Commissioner HESBURGH. Professor Prothro, we have been having a lot of conversation in this hearing the last 2 days on fear, and I am reluctant to get back to it, because I find it a very unpleasant subject. But I think we must in the case of your report.

The thought has been crossing my mind that having had the opportunity of living under a dictatorship for 3 years at one point in my life when I was studying abroad, I found that fear in this society was perhaps the most corrosive element in the whole society.

And reading your report, it just crossed my mind that if this report were written about Nazi Germany or Fascist Italy or Communist Russia it might make more sense.

I find it very hard to understand from a rather superior group in our society, teachers, whom I assume are more sophisticated—they are entrusted with the education of our youngsters, giving them ideals—and I find it hard to understand and I want to ask you this professional question: How can people who have such fear as expressed in a thing like this—asked if he would vote, he counts on help coming from the outside. Asked if he believes he will ever vote in the county, he says, "Not unless we get some help, outside pressure, protection. If I decide to vote I go down there and they might

bomb my house. If I registered they might do anything. I don't trust the law officials. I trust them about as much as I trust a mad dog."

How can people who have this mentality expressed over and over possibly do a good job of raising future citizens?

Dr. PROTHRO. It must be very difficult, especially—in the southwest study in which I was engaged, one of our respondents was also from Mississippi, and a schoolteacher, teaching the social sciences, and this person had never registered to vote. He lived in a county where no Negro citizen had ever voted.

Teaching about the democratic processes must be extremely difficult—granted all of the normal expectation of encouraging people, "Vote as you please, but please vote"—for a teacher in social sciences not to be able to set an example for his pupils and presumably not to be able to encourage them, in that setting, to vote.

I agree with you it is very difficult to imagine some of these counties existing in the United States.

Commissioner HESBURGH. I must say I couldn't expect worse of some of the worst countries I know of. I mean this kind of attitude of citizens living within this country. And——

Dr. PROTHRO. I think it is, sir, a totalitarian local system.

Commissioner HESBURGH. But it seems to me that it creates an almost psychopathic situation for teachers who are supposed to bring youngsters up in a spirit of freedom in this county, and to try to give them some sense of free expression, responsibility of citizenship, a sense for law and order, some idea of the beauty of life that might be achieved through personal expression.

If the teachers themselves feel a complete lack of this personal expression, even the most fundamental citizenship such as voting, it seems to me it will create for us a whole generation of youngsters under these teachers who leave school with a kind of psychopathic fear that is not only unworthy of any kind of society, but most unworthy of the kind of society we profess in the United States. Do you agree with that?

Dr. PROTHRO. I have the same concern. Yes, sir.

Commissioner HESBURGH. Thank you.

Chairman HANNAH. Mrs. Freeman?

Commissioner FREEMAN. Dr. Prothro, I am also concerned about the conflict here because of the rejection by these teachers, these 282 teachers, of personal—basic personal and human dignity. And I would like to know if as you interviewed them and as they expressed this fear, if you saw at any points any hope that perhaps it would be different from within the teacher?

Dr. PROTHRO. Yes. In county Z there were no indications of such expectations. In the next—in the county with the next to the lowest

percent of teachers registered, one who had heard it was all right now to go register, there is a feeling that maybe this signals a change. And in that second county, the word was that the sheriff had indicated it would be all right to vote, and that the principal had indicated that it was no longer forbidden.

So whether this means a policy of selective registration, which I have discovered in some areas of the South in which a few Negroes are brought in to register so that there is an appearance of following the law, or whether it represents a more genuine change, I don't know.

Now I should hasten to add, however, that we are focusing now on the counties—the two counties with the greatest intimidation; those are the more shocking.

In county W there was a minimum of expression of hesitation or fear. So quite clearly, Mississippi is not perfectly homogeneous in its political climate, as I gather earlier testimony this afternoon indicates.

Chairman HANNAH. Dean Griswold?

Commissioner GRISWOLD. Dr. Prothro, as I understand it, this survey was conducted by a sampling technique?

Dr. PROTHRO. That's right.

Commissioner GRISWOLD. Do you regard it as statistically sound?

Dr. PROTHRO. Yes, sir. It was—the respondents were chosen—in two cases it was not a sample; it was a total enumeration, and these were the two cases in which we found the greatest impression. In the others, the respondents were chosen by a system of randomness. As I mentioned, this is a sampling technique that is the greatest assurance of assuring random distribution, that is, a true cross section of the population with which one is concerned.

I did not handle the sampling problem myself. The National Opinion Research Center handled this. It is a respected survey organization.

Commissioner GRISWOLD. Do you regard this as a significant study?

Dr. PROTHRO. Yes.

Chairman HANNAH. Mr. Rankin?

Commissioner RANKIN. Dr. Prothro, most people have fear of losing their jobs, is that right, who hold jobs at the mercy of a State or the Federal Government? Is that correct or not?

Dr. PROTHRO. That is wrong.

Commissioner RANKIN. You think not?

Dr. PROTHRO. I think not. I teach in a State university, and I have no fear of losing my job.

Commissioner RANKIN. Well, that is one instance. Don't you think there could be others?

Dr. PROTHRO. Certainly. Sure, all of us have fears of various kinds.

Commissioner RANKIN. All of us have fears of various kinds; is that right?

Dr. PROTHRO. Yes, and——

Commissioner RANKIN. Now, then, have you made any similar study to this in other States?

Dr. PROTHRO. Yes. In collaboration with Prof. Donald Matthew at the University of North Carolina I have been working for the last 4 years on a book on Negro political participation in the South. We find Mississippi to be at the far end of any continuum that one sets up in terms of relative deprivation.

Commissioner RANKIN. You mean away off; is that right?

Dr. PROTHRO. That's correct. I once worked out something we called a southernism scale, and Mississippi scored off the page. That is, it occupied a category all by itself, in their great differences in the South. I am happy to say the State from which you and I come scores quite differently on this type of test.

Commissioner RANKIN. What did it score?

Dr. PROTHRO. We found it properly belongs in a category that we are referring to as the peripheral South.

The Deep South States tend to be markedly different in Negro attitudes about their rights, and in white attitudes about Negro voting, from the peripheral States. And by the Deep South States I have reference to Louisiana, Mississippi, South Carolina, Alabama and Georgia, despite the existence of Atlanta as an exception.

Commissioner RANKIN. And you found here in Mississippi despite what I said about everybody having some fear of losing a job, that the basic issue in fear in Mississippi is on this issue of civil rights; is that correct?

Dr. PROTHRO. Yes, sir. Our findings apply to Negro teachers only; not to the Negro population in general. They are in a particularly vulnerable position to lose their job.

In our Southwest study, we found some respondents in Louisiana and other Deep South States who were fearful that—well, in one case a man's cotton they refused to gin. There are other kinds of economic sanctions to which other people who are not teachers are exposed.

I think that the heavy emphasis on job loss stemmend from the fact that we were dealing with a group that is in the employ of the white officials.

Commissioner RANKIN. Don't you think the advice of the superintendents and principals that "You be careful or you might lose your job" had great weight with these teachers?

Dr. PROTHRO. Yes. Yes, sir.

Chairman HANNAH. Any further questions?

Mr. TAYLOR. I just would like to ask Dr. Prothro to explain why the counties are not being identified here.

Dr. PROTHRO. Oh! They are not being identified because the respondents were assured confidentiality and anonymity.

I may say this kind of research is very difficult in the South, particularly in Mississippi, and I think it important to note that in this case trained Negro interviewers were used to conduct the interviews. So it is felt that we had to guarantee confidentiality and anonymity as the findings themselves suggest, or we couldn't have completed the study.

Mr. ROGERSON. Dr. Hannah?

Chairman HANNAH. Mr. Rogerson.

Mr. ROGERSON. Dr. Prothro, in one county you mentioned there was a particular lack of response or refusal to engage in the interview. What was that figure again?

Dr. PROTHRO. Sixty-two percent. And in southwide surveying, we have had a refusal rate of less than 10 percent.

Mr. ROGERSON. Sixty-two percent in one county, and that in spite of the fact that there was a guarantee of anonymity?

Dr. PROTHRO. That's correct. And several of the people in that county that did grant the interview indicated great concern, asked to read it over, and asked additional reassurances about anonymity.

Chairman HANNAH. Thank you very much, Dr. Prothro.

Dr. PROTHRO. Yes, sir.

(Witness excused.)

Chairman HANNAH. We will have one more witness and then we will take a break in 10 or 15 minutes. Mr. Taylor?

Mr. TAYLOR. The final witness in the voting portion here is Dr. L. S. Alexander.

Chairman HANNAH. Mr. Alexander, will you raise your right hand.

(Whereupon, L. S. Alexander was duly sworn by the Chairman and testified as follows:)

Chairman HANNAH. Have a chair, sir.

Mr. Taylor, will you begin the questioning?

**TESTIMONY OF DR. L. S. ALEXANDER, EXECUTIVE SECRETARY,
MISSISSIPPI TEACHERS ASSOCIATION**

Mr. TAYLOR. Would you please state your name and your residence and occupation for the record?

Dr. ALEXANDER. L. S. Alexander. My residence is 1052 Wiggins Street, Jackson, Miss., and my occupation, I am executive secretary of the Mississippi Teachers Association.

Mr. TAYLOR. Can you tell us about the activities and purposes of the association?

Dr. ALEXANDER. The activities and purposes of the association—it is a professional organization in which we work toward upgrading the instruction and the teaching educational institutions which teach the teachers to teach, plus looking after the welfare of the teacher as near as possible.

Mr. TAYLOR. Is encouraging the registration of Negro teachers any part of the work of the association?

Dr. ALEXANDER. It certainly is. We never have a meeting unless we bring—we mention that we would like to know how many are registered and what difficulties they are encountering in attempting to register, and since the civil rights bill has been enacted into law, would they now go and attempt to register.

But we have had very little response as you notice in others that have been interviewed.

Mr. TAYLOR. You heard Dr. Prothro and you had an opportunity to read the results of the survey, and the basic conclusion about fear of loss of jobs as a deterrent to registration. Is this conclusion consistent with your experience?

Dr. ALEXANDER. Consistent it is. They will tell you that they are afraid that if you talk about registering and voting, that they are afraid that they will lose their job. Their principal has been informed by their superintendents of education that you are not—if you try to register in this system, you won't have a job next year.

And just for the record, a young woman who was working in a certain county in southeast Mississippi lost her job and it went to the circuit court of appeals, and she was let out, and she is at my office now, working as an expanded service and placement bureau, on services in which we made or manufactured for her.

Mr. TAYLOR. So you are saying, sir, that in some cases at least these fears are justified by the statements or actions?

Dr. ALEXANDER. All of the fears are justified by the statements which they receive from either the superintendent or the principal. And it is not getting any better. I am not lying about that.

Mr. TAYLOR. What is your organization planning to do about the problem of getting Negro teachers registered?

Dr. ALEXANDER. Well, we are continuing to go over the civil rights law; and we are appreciative for your coming to Mississippi and finding out the facts, and maybe this will help stimulate them to go forward.

I have some facts here I would like to give you, if you would permit it, relative to the qualifications of the Negro and white teachers in the State, if that is permissible.

Mr. TAYLOR. Yes. Would you?

Dr. ALEXANDER. Yes. It is very short.

For the 1963-64 scholastic year, we have 2,622 white teachers in the State of Mississippi with master's degree. These are elementary and secondary education teachers. We only have 667 Negroes. Of the 667, only 17 of them received their degrees in the State of Mississippi, simply because there is no place in Mississippi for a master's degree, much less a doctorate degree for Negroes.

We have a 5-week summer session, workshop I call it, at Jackson State College for supervisors and administrators, that is, principals and whatnot.

Now we had 200, I think, took that course last year, and 4 of them got jobs. They have disbanded. Of the 67 supervisors we had over the State, all but 14 of them are gone to some other phase of work.

We do not have in the State any law, medicine, dentistry, pharmacy, engineer—that is electrical, highway, mechanical, or architectural. As I say, we do not have any registered nursing in the State of Mississippi for Negroes. Neither do we have any graduate work in English, mathematics, science, social science, agriculture, trade and industry, guidance, and et cetera. We do not have any graduate work in elementary education in the State for Negroes whereas our white universities, there are three of them. And we do not have a single one in Mississippi for Negroes. And a good thing they don't, because I think those others that we have are pretty low as far as the status in the United States is concerned, if you look in there at the rank.

There are 15 junior colleges in the State of Mississippi for whites. There are three for Negroes. Their vocational and technical training has been put into the junior colleges, and therefore you can see we have been left out altogether. They were not even put in the larger units of our high schools or secondary schools; neither will they put it in our senior colleges, the first 2 years of that.

I don't know just why, but that is the situation we are encountering here.

I might say I know the whole trouble of the State of Mississippi. It is revenue. The reason why we don't have it, ladies and gentlemen, is that we don't have any professional baseball. We don't have any horse and harness racing, we don't have any professional boxing. They will not legalize liquor for fear the religious and temperance groups will object. Yet they have no other means—they do not offer any other means of revenue. We do not have any boating or water sports, auto racing.

There is not a technical institution in the State of Mississippi, white or Negro.

We do not have a billion dollar establishment in the State of Mississippi. Consequently, we are poor.

We claim we don't want Federal aid, but we have been getting it ever since 1862. And we got it here. This year we have loans for students to be trained as physicians, dentists, optometrists, nurses; we have also extensions of loans to aid other college students under the National Defense Education Act which cancels—with cancellation of part of the loan if they come back and teach in either the college or the school. You college professors or college presidents know that.

We have money for establishing and expanding 2-year community colleges, technical institutes, public libraries, for expanding and developing private college facilities, and for developing graduate schools, as I first stated.

You see we have money support for many new educational programs, graduate programs, preschool nurses, for slum children, and special service for teachers and deprived neighbors. Yet they holler that we don't want Federal aid.

The Government has advised that they not sign that compliance pledge. I haven't heard what the mayor said, yet he was the first to come out with it. Now he is running for something, I know. But he has advised that, and he has told you that he had one of the best systems in the world whereas, as you know, our system here is segregated with the exception of 43 little children in the first grade, and that is under court order.

That is the system here in the city of Jackson, Miss.

Mr. TAYLOR. Thank you. I have no further questions.

Chairman HANNAH. Father Hesburgh?

Commissioner HESBURGH. I take it you are not too enthused with the educational system.

Dr. ALEXANDER. I am not.

Commissioner HESBURGH. You know, I think it is probably at the heart of any possible improvement of all the things we are talking about, don't you think?

Dr. ALEXANDER. I know it is.

Commissioner HESBURGH. What is the general level, Mr. Alexander, of the Negro schoolteacher in this State? I missed the figure you gave. How many of the total have master's degrees?

Dr. ALEXANDER. We have 667 with master's degree. We got 7,460 with bachelor's degree. The whites have 9,999 bachelor's degree. They have 2,622 with master's degree.

Commissioner HESBURGH. And I think the point you were making is it is difficult for persons who don't have money to travel to other States to get their master's degree here?

Dr. ALEXANDER. You are correct there, because some of these whites—some of these with these degrees, they got them here by extension courses from the University of Mississippi, Mississippi State, and what-not. They got them here at Millsaps and at Clinton, and they can go there at night and get their courses, where we got to sell everything and go out of the State to get what we get.

Commissioner HESBURGH. Tell me, are all the superintendents of education white?

Dr. ALEXANDER. Every one is white, and then they got another scheme that they will put a white superintendent with 800 students

over a Negro principal who has 2,800 students, both having master's degree. They will pay the white supervising principal \$8,000 and the Negro principal is getting \$5,600.

Commissioner HESBURGH. Is there generally a differentiation of salary between Negro and white teachers?

Dr. ALEXANDER. Oh, yes. No question about that.

Commissioner HESBURGH. Now is it these white superintendents of schools who tell the Negro principals to tell their teachers not to vote?

Dr. ALEXANDER. Yes, sir; it is the white superintendents.

Commissioner HESBURGH. Do you know actual cases where that has been done?

Dr. ALEXANDER. Yes, I know actual cases.

Commissioner HESBURGH. About how many?

Dr. ALEXANDER. Oh, about 15 or 20.

Commissioner HESBURGH. Now, it seemed to me that in part of the registration process, you have to put down what it is to be a good citizen, isn't that correct?

Dr. ALEXANDER. It is.

Commissioner HESBURGH. And isn't a part of a good citizen being able to vote?

Dr. ALEXANDER. I always held it because I held it in 1924. And on that basis I was teaching social science, and they were just crazy enough to let me register, I guess because I insisted that I couldn't be a citizen and teach citizens here unless I was registered to vote. And I voted in all elections in Mississippi. I go there and it was kind of cool some places, with the exception of one, and that was when Senator Bilbo ran for the Senate the last term, and he had posted them that the way to keep the Negro from voting is take care of them the night before. But I went on down that same day and the little bailiff or peace officer says to me "Negro, you better duck," and I said, "Duck? For what? The devil. I haven't done anything." And see, I had just come back out of the service. I spent 4 years, 8 months in the service, in the Seabees in the Navy, and I came back. It didn't make much difference to me what I said, and I told him I wouldn't duck for him and no other body. I said "You might not let me register or let me vote, but," I said, "I'm not going to duck." And I meant it.

Commissioner HESBURGH. Well, the curious thing to me, and it sounds like a line out of Alice in Wonderland is that, if to get registered you have to say what a good citizen does, if one of the things a good citizen does is vote, then a schoolteacher who tries to register and vote and by that very fact loses her job as a teacher—it seems to me it becomes somewhat a perversion of values.

Dr. ALEXANDER. It does.

Commissioner HESBURGH. Thank you.

Chairman HANNAH. Mrs. Freeman?

Commissioner FREEMAN. No questions.

Chairman HANNAH. Dean Griswold?

Commissioner GRISWOLD. Mr. Alexander, how many members does your organization have?

Dr. ALEXANDER. We have 8,574.

Commissioner GRISWOLD. That is Negro teachers?

Dr. ALEXANDER. That is Negro teachers.

Commissioner GRISWOLD. How is your association financed? Do they pay dues?

Dr. ALEXANDER. They pay dues.

Commissioner GRISWOLD. They pay dues to it?

Dr. ALEXANDER. Yes.

Commissioner GRISWOLD. Does your association—I assume there is an association of white teachers?

Dr. ALEXANDER. Yes, a Mississippi Education Association, and we have the Mississippi Teachers Association.

Commissioner GRISWOLD. Does you association ever meet with the other association?

Dr. ALEXANDER. Only when we go to the National Education Association as delegates.

Commissioner GRISWOLD. You don't have—

Dr. ALEXANDER. And then they want you to say we're doing all right in Mississippi, and I won't lie.

• Commissioner GRISWOLD. Maybe it might be good if you just answered the questions.

Dr. ALEXANDER. Yes, sir.

Commissioner GRISWOLD. Do you ever have meetings in Mississippi?

Dr. ALEXANDER. No; we have never had one—

Commissioner GRISWOLD. Attended by members of your association and the other association?

Dr. ALEXANDER. We have never had one, and I have been here 11 years.

Commissioner GRISWOLD. Do you conduct any sort of institutes or educational programs for your members?

Dr. ALEXANDER. Yes, sir. We have eight districts in the State of which we have meetings and we have the counties, all organizations, and we meet with them subject to call.

Commissioner GRISWOLD. What kind of programs do you put on at these meetings?

Dr. ALEXANDER. We have programs on improvement of instruction as well as trying to qualify to register and vote, and we have them in "Make Us Good Citizens," and we just have to get right down to pointblank person as to what he should do as a community leader.

Commissioner GRISWOLD. Who participates in these programs? That is, who lectures?

Dr. ALEXANDER. They have different speakers that come in and they talk—they talk out themselves, most of them.

Commissioner GRISWOLD. Do you ever have speakers from the State university?

Dr. ALEXANDER. No; we haven't had one.

Commissioner GRISWOLD. If I remember correctly, am I correct in remembering that you said that of the Negro teachers in Mississippi who had master's degrees, that there were 17 which had been obtained within Mississippi?

Dr. ALEXANDER. Yes; that's correct.

Commissioner GRISWOLD. It is quite irrelevant, but there is a coincidence which rather strikes me. When the Belgians left the Belgian Congo, the number of university graduates in the Belgian Congo among the natives there was 17.

Chairman HANNAH. Mr. Rankin?

Commissioner RANKIN. Do you know the executive secretaries in similar organizations in other Southern States?

Dr. ALEXANDER. Yes; I do.

Commissioner RANKIN. Do you ever compare notes with them?

Dr. ALEXANDER. Yes; I do.

Commissioner RANKIN. Is the situation about the same in Alabama and Louisiana as here, or do you think—

Dr. ALEXANDER. Yes; it is about the same in Alabama, but Louisiana has a few more registered voters among their teachers.

Commissioner RANKIN. And you think it is much better there, is that correct?

Dr. ALEXANDER. I don't know whether it is much better. They have a few more registered than we have.

Commissioner RANKIN. I see.

Dr. ALEXANDER. I mean than they do have in Alabama or Mississippi or South Carolina.

Commissioner RANKIN. Is it easier for Negro teachers in Louisiana to get their advanced degree there than here?

Dr. ALEXANDER. Yes, they allow them to go to Louisiana State University. They can go there, but here you've got to sue them; you know that.

Chairman HANNAH. Mr. Patterson.

Vice Chairman PATTERSON. Have you had any communication with the white teachers organization in Mississippi similar to the communication that the Negro teachers organization in Georgia has had with the white Georgia Education Association?

Dr. ALEXANDER. Now what does that mean?

Vice Chairman PATTERSON. That means the Negro teachers organi-

zation in Georgia has opened discussions with the white teachers organization in Georgia looking toward the time when they can merge.

Dr. ALEXANDER. Yes.

Vice Chairman PATTERSON. Have you taken such action and had such discussions in Mississippi?

Dr. ALEXANDER. I have attempted, but I have had no discussion at all. They won't meet.

Chairman HANNAH. Mrs. Freeman, do you have a question?

Commissioner FREEMAN. Mr. Alexander, according to your figures there would be about 8,127 Negro teachers with bachelor's.

Dr. ALEXANDER. Yes.

Commissioner FREEMAN. And they are all afraid of registering because of fear?

Dr. ALEXANDER. Not all of them. They are not all, but——

Commissioner FREEMAN. Not all of them?

Dr. ALEXANDER. No. But a majority of them.

Commissioner FREEMAN. But those who are afraid, where no teachers are registered, has any consideration been given to the possibility that on a given day every teacher could go down and try to register and then they would have to fire them all?

Dr. ALEXANDER. Yes, we said that, but they said "Go jump in the lake." They wasn't thinking about me. They wasn't going to lose their job.

Commissioner FREEMAN. Not even that consideration?

Dr. ALEXANDER. No, they wouldn't take that consideration. I volunteered to go with them, but they wouldn't take that risk.

Chairman HANNAH. Well, isn't that true, Mr. Alexander, the fact that if they lose their present job, it will be practically impossible for them to get another one?

Dr. ALEXANDER. No, it isn't impossible. All those that have lost it have gone and got jobs, and jobs that even pay three times what they pay in Mississippi.

Chairman HANNAH. In other States?

Dr. ALEXANDER. Yes; in other States.

Chairman HANNAH. Are there any other questions?

Dr. ALEXANDER. And we have contacts to get them for them.

Chairman HANNAH. Thank you very much, Mr. Alexander. You are excused.

(Witness excused.)

Chairman HANNAH. With the exception of the statement of Mr. Marshall, which will be presented either at the beginning of the session tomorrow morning or the beginning of the session tomorrow afternoon, we have concluded that section of the hearing that has to do with voting.

We will take a short recess and reconvene at ten minutes to four.

(Whereupon, the hearing was recessed until 3:50 p.m. of the same day.)

APPENDIX

EXHIBIT NO. 1

ANALYSIS OF ISSAQUENA COUNTY VOTING APPLICATION FORMS

On February 11, 1965, Commission attorneys examined the registration and voting records of Issaquena County, Miss. At that time the registrar's files contained 297 registration forms. The forms covered applications for the period from July 21, 1961 to February 10, 1965. The following is an analysis of the registrar's administration and grading of the registration test for this period.

No Negro was registered to vote in Issaquena County prior to November 1964. During the period covered by the forms analyzed, the first attempt by a Negro to register was made on July 3, 1964. Substantial numbers of Negroes have attempted to register since.

The Mississippi registration application form has three significant questions: Question 18 requires the applicant to copy a section of the State constitution designated by the registrar; question 19 requires him to interpret the section; question 20 requires him to set forth his understanding of the duties and obligations of citizenship under a constitutional form of government.

I. FORMS ANALYZED

This analysis deals with only the forms of applicants whose race could be established¹; 278 out of 297. One hundred and fifty forms were completed by white applicants and 128 forms by Negroes. These 128 applications represented attempts by 90 Negroes. All 150 white applicants passed on their first attempts; 9 Negroes passed, most after repeated attempts.

II. ANALYSIS OF FORMS

A. Selection of constitutional sections prior to first Negro attempt

For the period from July 21, 1961, to July 3, 1964 (when the first Negro applied for registration), the registrar relied primarily on three sections of the constitution in administering questions 18 and 19. Of the 133 persons who took the test, 107 were given one of these three sections.

Section:	Number of applicants
35-----	48
8-----	38
240-----	21
20-----	5
14-----	3
11-----	4
30-----	2
123-----	2
33-----	1
103-----	1
9-----	1
28-----	1
37-----	1
7-----	1
10-----	1
22-----	1
264-----	1
Preamble to the constitution-----	1

¹ Department of Justice files indicate that all applicants from July 21, 1961, to July 30, 1963, were white. Conferences with U.S. Postmasters serving the county, and with residents, verified this information. Positive identification showed 100 of the 119 applicants for that period to be white and none to be Negro. These local sources were also used to establish the race of the latter applicants.

A review of the sections selected by the registrar during the period shows that short and easily understood sections were chosen to be given to almost all the white applicants.

B. Assistance to applicants and acceptance of inadequate answers prior to first Negro attempt.

An analysis of the answers given to questions 19 and 20 during the period prior to the first Negro attempt, indicates that assistance was given to many of the applicants and that the registrar accepted inadequate and in some cases grossly inadequate answers in passing some of the applicants. The conclusion that assistance was given is based upon the fact that there were identically worded answers on many of the forms.

(1) Forty-eight persons were given section 35 to interpret. The section reads:

"The senate shall consist of members chosen every 4 years by the qualified electors of the several districts."

The first 15 applicants listed below interpreted section 35 by stating (slight variations noted):

"To elect the senate members every 4 years in order to get people who keep abreast of the time."

Each one of these answered question 20, dealing with the duties of citizenship, with the following statement:

"To obey the laws of the State and serve in a useful capacity whenever possible."

<i>Date of application</i>	<i>Applicant</i>
1. July 21, 1961-----	Gary Wayne Morgan.
2. June 19, 1961-----	Julius Wayne Cole.
3. August 28, 1961-----	Louie Franklin McTeer.
4. January 8, 1962-----	Henry Wilborn Dye.
5. January 18, 1962-----	Katie Jane Stuart.
6. January 24, 1962-----	Allen George Mahalite.
7. January 26, 1962-----	Wilbert O'Neal Hill.
8. January 30, 1962-----	Mrs. R. M. Raiford, Jr.
9. February 19, 1962-----	James G. McDuff.

(McDuff's answer to 20 read:

"To abide by the law and serve the state in a useful capacity whenever possible.")

<i>Date of application</i>	<i>Applicant</i>
10. January 19, 1962-----	Thomas E. McGrew.

(McGrew's answer to 19 omitted the word "abreast" and read:

"To elect the senate members every 4 years in order to get people who keep of the times.")

<i>Date of application</i>	<i>Applicant</i>
11. February 22, 1964-----	Walter Clifton Porter.
12. February 23, 1964-----	Reid Erwin Monteith.
13. January 17, 1963-----	Darlene May Smith.
14. January 21, 1963-----	John D. McGrew, Jr.
15. February 20, 1963-----	Rachel J. Chick.

The applicant listed below interpreted the same section by merely repeating the words of the section.

<i>Date of application</i>	<i>Applicant</i>
16. January 30, 1962-----	Mrs. Charles Morris, Jr.

The three applicants listed below gave inadequate interpretations of this section. Their complete answers are given.

*Date of application**Applicant*

17. March 18, 1963----- Bobby Roy Boyd

(Applicant's interpretation read only: "equible wrights.")

*Date of application**Applicant*

18. April 1, 1963----- Peggy Ophelia Edwards.

(Applicant's interpretation read:

"The Government is for the people and by the people.")

*Date of application**Applicant*

19. April 12, 1963----- Dorothy Lee Heigle.

(Applicant's interpretation read: "Elect every four years.")

(2) Thirty eight persons were given section 8 to interpret. The section reads:

"All persons, resident of this state, citizens of the United States, are hereby declared citizens of the state of Mississippi."

The interpretation of section 8 did not show a broad pattern of similarity.

The three applicants listed below interpreted section 8 by stating:

"All residents of this State who are citizens of the United States, are citizens of Mississippi, without regard to race, creed of (sic) previous conditions."

*Date of application**Applicant*

1. January 25, 1962----- John R. Tremaine.

2. April 23, 1963----- Earl L. Richardson.

3. January 7, 1963----- Annie Marie Cousins.

The husband and wife applicants listed below both interpreted section 8 by stating:

"If you are a citizen of the United States and live in Mississippi, you are a citizen of Mississippi."

and answered question 20 by stating:

"to obey all state and federal laws."

*Date of application**Applicant*

4. April 26, 1963----- Flossie Mae Johnson.

5. April 26, 1963----- Floyd Johnson.

The three applicants listed below gave inadequate interpretations of section 8.

*Date of application**Applicant*

6. June 21, 1963----- Emma Jane Pack.

(Applicant's interpretation read:

"You have your legal rights as a citizen to vote as you wish.")

7. June 10, 1963----- Claude Gardner, Jr.

(Applicant's interpretation read:

"Which means that all citizens are unamerica that does not take part in civic and national election.")

*Date of application**Applicant*

8. January 22, 1962----- J. W. Jones.

(Applicant's interpretation read: "Citizens of Mississippi" answer to question 20 read: "good and honest officials.")

(3) 21 persons were given section 240 to interpret. The section reads:

"All elections by the people shall be by ballot."

The nine applicants listed below interpreted section 240 by stating:

"Elections by the people shall be held by secret ballot."

Each of these answered question 20 with the following statement:

"Obey the duties of the government and carry out the rules and laws to the best of your ability."

<i>Date of application</i>	<i>Applicant</i>
1. July 21, 1961_____	Bunny Jean Richards.
2. July 21, 1961_____	Mrs. G. W. Morgan.
3. July 24, 1961_____	Rudy A. Holcomb.
4. October 30, 1961_____	Agnes Marie Burrus.
5. October 30, 1961_____	Marvin Harry Burrus.
6. October 18, 1961_____	Claude Charles Collins.
7. November 6, 1961_____	Marlon G. Massey.
8. April 27, 1962_____	Molly Perkins Dew.
9. January 17, 1963_____	Samuel Lee Smith.

The applicant listed gave an inadequate interpretation of section 240:

<i>Date of application</i>	<i>Applicant</i>
10. April 21, 1962_____	Fannie Sue Boyd Bonamour.

(The applicant's interpretation read:

"The people can not vote if they are not a citizen. No votes can be counted for except the ones that are suppose to be.")

Her answer to question 20 read:

"Because if everyone could vote and not be a citizen, there would be no need for voting. Everyone could vote."

(4) Four persons were given section 20 to interpret. The section reads:

"No person shall be elected or appointed to office in this state for life or during good behavior, but the term of all offices shall be for some specified period."

The two applicants listed gave, on the same day, similar interpretations of this section:

<i>Date of application</i>	<i>Applicant</i>
1. April 12, 1963_____	Opal Jean Heigle.

(The Applicant's interpretation read:

"You can't be appointed for life you must be elected.")

<i>Date of application</i>	<i>Applicant</i>
2. April 12, 1963_____	Shirley Ann Heigle.

(The Applicant's interpretation read:

"You have to elected you can not be appointed for life.")

(5) Three persons were given section 11 to interpret. The section reads:

"The right of the people peaceably to assemble and petition the government on any subject shall never be impaired."

The two applicants listed gave inadequate interpretations of section 11.

<i>Date of application</i>	<i>Applicant</i>
1. May 20, 1963_____	Ulden Tucker Jennings.

(The applicant's interpretation read:

"For the people of Mississippi to have rights peaceably and not to petition the government on any subject.")

<i>Date of application</i>	<i>Applicant</i>
2. June 5, 1963_____	Mrs. Agness Arlene Hill.

(The applicant's interpretation read:

"A people living in the state of Mississippi is a citizen of the United State of Miss.")

The applicant answered question 20 by stating:

"As long as we have the constitutional use we'll have the right to vote.")

(6) Three persons were given section 14 to interpret. The section reads:

"No person shall be deprived of life, liberty, or property except by due process of law."

The applicant listed gave the following interpretation of section 14:

Applicant

1. June 25, 1963----- Bertrand Holloway.

(The applicant's interpretation read:

(“All persons have the right to exercise freedom.”)

(7) In some cases, white applicants were passed who did not answer question 20. Six persons listed left question 20 blank.

Applicant

April 12, 1962_____ Donald Lavern McFate.

April 21, 1962----- Barbara A. P. Boyd.

April 23, 1962----- Carol A. Richardson.

April 23, 1962 _____ Earl Lee Richardson.

January 7, 1963----- Annie Marie Cousins.

June 4, 1963----- Rose Marie Mahalite.

C. *Selection of constitutional sections subsequent to first Negro attempt.*

Sections given white applicants subsequent to July 3, 1964, while somewhat more varied than those previously given and in some cases slightly more technical, were generally comparable to those sections given whites prior to July 3, 1964. While many Negroes were given the same sections as those given whites, substantial numbers of Negroes were required to interpret extremely difficult sections. Among the unreasonably difficult sections given Negroes were the following: Sections 79, 87, 88, 97, 110, 111, 112, 161, 162, 163, 169, 179, 180, 182, 185, 190, 258, 274. Fifty-seven Negro applications required the interpretation of these sections.

The following two tables show the number of applicants given each section during this period:

White applicants

Number of Applicants

8	1
20	1
22	3
35	1
70	1
74	7
75	2
157	1
162	1

*Negro applicants*¹

Number of Applicants

21	1
22	4
24	1
25	1
31	1
32	3
35	4
47	2
48	2
58	1
61	4

¹Nine Negroes' forms do not indicate the constitutional sections given.

<i>Section:</i>	<i>Number of Applicants</i>
64.....	1
68.....	1
70.....	4
71.....	1
73.....	2
74.....	7
75.....	1
77.....	1
79.....	1
82.....	3
86.....	2
87.....	1
88.....	5
91.....	1
93.....	1
97.....	16
98.....	2
104.....	1
110.....	4
111.....	5
112.....	1
161.....	2
162.....	7
163.....	5
166.....	1
167.....	1
169.....	1
176.....	1
179.....	1
180.....	1
182.....	1
185.....	1
190.....	3
232.....	1
253.....	2
258.....	1
271.....	4
274.....	1

D. Failure to sign form

The present form requires the applicant to sign in two places, after the general or minister's oath depending on which oath the applicant takes, and on the line immediately below the minister's oath entitled "Applicant's Signature to Application."

Six whites failed to sign the form on the line entitled "Applicant's Signature to Application." All were passed and registered.

<i>Date of application</i>	<i>Applicant</i>
January 7, 1963.....	Darlene May Smith.
January 17, 1963.....	Samuel Lee Smith.
January 21, 1963.....	J. D. McGrew, Jr.
January 28, 1963.....	Betty Jean McPhail.
April 23, 1963.....	Jessie Jones.
May 20, 1963.....	Ben Robert Blaskley.

Thirteen whites signed on the line for the minister's oath instead of on the line entitled "Applicant's Signature to Application." All were passed and registered.

<i>Date of application</i>	<i>Applicant</i>
January 7, 1963.....	Mrs. George Cousins.
January 25, 1963.....	Mrs. Patrick Kerr West.
January 30, 1963.....	Mrs. Claude Morris, Jr.
January 30, 1963.....	Vernon C. West.
February 30, 1963.....	Rachel J. Chick.
March 1, 1963.....	Bobby Joe McGrew.
April 12, 1963.....	Jean Heigle.
May 10, 1963.....	Alice Faye Cornwell.
May 24, 1963.....	Everett F. Gardner.
June 1, 1963.....	James D. Gardner.
June 5, 1963.....	Mrs. Agness Arlene Hill.
June 11, 1963.....	Mary J. Gardner.
July 30, 1963.....	Harold W. Smith.

Three of the whites' forms had a check (V) or (X) indicating the proper lines on which to sign.

<i>Date of application</i>	<i>Applicant</i>
February 7, 1963.....	Betty Massey.
April 3, 1963.....	Harold Heigle.
May 22, 1963.....	P. K. Huffman.

The following forms by Negro applicants were marked "Incomplete," and the applicants denied registration, because the forms were not signed.

<i>Date of application</i>	<i>Applicant</i>
July 8, 1964.....	Alfred Rufus Brown.
July 16, 1964.....	Roosevelt Diggs.
November 23, 1964.....	Arva Arnetta Bell.

E. Registration of applicants disqualified by statute

Whites not qualified to register under Mississippi statutory requirements were permitted to take the registration test. In all but one of these cases, the applicant signed the registration book after successfully passing the test.

(1) Twelve white applicants were permitted to register although they did not meet the requirement of residence in Mississippi for 2 years prior to the next ensuing general election. Miss. Const., Art. 12 § 242 (1890). (A Federal election was held in November 1962, and an election for county officers was held in November 1963.)

Date of application	Applicant	Period in State at time of application
Jan. 24, 1962.....	Allen George Mahalite.....	2 weeks.
Jan. 26, 1962.....	Marjorie L. Tremaine.....	11 months.
Apr. 21, 1962.....	Barbara Anne Boyd.....	12 months.
Jan. 17, 1963.....	Samuel Lee Smith.....	9 months.
Jan. 17, 1963.....	Darlene May Smith.....	7 months.
Jan. 25, 1963.....	John Russell Tremaine, Jr.....	12 months.
Apr. 12, 1963.....	Sonya Coleman.....	14 months.
Apr. 12, 1963.....	Shirley Ann Helgle.....	15 months.
Apr. 12, 1963.....	Opal Jean Helgle.....	12 months.
Apr. 30, 1963.....	Harold Dean Helgle.....	14 months.
May 2, 1963.....	Robert Lloyd Helgle.....	15 months.
June 4, 1963.....	Rose Marie Helgle.....	18 months.

(2) One person was permitted to register although she did not meet the age requirement of 21 years of age before the next election. Miss. Const. Art. 12 § 242 (1890).

Date of application	Applicant	Birth date
Apr. 21, 1962.....	Fannie Sue Boyd-Bonamour.....	Feb. 4, 1942.

EXHIBIT NO. 2

VOTER REGISTRATION APPLICATION FORM USED IN ISSAQUENA COUNTY, MISS.

THE OFFICE SUPPLY CO., WICKSBORO—97839—FORM 713015

SWORN WRITTEN APPLICATION FOR REGISTRATION

(By reason of the provisions of Sections 241, 241-A and 244 of the Constitution of Mississippi and relevant statutes of the State of Mississippi, the applicant for registration, if not physically disabled is required to fill in this form in his own handwriting in the presence of the register and without assistance or suggestion of any person or memorandum.)

second
set

1. Write the date of this application Sept 10, 1964
2. What is your full name? Unita Zelma Blackwell
3. State your age and date of birth 31 March 18, 1933
4. What is your occupation? Housewife
5. Where is your business carried on? (Give city, town or village, and street address, if any, but if none, post office address) (If not engaged in business, so state) Mayesville Miss.
6. By whom are you employed? (Give name and street address, if any, but if none, post office address) (If not employed, so state) Mayesville Miss.
7. Where is your place of residence in the county and district where you propose to register? (Give city, town or village, and street address, if any, but if none, post office address) Mayesville Miss
Issaquena County
8. Are you a citizen of the United States and an inhabitant of Mississippi? Yes
9. How long have you resided in Mississippi? About 3 years
10. How long have you resided in the election district or precinct in which you propose to register? About 3 years
11. State your last previous place of residence, (Give street address, if any, but if none, post office address) Helena, Ark.
12. Are you a minister of the gospel in charge of an organized church, or the wife of such a minister? If so, what church? (Give address in each instance) No
13. Check which oath you desire to take: (1) General X (2) Minister's _____
(3) Minister's wife _____ (4) If under 21 years of age at present, but will be 21 years old by date of general election: _____
14. If there is more than one person of your same name in the precinct, by what name do you wish to be called? Unita Zelma Blackwell
15. Have you ever been convicted of any of the following crimes: bribery, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement, or bigamy? No
16. Have you ever been convicted of any other crime (excepting misdemeanors for traffic violations)? No
17. If your answer to question 15 or 16 is "Yes", name the crime or crimes of which you have been convicted, and the year, court, and place of such conviction or convictions: _____

18. Write and copy in the space below, Section 111 of the Constitution of Mississippi.
(Instructions to Registrar: You will designate the Section of the Constitution and point out same to applicant)

All lands comprising a single tract sold in pursuance of decree of Court, or execution, shall be first offered in subdivisions not exceeding one hundred and sixty acres, or one quarter section and then offered as an entirety, and the price bid for the latter shall control only when it shall exceed the aggregate of the bids for the same in subdivision as aforesaid; but the Chancery Court, in cases before it, may decree otherwise if deemed advisable to do so.

19. Write in the space below a reasonable interpretation (the meaning) of the Section of the Constitution of Mississippi which you have just copied:

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20. Write in the space below a statement setting forth your understanding of the duties and obligations of citizenship under a constitutional form of government.

To vote
obey the law

21. Sign the oath or affirmation referred to in question 13, and which is:

NOTE: Registrar give applicant oath selected under question 13. Mark out that portion of oath that is not applicable.

NOTE: Registrar. In registering voters in Cities and Towns not all in one election district, the name of such city or town may be substituted in the Oath for the Election District.

(a) GENERAL and/or SPECIAL OATH:

I, Unita Zelma Blackwell, do solemnly swear (or affirm) that I am twenty-one years old (or I will be before the next election in this County) and that I will have resided in this State two years, and
Election District of Issaquena County one year next preceding the ensuing election; and am now in good faith a resident of the same, and that I am not disqualified from voting by reason of having been convicted of any crime named in the Constitution of this State as a disqualification to be an elector; that I will truly answer all questions propounded to me concerning my antecedents so far as they relate to my right to vote, and also as to my residence before my citizenship in this District; that I will faithfully support the Constitution of the United States and of the State of Mississippi, and will bear true faith and allegiance to the same, So Help Me God.

Unita Zelma Blackwell
Applicant's Signature to Oath

(b) OATH OF MINISTER and/or MINISTER'S WIFE:

I, _____, do solemnly swear (or affirm) that I am twenty-one years old (or I will be before the next election in this County) and that I am a Minister, or the wife of a Minister, of the Gospel in charge of an organized church, and that I will have resided two years in this State and in _____

Election District of _____ County six months next preceding the ensuing election; and am now in good faith a resident of the same, and that I am not disqualified from voting by reason of having been convicted of any crime named in the Constitution of this State as a disqualification to be an elector; that I will truly answer all questions propounded to me concerning my antecedents so far as they relate to my right to vote, and also as to my residence before my citizenship in this District; that I will faithfully support the Constitution of the United States and of the State of Mississippi, and will bear true faith and allegiance to the same, So Help Me God.

Applicant's Signature to Oath

Applicant's Signature to Application
(The Applicant will also sign his name here)

STATE OF MISSISSIPPI

COUNTY OF Issaquena

Sworn to and subscribed before me by the within named Unita Zelma Blackwell
on this the 10 day of Sept, 1964

SEAL STATE OF MISSISSIPPI
ISSAQUENA COUNTY

I, Mary T. Vandevender, Clerk of the Chancery Court of the above named County and State, do certify that the foregoing instrument is a true and correct copy of the original and ind 2 of the record at my office.

Witness my signature and seal of office this the 31 day of Sept, 1964

MARY T. VANDEVENDER, Chancery Clerk

Mary T. Vandevender D.C.

COUNTY REGISTRAR

EXHIBIT NO. 3

SIX PHOTOGRAPHS OF NEGROES ENTERING OR LEAVING THE OFFICE
OF THE REGISTRAR OF HUMPHREYS COUNTY, MISS., TAKEN BY THE
SHERIFF AND A DEPUTY SHERIFF OF HUMPHREYS COUNTY, MISS.

(OMITTED IN PRINTING.)

EXHIBIT NO. 4

WARRANT FOR THE ARREST OF MRS. MARY THOMAS, HUMPHREYS
COUNTY, MISS., DATED SEPT. 4, 1964

General Warrant

STATE OF MISSISSIPPI

COUNTY OF HUMPHREYS

TO ANY LAWFUL OFFICER OF HUMPHREYS COUNTY — GREETING:

WE COMMAND YOU TO TAKE forthwith the body of Mary Thomas

and bring her before the undersigned Justice of the Peace of 1 District to

answer a charge of Selling Beer With out a License

Witness my hand, this the 4 day of Sept, 19 64

J. L. Huffstickler
Justice of the Peace

FACSIMILE OF RETURN ON WARRANT

I have this day executed the within writ by arresting the within named

MARY THOMAS

and placing him in the county jail.

This 4th day of September 1964.

JOHN D. PURVIS, Sheriff,
By (S) J. L. HUFFSTICKLER.

EXHIBIT NO. 5

SWORN APPLICATION BY MRS. MARY THOMAS, HUMPHREYS COUNTY,
MISS., TO REGISTER TO VOTE, DATED SEPT. 4, 1964

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SWORN WRITTEN APPLICATION FOR REGISTRATION

(By reason of the provisions of Section 241, 241-A and 244 of the Constitution of Mississippi and relevant statutes of the State of Mississippi, the applicant for registration, if not physically disabled is required to fill in this form in his own handwriting in the presence of the registrar and without assistance or suggestion of any person or memorandum.)

1. Write the date of this application Sept. 4, 1964
2. What is your full name? Mary Thomas
3. State your age and date of birth June 8, 1924
4. What is your occupation? Merchant
5. Where is your business carried on? (Give city, town or village, and street address, if any, but if none, post office address) (If not engaged in business, so state) 279A Hayden St
6. By whom are you employed? (Give name and street address, if any, but if none, post-office address) (If not employed, so state) _____
7. Where is your place of residence in the county and district where you propose to register? (Give city, town or village, and street address, if any, but if none, post office address) 279A Hayden St. Bogalusa, Miss
8. Are you a citizen of the United States and an inhabitant of Mississippi? yes
9. How long have you resided in Mississippi? Life
10. How long have you resided in the election district or precinct in which you propose to register? Life
11. State your last previous place of residence, (Give street address, if any, but if none, post office address) Osola, Miss
12. Are you a minister of the gospel in charge of an organized church, or the wife of such a minister? If so, what church?
(Give address in each instance) _____
13. Check which oath you desire to take: (1) General: ☒ (2) Minister's: _____ (3) Minister's wife: _____
(4) If under 21 years at present, but will be 21 years old by date of general election: _____
14. If there is more than one person of your same name in the precinct, by what name do you wish to be called? _____
15. Have you ever been convicted of any of the following crimes: bribery, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement, or bigamy? No
16. Have you ever been convicted of any other crime (excepting misdemeanors for traffic violations)? No
17. If your answer to question 15 or 16 is "Yes", name the crime or crimes of which you have been convicted, and the year, court, and place of such conviction or convictions: _____

18. Write and copy in the space below, Section 66 of the Constitution of Mississippi.

No law granting a donation or gratuity in favor of any person or object shall be in ~~acted~~ enacted except by the concurrence of two-thirds of the members elect of each branch of the legislature, nor by any vote for a sectarian purpose or use.

19. Write in the space below a reasonable interpretation (the meaning) of the Section of the Constitution of Mississippi which you have just copied:

I think that Section 66 means that no one person or second person be given any donation without a two-third vote of its members of each Branch in the Legislature.

20. Write in the space below a statement setting forth your understanding of the duties and obligations of citizenship under a constitutional form of government.

I think a Citizens duties are to his or her State is to obey the law and regulation of its State, do unto others as you would have them do unto you, a good Citizen should vote.

21. Sign the oath or affirmation referred to in question 13, and which is:

(a) GENERAL and/or SPECIAL OATH:

I, _____, do solemnly swear (or affirm) that I am twenty-one years old (or I will be before the next election in this County) and that I will have resided in this State two years, and _____ Election District of _____ County one year next preceding the ensuing election, and am now in good faith a resident of the same, and that I am not disqualified from voting by reason of having been convicted of any crime named in the Constitution of this State as a disqualification to be an elector; that I will truly answer all questions propounded to me concerning my antecedents so far as they relate to my right to vote, and also as to my residence before my citizenship in this District; that I will faithfully support the Constitution of the United States and of the State of Mississippi, and will bear true faith and allegiance to the same, So Help Me God.

Applicant's Signature to Oath

(b) OATH OF MINISTER and/or MINISTER'S WIFE:

I, _____, do solemnly swear (or affirm) that I am twenty-one years old (or I will be before the next election in this County) and that I am a Minister, or the wife of a Minister, of the Gospel in charge of an organized church, and that I will have resided two years in this State and in _____ Election District of _____ County six months next preceding the ensuing election, and am now in good faith a resident of the same, and that I am not disqualified from voting by reason of having been convicted of any crime named in the Constitution of this State as a disqualification to be an elector; that I will truly answer all questions propounded to me concerning my antecedents so far as they relate to my right to vote, and also as to my residence before my citizenship in this District; that I will faithfully support the Constitution of the United States and of the State of Mississippi, and will bear true faith and allegiance to the same. So Help Me God.

Applicant's Signature to Oath

Applicant's Signature to Application
(The Applicant will also sign his Name Here)

STATE OF MISSISSIPPI

COUNTY OF _____

Sworn to and subscribed before me the within named _____ on this the _____ day of _____, 19____.

COUNTY REGISTRAR

S E A L

EXHIBIT NO. 6

NOTICE SENT TO MRS. MARY THOMAS, HUMPHREYS COUNTY, MISS.,
OF EXPIRATION OF STATE BEER LICENSE, DATED AUG. 20, 1964

JOHN D. PURVIS, Sheriff & Tax Collector
BELZONI, MISS.

THIS SIDE OF CARD IS FOR ADDRESS



Mary Thomas
Peoples Bldg. & Mkt.
279-A Hayden St.
Belzoni, Miss.

8/20 19 64
YOUR PRIVILEGE LICENSE IS DUE FOR RENEWAL. LICENSE NOT
RENEWED BY THE FIRST OF THE MONTH IS SUBJECT TO PENALTY.

COUNTY _____

YMD _____

STATE MS. 20 - Beer

PLEASE RETURN THIS CARD WITH YOUR RENEWAL.

OFFICE OF SHERIFF & TAX COLLECTOR
HUMPHREYS COUNTY.
BELZONI, MISS.

EXHIBIT NO. 7

WARRANT FOR THE ARREST OF MRS. ALENE HUNTER, HUMPHREYS
COUNTY, MISS., DATED JAN. 8, 1965

SPECIAL BENCH WARRANT

Chapter 172, Laws 1924

State of Mississippi

Humphreys County

TO ANY LAWFUL OFFICER OF HUMPHREYS COUNTY -- GREETING:

WE COMMANO YOU TO TAKE forthwith the body of

Aline Hunterand bring her before the undersigned, a Justice of the Peace of said County in Justice's DistrictNo. one to answer to the State of Mississippi on a charge of making, issuing and delivering toDon E. Horton (of Horton Drug Store)of Belzoni Miss., for value a worthless check drawn on theCitizen Bank & Trust Co of Belzoniamounting to \$ 51.15 on the 24 day of Nov 19 63

Witness my hand, this the

8

day of

Jan19 65J. G. Shelton J. P.

BAVIER PRINTING CO. - BELZONI, MISS.

FACSIMILE OF RETURN ON WARRANT

I have this day executed the within writ by arresting the within named

ALINE HUNTER

and placing him in the county jail.

This 8th day of January 1965.

JOHN D. PURVIS, Sheriff,

By (S) J. L. HUFFSTICKLER

EXHIBIT NO. 7 (Cont'd.)

[illegible]

EXHIBIT NO. 8

KU KLUX KLAN CARD

Thousands of Klansmen

*Watching . . . Waiting!****Ku Klux Klan***

DON'T BE MISLED!

Let Your Conscience Guide You!

EXHIBIT NO. 9

VOTING RIGHTS OF NEGRO TEACHERS IN FOUR MISSISSIPPI
COUNTIES

(James W. Prothro and Lewis Lipsitz, University of North Carolina)

The percentage of adults registered to vote in the 11 States of the South is about half as great among Negroes as it is among whites. A comprehensive survey of political participation in the South, carried out in 1961, found that 33 percent of all voting-age Negroes and 66 percent of all voting-age whites were registered to vote.¹ Although registration has increased among both whites and Negroes in the last 4 years, the disparity between the races remains approximately the same. In the non-Southern States, on the other hand, there is almost no difference in the rates at which Negroes and whites register to vote—80 percent of the voting-age whites and 78 percent of the voting-age Negroes were registered to vote in 1960.²

If we go back to 1940, before the Supreme Court declared the "white primary" unconstitutional,³ only about 5 percent of the adult Negroes were registered to vote in the South. Since 1940, this figure has increased to approximately 39 percent. Despite this great increase in Negro voter registration, the rate of increase has been highly uneven among different Southern States. As table 1 indicates, the southwide increase was 34 percentage points, from 5 percent to 39 percent. The largest increases were in Tennessee (51 percentage points), Texas (49 percentage points), Florida (48 percentage points). The smallest increase was in Mississippi (7 percentage points). Mississippi, which had the smallest increase in Negro voter registration, also started from the lowest point, with virtually no Negroes registered in 1940. The proportion of Negroes registered in Alabama, which ranked at the bottom along with Mississippi in 1940, and next to the bottom in 1964, is three times as great as the proportion registered in Mississippi.

¹ Donald R. Matthews and James W. Prothro, *Negro Political Participation in the South* (New York: Harcourt, Brace, and World, in publication).

² Data from a national survey conducted by the Survey Research Center at the University of Michigan.

³ In *Smith v. Allwright*, 321 U.S. 649 (1944).

TABLE 1.—*Estimated Percentage of Voting-Age Negroes Registered to Vote in the South, 1940-64*

State	1940	1947	1952	1956	1960	1964 (summer)
Mississippi.....	(¹)	1	4	5	6	7
Alabama.....	(¹)	1	5	11	14	22
South Carolina.....	(¹)	13	20	27	(²)	34
Louisiana.....	(¹)	2	25	31	31	32
Georgia.....	2	20	23	27	(²)	39
Arkansas.....	3	21	27	36	38	42
Florida.....	3	13	33	32	39	51
Virginia.....	5	11	16	19	23	28
Texas.....	9	17	31	37	(³)30	58
North Carolina.....	10	14	18	24	38	45
Tennessee.....	16	25	27	29	(³)48	67
Southwide.....	5	12	20	25	28	39

¹ Less than 0.5 percent.² No data.³ Incomplete data; the data for Tennessee are especially unreliable.

Sources: Derived from U.S. Census data on nonwhite population and from Negro registration estimates in G. Myrdal, *An American Dilemma* (New York: Harper and Brothers, 1944), p. 488; M. Price, *The Negro Voter in the South* (Atlanta: Southern Regional Council, 1957), p. 5; U.S. Commission on Civil Rights, *1959 Report* (1959 Commission on Civil Rights Report) (Washington, D.C., 1959), and U.S. Commission on Civil Rights, *Voting* (1961 Commission on Civil Rights Report) (Washington, D.C., 1961); South-Regional Council data reported in *The New York Times*, August 23, 1964.

THE PROBLEM FOR INVESTIGATION

The findings presented above indicate that the degree to which Mississippi Negroes exercise the right to register as voters differs, not only from whites in Mississippi, but also from Negroes in other Southern States. Many factors may influence the decision to register as a voter or to remain a nonvoter, e.g., eligibility under the formal requirements (such as age, residence, or literacy), interest in getting registered, interest in a particular election, or the feeling that one's vote would make a difference. In addition, unlikely as such a possibility may appear in a democracy, people may decide not to register because of fear or intimidation.

The purpose of the investigation reported here was to discover the reasons for failure to register and to vote among Negroes in four Mississippi counties. Since Negroes in Mississippi have low levels of education (the 1960 census reported the median school years completed by Negroes as 6.0), failure to register might stem from lack of education or interest. A southwide analysis of the relationship between the social and economic characteristics of Southern counties and the proportions of Negroes registered found a strong relationship between these characteristics and Negro registration.

However, even when we take the social and economic characteristics of Mississippi counties into account, their rate of Negro voter registration is 14 percentage points below what would be expected if Negro registration in Mississippi responded to county characteristics as does Negro registration in the South as a whole.⁴ The extremely low rate of Negro voter registration in Mississippi thus

⁴ Donald R. Matthews and James W. Prothro, "Social and Economic Factors and Negro Voter Registration in the South," *American Political Science Review*, LVII: 24-44, March 1963; and "Political Factors and Negro Voter Registration in the South," *APSR*, LVII: 355-367, June 1963.

cannot be explained simply by low levels of education and other factors that tend to depress political participation throughout the South.

The survey reported here was confined to Negro schoolteachers, all of whom were college graduates, in order to insure that all members of the population being sampled were literate. In the other 10 Southern States, for example, 80 percent of the Negroes with college degrees were registered to vote in 1961. Four counties were selected for the survey by the Civil Rights Commission, with the intent of including both counties with relatively low and with relatively high rates of Negro voter registration.

THE RESEARCH PROCEDURE

The Civil Rights Commission contracted with the National Opinion Research Center to draw a large random sample of respondents from lists of Negro teachers in the four counties and to conduct the interviews. In three of the counties (X, Y, and Z), the sample was drawn from all Negro teachers in the county; in county W, the sample was selected only from those teaching in the county seat, which had a relatively high rate of Negro voter registration. Respondents were selected at random from lists of those currently employed. They were interviewed, with assurances of anonymity, by professional Negro interviewers trained by the NORC staff during December 1964 and January 1965. The number of Negro teachers in each of the four sampling areas, the size of the sample, and the number of completed interviews follow.

County	Teachers in county	Number in sample	Number contacted	Completed interviews
W-----	225	63	48	46
X-----	169	41	29	28
Y-----	74	54	47	40
Z-----	73	56	50	19

The interview schedule itself was drafted by the authors of this report as consultants to the NORC. The NORC sent the completed interview schedules directly to the authors of the report for analysis: The quality of the interviews suggested the interviewers succeeded in establishing good rapport with respondents. The lack of contradiction in the interviews on questions of fact enhances confidence in the validity of the responses. Since the samples were based upon sound sampling procedures, the findings can be taken as representing the experiences and attitudes of the general populations under study.

The limitations of this study must be kept in mind in evaluating the findings. First, no inferences should be drawn on the basis of this study about Negro voting rights in other parts of Mississippi. The survey was designed, not as a sample of Negro teachers in Mississippi, but as four separate samples in three counties and one city. The different practices we found in the four counties that were surveyed strengthen this reservation. Second, no inferences should be drawn from the findings about attitudes of Negroes in general in the four study sites. The population of concern in this study was the population of Negro schoolteachers only. They are not representative of the Negro population as a whole. Third, guarded inferences can be drawn about voting eligibility (as distinct from attitudes) of other Negroes in the study sites. In view of the unusually high educational attainments of the population under study, one can infer that if they are judged ineligible to vote other Negroes with lower levels of education would also be judged ineligible. Such a conclusion is a logical inference, however, not an established finding.

A COMPARISON OF THE VOTING RIGHTS OF NEGRO TEACHERS IN FOUR MISSISSIPPI
COUNTIES

Willingness to Discuss Political Participation

Negro teachers vary greatly in perceptions about their political freedom or repression in the four study counties. Only in the county seat of county W do they enjoy a widespread feeling of freedom to participate in American politics. In the other three counties, the variation is from complete to partial feelings of repression.

An important, if indirect, indication of an atmosphere of freedom is willingness to be interviewed on questions about political participation. Throughout the South, less than 10 percent of all Negroes—which includes only a small percentage with a college education—have refused to discuss the question of political participation with interviewers.⁵ In three of these four counties, the percentage of Negro teachers who refused to talk about political participation was not extremely high. (In county W it was about normal for the South as a whole, and in counties X and Y the refusal rate was not greatly above normal.) In county Z, however, the refusal rate was extraordinary, especially when we consider that the sample was restricted to college graduates. (The data are summarized in table 2.)

TABLE 2.—*Rates of refusal to be interviewed by Negro teachers in four Mississippi counties*

	W	X	Y	Z
Number approached.....	48	29	47	50
Refusal rate.....percent.....	4.2	10.3	14.9	62.0

In county Z, more than three out of every five teachers who were approached (31 out of 50) refused to be interviewed. Most of these refusals offered no explanation, but one-third (10 out of 31) volunteered the comment that they were afraid that granting the interview would jeopardize their jobs. Seven of these 10 further explained that they had been instructed by their school principal *not to discuss civil rights with anyone*. They added that this was given to them as an order from the county school superintendent.

The high level of reluctance characterizing Negro teachers in county Z is not found in the other counties. Nevertheless, the minority who refused to be interviewed cited fear of loss of their jobs often enough to suggest that this threat is perceived by some Negro teachers in these counties as well. The number of refusals citing fear of their jobs in each of these counties is: W, 1 out of 2; X, 2 out of 3; Y, 3 out of 7.

The explanation for the high refusal rate in county Z is important in evaluating all subsequent findings. As many teachers were approached for interviews in county Z as in the other counties, but—in view of the orders of the school superintendent—the analysis that follows includes only 19 interviews from county Z. When we consider fear as a reason for not registering to vote, for example, we shall rely only upon those teachers who were willing to be interviewed. It should be kept in mind that 62 percent of the teachers in county Z were too reluctant or fearful even to grant the interview and that they are not included in the rest of the analysis.

⁵ Matthews and Prothro, op. cit.

Voter registration

Voter registration among Negro teachers also varies markedly among the four sample counties. In county W, almost three-fourths of the teachers were registered voters. And better than 9 out of 10 of those who were registered had actually voted. In county X, less than half the teachers were presently registered. County Y had only 1 registered teacher out of a sample of 40. In county Z, there was not a single registered voter among the teachers interviewed. (See table 3.)

TABLE 3.—*Registration of Negro teachers in four Mississippi counties*

	W	X	Y	Z
Registered.....percent.....	73.9	42.3	2.5	0
Not registered.....do.....	26.1	57.7	97.5	100
Total.....do.....	100	100	100	100
Number.....	46	26	40	19

Of the 19 teachers interviewed in county Z, none had ever attempted to register. Six of these 19 state that they have not tried because they fear the possible consequences—4 mentioning the fear of losing their jobs. In addition, two teachers in county Z state they have heard of Negroes who tried to register and actually did lose their jobs.

In county Y, in addition to the one teacher who has recently become a registered voter, only one other respondent has ever tried to register. This person stated that he was told the polls were closed although he saw that white people were being registered. Of the 38 other county Y respondents who have not tried to register, 28 say that their failure to make an attempt is a result of their fear of the possible consequences. Fourteen of these 28 fear the loss of their jobs.

The 15 teachers not registered to vote in county X include 6 individuals who have tried to register and failed. Of the nine others who have not tried to register, only one person says that fear played any role in his failure to make an attempt. The others credit their failure to personal negligence or lack of interest.

The picture in county W is somewhat similar to X. Of the 12 nonregistrants, 1 has tried to register and is now awaiting the results of his test. Nine of the 11 others state that they have not tried to register either because of a lack of interest or because of their own negligence. One teacher, however, expresses a fear of losing his job.

TABLE 4.—*Frequency of attempted registration among nonregistered Negro teachers*

	W	X	Y	Z
Attempted.....percent.....	8.3	40.0	2.6	0
Not attempted.....do.....	91.7	60.0	97.4	100
Total.....do.....	100	100	100	100
Number.....	12	15	39	19

In summary, as table 4 indicates, the two counties with virtually no Negro registration are also those in which almost no Negro teachers have ever tried to register. In accounting for their failure to try to register, 74 percent in

county Y and 32 percent in county Z state explicitly that they are afraid. For some the fears are not described in detail; others specify that they would lose their jobs, be subjected to violence, or be jailed. In county Y, however, one teacher has registered since the last election. Despite the widespread expressions of fear, several respondents reported that they had heard of a recent change of policy that would permit registration. Two teachers reported that their school principal had announced at a recent teachers' meeting that teachers would henceforth be permitted to register. Finally, one other Negro teacher in County Y describes a recent church meeting at which a white official told Negroes that they could register, as long as they were not in groups. Whether or not these reports indicate a change in county Y is not clear.

Table 5 presents the major fear expressed by each respondent during his interview. The most common fear is loss of one's job, far overshadowing every other fear in its frequency. Expressions of fear occurred in more than half the interviews in three of the four sample areas. Only 4 percent of the respondents in county W expressed any fear, but the frequency rose to 54 percent in county X, 75 percent in county Y, and 79 percent in county Z.

TABLE 5.—*Expressions of fear in interviews*

(Categorized by major fear expressed)

	W	X	Y	Z
Loss of job.....	2	4	11	9
Possibility of losing job.....		1	5	
Violence.....		2		
Job loss and violence.....			4	
Fear of interview.....			3	4
Fear—unspecified.....		3	2	2
Discrimination by registrars.....		4	4	
Fear of discussing politics publicly.....			1	
Total expressing fear..... percent..	4.3	53.8	75.0	78.9
Number.....	46	26	40	19

Motivation to participate in politics

In terms of the motivation to participate in politics, there are some variations among the four counties, but in all four there is a considerable group that manifests high involvement. Asked, for example, about their interest in the 1964 election, a majority of respondents in counties W, X, and Y indicate great interest, and a large minority do so in county Z. (See table 6.)

TABLE 6.—*Interest in 1964 presidential election*

	W	X	Y	Z
Great deal..... percent..	79.2	67.7	75.0	44.4
Quite a lot..... do..	13.0	42.3	20.0	22.2
Not very much..... do..	7.8		5.0	16.7
Not at all..... do..				16.7
Total..... do..	100	100	100	100
Number.....	46	26	40	18

¹ A respondent in county Z did not answer this question.

When interest in the 1964 election is related to whether or not individuals are registered voters, the patterns are sharply different in the four counties. In county W, more than three out of four of those who show high interest in the 1964 election are registered. In X, less than half with high interest are registered. In Y, only 1 is registered out of 37 with high interest. In Z, none is registered though 11 show high interest. Clearly, degree of interest in politics cannot explain the differing patterns of voter registration in these counties. Even when the analysis is confined to citizens with high interest, the proportion who are registered drops markedly from county W to counties X and Y and it disappears entirely in county Z. (See table 7.)

TABLE 7.—*Relationship of interest in 1964 election to registration*

Level of interest	Percent registered in:			
	W	X	Y	Z
Great deal or quite a lot.....	76.2 (32)	44.0 (11)	2.7 (1)	0.0% (0)
Not very much or not at all.....	100 (2)	100 (0)	0.0 (0)	0.0% (0)

A very similar pattern is found when other indices of political interest, such as desire to vote, and general interest in politics, are related to actual voter registration. In several cases the level of political interest expressed in county Y is higher than that in any of the other counties despite its low level of registration. Though county Z teachers express a lower level of political interest than those in the other counties, even there a large minority of teachers express high levels of political interest and concern. Yet none of these highly motivated teachers has even attempted to register to vote.

The teachers in each of the four counties feel overwhelmingly that it would make a difference if more Negroes registered and voted in their county. (See table 8.) In county W, the teachers talk of better schools, Negro officeholders, more responsive white officials, and greater opportunities that might flow from increased Negro voter registration. In county X, one teacher says increased registration would be good because, "If they (the Negroes) were registered they wouldn't have the inferiority complex." A county Y teacher speaks eloquently of the fruits of greater Negro participation: "The sheriff wouldn't push you around because he would have to depend on your vote to get in office * * * If you have no ballot you have no voice. When you vote you are a more responsible citizen, not just existing, but part of an existence * * *" In county Z, where intimidation appears to be pervasive, one teacher puts the case for increased Negro registration on a very simple basis: "Maybe we would feel better about things like just talking with you."

In all four counties, a large majority of teachers would like to see more Negroes registered, and they approve the actions of Negroes who have tried to register. In all counties, a large percentage of Negroes show high interest in political matters and every respondent read at least one newspaper and magazine. Yet only in county W is even a majority of the sample of Negro teachers registered to vote. Clearly the shadow of intimidation falls between the wish to participate and the act of participation.

TABLE 8.—*Do you feel it would make a difference if Negroes (more Negroes) registered and voted in this county?*

	W	X	Y	Z
Yes.....percent.....	88.6	92.0	87.5	50.0
No.....do.....	6.8	8.0	7.5	38.9
Don't know.....do.....	4.6		5.0	11.1
Total.....do.....	100	100	100	100
Number.....	44	25	40	18

APPENDIX TO REPORT ON
VOTING RIGHTS OF NEGRO TEACHERS IN FOUR MISSISSIPPI COUNTIES

(James W. Prothro and Lewis Lipsitz, University of North Carolina)

In the following pages, the interviews from each county are analyzed separately. Rather than a statistical treatment, these county-by-county descriptions allow those interviewed to speak for themselves.

COUNTY Z

In county Z, the simplest acts are fraught with dangerous consequences for Negro teachers. Granting an interview, discussing politics, speaking of voter registration even to one's coworkers—all these elementary acts involving freedom of speech can precipitate serious personal difficulties. With fear penetrating to this level of routine exercise of free speech, the effort to register to vote requires such courage or disregard for consequences that not a single teacher has tried to register to vote.

Each step along the road toward political involvement, even the first step of political expression, carries a prohibitive price in county Z. A large majority of teachers were frightened even of granting the interview itself. As noted earlier, the refusal rate for this county was 62 percent. Moreover, many of those who agreed to be interviewed had been so intimidated that they refused to comment on all questions concerning politics. At the conclusion of one interview, a nervous respondent asked that her name be erased because of fear that her family would suffer because she had consented to the interview. Another teacher asked to read over the completed interview to make sure of its contents because she had been specifically instructed by the school superintendent not to talk to the interviewer.

People who are afraid to speak are also afraid to engage in other political activity. Asked if he had ever attended any meetings where voter registration was discussed, one teacher comments: " * * * with the situation in this county you know better than to do so." Asked if she discusses politics, another teacher says: "I don't dare talk to my coworkers." Asked if she had ever tried to persuade other Negroes to register, a respondent states: "I am a teacher. If I want my job I know better than to do that." Another teacher confirms this fear of open discussion. He says that the teachers do not discuss voter registration because "the walls have ears." A woman describes a particular incident that persuaded her that the "walls have ears" indeed. "We discussed it (Negro voter registration) in a very general manner at a meeting, and before we could get settled at home the phone was ringing and there was some explaining to do. I guess I better not go into it anymore. You know I would rather you did not write what I am saying—we have to be careful * * *."

In such an atmosphere of intimidation—comparable to that of a totalitarian state—perhaps the chief surprise is that more than a third of the teachers were willing to grant interviews. The fact that none has tried to register is not sur-

prising. These teachers fear for their jobs. One respondent answers this way when asked, "Do you know of any Negro teachers in this county who have registered to vote?": "You don't sound like a Mississippian asking that question * * *. Teachers are not trying to lose jobs, they are trying to get them."

Several teachers in county Z say they do not believe that Negroes who might try to register in the county would be doing a good thing. This attitude is not based on an opposition to voter registration as such. It is based, rather, on feelings of both hopelessness and prudence. For example: "They knew when they tried what trouble they would get into * * *. Like the people didn't want you to register * * * the white people." Another teacher explains the risk of trying to participate in the democratic process—"Not around here anyway. Most of them don't have anywhere to go if something started around here. * * * You see most of us are from Mississippi, so where could we go?"

A final quotation from one of the teachers in county Z sums up their situation. Asked if it would make a difference in the Negro's way of life in the county if more Negroes could register and vote, she says: "Well, one thing—they could speak up * * *. Talk up instead of being afraid. * * *. Now listen, please understand, I don't want you to even say I talk with you—we must be careful." Negroes in county Z are not simply denied the right to vote; they are also denied the right of free speech.

COUNTY Y

Interviewer in county Y: "Is there any particular reason you haven't tried to register here, or have you just not been interested in registering?"

Respondent: "I wasn't courageous * * *"

The need for courage is emphasized by others. " * * * down through the years in some counties Negroes would register, but not in this county—at least not in my lifetime * * *. I don't guess anybody wanted to be heroes and they just let it be * * *". Asked if she believes she will ever vote in county Y, a teacher replies: "I might not. My son might * * * there's not enough people with as much nerve as I have that would help me fight to do so. * * *"

As teachers in county Y explain it, there are many reasons why courage might be needed. Most of those interviewed are deeply apprehensive about the possible consequences of trying to register. "I have heard talk * * * you might be ganged up on * * * if they catch you by yourself they will jump you * * * beat you up." "I visited the courthouse when trial was going on. A friend had a sawed-off shotgun drawn on him. Some of my coworkers were threatened—they were mistaken for civil rights workers * * *". These are two responses, among many similar ones, offered by teachers who explained the difficulties Negroes might face if they tried to register in county Y. Physical violence seems a clear possibility to many of the teachers. Several, like the one cited above, mention specific instances in which violence has occurred.

Others fear for their jobs. "We have our reasons (for not trying to register) * * *. We want to keep our jobs. We have to work. All I know how to do is teach." One woman, extremely apprehensive about granting the interview, hesitates before she answers a question: "John (her husband), do you think I should answer. * * *. If I answer that, then there'll be something else and still I'll be halting on that. I'd better say not interested because see I'm down here in this crooked State and those questions might be revealed * * * and then I'd be out of a job and you'll be up there in Chicago." Asked if she has ever tried to convince others to register and vote, one teacher replies: "Yes. In a case like my father—he works out of State and it won't hurt him like it would other people." She goes on to explain that: "It's been routine for Negroes not to vote

and I've always felt it was important, but at the same time I felt it is right for someone else to do these things first * * * People who can't actually be hurt financially or lose their jobs because of this sort of thing. I think in our position as schoolteachers that would be the first thing to happen." Teachers are not the only occupational group vulnerable to economic reprisals. As one respondent points out, trying to register might financially injure others as well: "Folks on farms would have to move. Merchants wouldn't give them grocery checks. * * *"

Other fears are more closely connected with the registration process itself. When asked why he had not tried to register, one teacher says: "Fear of denial * * * We always know it is not the trend to vote and when you do you are liable to be preyed upon. * * * We are used as a target. We have had several men who tried and were told to go home and when they got ready they would send for them." " * * * if a group went down it would be better than one because one they will have something against you—get rid of you—just tell you anything—like when they get ready for you they will let you know or just tell you that there's no other Negroes registered so why do you want to * * * well, after they keep telling you this you sort of get discouraged * * *" A few mentioned their anxiety concerning the practice of publishing prospective voters' names in the newspaper: "The local paper carries a list of all people who register to vote. Some people may not like this and would know who to pick on. Registering should not be such a rarity that it would make news."

Other teachers believe that the situation in county Y is changing, but they do not know how extensive the change is or will become. They are beset by conflicting information and have no way to judge where the truth lies. Speaking about what might happen to Negroes who tried to register, one teacher says: "I heard * * * they might be ganged up on and be killed, but the Sheriff told us different * * *" "Others are registering. Some others * * * but if one or two go it might be difficult * * * they might attack you * * * they get pretty vicious sometimes * * *" There is equal uncertainty for some in connection with their jobs. One woman is unable even to guess if her job would be affected by an attempt to register: "I don't know. I really don't know, if it'll be affected or not * * * I don't have any feeling about it because I don't know really what might happen * * * I haven't heard of any teachers trying to register or voting so I wouldn't know * * * I can't answer either way * * *"

A few teachers appear certain that the situation in county Y has already undergone a decisive change. One teacher registered in January 1965, and reports cordial treatment. Two others say they were told by their school principal at a recent teachers' meeting that he had spoken to the county school board and that "if any of us feared trying to register it wouldn't affect our jobs because he has gotten permission * * *" It is not clear from the teachers' account whether the principal assured them they would actually be registered, or merely made clear that they would not be punished for trying to register. Several other teachers said they knew of Negroes who had been registered and had not suffered reprisals. Uncertainty also surrounds the registration process. One teacher states: "Most Negroes feel that the test is hard to pass, but I also heard from higher authority that it is not." This teacher, like the others who feel the situation may have changed, has not yet himself tried to register.

The extreme uncertainty of their position pervades the attitudes of most teachers in county Y. What is certain for many of them is that discrimination by registrars, the loss of jobs, and violence have all occurred. What is not clear is whether such things will happen to them personally, and whether the rules of the game have changed sufficiently to make this unlikely. The basic insecurity of their situation is reflected in the feeling of many that a person should not go

alone to be registered, but only as a part of a group. Others say that Negro school officials should themselves take the lead in attempting to register. Several want to wait until others try it first. One person expresses it this way: " * * * somebody has to be a leader. Somebody has to try to do something * * * if you don't get at least somebody to try you never will be able to do anything." Again, we return to the question of personal courage. One man counts on the initiative coming from outside. Asked if he believes he will ever vote in the county, he says, "Not unless we get some help * * * outside pressure * * * protection * * * If I decide to vote I go down there and they might bomb my house. If I registered they might do anything. I don't trust the law officials. I trust them about as much as I trust a mad dog."

If these people are beset with uncertainty about the personal consequences of trying to register, they have little doubt that more Negro registration and more Negro voting would bring significant results. "We would have the privilege of—maybe I'll say—getting who we want. I believe in some ways it would make it better for us * * * but now * * * in a lot of instances we can be driving along and they'll say you're speeding. They'll take you and throw you in jail * * * Yes, put a big fine on you, take your driver's license * * * They would be more careful who they'd treat like that if we were registered—especially our race * * *" "Well, I think Negroes would be respected more * * * A lot of times when they find you're not registered * * * they seem to want to cram anything down your throat."

One teacher spells out the fruits of increased political participation in great detail: "They would have more voice in speaking for more school facilities. Better roads. Better buses, recreational facilities. Better jobs. Things to work with—we don't have enough textbooks and we don't have any good supplementary material. For an example, when we're teaching English we need workbooks, more dictionaries in the library. We need more novels, encyclopedias * * * Here the Negroes don't have anything to do. They work for white people for \$15 a week and they have factories, but no colored—all white employees. No colored employees in the banks nor in the department stores."

Basically, what these people seek is a government that is not arbitrary or oppressive. They seek a government that is somewhat responsive to their needs: For teachers, better equipment for their work; for those who speak, a listener.

COUNTY X

The situation in county X is unclear. The interviews present directly conflicting testimony. It is almost as if different groups of teachers were speaking of entirely different counties when they describe their experiences in county X.

Over 40 percent of the teachers are registered voters. Those who have been successful in attempting to register report that the experience was not a difficult one. A teacher who registered in 1956 says: "People said Negroes couldn't. I made up my mind to try and I went down and it was like slipping down an oyster * * * Nothing was done to try to stop me." A woman who registered 2 years later offers a similar account: "I was a teacher—my husband a scout-master and we thought to do that and to teach scouts to be citizens we needed to register and we did. We wanted to feel really like a citizen and human being * * * They were very courteous at that time. We didn't have any trouble." Another man, who registered in 1964, speaks of how he was treated: "Very kind. Considerate. Asked a few questions—why I would like to register. They came in and gave the test orally. He talked with me about the test and I had to read a passage of the constitution. I explained it and he said it was very satisfactory."

But there is another side to the picture. Though the refusal rate in county X was not high, one of the three who refused mentioned a fear of physical violence, while another feared losing her job. Several teachers reported threats or actual retaliation against Negroes who had attempted to register. One person said anonymous phone calls are sometimes used. Another knew of a lady (the mother of a pupil) who had been beaten when she tried to register. Some respondents believe that being identified with a civil-rights organization can cause trouble for a person: "Since COFO came I was down there and they said if you sided with COFO it would be 'difficult' * * * the white officials and townspeople * * * And I didn't try to find out what they meant by 'difficult'." One woman who lives across the street from a house that was bombed says that bombings have frightened the entire community. Another teacher who is himself registered says that others are afraid to try: "Some are hesitant. They weren't sure what the consequences would be. Some think of economic reprisals, violence or whatever the case might be." Though a few mention a fear for their jobs, this is not as prominent a cause of anxiety as in counties Y and Z. In addition, several teachers argue that their jobs will definitely not be jeopardized by trying to register: "Well, at one time I thought if we tried to register we might lose our jobs. Now they encourage you to register * * *" Clearly, some teachers actually have registered and voted and have not lost their jobs.

A prominent complaint, however, concerns the use of voter registration tests. Many teachers believe the tests are not fairly administered. Six teachers have failed to qualify and only two of the six found the procedure a wholly unobjectionable one. "Sometimes you don't pass the exam. Several trips are made but they never pass and never find out why they fail." "They gave me the book * * * and I was by myself. I didn't pass but I don't know what I didn't answer right." One respondent reported that when Negroes who were registered tried to vote, "They said they were having court in the building to keep people from voting."

Voter registration tests do not appear to be administered in a uniform fashion. Some teachers report having to interpret the constitution while others apparently did not have to do so. Some said they were well treated while others speak of rudeness on the part of registrars. It is important to recall that all the teachers interviewed were college graduates. If more than one-third (6 of 17) of these people who tried to register failed to pass (one failed to qualify due to residence requirements), it seems unlikely that those with *lower* educational attainments have had more success.

Most teachers interviewed know of some Negroes who are registered. Moreover, most say that nothing has happened to those Negroes as a result of registering. On the other hand, a substantial number emphasize difficulties in the process of becoming registered.

As in the other counties, an overwhelming majority of teachers see increased Negro registration as a way of improving the life of Negroes: "If enough Negroes were allowed to vote they would put those out of office who are not in sympathy with the Negro's rights * * * Most are there to block Negroes." "If we were registered, the Negroes as a whole, we would have the right to vote for our city council and State officials. We would have a right to get qualified Negroes in those positions also * * *" "We'd have better schools, jobs, and our churches wouldn't be in danger * * *" Again, Negro college graduates in Mississippi express the most elementary demand—that their views and needs be represented.

COUNTY W

Interviews in county W present a startling contrast to those of the other three counties. Not only is the level of political interest high, but political participation is high as well. Signs of fear are almost wholly absent. The teachers are proud of the political freedom that Negroes have in the county, and many express a sharp awareness of the differences between county W and other parts of Mississippi.

Teachers in county W take the right to vote for granted. "As a whole, the Negro in county W has no problems. We have and exercise the same privileges here as those of the other race. Most of the Negroes are registered * * * The only reason one would have, could have for not registering here must be laziness, shiftlessness, and lack of responsibility * * *" Speaking of how he was treated when he voted, one teacher explains: "Very courteously. If you don't know where to go someone directs you and gives you all the assistance he can. If you have no transportation they will send for you. There are no stones unturned. Everything that could possibly be done to help the voter is done for everyone who votes."

Not all the teachers in county W put the matter so emphatically. One teacher, for example, believes that many Negroes are disqualified by unfair registration tests. Nonetheless, a large percentage speak of voting as a "duty" as well as a "right." This attitude, unique among the four counties, is indicative of how differently teachers in county W feel about their situation. One respondent put it this way: "I feel that it is the duty of any citizen of any community to register and vote. It is the responsibility of this citizen to contribute to the welfare of his community by helping to make laws. * * *"

Many teachers in county W take the right to register and vote as such a natural fact of life that they misinterpreted the following question: "Do you know of any Negroes who have tried to register in this county?" Many answered "No" to the question though they themselves were registered. They later explained that they thought "tried" must mean "tried and failed" since in county W one didn't have to "try" to register because there was no problem in doing so.

Though the overwhelming majority of the teachers in the county seat of W are satisfied with their rights as citizens, they are not equally satisfied with the results they are getting from the political system. Most, though stressing how good the county is, argue that things could be still better. "I think that if we had more Negroes, the persons who were running for offices would have more respect for the total vote of the Negro. * * * It is always an advantage to have a majority of your people voting. * * * For an instance, we had an issue here recently where there was an opportunity for a plant to be built and the Negro vote was needed. The white people who were pushing this issue came and solicited the Negro vote. We were able to sit down at the table with them and discuss this. And we could—well, just come right down to 'what's in it for the Negro?' * * * we were promised jobs and these were given. That's what I mean. * * * You don't get anything for nothing but you can certainly get more if you have something to offer. The more Negroes that are ready to vote, the most the Negro can demand for his vote. * * *"

Several people express a desire for a city biracial council. One woman maintained, however, that the chief problem for Negroes in county W was their own complacency: "I wish there would be some little unpleasantness here sometimes and maybe that would stir the Negroes up. As it is now, nobody bothers you about anything so nobody does anything. * * * The Negro here is—well, just complacent really. And we aren't making any progress. We are right now where the Negro has been for 20 years or more."

Unlike their fellow teachers in the other three counties, Negro teachers in county W face the normal problems of citizens throughout America—those associated with maximizing their use of the rights of citizenship. Negro teachers in the other three counties face the graver problem of winning the basic rights of citizenship.

EXHIBIT 10

PREPARED STATEMENT OF MR. BURKE MARSHALL SUBMITTED TO THE U.S. COMMISSION ON CIVIL RIGHTS, JACKSON, MISS., FEBRUARY 18, 1965

INTRODUCTION

Mr. Chairman, members of the Commission: I am pleased to be here today, at your request, to discuss the experience of the Department of Justice in enforcing the Federal voting statutes and dealing with certain other problems in the State of Mississippi. From February of 1961 until January of 1965, I was Assistant Attorney General in charge of the Civil Rights Division, U.S. Department of Justice. While I am now engaged in the private practice of law in Washington, D.C., and no longer associated with the Department of Justice, what I have to say will coincide, I think, with the present views of the Department.

I have a prepared statement to read, after which I will be happy to answer any questions.

The principal Federal constitutional provision dealing with voting is the 15th amendment. Adopted in 1870, it forbids the States or the United States to deny or abridge the right to vote in any election, State or Federal, on account of race, color, or previous condition of servitude. Additional Federal power to legislate in this field is derived from the 14th amendment. Article I, sections 2 and 4, as supplemented by the 17th amendment, also are a source of Federal power to regulate Federal elections.

Shortly after the ratification of the 15th amendment, Congress adopted legislation to permit private litigants to bring suit to protect the right to vote. During the same period criminal statutes punishing denials of the right to vote were enacted, but no civil enforcement power was given to the Department of Justice at that time.

It was no secret to anyone that these statutory remedies were hopelessly inadequate and that there were no attempts made to enforce those laws which were available. Negro disfranchisement was widespread. In many States, Negroes were not permitted to register to vote and those already registered were purged from the rolls—without significant protest from any quarter. This failure to make good on the promise of the 15th amendment cannot be laid on the doorstep of any one State or any one region. It was part of the larger historical pattern which saw our people at the end of the 19th and the beginning of the 20th century preoccupied with pursuits other than the meaningful grant of full citizenship to the former slaves. Thus, the practices which disfranchised Negroes flourished unchallenged for three generations.

A serious, sustained, and broad effort to deal with this problem began only about 8 years ago. For it was not until 1957 that public acquiescence in the outrageous treatment of Negro citizens in their attempts to become participants in the electoral process was abated sufficiently to permit the enactment by the Congress of meaningful legislation to protect the rights of Negro citizens to vote.

In the Civil Rights Act of 1957, Congress empowered the Attorney General of the United States to institute suits to protect the right to vote from deprivations because of race or color. (42 U.S.C. 1971 (a), (c).) At the same time, the act also prohibited threats and intimidations for the purpose of interfering with the

right to vote in Federal elections and it gave the Attorney General authority to bring suits to protect against such interference. (42 U.S.C. 1971 (b), (c).)

A number of lawsuits were brought between 1957 and 1960 under the authority of the new act, none of them in Mississippi. The experience with these lawsuits quickly pointed to the need for further voting legislation. It became apparent at once that voting discrimination suits could not adequately be prepared without full access to the relevant registration papers and documents and that, even where a suit was brought to a successful conclusion, the scope of the relief had to be wider than what was being afforded by the courts at that time. In 1960, Congress set out to remedy these defects. The Civil Rights Act of that year granted to the Attorney General full powers of inspection of documents in the custody of local voting registrars. It further provided that where a pattern or practice of discrimination was found a new and more comprehensive procedure for the registration of Negroes was to be employed. This new procedure permits any Negro in the affected area whose application has been rejected by local officials to apply directly to the Federal court or a Federal voting referee for an order certifying him to vote. The orders of the court so obtained are binding upon State voting officials with respect to both State and Federal elections.

The Department of Justice brought 40 discrimination suits between the date of enactment of the 1960 act and the enactment of the Civil Rights Act of 1964. Of these 40 lawsuits, 16 were in Mississippi. In addition, 7 voting discrimination suits have been brought in Mississippi since the passage of the 1964 act so that up to date we have a total of 23 such lawsuits brought since July 1961.

I should like to describe these Mississippi lawsuits in some detail, but before I do it might be helpful if I related briefly what Mississippi law requires in the way of registration for voting, and what the statistics show concerning registration for voting in this State.

In Mississippi registration is a prerequisite to voting in any election, State or Federal. The registration laws are administered in each county by a registrar, who is the circuit court clerk, an elected official. Since the recent adoption of the Federal Poll Tax amendment (the 24th amendment) the payment of poll taxes is a prerequisite to voting only in elections for State offices. Payment of the tax is not a prerequisite to registration. The county sheriff, as tax collector, is responsible for collection of the poll tax.

The basic qualifications for registration in Mississippi are citizenship, residence in the State for 2 years and in the election district in the county for 1 year. The prospective voter must also be at least 21 years of age, not insane and he must not have been convicted of any disqualifying crime.

In addition to these basic qualifications the Mississippi constitution and laws impose the requirements that an applicant must be able to read and write any section of the State constitution and give a "reasonable interpretation" thereof to the satisfaction of the registrar; he must demonstrate a "reasonable understanding" of the duties and obligations of citizenship under a constitutional form of government.

These requirements became effective in March 1955. All persons registered prior to January 1, 1954, were exempted by law from having their qualifications to vote determined under these added requirements.

In 1960, the requirement of "good moral character" as a prerequisite to voting was added to the Mississippi constitution.

In 1962 several new statutes, including one implementing the good-moral-character requirement, were adopted. These laws (1) require that all blanks on the application form be completed "properly and responsively" by the applicant without assistance; (2) prevent a registrar from advising a rejected

applicant of the reason for his rejection, because that would constitute assistance; (3) provide for publication of names of applicants for registration in the local newspaper and require applicants to wait for an extended period of time after publication before the applicant can determine (usually about a month) whether he has been registered or denied registration; (4) permit any qualified elector to challenge the qualifications, including moral character, of any applicant whose name is published. Finally, a 1960 law permits registrars to destroy application forms.

What are the dimensions of the problem? The statistics provide some answers.

The most complete statistics for Negro registration are for January 1955, immediately prior to the adoption of the constitutional interpretation test as a prerequisite for voting. As of 1955, of 495,183 Negroes of voting age, 21,502 were registered. That represents 4.3 percent of the potential. The approximate figures for white registration as of that time are as follows: 710,639 white persons of voting age, at least 423,456 were registered, representing 59.6 percent of the potential.

As of June 1, 1962, we have accurate statistics on 34 of the 82 Mississippi counties. The statistics in these 34 counties show 295,648 white persons of voting age and 231,666, or 78 percent registered. As of the same date, of 230,770 Negroes of voting age, 10,445, or 4.5 percent were registered.

As of the approximate date January 1, 1964, we have compiled accurate figures for 29 of the 82 counties. These figures show of 282,580 white persons of voting age, 227,504, or 80.5 percent, were registered; of 201,849 Negroes of voting age, 12,975, or 6.4 percent, were registered.

I have appended to this statement, as appendix 1 and 2, the statistics of each of the 34 counties in June 1962, and the statistics in 29 counties as of January 1, 1964. Let me simply add on that point that while our figures are generally accurate, in some instances they represent educated estimates based upon counts from the registration and poll books and the voting figures at a particular election.

I now turn to the Department's voting litigation in Mississippi. The first suit was filed in July of 1961. Since that time, 23 discrimination actions have been filed under section 1971(a). Twenty-two of these cases name as defendants individual State officials and they essentially question the improper administration of State laws by these officials. They do not directly attack the validity of the laws themselves.

In the case of *United States v. Mississippi*, the Department has undertaken a different and more fundamental approach. The complaint, filed on August 28, 1962, named as defendants the State of Mississippi, the three members of its Board of Election Commissioners, and six county registrars. The complaint challenged as unconstitutional and in conflict with paramount Federal law most of the bundle of Mississippi voting laws I have already described.

The gravamen of the complaint is that the Mississippi constitutional and statutory provisions are themselves "engines of discrimination," as the Solicitor General put it to the Supreme Court. We contended that these laws are designed to facilitate and abet racial discrimination, that this has been their effect, and that the history of their administration demonstrates conclusively that racial discrimination is the only true purpose they serve. We also challenged the various tests on "freezing grounds," and we urged their invalidity on the further ground that the State's educational system so discriminated against Negroes that, in fairness, complicated literacy tests could not be required.

The relief sought in *United States v. Mississippi* is nothing less than the sub-

stantial elimination of all the varied literacy requirements and an order requiring the registration of any Negro applicant who meets the age and residence requirements, is able to read, is sane, and has not been convicted of a disqualifying crime.

By a divided vote, the three-judged district court dismissed the complaint, holding that it failed to state a claim upon which relief could be granted. This decision, incidentally, appears to be in conflict with the judgment in a similar case brought against the State of Louisiana in which another three-judge court held invalid the Louisiana interpretation test and granted freezing relief in 21 parishes against the use of a new so-called "citizenship" test. Both cases have been appealed to the Supreme Court and that Court heard arguments on the appeals in January.

Let me turn now to the individual discrimination suits.

The Department has obtained effective final decrees against registrars in two counties, Panola and Tallahatchie, and the court of appeals recently directed the entry of an effective decree in Walthall County. A satisfactory order was also entered against the sheriff of Tallahatchie County in another 1971(a) case, restraining him from discriminatory manipulation of the poll tax requirement.

Cases from three other counties—Holmes, George, and Clark—are pending on appeal, Clarke for the second time, after refusal of relief in whole or in part by the district court.

In the Forrest County case, which is proceeding simultaneously in the district court and the court of appeals, interlocutory relief has been granted by the appellate court and the district court has entered a decree, granting partial relief, to take effect after disposition of the court of appeals proceedings.

In three counties, Madison, Sunflower, and Jefferson Davis, cases have been tried and are awaiting decision, and a trial is currently underway in a second Holmes County case.

In Marshall and Benton Counties offers of judgment have been made and the supervisors have ordered a complete reregistration of all persons. Negotiations are proceeding with respect to the terms and conditions of the registration, particularly as concerns the rights of Negroes residing in the counties prior to 1954 who were never registered, and the problem of unequal educational opportunities.

In eight counties—Marion, Issaquena, Chickasaw, Jasper, Oktibbeha, Lauderdale, Copiah, and Hinds—the Department has filed nine lawsuits (two in Chickasaw), which have not yet come to trial, but preliminary relief adding Negroes to the registration rolls and opening the books for registration has been granted in Lauderdale and Hinds. Similar relief was also granted pending the decision on the merits in Sunflower and Madison Counties. No 1971(a) case in Mississippi has been finally decided adversely to the Government.

A mere sterile recital of the number of lawsuits brought cannot provide an accurate measure of the work and effort that went into this litigation.

At the time when most of these lawsuits were brought the Department of Justice had less than 2 dozen lawyers exclusively engaged in the voting litigation. Yet, in the Hinds County case, for example, departmental attorneys with clerical assistance had to analyze some 14,000 application forms and control cards based on these forms to prove that there was in fact discrimination in the selection of test questions and in their grading. This is just one of the steps necessary to prepare a 1971(a) case. Besides this, registration books must be counted, registered voters and rejected applicants identified by race, and most difficult of all, perhaps, assistance given to white applicants but not to Negro applicants must be proved. These problems require the Department attorneys to analyze

large numbers of records and interview sometimes hundreds of witnesses to establish a case.

For example, in connection with the preparation of the Forrest County case, two attorneys were in Hattiesburg for almost 3 weeks sifting through newspapers, graduation yearbooks, city directories, and other documents, in order to identify and locate white persons who were placed on the rolls by the incumbent registrar. Thereafter, other attorneys, again with the help of clerical employees, analyze application forms, control cards and other records during a 16-week period. The interviewing of prospective witnesses took four attorneys well over 2 weeks, and as many as five attorneys at a time were engaged for a period of over 1 month in preparing proposed findings of fact and conclusions of law.

In short, not even counting the trial, the preparation of voting discrimination cases is a time-consuming, complex task. It is due to the dedication of the personnel in the Civil Rights Division and their willingness to work countless hours of overtime that it was possible to make significant progress.

The experience with the discrimination cases revealed both the effectiveness of the legislation and its shortcomings. The effectiveness was shown most dramatically in the Panola County case. Panola is a rural county in the northern part of the State. Prior to our lawsuit there, one Negro was registered to vote. After the district court entered an effective decree—following the instructions from the court of appeals—approximately 1,000 Negroes registered to vote, or about 15 percent of all those eligible. It is my expectation that, as additional lawsuits are decided, similar results may be achieved in other counties.

What about the shortcomings? The major problems were those of delay, on the one hand, and the manipulation of literacy tests, and effective relief against such manipulation, on the other. Let me explain.

Litigation takes time. There is the time provided for in the rules; there is the time required to reach the head of the calendar; there is the time required for decision; there is the time needed for the appellate process. In part, delays are inherent in the litigation system. Beyond that, however, in the first 2 years of our litigation in Mississippi, the time consumed in the preliminary stages prior to trial was far too long.

The Department has compiled some approximate statistics on the length of time necessary to litigate voting suits. Please bear in mind that rough judgments had to be made in some instances as to how much time could fairly be counted with respect to some of the cases.

Prior to 1964, the average elapsed time from the filing of a complaint until the filing of the defendant's answer was about 6½ months.

The average elapsed time from filing of an answer until the beginning of trial was 9 months.

The average elapsed time from the end of trial until entry of judgment was 4.10 months.

Lumping these figures, the average elapsed time from filing of a complaint until beginning of trial was 16.33 months. The actual elapsed time exceeded the average in 9 of the 15 cases included in this calculation. And the average elapsed time from filing of a complaint until entry of judgment was 17.8 months.

The average time required to complete the appeal from an unsatisfactory judgment in 1971(a) cases has been about 1 year.

As for the manipulation of literacy tests, it has been the favored device of those who discriminate. Negroes are required to furnish precise answers to complex or vague questions and they are tested by a most exacting standard. Whites, on the other hand, are either not tested at all or are given assistance as

needed. The result is the great imbalance in registration figures. Litigation also may prompt the registrar to apply the strict requirements of Mississippi law to all applicants, white and Negro, or to slow down the pace of registration. Since practically all whites in the county are already registered, such methods hurt only the Negroes.

These various problems were brought to the attention of the Congress and Title I of the Civil Rights Act of 1964 was the result. That act not only provides for the expedition of voting rights lawsuits, but it also specifically outlaws the permanent "freezing" of the results of previous discrimination, that is, the tightening of the registration standards (after a period when they were not or hardly at all applied to whites) so as to make them apply theoretically to all but as a practical matter only to the unregistered Negroes. The act also provides for a presumption of literacy in the case of persons who have completed the sixth grade.

Partly as a result of the passage of the act, and partly as a result of successful litigation apart from the act, satisfying progress has been made with respect to the several problems I have outlined.

Since July 2, 1964, the Department has filed seven more 1971(a) suits. The figures for these new cases show that the average elapsed time from complaint to answer was less than 1 month. One case has already gone to trial and in two others offers of consent judgments were made by the defendants within 3 and 4 months, respectively, after filing of the complaint.

It is evident that the time required to litigate 1971(a) cases is being sharply reduced. As I indicated, this is the result not only of passage of the 1964 statute but also of resolution of a variety of procedural problems which must inevitably emerge in the initial phases of enforcement of a new regulatory statute. The expediting provisions of the 1964 act promise to accelerate further the pace of litigation. Indeed, in one case, involving Holmes County, where the complaint was filed at the end of July, our discovery motion was granted within a month, the defendants answered, and a trial date was set for early November. The trial began on schedule, but was continued to this month, when it should be completed.

The Department also has been successful in securing in some of the cases an effective decree against the manipulation of literacy tests and slowdowns in administering these tests. Such a decree is one that directs a registration speedup if necessary; that invokes a freeze, so that Negroes of elementary literacy, who meet the basic qualification of State law (age, residence, lack of conviction of a disqualifying crime, insanity) may be registered at least for a period long enough to give all of the present adults in the county a fair opportunity to present themselves for registration; and that requires detailed monthly reporting by the registrar to the Federal court and to the Department of Justice. This kind of relief has been granted in Panola, Tallahatchie, and Walthall Counties. It may be expected in other cases as well, now that the court of appeals has laid down standards.

I should like to discuss now, more briefly, the problems of voting intimidation and racial violence. The Civil Rights Act of 1957 for the first time gave the Department of Justice authority to bring injunctive action against intimidation for the purpose of interfering with the right to vote in Federal elections. This statute is codified in title 42, section 1971(b). Seven suits have been filed in Mississippi under the authority of that statute, with mixed success.

The first suit was brought in Walthall County, where, on appeal, a temporary injunction was obtained against a trumped-up prosecution of a voting registration worker. The case was ultimately settled after the State agreed to dismiss the criminal charges against the voting worker.

In Leflore County settlement was obtained in another suit to enjoin intimidation of voting registration workers by arrests and prosecutions. A second 1971 (b) case, also involving intimidatory arrests and prosecutions, is still pending. The Department unsuccessfully sought interlocutory relief from the court of appeals in this action.

In Clarke County the Department obtained a decree prohibiting a State court perjury prosecution of Negro witnesses who had testified in Federal court in a 1971 (a) case.

In Holmes County the Department sought injunctive relief against criminal prosecutions brought and judgments obtained against voter-registration workers. Relief was denied in the district court, but the case was appealed to the court of appeals which recently heard oral argument.

In Greene County the district court denied the Department's request to restore to her job a schoolteacher discharged because, it was alleged, she testified for the Government in a voting discrimination case. Similarly, in Rankin County, injunctive relief was refused against a sheriff who, with his deputy, assaulted Negroes who were filling out application forms in the registrar's office. In both cases the legal issue was whether the acts done were for the purpose of interfering with the right to vote, and in each instance the Department was unable to overcome on appeal lower-court findings of fact that the acts in question had not been done for that purpose. Hence, these two judgments denying relief were affirmed.

As this summary indicates, the principal problem under the intimidation statute is that, as presently interpreted, it requires the Government to prove an intimidation or a threat which is undertaken for the purpose of interfering with the right to vote. This burden is a very difficult one to sustain. The problem might be resolved by a sufficiently broad judicial construction of the purpose requirement. Cases now pending may provide an opportunity to establish an interpretation of the law which would more effectively serve the end of guaranteeing that those who seek to vote need not fear retaliation.

Related to the problem of intimidation is that of racial violence. As I indicated earlier, the only relevant civil-litigation authority of the Department of Justice lies in the field of voting. That does not mean, however, that nothing has been done. Activities aimed at neutralizing the violent efforts of the Ku Klux Klan are proceeding constantly. The staff of the FBI has been greatly augmented in Mississippi and a new field office has been opened in Jackson. Investigations have been and will continue to be conducted into reported cases of interference with Federal rights.

The truth of the matter, however, is that there is no acceptable Federal solution to this law enforcement problem. We have no Federal police force empowered or equipped to provide protection or to maintain law and order on a generalized basis. And I do not believe that the situation, deplorable as it may be in many parts, warrants the departure from the historic pattern of limited Federal power that would be implied by the creation of a Federal force having as its purpose the maintenance of internal law and order.

There are inherent difficulties, too, when the problem is what to do about excesses by local law-enforcement officers. An injunction is simply not a very useful instrument for the control of the discretion necessarily vested in such officers. Courts are reluctant to issue orders binding the hands of local, elected, enforcement officials, and will do so only where no other effective means dealing with the violation are available.

In sum, some strides have been made in eradicating voting discrimination in Mississippi. But Mississippi cannot be viewed in isolation. The real, concen-

trated effort by Federal authorities in this State was begun only relatively recently. Progress has been made and far greater progress may confidently be anticipated. In other States, where similar efforts were begun sooner, tangible results are already more visible.

The 1964 status report, which I am submitting to the committee with my testimony, reports in detail what has been accomplished in the litigation in all of the States in which suits have been brought.

Let me make it clear that I do not represent that an effective decree is the absolute solution. There are certain problems litigation cannot cure. Among these inherent difficulties is the inferior economic status of Mississippi Negroes and the level of literacy of many of them. The economic and social problems involved have very deep roots and will remain even after the voting problem is solved. They cannot be met by court action, and I have not attempted to deal with them. As concerns low-literacy levels as they affect voting and voting rights, "freezing" decrees will provide some correction, because they will permit the registration of Negroes of a level of literacy comparable to that of registered whites. But even this is obviously not a complete answer.

In short, the purposes of the Civil Rights Acts of 1957, 1960, and 1964 were good. Some of their aims have been achieved and this progress has recently been accelerated. Yet delays and abuses of discretion continue to exist. Because time is of the essence, President Johnson and his administration are devoting intensive attention to additional voting legislation. Participation in elections is, after all, basic to American democracy, and it is important, therefore, that the right to vote be guaranteed.

APPENDIX I

Registration statistics by county for June 1, 1962 (34 of 82 counties)

County	Whites over 21	Whites registered	Percent	Negroes over 21	Negroes registered	Percent
1. Amite.....	4,449	3,532	80.0	3,560	1	0.028
2. Benton ¹	2,514	1,867	74.2	1,419	30	.21
3. Claiborne.....	1,688	1,440	85.3	3,969	15	.37
4. Clarke.....	6,072	5,000	83	2,998	1	.03
5. Coahoma.....	8,708	6,380	73	14,004	1,061	7.6
6. Copiah.....	8,153	7,533	92.0	6,407	25	.39
7. Covington ¹	5,329	4,773	89.5	7,032	202	3.5
8. De Soto ¹	5,338	3,877	72.6	6,246	11	.18
9. Forrest ¹	22,431	10,903	48.6	7,495	22	.3
10. Franklin.....	3,403	3,731	100	1,842	236	12.8
11. George ¹	5,276	3,752	71.1	580	10	1.7
12. Greene ¹	3,518	3,543	100	859	43	5
13. Grenada ¹	5,792	3,884	67	4,323	135	3.1
14. Hinds.....	67,836	56,363	80	36,138	4,756	13.2
15. Holmes ¹	4,773	3,731	77.9	8,757	8	.09
16. Jefferson Davis ¹	3,629	3,229	88.9	3,222	76	2.3
17. Kemper ¹	3,113	2,769	88.9	3,221	30	0.9
18. Lamar ¹	6,489	5,042	91	1,071	0	0
19. Leake ¹	6,754	3,796	56.2	3,397	116	3.4
20. Leflore.....	10,274	7,168	70	13,657	268	2
21. Lowndes.....	16,460	8,312	50.5	8,362	95	1.1
22. Madison.....	5,622	5,458	97	10,366	121	1.1
23. Marion.....	8,997	9,540	100	3,630	363	10
24. Marshall.....	4,342	4,162	96	7,168	57	.8
25. Newton.....	8,014	5,700	71	3,018	104	2.8
26. Panola.....	7,639	5,309	69	7,250	2	.028
27. Quitman.....	4,176	2,991	71.6	5,673	436	6.6
28. Rankin.....	13,246	12,000	90	6,944	94	1.35
29. Tallahatchie ¹	5,099	4,208	82.5	6,483	5	.07
30. Tunica.....	2,011	1,436	71	5,822	42	.72
31. Walthall.....	4,736	4,219	89	2,490	2	.08
32. Washington.....	19,837	10,838	54.5	20,619	1,762	8.6
33. Wilkinson.....	2,340	2,438	100	4,120	60	1.5
34. Yazoo.....	7,598	7,130	93.0	8,719	250	2.9

¹ White registration figures for these 13 counties were arrived at by taking the total vote cast in the 1963 primary in that county and subtracting the number of registered Negroes. The number of registered Negroes was arrived at by count from the registration or poll books. All the registration figures for the remaining 21 counties were arrived at by count either from the registration books or the poll books.

APPENDIX 2

Registration statistics by county for January 1, 1964¹ (29 of 82 counties)

County	White persons over 21	White persons registered	Percent	Negro persons over 21	Negro persons registered	Percent
1. Benton.....	2, 514	2, 226	92. 0	1, 419	55	3. 0
2. Chickasaw.....	6, 388	4, 548	72	3, 054	1	. 003
3. Claiborne.....	1, 688	1, 528	90. 5	3, 969	26	. 65
4. Clarke.....	6, 072	4, 829	80	3, 998	64	2. 2
5. Copiah.....	8, 163	7, 533	92. 3	6, 407	25	. 39
6. Forrest.....	22, 431	13, 253	59	7, 494	236	3. 1
7. George.....	5, 276	4, 200	79	580	14	2. 4
8. Hinds.....	67, 836	62, 410	92. 1	36, 138	5, 616	15. 5
9. Holmes.....	4, 773	4, 800	100	8, 757	20	. 23
10. Humphreys.....	3, 344	2, 538	68. 3	5, 561	0	0
11. Issaquena.....	640	640	100+	1, 081	5	. 46
12. Jasper.....	5, 327	² 4, 500	82. 2	3, 675	10	. 23
13. Jefferson Davis.....	3, 629	3, 236	89	3, 222	126	3. 9
14. Lamar.....	6, 489	5, 752	88. 6	1, 071	0	0
15. Lauderdale.....	27, 806	² 18, 000	64. 7	11, 024	² 1, 700	14. 3
16. Leake.....	6, 754	² 6, 000	88. 8	3, 397	220	6. 4
17. Leflore.....	10, 274	7, 348	71. 5	13, 567	281	1. 6
18. Lowndes.....	16, 460	8, 687	52. 7	8, 362	99	1. 1
19. Madison.....	5, 622	6, 256	100+	10, 366	218	2
20. Marion.....	8, 997	10, 123	100+	3, 630	383	11
21. Marshall.....	4, 342	4, 229	97. 3	7, 168	177	2. 5
22. Oktibbeha.....	8, 423	4, 413	52. 3	4, 952	128	2. 5
23. Panola.....	7, 639	5, 022	77	7, 250	878	12
24. Scott.....	7, 742	² 5, 400	69. 7	3, 752	16	. 42
25. Sunflower.....	8, 785	7, 082	80. 1	13, 524	185	1. 4
26. Tallahatchie.....	5, 069	4, 464	87. 5	6, 483	17	. 26
27. Tunica.....	2, 011	1, 407	69. 9	1, 407	38	. 6
28. Walthall.....	4, 536	4, 536	100+	2, 499	4	. 124
29. Warren.....	13, 530	11, 654	86. 1	10, 728	2, 433	22. 6

¹ The date is approximated, median date for tabulations covering both 1963 and 1964. All registration figures for these 29 counties were arrived at by count of the registration or poll books. The figures for white registration are subject to some inflation due to the fact that not all registrars have systematically purged for deaths and transfers. The figures for Negro registration are as accurate as possible from counts and cross-checks of the registration and poll books.

² Estimate.

Supplements to Testimony of Aaron E. Henry

LIST OF INCIDENTS

The white community responded to the 1964 voter registration campaign in the following actions:

In McComb, Miss., on the night of January 16, 1964, armed nightriders shot into the homes of six Negro families, wounding a young Negro boy. (Atlanta Daily World, Jan. 16, 1964.)

In Clarksdale, Miss., Negroes reported to courthouse daily, January 13 through January 17, 1964. Total Negroes involved, 136. None permitted to take voter registration test. Reason given, court was in session and registrar was busy in courtroom. It is believed that white people were allowed to register during this period while Negroes were not permitted to take the test.

On January 31, 1964, Louis Allen of Amite County was killed with two shotgun blasts. Allen had been a witness to the 1961 slaying of Hurbert Lee, active in voter registration, by E. H. Hurst, then a State legislator (ruled justifiable homicide).

In Vicksburg, Miss., on February 2, 1964, seven crosses burned in various Vicksburg locations in what was termed "evidence of the empire of the Ku Klux Klan in Mississippi."

In Jackson, Miss., February 15, 1964, two voter registration workers, Arthur Harris and Will Galloway were beaten by police.

In Neshoba County, on April 7, 1964, 12 crosses were burned throughout Neshoba County. One at the courthouse near the voter registration office. Three crosses were burned in the Negro section of Philadelphia, Miss.

In 64 counties on April 26, 1964, crosses blazed across the State of Mississippi. Crosses were burned in most communities where voter-registration campaigns were being carried on.

On May 22, 1964, in Longdale community of Neshoba the Mount Zion Methodist Church was burned after a voter-registration clinic had been conducted in the church. Armed white men, some masked, some in law enforcement uniforms had allegedly earlier surrounded church and brutally beaten three Negroes who were attending a church meeting.

In Natchez, Miss., on May 30, Clifford Walker, a Negro was found dead with half of his face torn away by a shotgun blast.

On May 30, 1964, the New York Times, reported a cross had been burned in the yard of NAACP Pike County president, Curtis C. Bryant. He also received a note telling him to get out of town; a bomb was tossed through his barbershop window the next night.

On April 31, 1964, in Canton, Miss., a Negro man was taken to the hospital after alleged beating by 8 policemen during arrest of 55 persons in voter rally outside a Negro Church.

On June 12, 1964, in Canton, Miss., bombs shattered windows of a church used for civil rights meetings and voter-registration clinics.

On June 22, Philadelphia, Miss., James E. Chaney, Andrew Goodman, and Michael Scherner were reported missing. The trio had driven from Meridian to investigate a church burning in Longdale community. Church had been used for voter-registration activity. The trio were never seen again, alive. Later found murdered.

On June 24, voter-registration workers who are white are informed by public officials of Hollandale that they cannot stay in Negro section of town and work to register Negro voters. On same day in Drew, Miss., 30 voter-registration workers encountered open hostility from whites. Weapons exhibited by whites toward voter-registration workers.

On June 25 in Itta Bena, Miss., two voter-registration workers taken to a gas station by four white men and told, "If you speak in town tonight, you'll never leave here."

On June 26 in Columbus, Miss., seven voter-registration workers arrested for distributing literature without a permit. Bond set at \$400 each.

On June 27, in Ruleville, Miss., several whites attempted to fire-bomb a church. They drove through the Negro section of Ruleville throwing bottles. Some of the whites were armed. The same group are suspected of interfering with voter-registration activities in Drew, Miss., on the same day.

On July 2, 1964, two voter-registration workers were followed and questioned by men describing themselves as State officials.

On July 8, 1964, Ruleville, Miss., voter-registration worker ejected from county circuit clerk's office for accompanying local woman to attempt to register to vote.

On July 8, in Moss Point, Miss., a shot from a passing car went through a church window and wounded in the chest a 19-year-old Negro girl standing to

sing at a rally of 300. Negroes persued automobile suspected of firing the shot. Occupants of the car of Negroes were promptly arrested for reckless driving and possession of firearms.

On July 13 through July 17, circuit clerk at Coahoma County courthouse closed down and refused to permit Negroes to attempt to register. Reason given, court in session.

On July 15, in Drew, Miss., 25 arrested for willfully and unlawfully using sidewalks and the streets during voter-registration rally.

On July 16, 1964, 111 arrested in front of courthouse in Greenwood, Miss., as they came to try to register to vote.

On July 18, in Lauderdale, Miss., two voter-registration workers arrested for willful trespassing, while discussing voter registration on front porch of two Negro women; no complaint made by women.

On July 19, in Columbus, Miss., two voter-registration workers detained in jail in Aberdeen for 4 hours after being picked up as suspicious strangers and refusing to be driven out of town and left on highway by police.

On July 19, in Biloxi, Miss., a voter-registration worker was chased and threatened by two white men in a pickup truck.

On July 22, 1964, in Greenville, Miss., a local Negro was arrested while passing out voter-registration leaflets. He was questioned about his civil rights activity. He was subsequently charged with forgery. The forgery charge to this date has not been pushed.

On July 23, in Durant, Miss., voter-registration workers were assailed while canvassing for voter registration. Two white men approached them and asked what it would take to get them out of town. The voter-registration workers replied that they were not ready to leave town. They were struck several times by the men.

On July 24, in Holly Springs, Miss., a voter-registration worker was arrested for disturbing the public peace. Held on \$500 bond. Voter-registration worker was assisting in getting some 55 Negroes to the courthouse to try to register to vote. Police insisted that the 55 potential registrants walk to the courthouse steps one by one, 8 feet apart and have a police escort from steps to registrar's office. Approximately 60 helmeted highway patrolmen and 35 helmeted local police were stationed at courthouse.

August 4, Moss Point, Miss., approximately 62 potential voters arrested during voter-registration rally held on a vacant lot. The orderly meeting had been in process for 15 minutes when an assistant deputy sheriff gave the group 5 minutes to disperse, then 15 minutes later a prison bus drove up. Ten police cars and two motorcycles, total of 40 officers accumulated. All at meeting were put in bus and taken to jail. They were held for breach of the peace on \$300 cash or \$600 property bond, each.

On August 4, in Cleveland, Miss., 13 persons arrested for handing out voter-registration literature.

On August 7, in Jackson, Mary Zeno and Rommie Drain, chased by white men with pistol as they canvassed for voter registration.

On August 8, 1964, Tallahatchie County, four members of a local family, the first Negro family to attempt to register to vote from this county in several decades, have been steadily harassed since they attempted to register. On the night of August 7, two truckloads of whites with guns drove by shouting obscenities and threats. They have been back several times and the family is now afraid to go to work in the fields.

On August 11, 1964, in Aberdeen, Miss., Joel Bernard was attacked by a local white man while canvassing for voter registration.

On August 11, 1964, in Anguilla, Miss., Louis Grant and Bob Wright arrested by local officials for handing out voter-registration literature.

August 11, 1964, 24 Negro citizens in Charleston, Miss., attempted to register at Tallahatchie County courthouse. Approximately 100 armed whites gathered. Cars and trucks with guns prominently displayed were double and triple parked in front of courthouse.

August 14, Columbus, Miss., John Luther Bell was jailed in West Point, Miss., on charges of disturbing the peace. He was arrested while canvassing for potential Negro registrants.

August 15, Jackson, Miss., voter-registration worker beaten outside COFO office with baseball bat by carload of whites.

August 15, Meridian, Miss., voter-registration workers Sam Brown, David McClinton and Preston Ponder fired upon while driving down Highway 11.

August 21, Belzoni, Miss., police cars follow voter-registration workers continuously, surrounding them at every house at which they stopped. Four to five carloads of white citizens also follow. Police chief ordered workers out of town.

Tupelo, Miss., August 23, 1964, voter-registration headquarters set afire. City investigators said there was evidence of arson.

Holly Springs, Miss., August 24, 1964, Mr. J. T. Dean turned off his land in economic reprisal for trying to register to vote. He tried to vote on August 15, 1964. His credit cut off and he was told by landowner he was no longer needed to work land. His water supply was also cut off. None of the 200 Negro citizens who took tests at Holly Springs on August 15 have been told whether or not they passed.

August 25, 1964, Amory, Miss., three young Negro voter-registration workers, Adair Howell, Andrew Moore, and Essie Carr, arrested as they canvassed for potential registrants. Police entered home and arrested workers, charging them with disturbing peace and forcing Negro woman to sign form. Local officials denied knowledge of whereabouts of workers after their arrest. Howell and Moore were located by the FBI in the Amory jail and Miss Carr was released to custody of her parents.

September 1, 1964, Belzoni, Miss., Ellis Jackson, voter-registration worker arrested by Chief of Police Nickols, for lacking selective service identification and held for 5 hours, no bail set, turned over to FBI, who released him.

September 4, 1964, Mrs. Mary Thomas of 279 Hayden Street was arrested on a charge of not having a beer license. This arrest came shortly after Mrs. Thomas went to the courthouse in Belzoni to try to register to vote. Bond set at \$1,000.

September 14, 1964, Philadelphia, Miss., voter-registration attempt met with violence and arrests. Cliff Vaughts was beaten over the head with a blackjack by a local white citizen when an auxiliary policeman demanded that Vaughts surrender his camera. Vaughts camera was seized and smashed. Two civil rights voter-registration workers were arrested and released later that afternoon, Allan Schiffman and Tommie Collier. Four local Negroes were fired from their jobs for attempting to register to vote. They were employed by the Jack P. Eubanks firm.

October 21, 1964, Marks, Miss., Dave Harris, voter-registration worker told by the local police to leave town when he tried to help local Negro citizens to register to vote. Four white teenagers beat and urinated on Frank Morse after he was stopped by them and asked some questions about civil rights. The attack followed.

October 24, Jackson, Miss., four voter-registration workers arrested for passing out leaflets urging citizens to register and vote.

October 26, Indianola, Miss., Bob Newell was beaten by whites as he tried to help Negro citizens to register to vote. A 6-footer, weighing at least 200 pounds, beat Newell directly in front of the Sunflower County courthouse.

October 27, 1964, McComb, Miss., 36 Negroes arrested upon entering courthouse to try to register to vote. They were met by the sheriff and highway patrolmen, several deputies, and a plainclothesman who read a court order ordering the registrar to close his office and appear in court in his capacity as county clerk. They were arrested for trespassing and held on \$100 bond, each.

October 31, Sunflower County, a cross was burned on the farm of Mr. R. Giles, early today. Mr. Giles, one of the few registered Negroes in Sunflower County is an active voter registration worker.

November 1, 1964, voter registration clinic held in Antioch Baptist Church of Ripley, Miss. Church burned during the night. Voter-registration literature among the ruins of the building.

December 28, 1964, three voter registration workers arrested and charged with vagrancy while helping Negroes register to vote at the courthouse.

The month of December found many of the COFO, voter registration-workers engaged in the election to county crop and acreage allotment committees. There were many instances of arrest and abuse including, James Bates, Stan Boyd, and George Raymond. Many were ejected from polling places including: Bill Forsyth, Bill Ware, Madeline McHugh, and Tom Ramsey in Canton, Miss.; Marvin Rich was approached by former Governor Ross Barnett at the polling place where he went to vote. He was verbally insulted by the former Governor. Rich was later beaten by two white men as he tried to observe the counting of the ballots. Others arrested included, Elane De Lott, Earliss Crawford, Ann Darden, and Elvester Simpson.

December 29, Clarksdale, Miss., five Negro citizens went to the courthouse to ask the circuit clerk if they had passed the test and could register. Without any reference to any notes or memorandum, the circuit clerk informed them that they had not passed. He told them simply, "No, you didn't pass."

Correspondence Between Negro Leaders and Mississippi Governor Paul B. Johnson

January 15, 1964.

GOVERNOR-ELECT PAUL B. JOHNSON
Capital Building
Jackson, Miss.

DEAR GOVERNOR-ELECT JOHNSON: The Negro citizens of Mississippi are all hoping that your term as Governor of the State will be successful and that under your leadership Mississippi will prosper. We feel that we can play a part in the prosperous future that we hope and predict for this State. We further hope that the attitudes and desires of all the citizens will be considered. We should like to share with you our thinking on several issues that we feel are essential to the forward march of our State.

We shall be grateful if you will give an audience to a committee of Negro citizens of our State to give and discuss the benefit of our thinking and receive from you guidance in such matters as are in our hearts. These matters will include:

1. Employment for all our citizens.
2. Justice in the courts without regard to race.

3. The right to vote for all our people, 21 years of age or older.
4. Citizenship under a constitutional form of government.
5. Improvement of the educational system and enactment of a compulsory school attendance law.

Will it be possible for a few of our representatives to meet with you, privately or publicly between January 17 and January 21, 1964, or soon thereafter? We feel that the establishment of contact between the Governor and the Negro citizens of the State will be a healthy factor and will breathe life into what we all know can be a situation that can take any turn, forward or backward.

An early reply will be greatly appreciated.

Very truly yours,

COMMITTEE TO IMPROVE MISSISSIPPI
JAMES C. GILLIAM, *Chairman*.

P.S.—Citizens listed on the attached join me in this request.

Mr. J. L. Allen	Miss Patricia Dansby	Mr. J. J. Huddleston
Columbus	Jackson	Yazoo City
Mrs. Doris Allison	Mr. J. W. Dixon	Rev. C. L. Hunt
Jackson	Jackson	Greenwood
Mr. Samuel Bailey	Mr. R. L. Drew	Mr. J. M. Houston
Jackson	Clarksdale	Vicksburg
Mr. Nolia Banks	Mr. Michele Dumas	Mr. Cleo Jackson
Oxford	Natchez	Clarksdale
Mr. E. W. Banks	Mr. James Edwards	Rev. J. Q. C. James
Jackson	Greenville	Ripley
Rev. C. L. Barnes	Mr. Charles Evers	Rev. A. L. Johnson
Jackson	Jackson	Jackson
Mrs. Parthenia Bell	Mrs. Myrtle Evers	Mrs. Idessa Johnson
Sardis	Jackson	Clarksdale
Rev. Leon Bell	Mr. J. C. Fairley	Mrs. Lillian Roger Johnson
Jackson	Hattiesburg	Clarksdale
Mr. W. J. Bishop	Mr. J. C. Fairley	Mr. S. J. Johnson
Greenwood	Hattiesburg	Clarksdale
Denn A. A. Branch	Mr. A. L. Felder	Rev. Q. L. Jones
Tougaloo	Meridian	Jackson
Rev. T. B. Brown	Mrs. Lula B. Forte	Mr. A. L. Johnson
Jackson	Jackson	Prentiss
Mr. R. Jesse Brown	Mr. James C. Gilliam	Mrs. Birdie Kegler
Jackson	Clarksdale	Charleston
Mr. C. C. Bryang	Mr. Grafton B. Gray	Dr. H. L. Knaive
McComb	Charleston	Laurel
Mr. James Carter	Rev. Willie Goodloe	Mr. Edward Lee
Greenville	Clarksdale	Jackson
Mrs. P. M. Carter	Mr. H. Y. Hackett	Mr. H. H. Lewis
Clarksdale	Clarksdale	Prentiss
Mr. William Carter	Mr. M. H. Harper	Rev. M. W. Lindsey
Clarksdale	Beaumont	West Point
Mr. Levy Chappell	Mrs. H. C. Harper	Dr. Arena C. Mallory
Greenville	Jackson	Lexington
Dr. D. L. Conner	Rev. George Happer	Rev. E. A. Mayes
Starkville	Greenwood	Laurel
Mrs. D. L. Conner	Mrs. Clarie Collins Harvey	Dr. L. W. McCaskill
Starkville	Jackson	Clarksdale
Mr. C. D. Cotton	Rev. G. R. Haughton	Mr. Amzie Moore
Enterprise	Jackson	Cleveland
Rev. Willie Crump	Mrs. Rolithia Hayes	Rev. M. M. Morris
Clarksdale	Tchula	Greenville
Mrs. Mary Cox	Dr. Arron E. Henry	Mr. S. T. Nero
Jackson	Clarksdale	Holly Springs
Mr. Vernon Dahmer	Mr. Arthur Herod	Mrs. S. T. Nero
Hattiesburg	Abbeville	Holly Springs
Mr. B. B. Dansby	Dr. D. I. Horn	Dr. Lee M. Owens
Jackson	West Point	Vicksburg

Mr. Solomon Payne
Nesbitt
Mr. J. C. Pettis
Clarksdale
Mrs. Vera Pige
Clarksdale
Dr. Octavious Polk
Meridian
Mr. J. H. Raybourn
Charleston
Dr. Linwood R. Rayford,
Sr.
Grenada
Rev. J. D. Rayford
Clarksdale
Mr. Henry Reaves
Holly Springs
Rev. J. F. Redmon
Greenville
Rev. J. S. Reed
Itta Bena

Rev. T. W. Richardson
Clarksdale
Mr. Justice Robinson
Moss Point
Mr. Edward Rodrigues
Jackson
Mr. D. W. Simmons
Vicksburg
Mr. Johnnie Skipper
Clarksdale
Mr. Hammond Smith
Hattiesburg
Sir P. M. Smith
Mound Bayou
Rev. R. L. T. Smith
Jackson
Rev. Robert Stephens
Jackson
Dr. Avery C. Topps
West Point

Rev. D. L. Tucker
Greenwood
Mr. Hartman Turnbow
Tchula
Dr. Cyril Walwyn
Yazoo City
Rev. Sidney Webb
Jackson
Mr. Duke Williams
Jackson
Dr. R. O. Williams
Jackson
Mr. S. R. Williams
Nesbitt
Mr. Cortrell Wrenn
Greenville
Mr. J. W. Wright
Clarksdale
Mr. Charles Young
Meridian

STATE OF MISSISSIPPI,
EXECUTIVE DEPARTMENT,
Jackson, Miss., March 2, 1965.

STATE CONFERENCE OF NAACP BRANCHES
213 Fourth Street
Clarksdale, Miss.

ATTENTION : AARON HENRY.

Your recent letter is acknowledged.

I have said on prior occasions that I would discuss no matters with extremists whose irresponsible statements are constantly made to justify a breach of the law by any person, white or nonwhite, and whose reputation in his or her local community is unworthy, or any person who attempts to speak for a group when, in fact, he can only speak for himself.

I saw no need for any discussion with these types of people when their efforts have retarded rather than improved racial relations in our State.

Very truly yours,

PAUL B. JOHNSON, *Governor.*

213 Fourth Street,
Clarksdale, Miss.,
March 9, 1965.

Governor PAUL JOHNSON Jr.
State Capitol
Jackson, Miss.

DEAR GOVERNOR JOHNSON: Your letter of March 2, 1965, was received. I was indeed sorry to be informed by you that a request by Negro citizens to meet with you to discuss common problems is still being denied.

You use many words and phrases to describe us in a derogatory manner. By whatever adjectives and/or adverbs you may use to describe us, we are still citizens of the State of Mississippi and America. Whether the subjects we desire to raise meet the approval of the Governor or not it is my contention that as Governor of all the people, you are our Governor too, and by all standards of decency should give us an audience.

It does the situation no good for you to invite and discuss these problems only with white and Negro citizens, whom you know are going to say only what you want to hear them say. This is unrealistic and is not facing the issues. No one knows this better than you do.

Your objection to speaking with people with whom you disagree as you say is based upon your feelings that these people speak not for any group of people but only for themselves. In a narrow sense this is probably true, but is not this condition also true in other instances from the Governor's office on down; in fact each man speaks only for himself.

You are the Governor, and hence the final decision as to whom you see and discuss issues with is your priority, but as a citizen of this State and Nation, it appears to me that the Governor would do the right thing if he granted this request for an audience, regardless of his personal feelings.

I therefore renew the request and ask the Governor to please reconsider and grant an audience to a committee from the 100 Negro citizens of Mississippi that signed the original letter to you requesting an audience. We are anxious to discuss with you the major problems affecting our State and offer our help in resolving them.

Yours truly.

AARON E. HENRY

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