

# The Mississippi State Advisory Committee to the United States Commission on Civil Rights, 1960-65

*By Donald Cunnigen*

The mid-1950s was a time of change in American race relations. In 1954, the Supreme Court handed down the *Brown v. Board of Education, Topeka* decision that altered social relations in the South. For the first time in contemporary history, the government's judicial branch told the white political leaders of the American South to eliminate an aspect of racial segregation. Unfortunately, the two remaining branches of the government were not as forthright as the Supreme Court.

As the head of the administrative branch, President Dwight D. Eisenhower did not act aggressively in implementing the mandate of the Supreme Court. According to Ronald Schlundt, the Eisenhower policies were as follows:

... [T]he President dealt with major questions, such as war and peace, but he rarely concerned himself with small problems until they built into crises. When he did take note of a problem faced by blacks in dealing with a federal agency, he regarded the concern as a minor annoyance which a quick presidential directive could solve. Frequently the agency accepted the President's order, declared a discriminatory policy ended and continued operations with only slight change in its attitudes towards blacks.<sup>1</sup>

Eisenhower's administration was noted for a number of high-level black appointments and the execution of some earlier presidential

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<sup>1</sup> Ronald Schlundt, "Civil Rights Policies in the Eisenhower Years," Rice University, Doctor of Philosophy dissertation, 1973, 12-13.

efforts to desegregate the armed forces and Washington, D.C. He displayed a cavalier interest in racial matters. While sympathetic reviewers suggested that Eisenhower was a complex man whose racial views were a combination of racist ideas and paternalism, his administration was notable for his view of black problems as an annoyance. His view came to the forefront in the waning years of his second administration.<sup>2</sup>

In 1957, he was forced to use federal troops to integrate Little Rock, Arkansas's, Central High School ("The Little Rock Crisis"). Several historians have suggested that the "Little Rock Crisis" may have been avoided by President Eisenhower's utilizing contingency plans for a gradual employment of federal marshals at the incipient phases of the crisis and by the President's taking a more progressive and active interest in race relations.<sup>3</sup> According to Robert F. Burk, the Eisenhower approach to race relations featured the following:

... His approach to racial issues sought the removal of official sanctions mandating discrimination, but left additional progress to the states and the private sector. The policy product was a civil rights program long on symbolic gestures for racial equality, but intentionally short on effective government enforcement mechanisms.<sup>4</sup>

After the "Little Rock Crisis," President Eisenhower began to address some of the racial issues civil rights leaders had been highlighting throughout the 1950s. Eisenhower addressed the concerns of civil rights leaders in two ways: (1) he met with black civil rights leaders; and (2) he introduced legislation (via Attorney General Herbert Brownell) to protect the voting rights of blacks.

In the summer of 1958, he met with Martin Luther King, Jr., Roy Wilkins, A. Phillip Randolph, and Lester B. Granger in his only meeting with black civil rights leaders. It took place five and a half years after

<sup>2</sup> Michael S. Mayer, "Regardless of Station, Race or Calling: Eisenhower and Race," in Joann P. Krieg, editor, *Dwight D. Eisenhower—Soldier, President, Statesman*, (New York, 1987), 33-41.

<sup>3</sup> William E. Leuchtenburg, "The White and Black America: From Eisenhower to Carter," in Michael V. Namorato, editor, *Have We Overcome—Race Relations Since Brown*, (Jackson, Mississippi, 1979), 121-145; Robert F. Burk, *The Eisenhower Administration and Black Civil Rights*, (Knoxville, Tennessee, 1987), 174-203.

<sup>4</sup> Robert F. Burk, *The Eisenhower Administration and Black Civil Rights*, (Knoxville, Tennessee, 1984), 174-203; Robert F. Burk, "Dwight D. Eisenhower and Civil Rights Conservatism," in Joann P. Krieg, editor, *Dwight D. Eisenhower—Soldier, President, Statesman*, (New York, 1987), 51-66.

his inauguration. According to Schlundt, the meeting produced very little of substance.<sup>5</sup> Eisenhower's most enduring contribution to civil rights was the establishment of the Civil Rights Commission and the initiation of the action that led to the passage of the Civil Rights Acts of 1957 and 1960.

Eisenhower's lukewarm support of a special commission to deal with race relations and the adoption of laws to eliminate certain forms of racial discrimination provided the grounds for the entry of the United States Congress into the discussion of American civil rights. Consequently, the United States Congress played an active role in the key civil rights issues of the period.

During a long and acrimonious debate, Northern and Southern congressmen and women thrashed out their political positions on the issues of civil rights throughout the 1950s. On September 9, 1957, a Civil Rights Act was passed that included provisions for the appointment of an assistant attorney general to lead a Civil Rights Division in the United States Department of Justice. It broadened the jurisdiction of district courts to include civil actions created to obtain relief from violation of any civil right. In addition, it gave authority to the United States government via the attorney general to file court injunctions against interference with voting rights.

One of the most important elements of the 1957 Civil Rights Act was its establishment of the United States Commission on Civil Rights, established by Title I, which stated it would be an independent and bipartisan federal agency. The Commission was given the following powers:

- (1) To investigate complaints alleging 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 that 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;

<sup>5</sup> The death of Emmett Till and the various forms of physical abuse received by black Mississippians attempting to register to vote were important factors which motivated President Eisenhower to action. Schlundt, 14-15; E. Frederic Morrow, *Black Man in the White House—A Diary of the Eisenhower Years by the Administrative Officer for Special Projects, The White House, 1955-1961*, (New York, 1963), 228-29, 233-34.

(5) To investigate allegations of vote fraud.<sup>6</sup>

The first members appointed to the Commission by President Eisenhower were John A. Hannah, president of Michigan State University (chairman); Robert G. Storey, dean of Southern Methodist University Law School (vice chairman); John S. Battle, former governor of Virginia; Father Theodore M. Hesburgh, president of the University of Notre Dame; J. Ernest Wilkins, assistant secretary of labor; and Doyle E. Carleton, former governor of Florida. The Commission's membership came from a wide variety of political and ideological backgrounds; subsequently the members lacked total unity in working together. Yet, the Commission began its work in earnest by establishing a state advisory committee in each state to assist its work.<sup>7</sup>

The state advisory committees of the United States Commission on Civil Rights were authorized in section 105(c) of the Civil Rights Act of 1957. It stated:

The Commission may constitute such advisory committees within States composed of citizens of that State . . . as it deems advisable.<sup>8</sup>

Within two years of the 1957 Civil Rights Act, state advisory committees were established in forty-seven states. The states of Mississippi and South Carolina did not establish state advisory committees at that time.<sup>9</sup>

A state advisory committee consisted of five to nine members, each of them, plus the chairman, appointed by the Commission. The committee's remaining officers were selected by its members and it was authorized to organize subcommittees of its membership and geographical or special subject matter committees, chaired by a committee member but not composed necessarily of members. The average state advisory committee organized subcommittees that coincided with

<sup>6</sup> *Hearings Before the United States Commission on Civil Rights, Volume I, Voting, Hearings Held in Jackson, Mississippi, February 16-20, 1965*, (Washington, D.C., 1965), 2; Foster Rhea Dulles, *The Civil Rights Commission, 1957-1965*, (Lansing, Michigan, 1968), 1-2.

<sup>7</sup> Dulles, 18.

<sup>8</sup> *Ibid.*, 28-29; *The National Conference and the Reports of the State Advisory Committees to the United States Commission on Civil Rights—1959*, (Washington, D.C., 1960), v-vii.

<sup>9</sup> Dulles, 28-29; *The National Conference and the Reports . . . 1959*, v-vii.

the Commission's concentration in the areas of voting, education, and housing.

The functions and responsibilities of the state advisory committee were as follows:

- (a) Advise the Commission in writing of any knowledge or information it has of any alleged deprivation within its State or the right to vote and to have the vote counted, by reason of color, race, religion or national origin.
- (b) Attend as observers any open hearing the Commission may hold in its State.
- (c) Advise the Commission of all information concerning legal developments constituting a denial of equal protection of the laws under the Constitution.
- (d) Advise the Commission upon matters of mutual concern in the preparation of its final report.
- (e) Receive reports, suggestions and recommendations from individuals and public and private organizations interested in the matters which Congress has assigned the Commission, and forward to the Commission its analyses and evaluations of such reports and suggestions.<sup>10</sup>

According to Neil McMillen, white moderates in Mississippi were so intimidated by "the threat of social blacklisting" by the White Citizens' Council that they did not volunteer to serve on a state advisory committee to the U.S. Civil Rights Commission. But in late 1959, a group of courageous Mississippians began to demonstrate some interest in establishing a state group. On March 20-22, 1960, members of this small group traveled to Gatlinburg, Tennessee, as delegates to a conference on organizing a state advisory committee. The group met in Mississippi during the months of April and June.<sup>11</sup>

The Committee was organized officially in 1961, its roster including the following: Reverend Murray Cox of Gulfport, Methodist minister, chairman; Dr. James Lucius Allen of Columbus, pharmacist, vice chairman; Reverend Richard Ellerbrake of Biloxi, United Church of Christ minister, secretary; Mrs. Jane Menefee Schutt of Jackson, housewife; Dr. George E. Powers of Pass Christian, dentist; Admiral Robert P.

<sup>10</sup>*The Fifty States Report*, (Washington, D.C., 1962), 315.

<sup>11</sup>Neil R. McMillen, *The Citizens' Council—Organized Resistance to the Second Reconstruction, 1954-1964*, (Urbana, Illinois, 1971), 260-61; "1960 Conference, Gatlinburg, Tennessee," March 9, 1960, Mississippi Civil Rights Material, Jane Schutt Papers, Tougaloo College Civil Rights Archives, Tougaloo, Mississippi; "Announcement of Meeting of Mississippi Advisory Committee," Jane Schutt Papers, Tougaloo College Civil Rights Archives, Tougaloo, Mississippi.

Briscoe of Liberty, retired North Atlantic Treaty Organization commander of Southeastern Europe; Dr. Albert B. Britton of Jackson, physician; Reverend Thomas E. Johnson of Jackson, American Sunday School Union missionary; Reverend Charlemagne P. Payne, Sr., of Meridian, African Methodist Episcopal minister.<sup>12</sup>

The members of the State Advisory Committee consisted of an interesting mixture of Mississippi citizens, their backgrounds reflecting the range of progressive civilians who served on state advisory committees in other states. However, the unique racial climate of Mississippi during the dangerous 1960s proved challenging to the group committed to improved race relations.

As the Committee held regular meetings throughout the early 1960s, members found themselves in critical and dangerous roles. In early 1961, the Committee received reports from its subcommittees during its regular meeting. The Instrumentalities of Justice Subcommittee reported that letters to local officials were received by the Washington office. The Education Subcommittee reported on school daily attendance, state aid for teachers' salaries, and the number and class of schools. The Voting Subcommittee reported on black registration efforts. Reports reflected the biases of the committee chairmen, and in some instances, the chairman's bias was the cause of debate. The Voting Subcommittee's chairman was Admiral Briscoe. In his report, he dated that no official figures were available on the number of black registrants and "declared" apathy was the principal reason for failure to register in rural areas. Other Committee members felt that four primary factors were critical to the non-registration of blacks: (1) fear of failure to pass the "literacy" examination required to register; (2) fear of economic reprisals by white employees; (3) fear of physical violence at the hands of local white persons who are in control of state and local political machinery; and (4) insufficient encouragement to register to vote given to black by white people in control of the body politic. This

<sup>12</sup>Mississippi State Advisory Committee to the United States Commission on Civil Rights (MSACCCR) Roster, February 24, 1961, Jane Schutt Papers, Tougaloo College Civil Rights Archives, Tougaloo, Mississippi; *The Fifty States Report*, "Mississippi," (Washington, D.C., 1962), 315-26; Salter, 25, 33-34.

discussion became a part of the Committee's report to the U.S. Commission.<sup>13</sup>

In an effort to establish ties with Mississippi's white political leadership, Jane Schutt was appointed by the Committee to write an open letter to Governor Ross Barnett. The letter asked the governor to inform the state residents about the Committee's civil rights findings and to encourage further study in the field.<sup>14</sup>

In addition to writing political officials, the Committee planned to send copies of the Civil Rights Provisions of the United States Criminal Code to local officials. It heard reports on interracial meetings held in Tougaloo and Gulfport. Dr. Britton was assigned to prepare a report on the student civil rights protest demonstrations at the Jackson Court House.<sup>15</sup>

The Committee appointed two members, Richard Ellerbrake and James L. Allen, to a subcommittee to report on the proposed transfer of "Freedom Riders" to Parchman State Penitentiary.<sup>16</sup> The Committee forwarded affidavits on police brutality to the U.S. Commission via Chairman Murray Cox and received complaints regarding unfair employment practices on highway construction jobs, the inability of blacks to purchase poll tax receipts, and intimidation of blacks regarding voting.<sup>17</sup>

The members of the Committee heard reports from its Instrumentalities of Justice Subcommittee, Education Subcommittee, and Employment Subcommittee. The Committee chairman presented a prepared newspaper statement. The Committee scheduled future open meetings in different parts of the state and explored the possibility of using federal courtroom facilities for its meetings. The open meetings would include open hearings for the press and public as well as executive session. In addition, the Committee discussed procedures for holding hearings.<sup>18</sup>

<sup>13</sup>"Minutes of the MSACCCR Meeting," January 11, 1961, Jane Schutt Papers, Tougaloo College Civil Rights Archives, Tougaloo, Mississippi; *The Fifty States Report*, (Washington, D.C., 1962), 316.

<sup>14</sup>"Minutes," March 15, 1961.

<sup>15</sup>*Ibid.*, April 19, 1961.

<sup>16</sup>*Ibid.*, June 14, 1961.

<sup>17</sup>*Ibid.*, September 17, 1961.

<sup>18</sup>*Ibid.*, November 15, 1961.

Regular meeting locations were a constant problem. During the summer of 1961, the Committee attempted to strengthen interracial lines of communication through establishing meeting places for interracial groups. It proposed the following locations: Tougaloo College in Tougaloo; Rust College in Holly Springs; Keesler United States Air Force Station in Biloxi; and the Divine Word Seminary on the Mississippi Gulf Coast. Most of the Committee's public hearings met in Clarksdale, Greenville, and Jackson. Some cities such as Grenada claimed to have no facilities available for the Committee's public hearings.<sup>19</sup>

When the use of the Federal Building in Jackson by the Committee was prohibited by Judge William Harold Cox of Mississippi, the Committee moved to petition the attorney general of the United States in order to secure the federal courtroom facilities. In the same open executive session, the Committee received a number of reports from Mississippi citizens.<sup>20</sup>

After working for a year under stressful conditions, the Committee in 1961 submitted its first official report. The report noted that the Mississippi state officials had advised all private citizens and state officials to refuse to provide information when queried by the Committee.<sup>21</sup>

Subcommittee reports provided a mixed bag of progress and failure in Mississippi's race relations. The Voting Subcommittee had no official statistics on voter registration and participation in Mississippi. The Education Subcommittee reported that black public schools received only nineteen percent of the state's educational appropriations and that white Mississippi institutions of higher learning received four times as much state funding as black institutions. There were no black schools

<sup>19</sup>*Hearings Before the United States Commission on Civil Rights, Volume I, Voting, Hearings Held in Jackson, Mississippi, February 16-20, 1965, (Washington, D.C., 1965), 23; "Minutes of the MSACCCR Meeting," June 14, 1961; "Minutes," September 27, 1961; Letter to Reverend Ellerbrake from W.H. Fedric, Grenada (Mississippi) City Attorney, July 2, 1962, Jane Schutt Papers, Tougaloo College Civil Rights Archives, Tougaloo, Mississippi.*

<sup>20</sup>Frank Read and Lucy S. McGough, *Let Them Be Judged—Integration of the Deep South*, (Metuchen, New Jersey, 1978), 294, 208-14; "Minutes," December 13, 1961, Jane Schutt Papers; Arthur M. Schlesinger, Jr., *Robert Kennedy and His Times*, (Boston, Massachusetts, 1978), 307-10; Pat Watters and Reese Cleghorn, *Climbing Jacob's Ladder—The Arrival of Negroes in Southern Politics*, (New York, 1967), 216-18, 226-27.

<sup>21</sup>*The Fifty States Report, "Mississippi," (Washington, D.C., 1962), 315.*



offering advanced professional training. Black taxpayers were supporting the University of Mississippi Medical Center and School of Nursing while blacks were not admitted to either institution.<sup>22</sup>

The Instrumentalities of Justice Subcommittee reported that more attention should be focused on the administration of justice by the Commission, especially regarding violations of civil rights in the courts and by private citizens. The report stated that only five blacks were practicing law in Mississippi and that there were no black judicial officers. Black policemen were employed by the cities of Gulfport, Greenville, and Indianola; black deputy sheriffs were employed only in Harrison County.<sup>23</sup>

The Employment Subcommittee reported on employment practices in federal agencies and focused on the following: (1) the National Guard and the Armed Forces Reserves; (2) employment in Lauderdale County agencies that received aid from the federal government; and (3) a general overview of black employment in Mississippi. The report's main focus was on employment discrimination based on race, color, religion or national origin in the state's federal agencies. The Subcommittee reported that only three blacks were employed by the Mississippi State Employment Service, and they were employed as janitors and yardmen; that there were no blacks in either the Mississippi Army National Guard or the Mississippi Air Force National Guard; the Army Reserves had eighty-six blacks in an inactive Quartermaster Unit; the Naval Reserves had four blacks out of an estimated personnel total of one hundred; there were black civilian employees at the Naval Auxiliary Air Station; the Social Security Division of the Department of Health, Education, and Welfare employed no blacks; only two of 167 employees employed by the United States Postal Service were black; and the Lauderdale County Welfare Department employed one black janitor.<sup>24</sup>

<sup>22</sup>The only program of graduate study available to Blacks in Mississippi was authorized by the Mississippi Board of Institutions of Higher Learning in 1953. It was the graduate studies program at Jackson State College. The first graduate of that program received a master of science in education degree in 1957. Many Mississippi Black college graduates attended graduate schools in the midwest and northeast through state supported scholarships. Lelia G. Rhodes, *Jackson State University—The First Hundred Years, 1877-1977*, (Jackson, Mississippi, 1979), 154; *The Fifty States Report*, "Mississippi," 316.

<sup>23</sup>"Mississippi," 317.

<sup>24</sup>*Ibid.*, 318-23.

The Committee's 1961 recommendations to the U.S. Commission on Civil Rights were as follows:

- (1) That Congress be requested to extend the life of the Commission and that the regional fieldworkers be added to the staff as resource persons for State Advisory Committees;
- (2) That the Commission hold public hearings preferably in Forrest County on voting irregularities;
- (3) That the Commission recommend to the Department of Justice that protection be given to litigants in civil rights suits and to persons seeking to register and vote, and to those seeking compliance with and the aid and protection of Federal laws;
- (4) That occasional regional meetings be held by advisory committees consisting of the committees of three or four States;
- (5) That an incidental expense account for meeting expenses of gathering information be granted to the committees;
- (6) That the Commission and the Department of Justice investigate the alleged extreme police brutality being perpetrated in the State, and especially in some of the counties surrounding and including Hinds County;
- (7) That the President and Congress make future appointment of federal officials in Mississippi with consideration to the appointees' attitudes toward civil rights;
- (8) That the Commission urge the adoption of the proposed 24th Amendment to the Constitution of the United States recommend by Chairman Hannah and Commissioners Hesburgh and Johnson.<sup>25</sup>

During 1962, the Committee received information from the U.S. Commission on how to hold its public hearings. Dr. V.P. Cotter of the Commission staff presented a report before the Mississippi Committee regarding procedures to be used in hearing complaints by citizens. In addition, the Committee continued to hear reports of harassment from citizens. During one meeting, it heard reports from Peter Stewart, Clarence McCullough, Julia M. Jones, and Mary Nell Smith.<sup>26</sup>

The 1963 Committee presented its findings from six open meetings in Clarksdale, Greenville, Jackson, and Meridian held between October 1, 1961, and December 31, 1962. The meetings used the following procedures: (1) the proposed open meeting was publicly announced; (2) the press and public were invited to the opening meetings; and (3) attempts were made to have law enforcement representatives available

<sup>25</sup>*Ibid.*

<sup>26</sup>Dulles, 180; Mississippi Advisory Committee to the United States Commission on Civil Rights (MSACCCR), *Report on Mississippi*, (Washington, D.C., 1963), 2.



when there was information regarding their connection to a complaint.<sup>27</sup>

As a result of these open meetings, new and significant information was obtained on race relations that had not emerged from Mississippi's other liberal groups. The Committee's open meetings were the scene of emotional testimony from Mississippi blacks regarding the daily inequality under which they lived. The following testimony is an example:

#### EXAMPLE D

(A Negro Woman)

"On . . . at approximately 1:30 a.m., a policeman in . . . stopped the car in which I was riding; he asked the driver of the car to get out and also, 'what have you been drinking?' the driver replied 'beer' after which they went around to the back of the car and talked.

"The policeman then returned to the car, told me to 'open your purse' and I did not do so, and he then repeated 'open your purse' then I handed it to him, and he threw it back in the car to me, and then told me to get in the police car.

"When I asked, 'what are the charges?,' he replied, 'for being a nigger.'

"The other lady in the car and I were taken to jail, and on the way she asked the policeman 'may I make a phone calls?' He replied, 'Shut up, before I knock you out.'

"After arriving at the jail, we went upstairs, the jailer asked me my name, and I replied . . . and the same policeman who arrested me, slapped me, knocked me down and kicked me twice, which caused me to tussle with him."<sup>28</sup>

The Committee's main goal in holding the six open meetings was to obtain "factual information regarding possible denials of equal protection of the law in Mississippi,"<sup>29</sup> but its efforts to gain information from Mississippians were dealt a serious blow when the Mississippi State Legislature passed the 1960 Mississippi Legislative Act in 1960. This act, altering the requirements of proof for prosecutions of perjury in cases, contained the following:

Corroboration or proof by more than one witness to establish the falsity of testimony or statements under oath is not required in prosecutions under this act. It shall not be necessary to prove to sustain or charge

<sup>27</sup>Dulles, 180; MSACCCR, *Report on Mississippi*, 2; John R. Salter, Jr., *Jackson, Mississippi—An American Chronicle of Struggle and Schism*, (Hicksville, New York, 1979), 78.

<sup>28</sup>MSACCCR, *Report on Mississippi*, 13.

<sup>29</sup>*Ibid.*, 2.

under this act, that the oath or matter sworn to was material, or if before an executive legislative or judicial tribunal committee or commission that the tribunal committee or commission had jurisdiction.<sup>30</sup>

Despite the Mississippi State Legislature's action, the Committee heard approximately 150 complaints of alleged denial of equal protection under the law and presented the following 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 . . . . All Mississippians are thereby denied the privilege 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 . . .
- (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 . . . . [W]e are forced to report that the attitude of the State Government, rather than being one of protection, has been one of obstruction of the realization of the rights of our citizens . . .
- (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 . . . . 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 it closes its eyes to State or local official mistreatment of Negro citizens.
- (4) The Committee finds that the Federal Government has not provided citizens of Mississippi the protection due them as American citizens. The Department of Justice has acted in good faith, but the present interpretation of the function of the Civil Rights Division of the Justice Department is unduly and unwisely narrow and limited . . . .
- (5) We also find that the Commission on Civil Rights itself continues to have an unfulfilled obligation in regard to Mississippi. It is our opinion that a formal civil rights hearing, such as only the Commission can conduct, is more urgently needed in Mississippi than practically any other State in the Union. Yet, the Commission has never met in this State in the course of its 5-year existence.<sup>31</sup>

The Committee's recommendations to the U.S. Commission were as follows:

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

<sup>30</sup>*Ibid.*, 29-30.

<sup>31</sup>MSACCCR, *Report on Mississippi*, 23-25.

in which such action appears to be warranted, regardless of the prospects for conviction;

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

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.<sup>32</sup>

The 1963 roster of the Committee included the following: Jane Menefee Schutt of Jackson, chairman; Dr. James L. Allen of Columbus, vice chairman; Dr. A.D. Beittel of Tougaloo, secretary; Admiral Robert P. Briscoe of Liberty; Dr. Albert B. Britton of Jackson; Reverend Thomas E. Johnson of Jackson; Reverend Charlemagne P. Payne, Sr., of Jackson; Dr. George E. Powers of Pass Christian.<sup>83</sup>

Some of the members encountered social ostracism. Many outstanding civic and religious leaders in Mississippi's white community were shocked to receive numerous derogatory telephone calls and letters. The Committee's vice chairman's home was bombed by an incendiary device. A member was threatened by a sheriff (the president of the local White Citizens' Council) and was hit in the face by a neighbor. His children were the victims of taunts from classmates because of their father's membership on the Committee. Another member resigned reluctantly from his pastoral duties over two churches rather than allow them to be divided as a result of disagreements regarding his Committee membership. One member's home had a cross burned in the front yard.<sup>34</sup>

In 1963 and 1964, the Committee sponsored nine open meetings in Biloxi, Greenville, Jackson, Meridian, Natchez, and Vicksburg. The meetings were held in the civil service examining rooms of the United States Post Office in every city except Vicksburg, while it was held in the armory of the United States Reserve Unit. The Committee heard testimony from 125 complainants. The Natchez open meeting convened

<sup>32</sup>*Ibid.*, 26-27.

<sup>33</sup>*Ibid.*, 28.

<sup>34</sup>*Ibid.*, 32-33; Interview with Jane Schutt, January 18, 1982.

under a bomb threat and during the meeting complainants were intimidated by white spectators who glared at them.<sup>35</sup>

In 1963, the Commission issued a special interim report on conditions in Mississippi, resulting from the worsening race relations in the State and an ongoing feud between the Commission and the Department of Justice. The feud centered around the request to hold hearings in Mississippi, which it had planned on three different occasions. The Department of Justice ordered their postponement. Attorney General Robert Kennedy thwarted the Commission's plans in 1962 to schedule Mississippi hearings in early 1963, saying he felt the hearings might jeopardize the Department of Justice's criminal contempt proceedings against Mississippi's governor Ross Barnett. In addition, Attorney General Kennedy likened the Commission's work to the House Un-American Activities Committee investigations on communism. He felt its investigations were not only getting in the way of the Department of Justice but also lacked objectivity.<sup>36</sup>

Despite the attorney general's lack of confidence in the Commission's investigations, the 1963 Commission interim report recommended that the president and Congress "consider seriously" legislation guaranteeing that federal monies should not be given to any state that persisted in its resistance to obey the Constitution and the laws of the country; and that the president "explore" his power "to withhold Federal funds from the State of Mississippi until the State of

<sup>35</sup>*Newsweek*, March 13, 1967, 47-48; Drew Pearson, "The Moderates in Mississippi," (November 5, 1964), SRC Papers, Harvard University, Cambridge, Massachusetts; *Hearings Before the United States Commission on Civil Rights, Volume II, Administration of Justice*, (Washington, D.C., 1965), 70-165; Letter from Eugene A. Jackson to Charles Evers, February 26, 1967, regarding Wharlest Jackson murder, Congress of Racial Equality (CORE) Papers, Harvard University, Cambridge, Massachusetts; Charles Horowitz, "Natchez, Mississippi—Six Weeks of Crisis," October 9, 1965 (Edwards, Mississippi: Freedom Information Service), SNCC Papers, Harvard University, Cambridge, Massachusetts; "Natchez Mississippi—Background Report," *Southern Reporting Service*, SNCC Papers, Harvard University, Cambridge, Massachusetts.

<sup>36</sup>Ironically, Robert Kennedy's pursuit of Ross Barnett was discontinued by his successor. Consequently, Ross Barnett was never convicted of obstruction of justice charges because the statute of limitation expired. Barnett became a folk hero among the white bigots of Mississippi. The failure of Robert Kennedy to prosecute Barnett was an indication of the Kennedy Administration's inability to effectively carry out its civil rights policies. Schlesinger, 313-14; Dulles, 179-87.

Mississippi demonstrates its compliance with the Constitution and laws of the United States."<sup>37</sup>

After Robert Kennedy left the attorney general's office, the Commission finally held Mississippi hearings on February 16-20, 1965, in the Recreation Hall of the Veterans Administration Center in Jackson.

The hearings focused on problems in twelve Mississippi counties regarding law enforcement, the denial of voter registration rights, and the intimidation and physical violence encountered by prospective voters.<sup>38</sup> A strong effort was made to include Mississippi's moderate/liberal elements in the proceedings. Consequently, the Commission, in conjunction with the Civil Rights Division of the Department of Justice, agreed before the hearings to eliminate a large amount of negative testimony offered by witnesses in Mississippi.<sup>39</sup>

The Mississippi hearings opened officially in the Federal Building of Jackson with closed executive sessions on February 10-11, 1965. The Committee heard witnesses testify despite their fears of violent reprisals from white segregationists.<sup>40</sup>

The sessions began with greetings from the Committee, whose 1965 roster consisted of Dr. Albert B. Britton, Jr., of Jackson, chairman, physician; Dr. A.D. Beittel of Jackson, secretary, retired Tougaloo college president and field staff member of the American Friends Service Committee; Rabbi David Z. Ben-Ami of Hattiesburg, former rabbi of Beth-Israel; Reverend Blanton Doggette of Tupelo, Methodist clergyman; Clarie Collins Harvey of Jackson, mortician and co-owner of Collins Funeral Home; Reverend Charles C. Hunter of Yazoo City, pastor of Saint Mary's Catholic Church; Reverend Charlemagne P. Payne, Sr., of Jackson, District Superintendent, Methodist Church of Jackson District, the Mississippi Conference; H.J. Price of Magnolia, housewife; Dr. George E. Powers of Gulfport, dentist; and Hazel Brannon Smith of Lexington, newspaper publisher.<sup>41</sup>

<sup>37</sup>*Interim Report of the United States Commission on Civil Rights*, (April 16, 1963); Dulles, 183; Salter, 76.

<sup>38</sup>*Hearings Before the United States Commission on Civil Rights, Volume I, Voting, Hearings Held in Jackson, Mississippi, February 16-20, 1965*, (Washington, D.C., 1965), 1.

<sup>39</sup>Dulles, 232-43.

<sup>40</sup>*Hearings Before the United States Commission 1965*, Vol. I, 3-5.

<sup>41</sup>*Ibid.*, 3-5.

In addition, there were greetings from the governor of Mississippi, Paul Burney Johnson, Jr., and the Jackson mayor, Allen C. Thompson. The greetings from the governor and the mayor contained a combination of antipathy and goodwill towards the Committee. Governor Johnson's welcome included the following statements:

... The Civil Rights Act of 1964 was 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.

... I am delighted that you are here, that you will be a real fact-finding committee.<sup>42</sup>

The testimony presented by many black Mississippi leaders demonstrated their disbelief in the sincerity of the governor's comments. Black leaders such as Charles Evers, Aaron E. Henry, Curtis C. Bryant, R. Jess Brown, Jack Young, Sr., L.S. Alexander, and Unita Blackwell presented testimony focused on voter registration activities in the communities, the lack of legal protection for blacks, obstruction of black voting rights by white Mississippi registrars, inequities in the Mississippi educational system, violence encountered by civil rights activists—verbal threats of violence, burnings and bombings of churches and homes, shootings and beatings; and the failure of Mississippi's authorities to enforce the 1964 Civil Rights Act.<sup>43</sup>

Despite the attempts of attorney generals Robert Kennedy and Nicholas deB. Katzenbach to prevent the Commission from convening in Mississippi, its Mississippi hearings revealed the true extent of the abandonment of law and order tolerated by white Mississippi officials during the 1960s. As an agent of the federal government, the Committee, in concert with the Commission on Civil Rights, published the only public documents on the obstruction of black Mississippians' civil rights.

Although the Mississippi Committee was composed of members from the state's black upper class such as Dr. Britton and Mrs. Harvey and Mississippi's white middle class such as Mrs. Schutt, they worked well together. Members allowed each other to express opinions, as demonstrated in the debate that resulted from Admiral Briscoe's report

<sup>42</sup>*Ibid.*, 58.

<sup>43</sup>*Ibid.*; *Hearings*.



on black voting. This critical dimension of the Committee gave it a level of credibility in Mississippi's black community unlike any other state group that contained white Mississippians. Yet the socialization of white Mississippians in a segregated society was not always successfully overcome by all Committee members. During one of its meetings, the "liberal" credentials of a member were challenged by a local black citizen who claimed the member's daily interaction with blacks was bigoted. The fact that the member's actions were discussed openly by the Committee is a clear indication of the good faith principles by which the members performed their duties.

In conclusion, the Mississippi Advisory Committee continued to serve as a vital part of Mississippi's liberal white community until the Reagan Administration's reconstruction of the U.S. Commission on Civil Rights. Thus, the past activities of the Committee served the important function of providing white liberal Mississippians with a legitimate governmental authority for race relations involvement.<sup>44</sup>

<sup>44</sup>Robert Pear, "Audit Questions the Operations of Rights Panel—Charges Irregularities in Personnel and Finance," *New York Times*, (March 23, 1986).