

## THE MISSISSIPPI LEGISLATURE - 1964

COFO  
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This report concerns the composition and activities of the Mississippi Legislature in 1964. The report seemed necessary because of the large number of anti-civil rights bills and other bills of a racial character dealt with by the 1964 Legislative Session.

The body of the report lists and explains the key bills introduced and passed in this session. Only the most important sections of the bills are quoted in full; other portions are explained in the text. Where relevant, selections from floor debate are given, as well as biographical notes on legislators associated with specific measures. These notes make clear the racial aspects of the legislation.

Please note that only those bills starred with an asterisk have actually been signed into law, as of June 2, 1964. Several other bills which have been passed in either or in both houses will probably become law before adjournment of the current session, expected in late June or early July.

The Table of Contents and the Introduction, taken together, serve as a summary of the full report.

### TABLE OF CONTENTS

INTRODUCTION	--- page 1
1. ANTI-ECONOMIC BOYCOTT BILL - Senate Bill No. 1607 (Still in Committee) This bill attempts to outlaw economic boycotts by Negroes against white businesses which discriminate.	--- page 4
*2. ANTI-LEAFLETING LAW - Senate Bill No. 1545 (Passed and Signed) - This bill prohibits the distributing of leaflets calling for economic boycotts.	--- page 5
*3. ANTI-PICKETING LAW - House Bill No. 546 (passed and Signed) - A bill prohibiting picketing of public buildings.	--- page 5
4. 'SECOND' ANTI-PICKETING LAW - (Passed in House, sent to Senate) - An almost identical law to be used if the above law is declared unconstitutional.	--- page 6
5. BILL AUTHORIZING SPECIAL DEPUTY SHERIFFS IN ALL COUNTIES - House Bill No. 246 (Still in County Affairs Committee) - A bill to allow unlimited deputy sheriffs "to cope with emergencies".	--- page 7



- WV 88 / 85 / 100
- \*6. BILL TO "RESTRAIN MOVEMENTS OF INDIVIDUALS UNDER CERTAIN CIRCUMSTANCES" --- THE CURFEW LAW - House Bill No. 64 (Passed in both Houses and signed) - This bill would allow police to restrict freedom of movement of individuals and groups and to establish curfews without formally declaring martial law. --- page 7
7. BILL "TO PROVIDE FOR APPOINTMENT OF SECURITY AND PATROL PERSONNEL FOR STATE INSTITUTIONS" - House Bill No. 617 (Passed in House and sent to Senate) - This bill provides for "security patrol officers" to be appointed at all State institutions by the Public Safety Commission --- page 7
8. BILL TO AUTHORIZE A COMPLETE RADIO STATION FOR POLICE IN ANY COUNTY House Bill No. 101 (Passed in both Houses) --- page 8
- \*9. THE "MUNICIPAL AGREEMENT" ACT - Senate Bill No. 1526 (Passed by both Houses and signed) - A bill to allow municipalities to share police forces and firefighting equipment during "riots and civil disturbances" --- page 9
10. THE "REFUSAL TO COMPLY WITH CERTAIN REQUESTS" BILL - House Bill No. 777 (Passed in both Houses) - A bill to outlaw passive resistance in civil rights demonstrations. --- page 9
- \*11. THE HIGHWAY PATROL ACT - House Bill 564 (Passed in both Houses and signed) - An omnibus bill enlarging the Highway Patrol and expanding its powers, and allowing the Governor to order the Patrol into local situations without the request of local authorities. --- page 11
12. ANTI-FREEDOM SCHOOL BILL NO. 1 - Senate Bill No. 2136 (Still in Judiciary Committee) - This bill makes illegal the Freedom Schools and Community Centers planned by COFO for the coming summer. --- page 13
13. ANTI-FREEDOM SCHOOL BILL NO. 2 - Senate Bill No. 1969 (Still in Education Committee) - This is an earlier attempt to ban the Freedom Schools. --- page 15
14. A BILL TO RAISE QUALIFICATIONS FOR MEMBERS OF COUNTY BOARDS OF EDUCATION - Senate Bill No. 1702 (Released from Education Committee) - Among other things, this bill would require Board members to be high school graduates. The bill has had trouble in the Senate. --- page 15
15. A BILL TO PERMIT SEGREGATION OF PUBLIC SCHOOLS BY SEXES - (Approved by the House Education Committee) - The bill is to be used in the event Mississippi schools are forced to integrate racially. --- page 16
16. BILLS TO ALLOW STATE SUPPORT OF PRIVATE SCHOOLS - (Introduced into the Senate) - This is a series of bills to allow state funds to be used in support of private schools if public schools are closed to avoid integration. --- page 16
17. BILL TO REVOKE THE CHARTER OF TOUGALOO COLLEGE - Senate Bill No. 1672 (Still in Judiciary Committee) - This bill was introduced in retaliation for civil rights activities of students and faculty at integrated Tougaloo College. --- page 16
18. BILL TO END ACCREDITATION OF TOUGALOO COLLEGE - Senate Bill No. 2045 (Passed in both Houses) - This bill would change the accreditation system in the state so that Tougaloo could be dropped from accreditation. --- page 17



19. INVESTIGATION OF UNIVERSITY OF MISSISSIPPI PROFESSOR CRITICAL OF THE STATE - Concurrent resolution introduced in the House - An attack by legislators against a critical university professor. --- page 18

20. ANTI-SUMMER PROJECT BILL - TO PROHIBIT ENTRY INTO THE STATE - House Bill No. 870 (Still in Judiciary "A" Committee) - This bill attempts to prohibit entry into the state of volunteers for the Mississippi Summer Project on the grounds that their purpose is "wilfull violation of the laws of the state". --- page 18

21. THE "CRIMINAL SYNDICALISM" BILL - Senate Bill No. 2027 (Passed in Senate, reported out favorably by House Committee) - This bill makes illegal any association which advocates or practices crime or violence. It is aimed both at white extremist groups and at civil rights organizations. --- page 19

22. BILL TO PROHIBIT THE CAUSING OF CRIME FROM OUTSIDE THE STATE - Senate Bill No. 2026 (Passed in Senate, reported out favorably by House committee) - This bill, like the Criminal Syndicalism bill, could be applied to both white extremists and civil rights workers. --- page 20

23. AN ACT TO PROHIBIT 'ENTICEMENT' OF A CHILD TO VIOLATE THE LAWS AND ORDINANCES OF THE STATE - House Bill No. 786 (Still in Judiciary "A" Committee) - This bill attempts to keep minors from participating in civil rights activities by punishing teachers, parents, and civil rights workers. --- page 21

24. BILL PROVIDING FOR COURTS TO TREAT JUVENILES ARRESTED IN CIVIL RIGHTS CASES AS ADULTS - House Bill No. 960 (Passed by House, now in Senate) - This bill removes from Youth Court jurisdiction minors under 21 years of age charged under those laws most often used for arrest of civil rights workers. --- page 22

\*25. APPROPRIATION FOR THE STATE SOVEREIGNTY COMMISSION - \$50,000 - Senate Bill No. 1896 (Passed in both Houses and signed) - An emergency \$50,000 appropriation to the State Sovereignty Commission, the official watchdog of segregation in Mississippi, to fight the Civil Rights Bill now pending before Congress. --- page 22

26. SUPPORT FOR GOVERNOR WALLACE - Concurrent Resolution in the House (Passed by the House) - A Resolution commending Wallace for his Wisconsin 'victory'. --- page 24

27. BILL TO PAY COSTS OF COUNTY REGISTRARS AND CIRCUIT CLERKS CONVICTED UNDER THE 1957 and 1960 CIVIL RIGHTS ACTS - Senate Bill No. 1880 (Passed in Senate, now in House) - This bill would allow the State to actively support county officials who refuse to comply with Federal Court orders to register Negroes on an equal basis with whites. --- page 24

28. THE "LIBERTY AMENDMENT" TO OUTLAW FEDERAL AGENCIES AND THE INCOME TAX - House Concurrent Resolution No. 16 (Passed in both Houses, now in joint committee) - This proposed amendment to the U.S. Constitution would require the U.S. Government to dissolve or sell all agencies which might compete with private enterprise. The personal income tax would also be ended. --- page 24



29. BILL TO END URBAN RENEWAL - House Bill \_\_\_\_\_ (Passed in House, sent to Senate) - A bill ending urban renewal in Mississippi to avoid "federal encroachment".  
--- page 26
- \*30. BILL TO INVALIDATE THE 24TH AMENDMENT WHICH BANS THE POLL TAX - Senate Bill No. 1783 (Passed in both Houses and signed) - This bill appears to comply with the 24th Amendment which bans the poll tax in Federal elections. But the bill in fact provides for a similar form of registration which would have the same exclusive effects as the poll tax itself.  
--- page 27
31. BILL TO REDUCE THE NUMBER OF NEGROES ON MISSISSIPPI JURY LISTS - House Bill No. 937 (Passed in House, sent to Senate) - This bill attempts to reduce the number of Negroes on Mississippi jury lists by changing the qualifications for jury members.  
--- page 29
- \*32. BILL TO PROVIDE PRISON TERMS OR STERILIZATION FOR PARENTS OF ILLEGITIMATE CHILDREN - House Bill No. 180 (Passed by House, revised version passed by Senate, Senate version finally approved by both Houses and signed) - This bill in its original House form gave parents of a second illegitimate child the choice between three to five years in the State Penitentiary and sexual sterilization. A Senate version, striking the sterilization clause and reducing the penalty to a misdemeanor was finally approved and signed.  
--- page 29
33. BILL TO PROVIDE STERILIZATION FOR THOSE CONVICTED OF A THIRD FELONY House Bill No. 788 (Still in Judiciary En Banc Committee) - A bill to provide mandatory sterilization of those convicted of a third felony.  
--- page 31
34. BILL TO REDUCE THE PENALTY FOR RAPE - House Bill No. 145 (Defeated in the House) - A defeated bill which would have reduced the penalty for rape. The present penalty is either death or life imprisonment.  
--- page 32
- \*35. BILLS TO ALLOW ARRESTED CIVIL RIGHTS WORKERS TO BE TRANSFERRED TO PARCHMAN PENITENTIARY - House Bills No. 321 and 322 (Passed in both Houses and signed) - These bills provide that city and county officials may transfer prisoners to the State Penitentiary in the event of "crowded or inadequate" facilities.  
--- page 33
36. BILL TO ALLOW DISCLOSURE OF JUVENILE COURT RECORDS TO STATE AGENCIES Senate Bill No. 2016 (Passed in Senate, amended version passed in House) This bill would allow disclosures from records of juvenile offenders to any office or agency of the State, at the discretion of the Youth Court Judge. The purpose of the bill is to allow the Board of Trustees of the University of Mississippi to consider the civil-rights arrest records of Negro applicants.  
--- page 34
- \*37. BILL TO REFORM PARCHMAN PENITENTIARY - House Bill No. 227 (Passed in House, revised bill passed in Senate, House version finally passed in both Houses and signed) - A 'reform' bill for Parchman Penitentiary which, however, allows continued use of the lash on prisoners. The bill centralizes control of the Penitentiary under the Governor.  
--- page 34



## INTRODUCTION

Nowhere is the corruption and hypocrisy of Mississippi's white community more apparent than in the composition and activity of the State Legislature. In the past few months, spurred on by the success of civil rights work in the state and by COFO's plans for the coming summer, the Legislature has worked feverishly to produce legislation restricting civil rights and liberties for those who would change the Mississippi 'way of life'.

Lawmakers in floor debate have constantly talked of the coming 'invasion' of the state, and their attitude has helped to create near hysteria in sections of the white community. The Ku Klux Klan and other white vigilante groups have revived, and citizens are being advised to arm to meet the pending crisis.

The Legislature has done its own share to make of Mississippi an armed and authoritarian state. Two hundred men have been added to the Highway Patrol and the Governor has been given the power to order the Patrol into local racial 'emergencies', even if local authorities do not request his aid. The state penitentiary has also been opened for the use of municipal and county police. Picketing of public facilities, organizing boycotts, and leafleting have been made illegal; and bills have been introduced to outlaw COFO's Freedom Schools, Community Centers, and libraries.

All this has been done in the name of meeting the 'crisis' to Mississippi presented by civil rights activities. The legislators seem genuinely frightened that civil rights successes are undermining the racist power structure of the state.

Their fear is understandable given the composition of the Mississippi Legislature. Even more than in most states, the legislature of Mississippi is an elitist group, representing the dominant political and economic powers of the state, pledged to white supremacy and the one-party system.

In 1956, the Legislature created the State Sovereignty Commission, an executive body which plans the state's battle against civil rights. This year, in addition to regular budget allotments, the Legislature voted the Sovereignty Commission \$50,000 in tax money to fight the Civil Rights Bill.

The racism of the Mississippi legislators also shows up through their involvement with the White Citizens Councils, the semi-official watchdogs of segregation in the state. Known Citizens Council members hold key positions in both houses of the Legislature. But even those who are not known as members usually have close ties to Council members and share the same views.

The connections of some members of the Legislature with the Citizens Councils and the State Sovereignty Commission are documented below:



(1) The President of the Senate is automatically a member of the Sovereignty Commission. In addition, Sen. Herman DeCell and Sen. Earl Evans were appointed to the 1960-64 Commission, (Evans has since been replaced).

(2) At least 10 of the 53 members of the Senate are members of the Citizens Councils. Sen. James Edgar Lee is President of the Citizens Council of Jefferson Davis County. Sen. George Yarbrough of Red Banks, President Pro Tempore of the Senate, is listed as a Citizens Council member in the Mississippi Legislative Handbook and is on the present State Executive Committee of the Citizens Councils.

(3) Citizens Council and Sovereignty Commission members sit as both Chairman and Vice-chairman on the Constitution and the Oil and Gas Committees of the Senate. They also hold Chairmanships of the Transportation, County Affairs, Claims, Temperance, (Mississippi is a dry state with an open bootleg market), Contingent Expense, and Interstate- and Federal Cooperation Committees.

Sen. Yarbrough, who heads the last two committees, is also Vice-chairman of the powerful Rules Committee. Other Citizens Council or Sovereignty Commission members are Vice-chairman of Fees and Salaries, Finance, Forestry, and Corporations Committees.

(4) The Speaker of the House, (presently Rep. Walter Sillers), is automatically a member of the State Sovereignty Commission. Rep. W. H. Johnson, Jr. and Rep. Wilber Hooker have both been appointed to the 1960-64 Commission. Both are also members of the State Executive Committee of the Citizens Council.

(5) In the House, known Citizens Council members number 19 out of 122. Two of these, Rep. Hooker and Rep. Fred Jones of Sunflower County were members of the State Executive Committee of the Citizens Council in 1956. In addition to Hooker and W. H. Johnson, Jr., Rep. Horace Harned of Starkville is also on the present Executive Committee.

Rep. Charles Blackwell of Laurel is past president of the Oxford Citizens Council. Walter Sillers, Speaker of the House, was Master of Ceremonies at a recent Boliver County Citizens Council meeting.

(6) Citizens Council and Sovereignty Commission members are both Chairman and Vice-chairman on the Labor, County Affairs, and Insurance Committees of the House. They also chair the Constitution, Federal Relations, Public Utilities, Corporations, Levees, Conservation, University and Colleges, and Census and Apportionment Committees. They are Vice-chairman on the Insurance, Penitentiary, and Education Committees of the House and on the Joint House-Senate Library Committee.



The significance of the role of Citizens Council members in the Legislature is clear from the 5-Point Action Program of the Citizens Councils:

- (1) Prevent Race Mixing. Racial integrity is essential to civilization and liberty.....
- (2) Avoid Violence. Experience has proved that where integration occurs, violence becomes inevitable.
- (3) Maintain and Restore Legal Segregation....
- (4) Defend States' Rights. The states are the sources of all governmental power, local and Federal....
- (5) Reverse the "Black Monday" Decision. The Supreme Court's school integration decision of May 17, 1954 is a patent perversion of the Constitution, based on false "science." If it stands, social segregation and laws against racial intermarriage will be subject to judicial condemnation. Such a prospect is intolerable!

Such are the views of the President Pro Tempore of the Senate, the Speaker of the House, and other key figures in the Mississippi Legislature. With such a background, it is not surprising that the 1964 Session has had an anti-civil rights and civil liberties orientation.

Many of the laws dealt with in this report are clearly unconstitutional. But Mississippi's legislators, most of whom are opposed to the decisions of the "Warren Court", have little concern for the ultimate constitutionality of their legislative activities. They are concerned instead with providing the state with emergency powers to combat civil rights within the next few months.

Because of this, the 1964 Legislative Session has often seemed like an episode out of Alice in Wonderland. The legislature has even violated the very principles which the state's representatives claim to uphold on the national level. In Congress, Mississippi's representatives have consistently attacked the Civil Rights Bill as a violation of States' Rights and have deplored the use of Federal troops in racial crises. But at the same time, the Mississippi Legislature has centralized control of the Highway Patrol and the Penitentiary under the Governor and given him the power to use the Patrol to intervene in local affairs.

No matter how otherworldly the Mississippi Legislature may seem, however, it cannot be taken lightly. The final effect of the laws proposed and passed in the Legislature this session would be to turn Mississippi into a totalitarian state, for white and black alike. As AFL-CIO Labor Council President Claude Ramsey has already warned, "legislation enacted by the Mississippi Legislature 'under the guise of segregation maneuvers' could, in reality, be used against the labor movement...." (Jackson Daily News, May 25, 1964). It must be remembered, in reading through the following pages, that preservation of "Racial Integrity" has been the traditional excuse by which Southern white politicians have maintained the Closed Society, in which all whites as well as all Negroes must suffer from fear and loss of freedom.

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# 1. ANTI-ECONOMIC BOYCOTT BILL

Senate Bill No. 1607 (Still in Committee)

This bill is aimed at outlawing economic boycotts by Negroes against white businesses which discriminate.

AN ACT MAKING IT UNLAWFUL TO THREATEN OR ATTEMPT TO INTIMIDATE, HARASS, OBSTRUCT OR IMPEDE ANOTHER PERSON BY FORCE, ABUSE OR OTHERWISE, FROM LAWFULLY TRADING OR CARRYING ON BUSINESS; PROVIDING THE PENALTY THEREFOR UPON CONVICTION; AND FOR RELATED PURPOSES.

SECTION 1. If any person or persons, by threats, force, abuse or otherwise attempts to intimidate, harass, obstruct or impede any person or persons for the purpose of and with wilful intent to prevent such person or persons from buying from, selling to or trading with another person who is engaged in a lawful business or trade, he shall be guilty of a misdemeanor and on conviction, shall be punished by imprisonment in the county jail not less than one month nor more than six (6) months, and by fine not exceeding Five Hundred Dollars (\$500.00).

This bill and the one following are among the most vicious dealt with by the 1964 Legislature. The effect of the two bills is to make it impossible to organize economic boycotts by Negroes against those white establishments which refuse equal services and employment to Negroes. Successful boycotts of white business areas have been organized in Canton, Jackson, and elsewhere, despite anti-boycott ordinances in these cities. Now, the state legislature is attempting to enforce these unconstitutional provisions over the entire state.

The bills are vicious because they put a final cap on the economic and political subordination of Mississippi's Negroes. The white power structure of the state argues that the rights of personal property and personal choice are the basis of American democracy and more important than equal rights for all citizens. But when Negroes attempt to exercise choice as to where they spend their money, they are forbidden to do so by the white community. Negroes are paid very little for their work in Mississippi, but the white community insists that what little money the Negro community does have flow as much as possible back to the white man.

It is not surprising, therefore, that the only Senator who was listed as a sponsor of both bills was Sen. Edwards C. Henry, a Past President and member of the Board of Directors of the Canton Chamber of Commerce and Vice-president of the First Federal Savings and Loan Association of Canton. Sen. Henry is Chairman of the Oil and Gas Committee of the Senate, and Vice-chairman of the Constitution Committee. He is listed in the official Handbook of the Legislature as a member of the Citizens Council.

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## 2. ANTI-LEAFLETING LAW

\* Senate Bill No. 1545 (Passed and Signed)

This bill prohibits distributing leaflets calling for economic boycotts.

AN ACT MAKING IT UNLAWFUL TO PRINT OR CIRCULATE ANY MATTER FOR THE PURPOSE OF IMPAIRING, INTERFERING WITH, OR PREVENTING ANOTHER PERSON FROM EXERCISING A LAWFUL TRADE OR CALLING, PROVIDING A PENALTY THEREFOR ON CONVICTION, AND FOR RELATED PURPOSES.

If any person shall wilfully and maliciously print, circulate or distribute, cause to be printed, circulated or distributed, or assist in printing, circulating or distributing, in any form whatever, any matter, the purpose and design of the contents thereof being to wilfully and maliciously interfere with, or prevent another from exercising a lawful trade or calling, or engaging in a lawful business, or engaging in lawful use and enjoyment of his property, he shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment for not more than six (6) months in the county jail or be fined not more than Five Hundred Dollars (\$500.00), or both.

The right to distribute leaflets has been upheld in several cases by the United States Supreme Court, most notably in the 1938 decision in *Lovell v. Griffin*, 303 U.S. 444. Distribution of leaflets has been recognized as one of the activities protected by the First Amendment's guarantees of freedom of speech and of the press. Nonetheless, arrest on anti-leafletting and anti-littering charges have been among the most common in Mississippi. In a state where Negroes have almost no access to influence through radio, television, or the newspapers, handbills and flyers are an important form of communication and a valuable tool in civil rights work.

## 3. ANTI-PICKETING LAW

\* House Bill No. 546. (Passed and signed)

A bill prohibiting picketing of public buildings. (For further information see special COFO report on the Anti-picketing Law).

AN ACT TO PROHIBIT THE UNLAWFUL PICKETING OF STATE BUILDINGS, COURTHOUSES, PUBLIC STREETS, AND SIDEWALKS.

SECTION 1. It shall be unlawful for any person, singly or in concert with others, to engage in picketing or mass demonstrations in such a manner as to obstruct or interfere with free ingress or egress to and from any public premise, State property, county or municipal courthouses, city halls, office buildings, jails, or other public buildings or property owned by the State of Mississippi or any county or municipal government located therein or with the transaction of public busi-



ness or administration of justice therein or thereon conducted or so as to obstruct or interfere with free use of public streets, sidewalks or other public ways adjacent or contiguous thereto.

This law carries a misdemeanor charge, with provision for \$500 fine, 6 months in jail, or both fine and imprisonment.

This bill was originally introduced by Rep. Rex Jones of Forrest County (Hattiesburg), and by lawmakers from Madison County (Canton) and Hinds County (Jackson). All three areas have recently been the scene of demonstrations and picketing. In floor debate, the bill was described as an "emergency bill for Greenwood". The day after the bill was signed, 52 people were arrested under its provisions at a Greenwood Freedom Day. The following day, 55 were arrested for picketing at the Forrest County Courthouse in Hattiesburg.

The bill is a clear violation of the 1st Amendment. Mrs. Victoria Jackson Gray and Rev. John E. Cameron, Negro candidates for national office from Mississippi, have filed suit against the Governor and other state and county officials to restrain them from applying the anti-picketing law. Mrs. Gray, of Hattiesburg, is a candidate for the Senate. Rev. Cameron, candidate for the House of Representatives from Hattiesburg, was one of those arrested at the Forrest County Courthouse.

#### 4. 'SECOND' ANTI-PICKETING LAW

(Passed in House, sent to Senate)

An almost identical law to be used if the above law is declared unconstitutional.

According to the Jackson Clarion-Ledger, April 13, 1964: "The House, on April 12, gave unanimous approval to a second bill aimed at preventing mass picketing of public buildings....

"The measure was almost identical to one passed earlier by both chambers and signed into law by Gov. Paul Johnson a few weeks ago. The only change was insertion of the word 'unreasonably' in the new proposal.

"A case is now pending in federal court which challenges the earlier law in connection with the arrest of several racial demonstrators at Hattiesburg, scene of a Negro voter registration drive.

"The new bill apparently was drawn up in the event the measure enacted previously was thrown out by the courts."



## SIX BILLS INCREASING POLICE POWERS

### 5. BILL AUTHORIZING SPECIAL DEPUTY SHERIFFS IN ALL COUNTIES

House Bill No. 246 (Still in County Affairs Committee)

A bill to allow unlimited deputy sheriffs "to cope with emergencies".

This bill would provide that the sheriff of any county is authorized to appoint special deputy sheriffs in addition to regular, full-time deputies, "to cope with emergencies in matters of general law enforcement which may exist or come about in any county to an extent that the sheriff's office is in need of additional deputies....", and in case of floods, etc.

### 6. BILL TO "RESTRAIN MOVEMENTS OF INDIVIDUALS UNDER CERTAIN CIRCUMSTANCES" --- THE CURFEW LAW

\* House Bill No. 64 (Passed in both Houses and signed)

This bill would allow police to restrict freedom of movement of individuals or groups and to establish curfews without formally declaring martial law.

AN ACT TO...PROVIDE THAT MUNICIPALITIES MAY ENFORCE NEEDFUL POLICE REGULATIONS TO RESTRAIN MOVEMENTS OF INDIVIDUALS UNDER CERTAIN CIRCUMSTANCES; AND FOR RELATED PURPOSES.

Section 1 provides for quarantine of individuals with infectious diseases.

SECTION 2. The governing authorities of municipalities shall have the further power to make additional regulations to protect property, health and lives and to enhance the general welfare of the community by restricting the movements of the citizens, or any group thereof, of such municipalities when there is eminent danger to the public safety because of freedom of movement thereof.

Among other restrictions, the bill would permit establishment of a curfew --- which U.S. courts have held unconstitutional for adults.

The bill was introduced by Rep. Irby Turner, Humphreys County, member of the Citizens Council.

### 7. BILL "TO PROVIDE FOR APPOINTMENT OF SECURITY AND PATROL PERSONNEL FOR STATE INSTITUTIONS"

House Bill No. 617 (Passed in House and sent to Senate)

This bill provides for "security patrol officers" to be appointed at all State institutions. Appointments would be made by the Commissioner of Public Safety.



SECTION 2. To the end that order and decorum shall be preserved at all State institutions, buildings and grounds, sufficient personnel shall be appointed as security patrol officers, as needed, at all State institutions, buildings and grounds, who shall have general police power and whose duty it shall be to enforce upon such ground, as well as any rules or regulations with respect to such institutions, buildings or grounds.

Such personnel shall be selected and trained by the Commissioner of Public Safety and shall be assigned to their duties at the various State institutions, buildings and grounds by the Commissioner of Public Safety, with the approval of the governing authority of the particular State institution, building or grounds, and when so assigned such personnel shall be for all purposes considered the employees of the governing authority of the particular State institution, building or grounds to which assigned.

It should be noted that the Commissioner of Public Safety is responsible only to the Governor, and that security at state institutions would therefore be brought more or less directly under executive control. Several Negro State colleges would come under this act. Since the present Commissioner of Public Safety, T. B. Birdsong, was a key figure in the Meredith - Ole Miss crisis and ordered the Highway Patrol onto the Ole Miss campus at that time without authority under the laws of the state, it is certain that he would not show much restraint in using personal appointees in incidents involving Negro campuses.

#### 8. BILL TO AUTHORIZE A COMPLETE RADIO STATION FOR POLICE IN ANY COUNTY

House Bill No. 101 (Passed in both Houses)

AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF ANY COUNTY, IN ITS DISCRETION, TO PURCHASE THE NECESSARY EQUIPMENT TO ESTABLISH A COMPLETE RADIO STATION AND TO MAINTAIN SAME, TO AUTHORIZE THE SHERIFFS OF SAID COUNTIES TO OPERATE SAME FOR LAW ENFORCEMENT PURPOSES, TO PROVIDE FOR THEIR UPKEEP AND MAINTENANCE; AND FOR OTHER PURPOSES.

SECTION 2. Any purchase that may be made or any obligation incurred under the provisions of this act shall be legal, irrespective of any limitations contained in the budget laws of the State of Mississippi governing the county budget for the fiscal year 1963-64.

Once again, this bill provides emergency authorization for measures useful to coordinate anti-civil rights 'law enforcement'.



## 9. THE "MUNICIPAL AGREEMENT" ACT

\* Senate Bill No. 1526 (Passed by both Houses and signed)

A bill to allow municipalities to share police forces and firefighting equipment during "riots and civil disturbances".

AN ACT...TO PROVIDE THAT MUNICIPALITIES MAY ENTER INTO AGREEMENTS WITH ONE ANOTHER AND ASSIGN PERSONNEL, EQUIPMENT, SUPPLIES AND MATERIALS FOR THE PURPOSES OF COMBATTING FIRES, NATURAL AND ENEMY DISASTERS, AND PREVENTION AND ALLEVIATION OF RIOTS AND CIVIL DISTURBANCES; AND FOR RELATED PURPOSES.

SECTION 1....FIRE DEPARTMENTS AUTHORIZED TO GO OUTSIDE CITY LIMITS.

That the fire departments, including the apparatus and all vehicles of such departments, be and are hereby authorized to use the roads, highways, streets and alleys outside the corporate limits of such municipalities owning and operating such fire fighting and fire prevention equipment, for the purpose of aiding in the extinguishing and prevention of fires or damages or injuries caused by tornadoes or other casualties in locations outside the corporate limits of such municipalities or in other villages, towns, or cities within the State of Mississippi....

The governing authorities of municipalities may enter into mutual assistance pacts or agreements with other municipalities in the assignment of personnel, equipment, supplies and material for the purposes of combatting fires, natural and enemy disasters, and the prevention and alleviation of riots or civil disturbances of the peace and tranquility within such municipalities. This act is liberally construed to effect the purposes thereof.

The use of fire hoses to fight civil rights demonstrations, one of the most brutal police tactics in such circumstances, leaves little doubt as to the intention behind this act.

## 10. THE "REFUSAL TO COMPLY WITH CERTAIN REQUESTS" BILL

House Bill No. 777 (Passed in both Houses)

A bill to outlaw passive resistance in civil rights demonstrations.

SECTION 1. Whoever, with intent to provoke a breach of the peace, or under such circumstances as may lead to a breach of the peace, or which may cause or occasion a breach of the peace, fails or refuses to comply with or obey a request, command or order of a law enforcement officer having the authority to then and there arrest any person for a violation of the law, to promptly....



(2) Arise if lying or sitting down and move to a point designated by said officer outside the immediate area affected by the occurrences at the place of issuing such order, command or request or

(4) Refrain from obstructing, with his body or any part thereof, or in any manner, the lawful movement or passage of any vehicle, or

(6) Refrain from chaining or tying or binding himself or another to any object or person, or

(7) Unbind, unchain or loosen himself or remove himself from any chain or other means whereby he may be prevented from moving away from the immediate vicinity where he may be when such officer issues said order, request or command, or

(8) Walk or move to, enter and remain, as may be directed by such officer, any police or other vehicle operated by any law enforcement officer or department, or any other vehicle designated by such an officer, or

(9) Act or do or refrain from acting or doing as ordered, requested or commanded by said officer to avoid any breach of the peace at or near the place of issuance of such order, request or command,\*

shall be guilty of disorderly conduct, which is made a misdemeanor and upon conviction thereof, such person or persons shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment in the county jail for not more than six (6) months, or both such fine and imprisonment.

SECTION 3. In the event any person violates Section 1 or Section 2 hereof, supra, or both, and if such conduct shall lead to, or shall cause or shall result in, a breach of the peace or incite a riot and as a result of said breach of the peace or riot another person or persons be maimed, killed or injured, then the person or persons guilty of violating Section 1 or 2, or both Sections 1 and 2, supra, shall be guilty of a felony and upon conviction thereof, such person or persons shall be imprisoned in the State penitentiary not longer than five (5) years or be fined not more than Two Thousand Dollars (\$2,000.00) or by both such fine and imprisonment. \* emphasis added

Under Section 3, if police in breaking up a demonstration caused injuries, as is often the case, the demonstrators themselves could be ~~xxxxxx~~ charged with responsibility for the injuries and convicted of a felony.

One of the authors of this bill was Rep. Irby Turner of Humphreys, a Citizen Council member. The other author, Rep. Thompson McClellan of Clay county called the bill up from 47th place on the calendar of the House, describing it as "an emergency bill". According to the Jackson Clarion-Ledger, (April 14, 1964): "While it was not said on the floor of the House, it was obvious that the bill is directed at halting threats of racial trouble."



## 11. THE HIGHWAY PATROL ACT

\* House Bill 564 (Passed in both Houses and signed)

Known as the "Mississippi Law Enforcement Officers' Training Academy Act of 1964", HB 564 is an omnibus bill enlarging the Mississippi Highway Patrol and expanding its powers. Under this act, the Highway Patrol will be expanded from 275 to 475 men. A police-training academy will also be established in the vicinity of Jackson.

Most controversial among the bill's provisions is Section 10, which would allow the Governor to give the Patrol full police powers during racial 'emergencies', and permit him to order the Patrol into local situations, even if local authorities did not request his aid.

Section 2 explains that the purpose of the act is "insuring the domestic tranquility; and that the accomplishment of the things herein authorized will preserve the present and prospective safety, morals, pursuit of happiness and general welfare\* of citizens of the State of Mississippi." \*emphasis added

Section 5 provides that the sheriff of each county and the mayor of each city may appoint as many extra deputy sheriffs or extra deputy police respectively as he deems necessary. The deputies are subject to approval by the Commissioner of Public Safety, (the Highway Patrol is directly under the Commissioner of Public Safety), who can admit them to the police academy for training. When called upon by the sheriffs or mayors, the deputies will have powers equivalent to regular police officers of the state.

Section 10 amends Section 8082 of the Mississippi Code, concerning powers and duties of the Highway Safety Patrol. Until now, the Patrol had been limited to Traffic Control. Under Article 9 of Section 10 of the new law, "all officers of the Department of Public Safety charged with the enforcement of the laws administered by that agency shall have full power to investigate, prevent, apprehend and arrest law violators anywhere in the State, and shall be vested with the power of general police officers in the performance of their duties."

These increased powers can be used only on proclamation of the Governor or Acting Governor under the following circumstances:

(a) When requested by the sheriff or board of supervisors of any county or the mayor of any municipality on the grounds that crimes of violence, acts and conduct, or either, calculated to or which may provoke violence or incite riots, mobs, mob violence or lead to any breach of the peace, or either, and acts of intimidation or terror are anticipated, and when such acts or conduct in the opinion of the Governor would provoke violence or any of the foregoing acts or conduct....

(b) Acting upon evidence submitted to him by the Department of Public Safety, or other investigating agency authorized by the Governor or Acting Governor to make such investigations, because of the failure or refusal of the sheriff of any county or mayor of any municipality to take action or employ such means at his disposal\* to prevent or suppress the acts, conduct or offenses



provided for in subparagraph (a) of this subsection 9, supra, the Governor or Acting Governor deems it necessary to invoke the powers and authority vested in the Department of Public Safety. \*emphasis added

The proclamation of the Governor is effective for 90 days, and can be renewed by additional proclamations.

According to the Jackson Clarion-Ledger, April 3, 1964, the Highway Patrol Bill is "an act recommended by Gov. Paul B. Johnson as a means of maintaining law and order in the face of any emergency that may evolve from racial demonstrations threatened for the coming summer by outside integration forces...." Speaking in Biloxi on April 20, Johnson said he would use the expanded Patrol to insure "that no civil agitators are allowed to drive a wedge of dissension between the people of the state."

Johnson, who has been described as a "perennial foe of state level police powers" and who opposed increased police powers in his 1963 Gubernatorial campaign, apparently feels the emergency to the state to be so great at this time as to cancel out his fears about centralized police authority. Legislators were not so easily convinced. Sen. Jack Tucker of Tunica who attempted to strike out the clause allowing the Governor to act on his own authority in local situations charged that the bill "brings us in direct conflict with our age-old belief that we shall have local self government."

Other Senators were even more violent in their attack on the bill. Howard McDonnell of Biloxi said of the act: "What you are about to do here is create a traveling gestapo. It besmacks of Nazi Germany and Russia." Sen. Tom Williams of Lexington agreed: "If you read the history of Germany you will see that the people were not afraid of a thing that Hitler did. This is the way people lose their liberties."

Sen. George Yarbrough, President Pro Tempore and Citizens Council member, who steered the bill to passage, answered McDonnell and Williams by saying: "I am sure it will be said in some parts of the country... that Mississippi has itself a gestapo. I think senators do a disservice to the state when they utter things up here about Hitler and other things that should be left unsaid."

Debate on the bill reached a level of hysteria unusual even for the Mississippi Legislature. Mrs. Gordon White, of Lauderdale County, told the House she "had never known conditions to be as grave as they are now." According to the Jackson Clarion-Ledger, April 3, 1964, Rep. Ralph Herrin, of Covington, "arose to tell the House that 'the only thing lacking in this bill is provision for a thousand police dogs to guard law and order day and night.'"

"He said that threats by outside forces are to the effect that 26 towns in the state will be invaded this summer by 30,000 integrationists."

"We have argued about having 475 men on the patrol," Herrin said, "but if 26 towns are hit at once, those 475 patrolmen would be spread mighty thin."



Fear was expressed that the new Patrol might be used to break up Mississippi's massive, open bootleg liquor industry. It was necessary for legislators to give assurances several times that the emergency powers of the Patrol would not be used for this purpose. Opponents also claimed that the police academy would cost the state \$10,000,000 in tax money.

In contrast, Sen. Bill Alexander of Cleveland introduced a bill to reduce the state highway system by 4,000 miles. Though Mississippi desperately needs more and better highways for economic expansion, Alexander's bill noted that the state is financially unable to pay for maintenance and construction of the present system of about 12,600 miles.

It should be noted once again that the Commissioner of Public Safety, T. B. Birdsong, to whom so much power would evolve under the Highway Patrol Act, was one of the key figures in the Meredith - Ole Miss crisis. Floor debate in the Legislature showed that Birdsong used the Patrol at Ole Miss in the manner outlined in the Highway Patrol Act --- though there was no legal authority to do so under the laws of the state at that time. Birdsong also offered the use of the Mississippi Highway Patrol to Alabama at the time of the 1963 Birmingham crisis. Birdsong can therefore be expected to use the Patrol without restraint once emergency powers are granted.

At least 8 of the 34 Representatives who sponsored the Highway Patrol bill are members of the Citizens Council.

## 12. ANTI-FREEDOM SCHOOL BILL NO. 1

Senate Bill No. 2136 (Still in Judiciary Committee)

This bill makes illegal the Freedom Schools and Community Centers planned by COFO for the coming summer.

AN ACT TO PROVIDE FOR THE FILING OF AFFIDAVITS AND THE SECURING OF LICENSES, PERMITS OR AUTHORITY BY CERTAIN PERSONS TO CONDUCT CLINICS OR SCHOOLS FOR PURPOSES OF GIVING INSTRUCTIONS IN GENERAL EDUCATION, GENERAL HEALTH AND RELATED SUBJECTS; TO PROVIDE CERTAIN LEGAL RELIEF AND PENALTIES, AND FOR RELATED PURPOSES.

SECTION 1. Unless otherwise provided by law, no person or persons, acting individually or in concert with others, shall call, conduct, convene or hold any public meetings, schools, or clinics, or assist in holding, or attend any such meetings, schools, clinics, including distribution of books, pamphlets and other literature, for the purpose of advising, teaching, instructing or informing any person or group of persons in the fields of general education, including liberal arts and sciences and where the general welfare of citizens are involved and where such duties and responsibilities under laws, rules and regulations are imposed upon the State Board of Education and other educational groups and institutions, or in the fields of general public health, where the health, safety, lives and welfare of citizens are involved and where such duties and responsibilities under laws, rules and regulations, are imposed upon the State



Board of Health or the various county and municipal health departments, without first filing his affidavit with the chancery clerk of the county in which same may be held. Such affidavit shall be sworn to before the county chancery clerk, on forms approved and submitted by him, and filed of record in his office of such person, the name, address and business of his employer, organization or association, the place, time, purposes and full information as to the class or type of such public meetings, schools, clinics, including the distribution of any such books, pamphlets, or literature.

Any person who fails or refuses to file such affidavit shall be deemed guilty of a misdemeanor and, upon conviction, be punished by a fine of not more than Two Hundred Dollars (\$200.00) or imprisoned for not more than sixty (60) days, or both such fine and imprisonment.

Section 2 provides that those participating in general education programs must obtain a license from the State or County Boards of Education or from the County Superintendent of Education, and that failure to do so shall be a misdemeanor. Section 3 provides that those participating in public health programs must obtain a license, permit, or authority from the State, county, or municipal Board of Health, and provides that failure shall be a misdemeanor.

SECTION 4. This act is solely for the purpose of requiring all persons, not otherwise provided by law, to file an affidavit and secure a license, permit or authority before engaging in any work or activity described herein, and is not intended to prohibit any such work or activity. Further, this act is not intended as an amendment to any existing law but is intended to be, and is hereby so declared to be, in addition to, independent of, and supplemental to, all existing laws, rules and regulations.

SECTION 5. It shall be the duty of the Attorney General to proceed by injunction or otherwise to dissolve any operation in violation of the provisions of this act.

SECTION 6. If any section, subsection, clause, phrase or word of this act is held unconstitutional or invalid for any reason, such holding or invalidity, shall not affect the remaining portions of this act.

Note that this bill would require not only organizers and teachers, but also students, to obtain licenses before participating in programs such as will be offered by COFO's Freedom Schools and Community Centers.

The purposes of COFO's Freedom Schools are: (1) To supplement the hopelessly inadequate education provided by the regular school system of Mississippi --- worst in the nation; (2) To teach such courses as Negro history, so that Mississippi's Negro children will understand the honor of their African heritage and the origins of their present condition; and (3) to sponsor adult education classes, citizenship courses, and health clinics. Obviously such a program would never gain the approval Mississippi's racist officials. What these officials fear is the spread of new ideas among 'their' Negroes.



13. ANTI-FREEDOM SCHOOL BILL NO. 2

Senate Bill No. 1969 (Still in Education Committee)

This is an earlier attempt to ban the Freedom Schools.

AN ACT TO PROVIDE THAT ALL PERSONS, GROUPS OF PERSONS, ASSOCIATIONS AND CORPORATIONS CONDUCTING A SCHOOL WITHIN A COUNTY SHALL SECURE A LICENSE FROM THE SUPERINTENDENT OF EDUCATION THEREOF.

SECTION 1. Any person, groups of persons, associations and corporations conducting a school in any county within this state shall first apply to the county superintendent of education thereof for a license to conduct such school. If after due examination, said county superintendent of education shall determine the said school does not intend to counsel and encourage disobedience to the laws of the State of Mississippi, and that the conduct of said school is in the public interest, he shall forthwith issue a license to the persons, groups of persons, associations or corporations applying for the same.

The bill provides that those conducting a school without a license, including the teachers, shall be guilty of a misdemeanor, punishable by a fine of not less than \$100 nor more than \$500 and/or confinement in the county jail for not less than 30 days nor more than 6 months.

The bill appears to be stuck in Committee. It was introduced by Sen. Benjamin Franklin Hilbun, Jr., of Starkville, Oktibbeha County. Sen. Hilbun is Chairman of the Universities and Colleges Committee of the Senate, and Vice-chairman of the Appropriations Committee. Sen. Hilbun's father was President Emeritus of the University of Mississippi. He was also the Vice-chairman of Patriotic American Youth (PAY), a belligerently anti-Communist, right-wing high school and college organization closely associated with the Citizens Councils.

14. A BILL TO RAISE QUALIFICATIONS FOR MEMBERS OF COUNTY BOARDS OF EDUCATION

Senate Bill No. 1702 (Released from Education Committee)

In April a bill was introduced into the Senate Education Committee establishing stiffer qualifications for members of county boards of education. The bill was recommitted to the Education Committee. Among other things, the bill would require board members to be high school graduates. It was sent back to committee when a dozen amendments were offered seeking to exclude certain counties from its provisions. Apparently the Education Committee reported out favorably almost the same bill on a move for substitution, May 19.



# 15. A BILL TO PERMIT SEGREGATION OF PUBLIC SCHOOLS BY SEXES

(Approved by the House Education Committee)

This bill would allow segregation of public schools by sexes. According to the Jackson Clarion-Ledger of April 15, 1964, the bill would be used in the event schools are forced to integrate racially. "Many lawmakers say privately they feel there would be less danger from integration if white girls were not forced to go to school with Negro boys."

# 16. BILLS TO ALLOW STATE SUPPORT OF PRIVATE SCHOOLS

(Introduced into the Senate)

This is a series of bills to allow state funds to be used in support of private schools if public schools are closed to avoid integration.

The Mississippi State Constitution already provides for the abolition of public schools if they are ordered to integrate. A suit is presently pending in Federal Court which may result in a court order for schools in Jackson, Biloxi, and Leake County to integrate next fall.

In the last week in which bills could be introduced into the 1964 Legislative Session, a series of bills were introduced into the Senate to allow the state to pay for a massive private school system in the event of integration of public schools. The laws would allow the state to provide funds and textbooks to the schools, as well as scholarships to students.

Despite the Constitutional provision, the goal of those introducing the bills was apparently the continuation of public schools for Negroes and the establishment of private schools for whites. According to Sen. Edwin Pittman of Hattiesburg, one of the sponsors of the bills, the recent court order that Prince Edward County, Virginia, must reopen its public schools would not apply to Mississippi because "we're going to have a public and private system," (Jackson Clarion-Ledger, May 25, 1964).

A qualification was also introduced into the bill providing money for scholarships. The bill said funds would be available only for 'educable' students. Mississippi education authorities maintain that Negroes do not have equivalent learning power with whites.

# 17. BILL TO REVOKE THE CHARTER OF TOUGALOO COLLEGE

Senate Bill No. 1672 (Still in Judiciary Committee)

This bill to revoke the charter of integrated Tougaloo College was introduced in retaliation for civil rights activities of students and faculty at the school.



Tougaloo is an integrated, predominantly Negro private college a few miles from Jackson. It was originally incorporated in 1871. Recently, students and faculty members from the school have been involved in demonstrations in Jackson and some have been arrested. The Chaplain of the College, Rev. Edward King, a native white Mississippian, ran for Lieutenant Governor in November 1963 on a Freedom Ballot, an unofficial ballot to indicate Negro political interest, together with Mississippi NAACP President Aaron Henry, a Negro.

Action against Tougaloo was touched off by Lt. Gov. Carroll Gartin, presiding officer of the Senate. Gartin, in a speech before the Jackson Civic Club, said that Tougaloo was a haven for "queers, quacks, quirks, political agitators and possibly some Communists." He called for an investigation of the role of the school in civil rights demonstrations. The Senate Judiciary Committee promptly began an investigation.

While the bill was in Committee, Sen. Noel Monaghan of Tupelo read to the Senate a newspaper report of a concert by Joan Baez at the college. The concert was fully integrated, one of the first such cases in recent Jackson history. A large number of white students from colleges in the area attended. Reading the report to the Senate, Monaghan said, "I just think this is news that every Senator should read, know and understand," (Jackson Clarion-Ledger, April 9, 1964).

However, it appears that the bill will die in the Judiciary Committee. Chairman E. K. Collins explained, "we don't feel we have enough evidence to make it stick in court."

The bill was introduced by Sen. Dye of Grenada, Sen. Ross of Pelahatchie and Sen. Yarbrough, President Pro Tempore of the Senate. As noted before, Sen. Yarbrough is on the State Executive Committee of the Citizens Council.

## 18. BILL TO END ACCREDITATION OF TOUGALOO COLLEGE

Senate Bill No. 2043 (Passed in both Houses)

This bill would change the accreditation system in the state so that Tougaloo could be dropped from accreditation.

Having failed to get action against Tougaloo by the Judiciary Committee, Senators Dye and Yarbrough introduced a bill into the Universities and Colleges Committee that would cost the school its accredited standing. The bill would make state acceptance of accreditation by the Southern Association of Colleges and Universities discretionary. Under present law, all accreditation decisions by the Association must be accepted by the State Commission on College Accreditation.

According to the Jackson Clarion-Ledger, April 21, 1964: "An author of the bill...said it was aimed at withdrawing state accreditation from predominantly-Negro Tougaloo College near Jackson." Loss of accreditation would keep Tougaloo graduates from teaching in state public schools.



## 19. INVESTIGATION OF UNIVERSITY OF MISSISSIPPI PROFESSOR CRITICAL OF THE STATE

Concurrent resolution introduced in the House

Denial of academic freedom in Mississippi is not limited to Negro educational institutions. White students and faculty members who criticize the state's racial policies also suffer attempts at intimidation.

Most outspoken of Mississippi's educators has been Prof. James Silver, member of the history department of the University of Mississippi for 28 years. In a speech delivered recently in Memphis, and later published, Dr. Silver called Mississippi a "closed society". He also said the state "was trying to maintain a way of life similar to that of before the Civil War."

In retaliation, a move was initiated to have Dr. Silver investigated. According to the Jackson Clarion-Ledger of May 16, 1964:

"Rep. Jim Mathis, Leake, introduced a concurrent resolution calling upon the Board of Trustees of State Institutions of Higher Learning to investigate certain employees of such institutions who are reputed to be and generally believed to be engaged in activities disloyal to their employers and the people of Mississippi, injurious to the academic standards of the institutions, and, in contumacious conduct in violations of Section 213-A of the Mississippi Constitution.

"The lawmaker said that the resolution is directed at Ole Miss Professor James Silver, who, Mathis said, has been actively condemning the state and the school on racial matters.

"If we can't invoke the provisions of the Constitution against such activities, we are in a sorry mess," Mathis said."

Rep. Mathis is Chairman of the Federal Relations Committee of the House, member of the Leake County Chamber of Commerce, President of the East Central Junior College Alumni Association, and a member of the Citizens Council.

The Board of Trustees of State Institutions of Higher Learning actually went Rep. Mathis one better by initiating a move to oust Dr. Silver from his teaching position. A sub-committee of the Board was directed to investigate his activities. The sub-committee has presented two reports to the Board, but so far no action has been taken. However, the investigation is continuing.

## 20. ANTI-SUMMER PROJECT BILL - TO PROHIBIT ENTRY INTO THE STATE

House Bill No. 870 (Still in Judiciary "A" Committee)

This bill attempts to prohibit entry into the state of volunteers for the Mississippi Summer Project on the grounds that their purpose is "wilfull violation of the laws of the state".



AN ACT TO PROHIBIT ENTRY INTO THE STATE FOR THE PURPOSE OF COMMITTING ACTS IN WILFULL VIOLATION OF THE LAWS OF THIS STATE; ALLOWING INJUNCTION TO ISSUE; AND PROVIDING PENALTY FOR VIOLATION

SECTION 1. It shall be unlawful for any persons, group, or organization to advocate or have as its purpose, aim or objective any change by force, violence, or wilfull violation of any of the laws of the State of Mississippi; or any of its governmental subdivisions.

SECTION 2. Any court of competent jurisdiction may issue an injunction to prevent any such person, group, or organization from entering this State with the purpose of violating the provisions of this act.

SECTION 3. Nothing herein shall be construed to limit or prohibit the advocacy of any change, by peaceful or lawful means, in any law or laws of the State of Mississippi.

The bill provides that violation is a felony, punishable by a fine of not more than \$1,000 or by confinement in the penitentiary of not more than 2 years, or by both such fine and imprisonment.

No part of COFO's program has for its purpose the "wilfull violation of the laws of the state". However, as this report shows, many constitutional activities surrounding civil rights work have been made illegal in Mississippi. Because of this, it is quite possible that an injunction could be obtained from the often racist Mississippi courts under which those coming to work in the Mississippi Summer Project would be prohibited from entering the state.

Sen. John Stennis (D.-Miss.) has also proposed an amendment to the Civil Rights Bill making it a federal offense to travel between states for the purpose of violating the laws of a state. The amendment would make it an offense "for any person to travel or transport material, or to aid and abet any person in traveling or transporting material in interstate commerce with intent and purpose of violating the law of any state....", (Jackson Clarion-Ledger, April 8, 1964).

21.

#### THE "CRIMINAL SYNDICALISM" BILL

Senate Bill No. 2027 (Passed in Senate, reported out favorably by House Committee)

This bill makes illegal any association which advocates or practices crime or violence. Since many constitutional activities associated with civil rights work are outlawed in Mississippi, it is possible that civil rights groups working in the state would be considered as "advocating crime" under this law.

AN ACT TO DEFINE CRIMINAL SYNDICALISM; TO MAKE UNLAWFUL THE ACT OF CRIMINAL SYNDICALISM; TO PROHIBIT ASSEMBLAGE FOR THE PURPOSE OF CRIMINAL SYNDICALISM....



SECTION 1. Criminal syndicalism as used in this Act is hereby defined to be the doctrine or precept which advocates, teaches or aids and abets the commission of crime, sabotage (which word is hereby defined as meaning wilfull and malicious physical damages or injury to physical property), unlawful acts of violence and force, arson or other unlawful acts or methods of terrorism as a mean of accomplishing or effecting a change in agricultural or industrial ownership or control or in effecting any political or social change or for profit.

Section 2 provides that all activities which might in any way whatsoever be construed as aiding or justifying or deriving from the precept or practice of Criminal Syndicalism are punishable as a felony, with fine of not less than \$200 nor more than \$1,000, or by imprisonment in the state penitentiary of not less than 1 year nor more than 10 years, or both such fine and imprisonment.

SECTION 3. Whenever two or more persons assemble or consort for the purpose of advocating, encouraging, teaching or suggesting the doctrine of criminal syndicalism as defined in this Act, such assemblage is unlawful, and every person voluntarily participating therein by his presence, aid or instigation is guilty of a felony....

SECTION 4. The owner, lessee, agent, superintendent, janitor, caretaker or other person in charge, or occupant of any place, building, room or rooms or structure who knowingly permits therein any assembly or consort of persons prohibited by the provisions of Section 3 of this Act or who, after notification by authorized public or peace officer that the place or premises, or any part thereof, is so used, permits such use to be continued is guilty of a misdemeanor....

This bill was introduced to deal in part with the revival of the Ku Klux Klan and other white extremist groups in the state. However, Sen. Elson Collins, one of the sponsors of the bill, "said the bill would also make civil rights groups 'think twice' before beginning Mississippi campaigns," (Delta Democrat Times, April 12, 1964).

## 22. BILL TO PROHIBIT THE CAUSING OF CRIME FROM OUTSIDE THE STATE

Senate Bill No. 2026 (Passed in Senate, reported out favorably by House committee)

This bill, like the Criminal Syndicalism bill, could be applied to both white extremists and civil rights workers. Under its provisions, if any Mississippi Summer Project worker were convicted of a civil rights 'crime', the heads of all the sponsoring civil rights groups (SNCC, CORE, SCLC, and NAACP) could be arrested upon entry into the state.

AN ACT TO PROVIDE FOR PUNISHMENT OF A PERSON WHO AT THE TIME OF CAUSING A PERSON TO COMMIT A CRIME WITHIN THE STATE WAS OUTSIDE THE STATE; AND FOR RELATED PURPOSES.



SECTION 1. A person who being out of this state causes, aids, advises or encourages any person to commit a crime or public offense within this state and is afterwards found within this state shall be punished in the same manner as if he had been within this state when he caused, aided, advised or encouraged the commission of such crime or public offense.

23. AN ACT TO PROHIBIT 'ENTICEMENT' OF A CHILD TO VIOLATE THE LAWS AND ORDINANCES OF THE STATE

House Bill No. 786 (Still in Judiciary "A" Committee)

This bill attempts to keep minors from participating in civil rights activities by punishing teachers, parents, and civil rights workers.

AN ACT TO PROHIBIT THE ENTICEMENT OF A CHILD TO VIOLATE THE LAWS AND ORDINANCES OF THE STATE AND ITS POLITICAL SUBDIVISIONS, AND PROVIDING THAT A PARENT, GUARDIAN OR TEACHER WHO ENGAGES, CONDONES OR PERMITS SUCH ACTIVITY, SHALL BE AN ACCESSORY AND SHALL BE GUILTY OF CONTRIBUTING TO THE DELINQUENCY OF A MINOR\* AND PROVIDING PUNISHMENT THEREFOR.

SECTION 1. Any parent, guardian, or custodian of a child, or any person legally responsible for his care or support or instruction, training or guidance, including classroom teacher or school principal or superintendent, who encourages, aids, abets, condones or otherwise permits\* a child subject by law to his or her supervision, training, care or keeping, to violate the laws, rules or ordinances of the State of Mississippi or any political subdivision thereof, to resist or otherwise refuse to obey the lawful and proper instructions of an officer or other duly authorized person, in the performance of his official duties, or in the destruction of private or public property or in organized truancy from school or in unauthorized picketing, parading or other public demonstrations contrary to such laws, ordinances, regulations and other orders, shall be guilty as a principal to that act of such child and shall be guilty of contributing to the delinquency of a minor\* and shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) and by imprisonment in jail not to exceed ninety (90) days or both.

SECTION 2. Any person\* who shall lead, take, carry away, decoy or entice away any child under the age of eighteen (18) years with intent to encourage such child to violate any of the laws, rules, or ordinances of the State of Mississippi or any of its political subdivisions, or to participate in absenteeism from school, in collusion with others, or to resist or otherwise refuse to obey the lawful orders of an officer, or other duly authorized person, in maintaining law and order on the public thoroughfares, places of business, or to encourage in unlawful picketing, unlawful assembly or other organized activity tending to break down the laws and social mores of society shall be guilty of a felony\* and shall, on conviction, be imprisoned in the penitentiary not to exceed five (5) years or fined not more than Five Thousand Dollars (\$5,000.00) or both.

\*emphasis added



Section 1 of this bill again limits academic freedom, by making school officials responsible legally for the acts of children under their authority. Under this bill, any school official or parent who did not actively try to prevent children from taking part in civil rights activities could be considered to have "condoned or otherwise permitted" such 'unlawful' activities and would be guilty of contributing to the delinquency of a minor.

Section 2 is even more serious. High school students often provide manpower for distributing handbills or for picket lines. Under this law, civil rights workers could be arrested on a felony charge for "enticing a child" to such 'unlawful' activities.

#### 24. BILL PROVIDING FOR COURTS TO TREAT JUVENILES ARRESTED IN CIVIL RIGHTS CASES AS ADULTS

House Bill No. 960 (Passed by House, now in Senate)

This bill removes from Youth Court jurisdiction minors under 21 years of age charged under those laws most often used for arrest of civil rights workers. The bill specifies the actual laws for which Youth Courts will no longer have jurisdiction.

Included are House Bill No. 777 (see page 9 above) and House Bill No. 546 (see page 5 above), as well as laws against breach of the peace, obstructing public highways and sidewalks, disorderly conduct, etc.

The bill also provides that those between 18 and 21 may be placed in the same cells as adult prisoners.

The bill was sponsored by Rep. Edwin Hooker, Lexington, Rep. Irby Turner, Jr., Belzoni, and Rep. Thompson McClellan, West Point. Hooker and Turner are both members of the Citizens Council. McClellan, Chairman of the Judiciary Committee, has been floor manager for many of the worst bills dealt with in this Session.

According to a UPI release, Rep. McClellan noted plans for the Mississippi Summer Project in arguing for the bill and said: "'If we are to stop these things from happening this summer, we have got to have this bill.' His statement drew cries of 'Vote, Vote', and there was no discussion." The bill passed unanimously.

#### 25. APPROPRIATION FOR THE STATE SOVEREIGNTY COMMISSION - \$50,000

\*Senate Bill No. 1896 (Passed in both Houses and signed)

An emergency \$50,000 appropriation to the State Sovereignty Commission, the official watchdog of segregation in Mississippi, to fight the Civil Rights Bill now pending before Congress.

AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE STATE SOVEREIGNTY COMMISSION FOR THE BIENNIUM ENDING JUNE 30, 1964.



SECTION 1. In addition to all other appropriations made for such purposes, the sum of Fifty Thousand Dollars (\$50,000.00) is hereby appropriated, out of any funds in the State Treasury not otherwise appropriated, for the purpose of defraying the expenses of the State Sovereignty Commission for the beinnium ending June 30, 1964.

The state budget law shall not apply to expenditures made from this appropriation.

SECTION 2. The additional appropriation hereby made is for the purpose of enabling the State Sovereignty Commission to meet unforeseen and unanticipated expenses during the remainder of the current biennium.

The State Sovereignty Commission is an official state agency established in 1956 to plan the state's battle against Civil Rights. It has helped pay for Citizen Council radio and TV programs and has sent memoranda to police officers around the state explaining the laws which can be used to fight civil rights activities.

The new appropriation "was rushed through the Legislature", (Jackson Clarion-Ledger, April 11, 1964), and passed unanimously in the Senate.

According to the papers, the appropriation was earmarked for the Coordinating Committee for Fundamental American Freedoms (CCFAF). The CCFAF is a private lobby in Washington established for the purpose of defeating the Civil Rights Bill. The New York Times says the Committee was set up after a few leading segregationists from the South met with representatives of association and business groups from other parts of the country who were bothered by the economic aspects of the bill.

The CCFAF is headed by John C. Satterfield, a Yazoo City lawyer and a former president of the American Bar Association. Satterfield was a close adviser of Ross Barnett, is a consultant to the Citizens Council, and is a member of the law firm which represents the City of Jackson in civil rights disputes. Another key figure in the CCFAF is Dr. Melchior F. R. Savarese, a local John Birch Society leader in Washington.

The true purpose of this "unforseen and unanticipated" appropriation was therefore to finance further efforts to defeat the Civil Rights Bill pending before Congress. These efforts were described in the Jackson Clarion-Ledger: "Satterfield's group has been waging an all-out battle against the Civil Rights Bill before the U.S. Senate, publishing and distributing numerous pamphlets and other material."

The appropriation bill was introduced by Sen. Bill Burgin of Columbus and Sen. Herman DeCell of Yazoo City. Burgin is Chairman of the Appropriation Committee and Vice-Chairman of Contingent Expenses. This helps to explain the speed with which the bill was passed. According to the Jackson Daily News (April 2, 1964), "it was referred to Burgin's appropriations committee, which met during a noon recess, reported the bill favorably and sent it onto the floor a few minutes later." Sen. DeCell, the other sponsor, is Chairman of the Constitution and Vice-chairman of Fees and Salaries Committees. He is a member of the Citizens Council.



26. SUPPORT FOR GOVERNOR WALLACE

Concurrent Resolution in the House (Passed by the House)

A Resolution commending Wallace for his Wisconsin 'victory'.

According to the Jackson Clarion-Ledger, April 10, 1964: "The House approved a resolution by Rep. Abie Miller of Greene commending Gov. George Wallace, of Alabama for his Wisconsin vote. Rep. George Swindoll, of Calhoun, immediately took up a collection, later announcing that \$185 had been subscribed by individual members and the Press, and been sent to Wallace with a note "On to Indiana...Best Wishes."

27. BILL TO PAY COSTS OF COUNTY REGISTRARS AND CIRCUIT CLERKS CONVICTED UNDER THE 1957 and 1960 CIVIL RIGHTS ACTS

Senate Bill No. 1880. (Passed in Senate, now in House)

This bill would allow the State to actively support county officials who refuse to comply with Federal Court orders to register Negroes on an equal basis with whites.

SECTION 1. All costs, fines and/or penalties assessed or levied upon any circuit clerk and registrar of any county of this state in any suit brought or maintained by the United States of America pursuant to the Civil Rights Act of 1957, and the Civil Rights Act of 1960,...and any amendments that may be added thereto, shall be paid from the funds of the State of Mississippi.

The bill was introduced by Sen. E. L. Pittman of Hattiesburg, Forrest County. The Registrar of Forrest County, Theron C. Lynd, has been convicted of Criminal Contempt in a voter registration suit brought by the Federal Government.

The Justice Department obtained a temporary injunction against Lynd enjoining him to treat Negroes and whites alike in regard to voter registration. Despite the injunction, Lynd continued his earlier policy of obstructing Negro voter registration. The Justice Department is now trying to make the injunction permanent and to uphold the conviction of Lynd in the Circuit Court of Appeals.

28. THE "LIBERTY AMENDMENT" TO OUTLAW FEDERAL AGENCIES AND THE INCOME TAX

House Concurrent Resolution No. 16 (Passed in both Houses, now in joint committee)

This proposed amendment to the U.S. Constitution would require the U.S. Government to dissolve or sell all agencies which might compete with private enterprise. The personal income tax would also be ended.



The Mississippi Senate adopted April 28 the so-called Liberty Amendment, aimed at getting the Federal Government out of competition with private enterprise. The amendment would force the government to dispose of an estimated 707 agencies and abolish taxes on personal income, estates and gifts.

The measure already had cleared the House in slightly different form. The bill has therefore been sent back to the House. If Mississippi approves the Liberty Amendment, as it seem almost certain to do, it would be the seventh state to do so.

A CONCURRENT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO PROPOSE TO THE PEOPLE AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES WHEREBY THE UNITED STATES GOVERNMENT WILL REFRAIN FROM ENGAGING IN PRIVATE ENTERPRISE EXCEPT AS PROVIDED BY THE CONSTITUTION AND REPEALING THE SIXTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES WHEREBY CONGRESS SHALL NOT HAVE THE POWER TO LEVY TAXES ON PERSONAL INCOMES, ESTATES AND/OR GIFTS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MISSISSIPPI, THE SENATE CONCURRING THEREIN, That we respectfully request the Congress of the United States to propose to the people an amendment or call a convention for such purpose as provided by Article V of the Constitution an Article providing as follows

#### "ARTICLE

"SECTION 1. The Government of the United States shall not engage in any business, professional, commercial, financial or industrial enterprise except as specified in the Constitution

SECTION 3. The activities of the United States Government which violate the intent and purposes of this amendment shall, within a period of three (3) years from the date of ratification of this amendment, be liquidated and the properties and facilities affected shall be sold.

SECTION 4. Three (3) years after the ratification of this amendment, the Sixteenth Amendment to the Constitution of the United States shall stand repealed and thereafter Congress shall not levy taxes on personal incomes, estates, and/or gifts."

Passage in the Senate was on a vote of 26-21 in what the Jackson Clarion-Ledger described as "spirited debate limited to 20 minutes each for opposing sides."

An amendment was adopted deleting the appeal for a constitutional convention. Sen. Bill Burgin of Columbus, who proposed the amendment, "argued that a constitutional convention would be controlled 'by liberals who would take advantage of the situation to write into the constitution the civil rights bill now before the Senate,'" (Jackson Clarion-Ledger, April 29, 1964).

"He said, 'If Mississippi, the poorest state in the union, which benefits more from federal programs than any other, is going to try to take



away the rights of the government to help it, let's at least do it in such a way that it won't be used as a club over our heads.'

"Sen. E. K. Collins of Laurel, who led opposition to the measure, said a convention could also result in a constitutional ban against the Senate filibuster, 'which is our strongest deterrent to those people in the North....'

"Sen. George Yarbrough of Red Banks, who pushed the resolution to passage, denied that it would abolish federal agencies such as the Tennessee Valley Authority, Rural Electrification Association, Federal Housing Administration and Veterans Administration.

"'We know they are never going to do that,' he said. 'But this is our way of telling the government that we oppose future growth in areas where it will complete (sic) with private businesses.'"

Approval of the amendment deleting the appeal for a constitutional convention sent the bill into joint committee, where it has remained for several weeks. If the amendment is approved, it would mean that Mississippi's passage of the Liberty Amendment would not be counted together with the six states which passed it previously, because the Constitution provides that Amendments must be passed in identical form in all states.

It is interesting to note that Gov. Paul B. Johnson, who steered the measure to passage in the Senate two years ago (it failed then in the House), campaigned in the 1963 Gubernatorial race on a platform that supported both the Liberty Amendment and TVA.

## 29. BILL TO END URBAN RENEWAL

House bill \_\_\_\_ (Passed in House, sent to Senate)

A bill ending urban renewal in Mississippi to avoid "federal encroachment".

The House voted on April 8 to end urban renewal in Mississippi except in four cities where projects are already under construction. The vote on the bill was 100 for and 13 against.

The purpose of the bill was to keep the Federal Government out of municipal affairs. As the Jackson Clarion-Ledger of April 13 explained: "House supporters of the measure said the federal government could use the program to force racial integration."

The hypocrisy of the measure was pointed up by Rep. Bill Callicott of Tate. According to the Jackson Daily News of April 10, 1964, Callicott "said the state itself accepted millions in federal aid and to deny aid to cities was discriminatory."

In fact, Mississippi receives more money in Federal aid each year than it pays in taxes to the Federal Government.



### 30. BILL TO INVALIDATE THE 24TH AMENDMENT WHICH BANS THE POLL TAX

\* Senate Bill No. 1783 (Passed in both Houses and signed)

This bill appears to comply with the 24th Amendment which bans the poll tax in Federal elections. But the bill in fact provides for a similar form of registration which would have the same exclusive effects as the poll tax itself.

Under the new law, a poll tax receipt must still be obtained though no payment is required, the tax collector stamping "Poll Tax Not Paid" across the receipt. Receipts must be presented for the two previous years, as under present law, except that for 1964 only a single receipt will be required. This was to be obtained within 30 days after the passage of the law (April 24th) and at least 10 days before any election, (the first election after passage being the June 2nd Democratic Primary).

The poll tax has been effective, not so much because of the expense involved, but because Negroes usually did not know that the tax had to be paid for two years previous to the election and did not care to face white county officials, who would often refuse to accept their payment. These problems would continue under the new law, despite the elimination of an actual cash payment.

AN ACT TO PROVIDE THAT PAYMENT OF POLL TAX SHALL NOT BE REQUIRED TO VOTE FOR CANDIDATES FOR FEDERAL OFFICES AND TO PROVIDE A SEPARATE BALLOT THEREFOR, AND FOR RELATED PURPOSES.

WHEREAS, by virtue of the twenty-fourth (24th) amendment to the Constitution of the United States of America, payment of poll tax is not required as a condition for voting for United States Senator, for United States Representative or for President and Vice-President or electors for President and Vice-President of the United States in any general, special or primary election held in this state, and

WHEREAS, information contained on the poll tax receipts issued in this state giving the age, sex, place of residence and election precinct is vital to the commissioners of election in revising the poll books as is lawfully required of them from time to time and shall no longer be available unless some other method of obtaining such information is devised by statute....

SECTION 1. Notwithstanding any statute or the Constitution of this state, the payment of poll tax shall not be required as a condition for voting for United States Senator, for United States Representative or for President and Vice-President or electors for President and Vice-President of the United States, in any general, special, or primary election....but any elector subject to the payment of poll tax must have paid the tax and obtained a receipt therefor in the time and manner now provided by statute or he must obtain a poll tax receipt without payment of the tax, in the manner and within the time provided in the next succeeding section of this act.



SECTION 2. Any person who is subject to the payment of poll tax may apply to the tax collector of the county of his residence....The applicant shall furnish to the tax collector all information necessary to enable the tax collector to fill out the blanks in the poll tax receipt as required by Section 9919.5, Mississippi Code of 1942, Recompiled, and the tax collector shall issue the receipt as in cases where the poll tax is paid, except that he shall place the following notice on the face of the original and duplicate receipt: "Poll Tax Not Paid".

Those not paying poll tax will receive separate ballots at the elections listing only candidates for national office; or in the event that voting machines are used, those sections not applying to candidates for national office will be locked.

Because only thirty days were allowed for obtaining receipts of 'non-payment' this year, and because the 'non-payment' provision received almost no coverage in the Mississippi press, many Negroes who have recently registered in the state were not aware of the provision and it appeared that they would therefore not be allowed to vote in the elections this year, including the June 2 primary.

However, on June 1, 1964, Judge Harold Cox, Chief Judge of the United States District Court for the Southern District of Mississippi issued a temporary restraining order against 1,230 Election Commissioners to prohibit application of Senate Bill No. 1783. This order restrains the election officials from requiring any poll tax receipts whatsoever for people who want to vote for federal offices, such as for U.S. Senator. However, the order provided that those who did not have a poll tax receipt would have to present an affidavit showing that they were registered to vote in their precinct at least 30 days prior to the June 2 election.

Since this order was issued late on the 1st of June, it was obvious that almost no one would be able to obtain affidavits for the election the next day. In an attempt to challenge the new law and the new court order both, Negroes therefore went to the polls without either poll tax receipts or affidavits. They met with varying responses. In Canton, those without affidavits were not allowed to vote, and a charge of \$1.00 was leveled for obtaining an affidavit, (poll tax in Mississippi is \$2.00). In Columbus, one woman arrived at the polls without an affidavit and was told by one of the clerks she could not vote. But the other clerk said, "I don't want to go to jail", and suggested they allow the woman to vote. She was permitted to do so. In a few cases, even those with paid poll tax receipts were not allowed to vote, a not unusual circumstance in Mississippi.

Lawyers for the civil rights movement are now attempting to make the restraining order permanent and to strike down the affidavit requirement.

It should be noted that the list of those who originally introduced the 'no poll tax' bill in the Senate was headed by Sen. George Yarbrough, President Pro Tempore of the Senate and member of the State Executive Committee of the Citizens Councils.



### 31. BILL TO REDUCE THE NUMBER OF NEGROES ON MISSISSIPPI JURY LISTS

House Bill No. 937 (Passed in House, sent to Senate)

This bill attempts to reduce the number of Negroes on Mississippi jury lists by changing the qualifications for jury members.

The bill provides that only the names of qualified voters be drawn as jurors, instead of the present practice of choosing landowners as well as voters. The landowner provision was introduced under the last state administration, because trials in some counties had been thrown out on the grounds that no Negroes were on the jury lists. In some Mississippi counties no Negroes are allowed to vote.

According to a UPI report, Rep. Thompson McClellan, in steering the new bill to unanimous passage, noted that "'persons of a particular color (Negroes) who own land outnumber the persons of the other color two to one in some counties.' He said that this could lead to 'bad situations.'"

In contrast with landowning percentages, only 26,000 Negroes are registered to vote in Mississippi compared with 522,000 whites.

Nonetheless, a companion bill (House Bill 953) was passed to grant authority to any circuit court judge to include as a competent juror any person who has been a resident landowner for more than one year. The UPI report noted that "backers said this would allow judges to qualify white property owners as jurors regardless of whether they were qualified electors."

### 32. BILL TO PROVIDE PRISON TERMS OR STERILIZATION FOR PARENTS OF ILLEGITIMATE CHILDREN

\* House Bill No. 180 (Passed by House, revised version passed by Senate, Senate version finally approved by both Houses and signed)

This bill in its original House form gave parents of a second illegitimate child the choice between three to five years in the State Penitentiary and sexual sterilization. A Senate version, striking the sterilization clause and reducing the penalty to a misdemeanor was finally approved and signed.

AN ACT TO PROVIDE THAT ANY PERSON WHO SHALL BECOME THE PARENT OF AN ILLEGITIMATE CHILD SHALL BE GUILTY OF A FELONY AND TO PROVIDE THE PUNISHMENT THEREFOR.

SECTION 1. If any person, who shall have previously become the natural parent of an illegitimate child within or without this State by coition within or without this State, shall again become the natural parent of an illegitimate child born within this State, he or she shall be guilty of a felony, and, upon conviction thereof, shall be punished by imprisonment in the State Penitentiary for not less than one (1) year nor more than three (3) years. A subsequent conviction hereunder shall be punishable by imprisonment in the penitentiary for not less than



three (3) years nor more than five (5) years. Provided, however, that for the purposes of this act, multiple births shall be construed to be the birth of one (1) child. Provided that the emotional and psychological make-up of the offender shall be taken into consideration by the court of jurisdiction. Provided, however, that any parent convicted hereunder may submit to sterilization in lieu of imprisonment.

SECTION 2. The circuit court of the county in which said illegitimate child is born shall have jurisdiction of any action brought under this section, but no male person shall be convicted solely on the uncorroborated testimony of the female person giving birth to the child.

SECTION 3. On or before the tenth day of each month, the Mississippi State Health Department shall notify in writing the district attorney of each district in Mississippi of the names and address of each person shown as a parent on the birth certificate of any illegitimate child filed with said department during the preceeding month.

Rep. Meek of Webster County, who authorized this bill, clearly suggested in floor debate that it was aimed at the Negro community. According to the Jackson Clarion-Ledger, (March 12, 1964), Rep. Meek cited that there were 8,647 illegitimate non-white births in the state in 1962 and 444 illegitimate white births.

He said, "that the State of Mississippi is subsidizing illegitimacy through welfare payments, and that the moral structure has completely broken down in some segments of society."

The provision for sterilization, added by amendment, was even more clearly aimed at Negroes. The amendment was introduced by Rep. W. Todd McCullough of Panola County in the Mississippi Delta. COFO has heard of several instances in which Negro women in the Delta have already been sterilized involuntarily while in the hospital for other reasons. One sworn affidavit to this effect has already been taken down by members of the COFO staff. It would appear that Rep. McCullough's amendment simply attempts to legalize in part a situation which already exists.

Rep. McCullough is listed in the Legislative Handbook as, among other occupations, a cotton buyer. Negroes, who are a clear majority in the Delta area, have traditionally provided labor for the cotton plantations. However, introduction of the cotton-picker a few years ago and its rapid spread will make large Negro labor forces relatively unnecessary within the next few years. Recent political organization among the Negroes makes their majority position threatening in the eyes of the Delta's white community. There is therefore good reason, as the cotton kings of the Delta conceive it, for reducing the Negro population as rapidly as possible.

If any doubt remained that this was the purpose of the sterilization provision, it was cleared up by Rep. Stone Barefield, of Hattiesburg, who told the House, "when they start cutting they'll head for Chicago."



Though the bill passed the House 72-37, strong opposition was expressed before the vote. According to the Jackson Clarion-Ledger, March 12, 1964:

"Rep. Horace Lester, Hinds County, tried desperately to have the measure recommitted on the grounds that innocent children would be victimized by publicity and loss of parents' support.

"He contended that 'you don't know what goes on in the mind of a child who had nothing to do with his being here, when you cast slurs at him.'

"However, the House, which was in a boisterous mood, voted against recommitment."

It should be noted that conditions at Parchman State Penitentiary (see below) are such that many Negroes would probably have chosen sterilization rather than the prison terms provided in the bill. Besides, many Negroes could not afford the loss of three to five years' work and the record of a felony against their name.

Further information on the House bill is available from the Student Non-violent Coordinating Committee, 8 Raymond St., Atlanta, Georgia, in a pamphlet entitled Genocide in Mississippi.

The Senate Judiciary Committee reported out a milder version of the bill, making a second illegitimate child a misdemeanor and the parents liable for a 30 to 90 day jail term and fine of up to \$250.

The bill, as amended, failed to pass the Senate by a vote of 26 to 22. On May 13, supporters of the bill prepared for a second round by distributing mimeographed copies of the SNCC pamphlet, Genocide in Mississippi, to all members of the Senate and House. Supporters felt that they could sway votes by demonstrating that SNCC opposed the bill. The Memphis Commercial Appeal stated: "Legislators were unwilling to permit their action to be considered as being influenced by the Negro civil rights group."

Supporters of the bill were successful. The amended bill was called up for reconsideration and passed by a vote of 30 to 16. Ten senators who had previously voted against the bill, voted for it on reconsideration. Three who had previously voted against the bill, now abstained.

The House finally concurred 86-22 in the Senate amendments, eliminating the sterilization and felony provisions. However, racial arguments cropped up again in the final House debate, when Rep. Ben Owen of Columbus spoke in favor of the bill. According to the Delta Democrat Times (May 21, 1964), "'This is the only way I know to stop this black tide which threatens to engulf us,' Owen said in urging passage."

### 33. BILL TO PROVIDE STERILIZATION FOR THOSE CONVICTED OF A THIRD FELONY

House Bill No. 788 (Still in Judiciary En Banc Committee)

A bill to provide mandatory sterilization of those convicted of a third felony.



AN ACT TO PROVIDE FOR THE SEXUAL STERILIZATION OF HABITUAL CRIMINALS; TO DEFINE HABITUAL CRIMINALS; AND FOR RELATED PURPOSES

SECTION 1. For the purpose of this act any person who has been convicted of a felony in any court of the State of Mississippi, or of the United States, or any other state, for the third time, is hereby determined to be an habitual criminal.

SECTION 2. Whenever any person convicted of a felony for the third time and sentenced to the Mississippi State Penitentiary, upon determination by the superintendent of the penitentiary that such person is an habitual criminal, as defined in this act, the superintendent shall present such facts to the trustees of the Mississippi State Penitentiary in writing, and the trustees, after determining the facts as alleged by the superintendent to be true and correct, shall enter an order upon their minutes authorizing and directing the superintendent to have performed by some competent surgeon to be designated by the superintendent, or by the board of trustees, upon the convict the operation of sexual sterilization, that is, the operation of vasectomy if upon a male and of salpingectomy if upon a female.

SECTION 3. In the event the board of trustees shall determine that a convict is not an habitual criminal, as defined in this act, said board shall enter an order of its findings, and shall further order that the operation of sexual sterilization shall not be performed upon the convict.

The remainder of the bill provides for appeals by the person convicted to the chancery court of the county in which the State Penitentiary is located (Sunflower County), and to the Mississippi Supreme Court. However, as most Negroes in Mississippi are unaware of the processes of appeal, and as Mississippi courts are notoriously unfavorable to Negro litigants, it is unlikely that these provisions will substantially reduce the application of the law as far as Negroes are concerned. Section 3, which might provide an 'out' for white prisoners also would probably not be applied in the case of Negroes.

Rep. Fred Jones, who introduced the bill, is from Sunflower County, which is Sen. James Eastland's county and also the site of Parchman Penitentiary. This is cotton country, with large Negro majorities. Moreover, Fred Jones is himself a former Superintendent of Parchman. Finally, Jones was a member of the State Executive Committee of the White Citizens Council in 1956 and is probably still a member.

#### 34. BILL TO REDUCE THE PENALTY FOR RAPE

House Bill No. 145 (Defeated in the House)

A defeated bill which would have reduced the penalty for rape. The present penalty is either death or life imprisonment.

House Bill 145, to allow lesser sentences than life imprisonment or the death penalty for rape, was defeated March 11 in the House by a vote of 57-58. Sponsors of the bill, who wanted a penalty of 10 years for



rape, said that with the lower term the state would get convictions now failing because courts and jurors consider life sentences or death too severe.

Once again racial attitudes cropped up in the floor debate. According to the Jackson Clarion-Ledger, (March 12, 1964), Rep. Russell Fox of Claiborne told the House: "'Colored people do not feel the same way about ravishment as do white people....You would in this bill reduce the penalty from death at the expense of your wife or daughter, just to please some defense attorneys. I am against that.'"

"Asked by Rep. Fred Jones, of Sunflower, former superintendent of the state prison, if the lowering of penalties might not encourage mob action if juries gave light sentences, Fox agreed that it would."

### 35. BILLS TO ALLOW ARRESTED CIVIL RIGHTS WORKERS TO BE TRANSFERRED TO PARCHMAN PENITENTIARY

\* House Bills No. 321 and 322 (Passed in both Houses and signed)

These bills provide that city and county officials may transfer prisoners to the State Penitentiary in the event of "crowded or inadequate facilities".

HB 321, SECTION 1, provides in part that:

The governing authorities of municipalities shall have the power to construct and maintain a municipal prison, and to regulate the keeping of the same and the prisoners therein; but males and females shall be confined in separate cells or compartments, and also the whites and blacks shall be kept separate....

Provided further, that if there is no municipal jail nor county jail available to house municipal prisoners or, if facilities available are so crowded or inadequate or will be made so by further commitment of prisoners, and if there are no convenient or adequate jails otherwise available for the accommodation of such prisoners, the authorities of any municipality are hereby authorized to make arrangements with the Board of Correction of the Mississippi State Penitentiary to house such prisoners who may be committed to any of the facilities at the Mississippi State Penitentiary....

HB 322 makes the same provisions for County prisoners..

The bills were steered to unanimous passage in the House by Rep. Joe Moss, of Hinds County (Jackson), especially to assure Hinds County and Jackson adequate jail space in the event of mass arrests this summer. Jackson, and other cities, have on occasion found their jails overcrowded during racial demonstrations.

According to the Jackson Clarion-Ledger of April 10, 1964, supporters of the bill apparently preferred that prisoners transferred to Parchman be placed "in the Maximum Security units."



### 36. BILL TO ALLOW DISCLOSURE OF JUVENILE COURT RECORDS TO STATE AGENCIES

Senate Bill No. 2016 (Passed in Senate, amended version passed in House)

This bill would allow disclosures from records of juvenile offenders to any office or agency of the State. Disclosures would be at the discretion of the Youth Court judge.

The purpose of the bill is to allow the Board of Trustees of the University of Mississippi to consider the civil rights arrest records of Negro applicants. At the present time, since Youth Court records cannot be released, the university cannot officially use civil rights arrests as a grounds for refusing admission. The bill was passed with almost no discussion after one Senator told the chamber: "This is an emergency bill they need up at Ole Miss."

The House broadened the measure by adding an amendment that the names of juveniles and their parents may be published in local newspapers after the second offense.

### 37. BILL TO REFORM PARCHMAN PENITENTIARY

\* House Bill No. 227 (Passed in House, revised bill passed in Senate, House version finally passed in both Houses and signed)

A 'reform' bill for Parchman Penitentiary which, however, allows continued use of the lash on prisoners (see Section 48). The bill centralizes control of the Penitentiary under the Governor.

The importance of the bills allowing transfer of city and county prisoners to Parchman becomes clearer when something is known about conditions at the State Penitentiary. Parchman Penitentiary is reputedly the roughest jail in the country.

In the summer of 1963, 23 Negro civil rights workers were committed to Parchman for 56 days. Several of the prisoners were tortured. Three were suspended by their wrists, so that they could barely reach the ground on tiptoe, for periods of 8 to 24 hours. At other times, prisoners were put alternately in 'hot' and 'cold' boxes. Women prisoners were forced to spend about half their time in the cells stripped to the waist, white men being brought through the jail to observe them.

It is in the light of these facts that the 'Reform' Bill for Parchman must be viewed:

SECTION 1. It shall be the policy of this State, in the operation and management of the prison system, to so manage and conduct the same in that manner as will be consistent with the operation of a modern prison system, and with the view of making the system self-sustaining; and that those convicted of violating the law and sentenced to a term in the State Penitentiary shall have humane treatment, and be given opportunity, encouragement and training in the matter of reformation. All prisoners shall be worked within the prison walls and upon farms owned or leased by the State except as provided in Sections 35 and 36 of this



act; providing for road work in two counties and in no event shall the labor of a prisoner be sold to any contractor or lessee to work on farms, or elsewhere, nor shall any prisoner be worked on any farm or otherwise, upon shares, except such farm be owned or leased by the State of Mississippi.

Most of the articles in this long bill concern organization of the Penitentiary. Control over the Penitentiary was centralized in a five-man Mississippi Penitentiary Board appointed by the Governor, and in a Superintendent, also an executive appointee. Section 48 deals with 'discipline of prisoners'.

SECTION 48. The superintendent may set up rules regarding the discipline of prisoners. No prisoner may be placed in solitary confinement except under orders of the superintendent. Any prisoner held in solitary confinement shall be fed a meal at least once every day and shall be examined by a physician at least once every two (2) days. No prisoner shall be placed in the "dark hole" of the maximum security unit for a longer period than twenty-four (24) hours. Corporal punishment of any kind shall not be administered to any prisoner, except on the authority of the superintendent, or in his absence by the acting superintendent; provided, however, that when corporal punishment is administered to any prisoner, it shall be administered in the presence of the superintendent or the acting superintendent or the chaplain. Whenever a sergeant or other employee of the penitentiary considers it necessary that a convict be punished, he must make a written report to the superintendent regarding punishment, stating in such report the offense committed by the prisoner, and in the event that the superintendent or acting superintendent considers it necessary that such prisoner shall be given corporal punishment, he shall give written authority therefor directed to the sergeant or, in his absence, the acting sergeant, designated to administer such punishment, specifying the number of licks or lashes, not to exceed ten (10), that may be inflicted. The report of the sergeant to the effect that such punishment has been administered shall be delivered to the superintendent and shall be placed in the files of the prisoner involved, and shall become part of the permanent record of such prisoner.

Any employee violating the provisions of this section shall be immediately dismissed; and any employees who shall violate the provision of this section shall be guilty of a felony and upon conviction therefor shall be punished by imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than five (5) years.

While the bill was still in the Senate, Sen. Howard McDonnell of Biloxi proposed an amendment which would require that the Superintendent of the penitentiary have two years of college. Foes said the amendment would force the ouster of the present Superintendent, C. E. Breazeale. The amendment failed. McDonnell then asked that the Superintendent be required to have a high school education. That amendment was also defeated.



The Board of the Penitentiary recently ruled against use of the lash. However, when Sen. Howard McDonnell attempted to get an amendment to that effect into the Senate version of the bill, floor debate showed that feelings about use of the whip were by no means unanimous. Sen. Hayden Campbell of Jackson told the Senate: "The board has already passed a resolution against use of the whip....Why do you want to tie their hands?"

McDonnell answered that, "It's awful to hold people down and beat them." The amendment passed.

However, the joint House-Senate committee on the bill deleted the anti-whip amendment. When the bill returned to the Senate, the Senate re-committed the bill to the joint committee. "Most of the controversy centered around conference action deleting a provision outlawing use of the lash on prisoners," according to the Jackson Daily News, April 22, 1964.

In the final version approved by both House and Senate, the lash still was not outlawed, though the "ten lashes" provided for in the House bill is apparently a compromise between earlier law and the wishes of those opposing the lash all together. According to the Jackson Clarion-Ledger, May 27, 1964, "McDonnell...accepted the compromise as a step forward after he had been assured the lash would not be used 'during the next two years.'"